
CHARTER TOWNSHIP OF MUNDY
GENESEE COUNTY, MICHIGAN

ORDINANCE No. 08-123-Z
ZONING ORDINANCE

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ZONING ORDINANCE MUNDY TOWNSHIP, GENESEE COUNTY, MICHIGAN

PREAMBLE

An Ordinance enacted by the Township under the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by Ordinance, and within which district provisions are adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches; to provide for administration and amendments of said Ordinance; to provide for appeals and for the organization and procedures to be followed by the Zoning Board of Appeals; and to provide for penalties for the violation of said Ordinance.

ARTICLE I

SHORT TITLE

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

ARTICLE II

INTENT

SECTION 2.01

INTENT

It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of the Township by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air and preserving community character; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to lessen congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, education, recreation and other public services and facilities; to assure adequate provision of the state's citizens for food, fiber, energy and other natural resources; to ensure appropriate locations and relationships for uses of land; and to facilitate the expenditure of funds for adequate public facilities and services by establishing herein standards for physical development in accordance with the goals, objectives and policies contained in the Master Plan for the Township; and to provide for the administration and enforcement of such standards.

ARTICLE III

DEFINITIONS

SECTION 3.01

CONSTRUCTION OF LANGUAGE

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

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual and includes all legal entities. The president, principal, or person in control shall be the designated person for all responsibility herein.
- C. The word "building" includes the word "structure" and each term applies to any part thereof.
- D. The word "lot" includes the word "plot", "tract", or "parcel".
- E. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F. The word "used" or "occupied" as applied to any land or building, shall be construed to include the words intended, arranged, maintained for or designed to be used or occupied.
- G. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, schedules as included or attached as enacted or subsequently amended.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.

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

- I. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- J. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

SECTION 3.02

DEFINITIONS

Abutting (lot or parcel): A lot or parcel which shares a common property line with the subject lot or parcel.

Accessory Structure: A detached building or structure customarily incidental and subordinate to the principal building and located on the same lot as the principal building.

Accessory Use: An "accessory use" is a use which is clearly incidental to, customarily found in connection with, serves the principal use or structure, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related.

When "accessory" is used in the text, it shall have the same meaning as accessory use. An accessory use includes, but is not limited to the following:

1. Residential accommodations for servants.
2. Residential accommodations for caretakers.
3. Swimming pools for the use of the occupants of a residence, or their guests.

4. Domestic storage in a shed, or similar accessory building or structure.
5. Home occupations.
6. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
7. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
8. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
9. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
10. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
11. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

Adult: A person having arrived at the legal age of adulthood defined by the laws of the State of Michigan.

Adult Foster Care Large Group Home: A facility with the approved capacity to receive 13, but no more than 20, adults who are provided supervision, personal care, and protection in addition to room and board for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation. Any such facility shall have a current State license.

Adult Foster Care Small Group Home: A facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation. Any such facility shall have a current State license.

Aesthetic Environment: Building or site design organized to achieve a desirable appearance.

Agricultural Building: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products and that is clearly incidental to agricultural activity, excluding the business of retail trade.

Agricultural Operation: Any tract of land consisting of not less than ten (10) acres, buildings, and machinery used in the commercial production of farm products as defined in the Michigan Right to Farm Act, PA 93 of 1981, MCL 286.471 et seq.; including but not limited to pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry, but not including livestock operations with more livestock than allowed by this Ordinance.

Airport: A facility as defined by State or Federal law.

Alteration: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; any change in the dimensions or configuration of the roof, exterior walls or foundation, or any change which may be referred to herein as altered or reconstructed.

Apartment Unit: One or more rooms, including private bath and kitchen facilities, comprising an independent, self-contained dwelling unit in a building containing three or more dwelling units.

Apartment House: See Dwelling, Multiple-family.

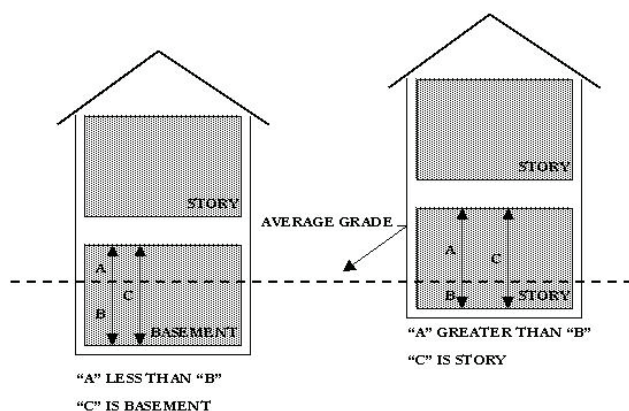
Automobile Car Wash: An establishment being housed in a building or portion thereof together with the necessary mechanical equipment used for washing automobiles and using production line methods.

Automobile Service Station: Any building, land area, other premises, or portion thereof, used for the retail sales of gasoline, oil, grease, batteries, tires and other operational fluids and accessories for automobiles, and the installation of such items, and for other minor automobile repair not to include auto refinishing, body work or painting, dismantling of vehicles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair.

Automobile Repair Garage: Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted.

Basement: That portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement, as defined herein, shall not be counted as a story. A cellar is a basement.

Illustration 3-1. Basement and Story



Bed and Breakfast: A structure which was constructed for, and is used as, a single-family residence and is occupied by the owner but which may be used as temporary lodging for travelers/guests. Bedrooms are rented on a nightly basis, with breakfast, as regulated and limited by the State, included in the price of the room subject to the limitations outlined in the Ordinance.

Bedroom: A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to provide a visual and/or audible screen and a transition between uses of differing intensity.

Buffer Zone: A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning

districts. Landscaping, berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties even if not in a separately established buffer zone and may be so required by this Ordinance.

Building: Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes, but is not limited to: mobile homes, tents, sheds, garages, greenhouses, and other principal or accessory structures.

Building Envelope: The three dimensional space within which a structure is permitted to be built and that is defined by the dimensional requirements of this Ordinance.

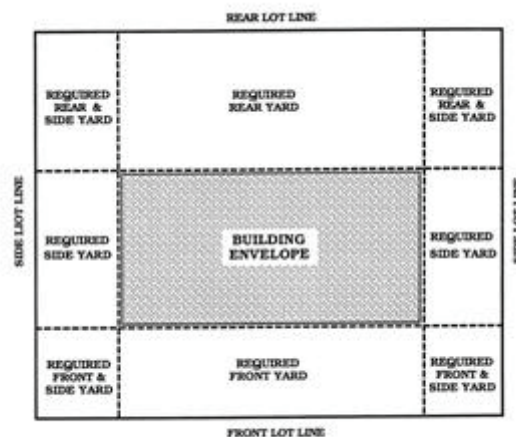
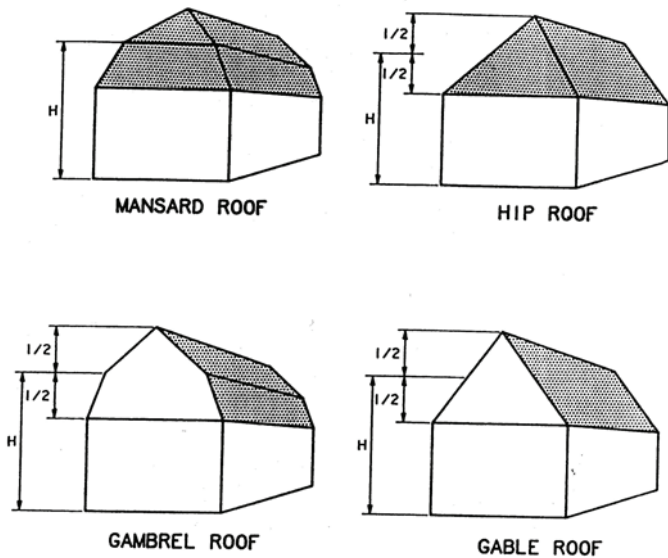


Illustration 3-2. Building Envelope

Building Height: The vertical distance from the grade at the center of the front of a building to the highest point of the roof surface except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs. The measurement of height of an accessory structure or structure shall be determined as the vertical distance from the finished grade to the highest point of the roof surface.

Illustration 3-3. Building Height



Building Line: A line parallel to the street or rear lot line touching that part of a building closest to the street.

Building Official: An individual designated by the Mundy Township Board to administer the building code and other designated ordinances. Sometimes referred to as a Building Official or Ordinance Enforcer.

Building Permit: An authorization issued by the Building Official to move, erect or alter a structure within the Township.

Building Site: A lot, parcel of land, or combination or portion of the two, which is used for the construction of a single principal structure.

Carport: A partially open structure, intended to shelter one or more vehicles.

Cellar: See Basement.

Cemetery: Property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

Certificate of Occupancy: A document issued by the Building Official allowing the occupancy or use of a building and certifying that such use, building or structure complies with the provisions of the Building Code. A temporary certificate of occupancy may be issued for a period of not to exceed three months if the structure is suitable for temporary use while actively pursuing completion of the structure.

Change of Use: Any use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the State Building Code, as amended.

Child Care Center (Day Care Center): A facility having a state license, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. A day care includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. Such a facility is also referred to as a child care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. A day care center does not include any of the following:

- A. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks during a calendar year.
- B. A facility operated by a religious organization where children are cared for not greater than three hours while persons responsible for the children are attending religious services.

Church: A building primarily designed and constructed for organized religious services, maintained and controlled by a religious body organized to sustain public worship, together with all accessory structures and uses customarily and exclusively associated with such primary purpose. Churches shall include Synagogues, Temples, and other places of worship.

Clinic: An establishment where human or animal patients are admitted for examinations and treatment by a physician, dentist, veterinarian, or similar professional.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open only to members, not the general public.

Cluster Development: A form of development that permits a reduction in lot area and setback requirements in exchange for maintaining fifty (50) percent of the land in permanent open space. A cluster development is not synonymous with a development design in accordance with the Open Space Preservation and Development Option.

Common Elements: Portions of a condominium project other than condominium units, as described in the condominium master deed as required by State law.

Common Open Space: Land within or related to a development, not individually owned or publicly dedicated, that is designed and intended for the common use or enjoyment of the residents and their guests, including such improvements as necessary.

Communication Tower: A radio, telephone or television relay structure of skeleton framework, attached directly to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals. This shall not include antennas used exclusively for personal use at that person's residence and that do not exceed 40 feet in height but meet all other structural tower requirements.

Composting: An activity for the collection, storage, separation, processing or disposing of off-site generated yard wastes, including the disposal of by-products generated therefrom. Composting involves the biological decomposition of organic matter under controlled conditions characterized by piles of yard waste which generate heat under aerobic or anaerobic conditions, the end product of which is known as humus.

Comprehensive Plan: The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions. Also known as a Master Plan.

Condominium Documents: All those documents required by the Michigan Condominium Act and its amendments from time to time.

Condominium Project: A plan or project consisting of not less than two condominium units established and approved in conformance with the provisions of the Condominium Act, PA 59 of 1978, MCL 559.101 et seq. and as may be amended from time to time.

Condominium Subdivision: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended, MCL 506.101 et seq. and as may be amended from time to time.

Condominium Subdivision Plan: The drawings and information required by the Michigan Condominium Act and its amendments from time to time. For the purpose of this Ordinance, a condominium subdivision plan shall be equivalent to the term "condominium plan".

Condominium Unit: That portion of a condominium project which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Cul-de-Sac Street: A street terminated on one end with a turning radius.

Day Care Home, Family: A private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year. Any such home shall have a State license

Day Care Home, Group: A private home in which more than six but not more than twelve minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year. Any such home shall have a State license.

Density: The number of dwelling units situated on or to be developed on a net acre (or smaller unit) of land, which shall be calculated by taking the total gross acreage and subtracting the area in rights-of-way for streets and roads.

Development: The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

Disposal Area: The area where solid, hazardous, or medical wastes are transferred, incinerated, placed in a landfill, processed, or otherwise handled or facilitated.

District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements, and height regulations. Also known as a zone or zoning district.

Drive-in Establishment: An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway: A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the Genesee County Road Commission or State of Michigan.

Dwelling: Any building, or portion thereof, which is designed or used exclusively for residential purposes. In no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a dwelling.

- A. Dwelling, Attached: A one family dwelling attached to two (2) or more one family dwellings by common vertical walls. Townhomes, duplexes, triplexes, and fourplexes are examples of attached dwellings.
- B. Dwelling, Detached: A dwelling which is not attached to any other dwelling by any means.
- C. Dwelling, Fourplex: A building containing four dwelling units attached by vertical common party walls, each of which has primary ground floor access to the outside.
- D. Dwelling, Multiple Family: A building containing three (3) or more dwelling units designed for residential use where each unit may have access to common hallways, stairs, and elevators, or in a low-rise building, where each unit may have individual access to a street or common courtyard.
- E. Dwelling, Semi Detached: A one family dwelling attached to one other one family dwelling by a common vertical wall, and each dwelling located on a separate lot. The semi detached dwelling is part of a two family structure with the dwelling units side by side as opposed to one on top of the other.
- F. Dwelling, One Family: a building containing not more than one dwelling unit designed for residential use.
- G. Dwelling, Stacked Ranch: A two-story building divided horizontally and vertically by common party walls and floors into 8 or less single-story dwelling units. Each unit shall have an independent pedestrian entrance either directly to the outside or through a common vestibule. Such buildings shall have integrated, separate garages each having direct access to a dwelling unit in the same building. A stacked ranch is considered a multiple family dwelling for the purposes of this Ordinance.
- H. Dwelling, Townhouse: A building divided vertically by common walls into 4 to 12 one family attached dwelling units, in which each unit has independent entrances to both a front yard and to a back yard immediately abutting the front and back walls of the dwelling unit and no unit is located above another unit. A garage entrance may qualify as a rear yard entrance.
- I. Dwelling, Triplex: A building divided horizontally into three separate dwelling units, each of which has an independent pedestrian entrance either directly to the outside or through a common vestibule.
- J. Dwelling, Two Family: A structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an

unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. Also known as a duplex.

Dwelling Unit: One or more rooms intended for occupancy as a separate living unit, with bathroom, kitchen facilities, and bedrooms provided in the unit for the exclusive use of a single family.

Easement: A grant of one or more property rights from a property owner to another person or public entity.

Erected: Includes 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 erection when done in conjunction with a structure.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers, office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots. These services may be separately regulated and controlled.

Excavation: Any breaking of ground, except common household gardening, general farming and ground care.

Family: Is, for purpose of the Ordinance, either a single individual doing his or her own cooking and living upon the premises as a separate housekeeping unit, one or more persons related by blood, marriage, adoption or guardianship living as a single housekeeping unit, a group of individuals not necessarily related by blood, adoption, marriage, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based upon an intentionally structured relationship providing organization and stability (hereinafter referred to as a

“functional family) or, a group of not more than twelve (12) unrelated persons, each of whom is handicapped within the meaning of the Fair Housing Act, 42 U.S.C. Sec. 3602(h), living together as a single housekeeping unit in an adult foster care home licensed by the state of Michigan, with such nonresident staff as may be needed to assist the residents with their daily life activities, but not receiving funding through a contract with any state or community health or social service agency. For purpose of this definition, functional family means a group of no more than six people plus their offspring. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals with a common living arrangement or whose basis for the establishment of the housekeeping unit is temporary.

Farm: See Agricultural Operation.

Farm Stand: A temporary commercial establishment primarily engaged in the sale of agricultural produce (seeds, fruits, vegetables) grown on the premise or on property owned by the Farm Stand operator. Also known as a roadside stand.

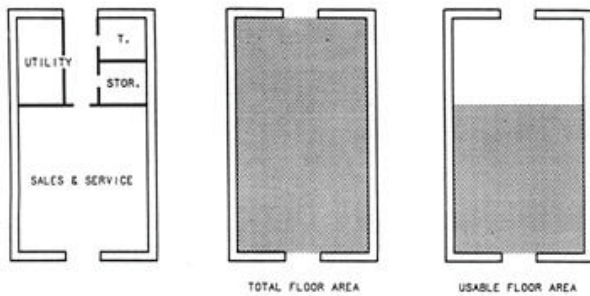
Fence: An accessory structure artificially constructed as a barrier and made of wood, metal, stone, brick, or any manufactured materials erected for the enclosure of yard areas.

Filling: The depositing or dumping of any matter into or onto the ground.

Floor Area, Gross: The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, court yards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

Floor Area, Usable: That area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of useable floor area. Useable floor area shall be measured from the interior faces of the exterior walls, and total useable floor area for a building shall include the sum of the useable floor area for all floors.

Illustration 3-4. Usable Floor Area



Footing: That portion of the foundation of a structure which spreads and transmits loads directly to the soil or the pilings.

Garage, private: An accessory structure or an accessory portion of a principal building designed or used solely for the personal storage of motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garage, public: Any garage which is not private.

Golf Course: See Recreation Facility, Outdoor Commercial.

Grade, Finished: The lowest point of existing elevation between the exterior wall of the structure and a line 10 feet from the exterior wall of the structure.

Grade, Natural: The elevation of the ground surface in its natural state, before man-made alterations.

Greenbelt: A strip of private land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of Section 4.24, F.

Habitable Space: Space in a dwelling unit, or building, used for living, sleeping, eating, cooking, or otherwise conducting activities directly related to the building's principal use, which is equipped with means of egress, light, and ventilation facilities in accordance with applicable construction codes. Bathrooms, toilet compartments, halls, and closets are not considered to be habitable space.

Hazardous Waste: That waste, or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material which because of its quantity, quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or increase in serious irreversible illness or serious incapacitating, but reversible illness, or pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, disposed of, or otherwise managed.

Hazardous Waste Treatment: An activity for the treatment, storage, processing, or disposal of hazardous wastes.

Home Occupation: Any activity carried out for gain exclusively by the occupants of the dwelling, whether conducted within the residents dwelling unit and/or accessory structure.

Horse: Includes mule, burro, pony, jack, hinny, and all other quadrupeds of the genus equus.

Hospital: An institution or place where sick or injured in-patients are given medical or surgical care at either public or private expense, and operating under license from the Michigan Department of Public Health.

Incinerator: A process, plant, building, equipment, land, or a combination thereof, which is used for the burning of solid waste, hazardous waste, or medical waste.

Inoperable or Abandoned Motor Vehicle: Any wheeled vehicle which is self-propelled and intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.

Junk: Any motor vehicles, machinery, appliances, products, or merchandise with parts missing or scrap metals or other trash, rubbish, refuse or scrap materials that are damaged or deteriorated, except if in a completely enclosed building. Further, any inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 15 days, and any motor vehicle, whether so licensed or not, which is inoperative for any reason for a period in excess of 15 days and which is not in a completely enclosed building. It does not include domestic refuse if stored so as to not create a nuisance and is 30 feet or more from any residential structure for a period not to exceed seven days.

Junk Yard: Any land or building used for an accumulation of junk, abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in normal running conditions, machinery or parts thereof.

Kennel: Any lot or premises used for breeding, boarding or commercial sale of five (5) or more dogs, cats, or other domestic animals.

Limited Common Elements: Portions of the common elements reserved in the condominium master deed for the exclusive use of less than all of the co-owners.

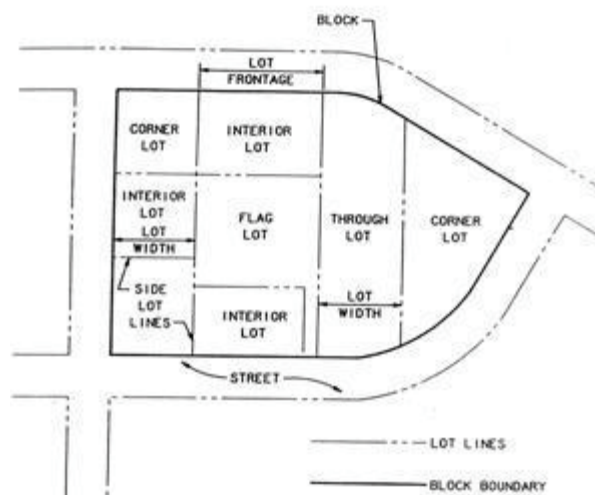
Livestock: Cattle, sheep, goats, swine, poultry, and other animals or fowl, which are being produced primarily for use as food or food products for human consumption.

Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot: Land described in a recorded plat or by metes and bounds description, occupied, or to be occupied by, a building, group of buildings, or use, having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principal frontage on a public street or a private road approved by the Township.

- A. **Corner Lot:** A lot which has at least two contiguous sides abutting upon a public street and/or private road for their full length.
- B. **Flag Lot:** A lot whose access to a public street or private road is by a narrow, private right-of-way that is part of the lot and which is not of sufficient width to be buildable without the remaining acreage.
- C. **Interior Lot:** A lot other than a corner lot.
- D. **Through Lot:** An interior lot having frontage on two, more or less, parallel public streets and/or private roads.

Illustration 3-5. Lot Types



Lot Area, Gross: The area contained within the lot lines or property boundary including street right-of-way.

Lot Area, Net: The area within the lot lines of a lot, exclusive of any public street rights-of-way abutting any side of the lot.

Lot Coverage: The amount of a lot, stated in terms of percentage, that is covered by all buildings, located thereon, including roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but not including fences, walls, or hedges used as fences, unroofed decks or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the exterior wall if there is no projecting portion of the roof.

Lot Depth: The average distance measured from the front lot line to the rear lot line.

Lot Frontage: The length of the front lot line measured at the road right-of-way line.

Lot Line: The line(s) bounding a lot or parcel.

- A. **Front Lot Line:** The line separating the lot from any street right-of-way, private road or other access easement.
- B. **Rear Lot Line:** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in

length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.

- C. Side Lot Line: Any lot line other than a front or rear lot line.

Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the Office of the County Register of Deeds, or a tract, parcel or lot described by metes and bounds, the deed to which has been recorded by the County Register of Deeds. A lot of record may or may not be buildable.

Lot Width: The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line. See also Section 4.10, (5).

Major Thoroughfare: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which has been classified as a County Primary, State Trunkline, or U.S. Trunkline.

Manufactured Home: A factory built, single-family dwelling that meets the national manufactured Home Construction and Safety Standards Act, commonly known as the HUD (U.S. Department of Housing and Urban Development) Code, applicable at the time of its manufacture, which is transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, meeting all codes and regulations applicable to conventional single-family home construction. Also known as a modular home or dwelling.

Master Deed: The condominium document recording the condominium project to which are attached, as exhibits and incorporated by reference, the approved bylaws for the condominium project and the condominium plan for the project. The master deed shall include all the information required by MCL 559.108 and other State laws.

Medical Waste: Any of the following which is not generated from a household, farm operation or other agricultural business, a home for the aged, or a home health care agency:

- A. Cultures and stocks of infectious agents and associated biologicals, including laboratory waste, biological production wastes, discarded live and attenuated vaccines, culture dishes, and related devices.
- B. Liquid human and animal waste, including blood and blood products and body fluids.
- C. Pathological waste.
- D. Sharps.
- E. Contaminated wastes from animals that have been exposed to agents infectious to humans, these being primarily research animals.

Mini-Warehouse (Self-Storage Facility): A facility consisting of a building or a group of buildings in a controlled-access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares. The use of the premises shall be limited to storage only, and shall not be used for any auction, or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except, that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials are expressly prohibited.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, connected to the required utilities, and built prior to the enactment of the Federal Manufactured Housing and Construction Safety Act of 1974 (effective June 15, 1976).

Mobile Home Park: A parcel or tract of land under the control of an individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities upon which two (2) or more mobile 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 mobile home.

Motel (Hotel): A building or group of buildings, whether detached or in connecting units, used as individual sleeping units designed primarily for transient travelers and providing for accessory off-street parking facilities. The term motel shall include buildings designated as auto courts, tourist courts, motor courts, hotel, or similar operations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple-family dwelling.

Motor Home: A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

Nonconforming Lot of Record: A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

Nonconforming Structure: A building, or portion thereof, lawfully existing at the time of adoption of this Ordinance, or affecting amendment, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located or applicable building code.

Nonconforming Use: A use of a building or of a parcel of land, lawfully existing at the time of adoption of this Ordinance, or affecting amendment, that does not conform to the regulations of the zoning district in which it is situated.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise; dust; smoke; odor; glare; fumes; flashes; vibration; objectionable effluent; noise of a congregation of people, particularly at night; passing traffic; or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

Nursing Home: A facility other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity. Also referred to as a convalescent home.

Parcel: A lot described by metes and bounds or described in a recorded plat.

Parent Parcel: An existing parcel or contiguous parcels of land under the same ownership at the time as the adoption of Ordinance 193 and as regulated by State law.

Parking Area, Off-Street: Any public or private area outside of a public right-of-way, designed and used for parking motor vehicles.

Parking Space: A space for the parking of a motor vehicle within a public or private parking area.

Personal Service Business: Any business which provides services involving the care of a person or his or her personal goods or apparel. Uses included in this definition include, but are not necessarily limited to, repair shops (watches, shoes, radio, television, etc.), tailor shops, barber and beauty shops, hair stylists, photography studios, self-serve laundries or any combination. This definition is not intended to include other prohibited or regulated activities.

Planned Unit Development: An area of a minimum contiguous size, as specified by this Ordinance, to be planned, developed, operated and maintained as a single entity and containing one or more residential neighborhoods, appropriate commercial, public or private recreational uses, and common open space areas in such combination as provided in this Ordinance.

Planned Unit Development Agreement: A written agreement specifying the details of a planned unit development submittal and the conditions under which the submittal received final approval.

Planning Commission: The Mundy Township Planning Commission.

Plat: A map of a subdivision of land recorded with the Register of Deeds pursuant to the Subdivision Control Act, PA 288 of 1967, MCL 501.101 et seq., or a prior statute.

Pond: A natural or man made body of water in excess of 600 square feet in size and having a depth greater than 24 inches. This definition shall not include retention or detention ponds as mandated for the regulation of surface waters by governmental agencies.

Primary Use: The main use to which the premises are devoted and the main purpose for which the premises exist.

Principal Building: The building on a lot in which the principal use of the lot is conducted.

Principal Structure: Any building for any primary use or use subject to special land use review as defined in each zoning classification, not including accessory structures.

Private Road: A way or means of approach which provides access to two or more principal building sites, and which is constructed and maintained by the owner or owners and is not dedicated for general public use. Driveways, aisles and parking lot maneuvering lanes shall not be construed to be private roads. Private roads shall be built to Genesee County Road Commission standards and otherwise allowed only as permitted in this Ordinance or other ordinances.

Private Sanitary Sewage Disposal System: An individual on-site sewage disposal system as defined in the County Health Department Sanitary Code.

Private Water Supply: A well or other water supply system other than a public water supply system approved by the County Health Department.

Professional Office: Any establishment providing executive, administrative or professional services necessary for the normal conduct of the community's activities. Uses permitted include, but are not limited to, offices for lawyers, accountants, real estate agents, doctors, architects and engineers.

Prohibited Use: A use of land which is not permitted within a particular zoning district.

Public Sanitary Sewer: A system of pipe owned and maintained by a governmental unit, or an authority or commission comprised of one or more governmental units, used to carry human, organic and industrial waste from the point of origin to a point of discharge.

Public Utility: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

Public Water Supply: A water supply system owned by a governmental unit or an authority or commission comprised of one or more governmental units.

Putrescible Waste: Solid waste that contains organic matter capable of being decomposed by microorganisms and of such character and proportion as to cause obnoxious odors and to be capable of attracting or providing food to birds or animals.

Recreation Facility, Commercial (outdoor): An outdoor recreation facility operated as a business and open to the public for a fee. Buildings and structures which may be located on the property are accessory to the primary outdoor nature of the activities provided. Included in this definition are golf courses, and campgrounds. An outdoor commercial recreation facility may be owned and operated by a public agency.

Recreation Facility, Commercial (indoor): A recreation facility which is completely housed within a building and which is operated as a business and open to the public for a fee. An indoor commercial recreation facility may be owned and operated by a public agency.

Recreation Facility, Public: A publicly owned and operated facility which is open to the general public without fees. This definition includes any related buildings or structures, used for recreational purposes including, but not limited to, playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and other leisure time activities.

Recreational Vehicle: A vehicle primarily designed and used as a temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Recreational Vehicle Park: All lands and structures which are owned and operated by private individuals, a business or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.

Restrictive Covenant: A provision in a deed restricting the use of property and prohibiting certain uses. Such restrictions are binding on subsequent owners. Unless the Township has an ownership interest in the property, a restrictive covenant is enforced by the parties to the agreement, not by the Township. Also known as a deed restriction.

Repair: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

Restaurant: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation may or may not include drive-through facilities.

Restaurant, Fast Food: A restaurant so developed to permit patrons to eat while in the motor vehicle, as well as within a building or structure, or primarily to provide self-service for patrons and food carry-out in disposable containers.

Restoration: The reconstruction or replication of an existing building's original architectural features.

Retail Sales, Local: Any establishment engaged in selling goods or merchandise to the general public residing in the immediate neighborhoods for personal or household consumption and rendering services incidental to the sale of such goods. Uses included in this definition are grocery stores, pharmacies, florists and restaurants.

Retail Sales, Regional: Any establishment engaged in selling goods or merchandise to an extended market crossing several political jurisdictions. Uses included are appliance and vehicular sales.

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Road: (See Street)

Sanitary Landfill: A site for the disposal of refuse and waste material, which is licensed and operated in accordance with the Hazardous Waste Management Act, Act 64 of the Michigan Public Acts of 1979, as amended or other State or Federal laws or regulations.

School: An educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan; but excluding profit-making private trade or commercial schools.

Screen: A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other growing materials.

Setback: The minimum unoccupied distance between the lot line and the principal and accessory structures, as required herein.

- A. Front Setback: Minimum required unoccupied distance, extending the full lot width, between the principal and accessory structures and the centerline of the road.
- B. Rear Setback: Minimum required unoccupied distance, extending the full lot width, between the principal and accessory structures and the lot line opposite the front lot line.
- C. Side Setback: Minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory structures and the side lot line.

Shopping Center: A group of three (3) or more commercial establishments developed in accordance with an overall plan and designed and build as an interrelated project.

Single Ownership: One or more parcels of land held entirely in the same ownership, which may include one or more persons and may be in any form or entity.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether the requested project meets the provisions of this Ordinance. A plot plan depicts a subset of the information required by this Ordinance for a site plan.

Solid Waste: Garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste other than organic waste generated in the production of livestock and poultry.

Special Land Use: A use of land whose characteristics may create nuisance-like impacts on adjoining lands unless carefully sited according to standards established in this Ordinance. Approval for establishing a special land use is indicated by issuance of a Special Use Permit.

Special Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as such pursuant to standards and procedures established in this Ordinance.

Stop Work Order: An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A story thus defined shall not be counted as a story when the space meets the definition of a basement. Streets are further classified by the function they perform.

- A. Local (Minor) Streets: Streets primarily designed to provide access to immediately adjacent properties. Through movement may be possible, but is not encouraged by operational controls; it may be impossible in the case of cul-de-sacs. Part of the street width is usually allocated to vehicle parking without restrictions, although special snow emergency parking prohibitions may be necessary. Each abutting property may have a driveway connection to the street.
- B. Collector (Secondary) Streets: Streets primarily designed to provide access to abutting land parcels, and also enable moderate quantities of traffic to move expeditiously between local streets and the major street network.
- C. Major (Primary) Streets: Streets primarily designed for the efficient movement of through traffic at speeds which are as high as can be reasonably allowed in view of safety considerations and the amount of access also be provided. Capacity is obtained by provision of wide street cross sections and high capacity

controls at intersections, or by elimination of intersections by grade separation. Speed results from provision of good horizontal and vertical alignments and removal of potential safety hazards, especially access friction.

- D. Freeway (Expressway): A limited access divided multi-lane major arterial street intended for through traffic typically designed with grade separation at major intersections. For purposes of this ordinance, freeways shall not be defined to include rights-of-way for entrance ramps, exit ramps or feeder roads supporting the freeway.

Street: A dedicated public thoroughfare or approved private road which affords the principal means of access to abutting property and if newly constructed, or reconstructed, meets construction standards promulgated by the Genesee County Road Commission. Streets are further classified by the function they perform.

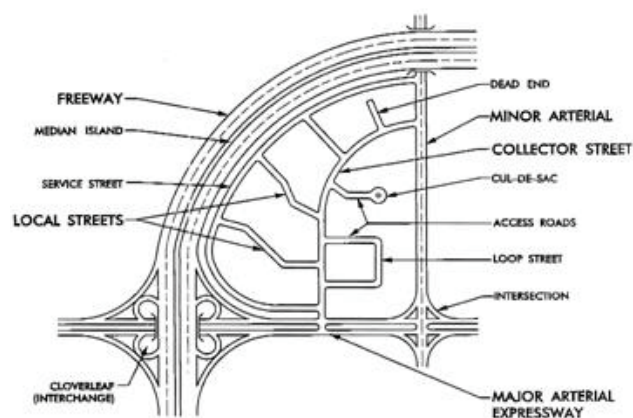
- A. Local (Minor) Streets: Streets primarily designed to provide access to immediately adjacent properties through movement may be possible, but is not encouraged by operational controls; it may be impossible in the case of cul-de-sacs.

Part of the street width is usually allocated to vehicle parking without restrictions, although special snow emergency parking prohibitions may be necessary. Each abutting property may have a driveway connection to the street.

- B. Collector (Secondary) Streets: Streets primarily designed to provide access to abutting land parcels, and also enable moderate quantities of traffic to move expeditiously between local streets and the major street network. Also known as a quarter section line road.
- C. Major (Primary) Streets: Streets primarily designed for the efficient movement of through traffic at speeds which are as high as can be reasonably allowed in view of safety considerations and the amount of access also being provided. Capacity is obtained by provision of wide street cross sections and high capacity controls at intersections, or by elimination of intersection by grade separation. Speed results from provision of good horizontal and vertical alignments and removal of potential safety hazards, especially access friction. Also known as a section line road.

- D. **Freeway (Expressway):** A limited access divided multi-lane major arterial street intended for through traffic typically designed with grade separation at major intersections. For purposes of this ordinance, freeways shall not be defined to include rights-of-way for entrance ramps, exit ramps or feeder roads supporting the freeway.

Illustration 3-6. Street Hierarchy



Street Line: The legal line of demarcation between a street right-of-way and abutting land.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including, but not limited to, all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including, but not limited to, utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential services.

Subdivision: The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the state law regulating land division, especially by sections 108 and 109. "Subdivide " or

"subdivision" does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of State law or the requirements of an applicable local ordinance.

Swimming Pool: Any structure or container located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing.

Township: Mundy Township, Genesee County, Michigan.

Township Attorney: The attorney representing the Township Board.

Township Board: The Mundy Township Board of Trustees.

Township Engineer: The staff or consulting engineer to the Township.

Township Planner: The staff or consulting planner to the Township.

Travel Trailer: See Recreational Vehicle.

Travel Trailer Park: See Recreational Vehicle Park.

Transient Outdoor Enterprise: Any recreational activity which is designed to travel from one area to another with only temporary structures for shelter. This definition shall include, but not necessarily be limited to, circuses, carnivals and concerts.

Use: The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied.

Variance: A modification of the provisions of the Zoning Ordinance as defined and regulated in Article XXX.

Water Course: A stream or creek which may or may not be serving as a drain as defined by the Michigan Drain Code, PA 40 of 1956, as amended, MCL 280.1 et seq., or any body of water which has definite banks, a bed and visible evidence of a continued flow or occurrence of water.

Yard: An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein:

- A. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the center of the road and the nearest point of the foundation of the main building. There shall be maintained a front yard on each street side of a corner lot.
- B. Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the foundation of the main building. In the case of corner lots, there shall only be one rear yard, which shall be determined by the owner.
- C. Side Yard: An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the foundation of the main building.

Yard Waste: Leaves, grass clippings, vegetable, or other garden debris, shrubbery, or brush and tree trimmings less than four feet in length and two inches in diameter, that can be converted to compost humus.

Zoning Board of Appeals: The Mundy Township Zoning Board of Appeals.

Zoning District (Zone): A portion of the Township within which specific regulations and requirements, or various combinations thereof, apply as provided in this Ordinance.

Zoning Inspector: The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Township Board. Sometimes referred to as a Zoning Official, and may also be the Building Official.

ARTICLE IV GENERAL PROVISIONS

SECTION 4.01

SCOPE

- A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.
- B. Any use of land not specifically permitted is prohibited, except that the Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district, if so petitioned and in accord with the requirements of Section 30.05. If the Zoning Board of Appeals finds no comparable uses based on an examination of the characteristics of the proposed use, it shall so state and the Planning Commission may be petitioned to initiate an amendment to the text of the Ordinance to establish the appropriate district(s), type of use (by right or special land use), and criteria that will apply for that use. Once the Ordinance has been amended to include the new regulations, then an application can be processed to establish that use.
- C. No part of a setback area, or other open space, or off-street parking or loading space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, open space, or off-street parking or loading space similarly required for any other use, building or structure.

- D. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- E. No portion of one lot, once established and/or improved with a building or structure, shall be created unless each lot resulting from each such reduction, division, or sale, shall conform to all of the requirements established herein.
- F. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal use. (See also Section 4.04.)

SECTION 4.02

DISTRICT BOUNDARIES

The boundaries of the zoning districts are generally as shown on the map entitled, "Zoning Map, Mundy Township, Genesee County, Michigan," as amended, which accompanies and is hereby made a part of this Ordinance. Except where specifically designated on said map, the district boundary lines are intended to follow lot lines; the centerlines of creeks, streams, or rivers; the centerlines of streets or alleys, and as projected; railroad rights-of-way; section lines; one-quarter section lines; one-eighth section lines; or the corporate limit line; all as they existed at the time of the enactment of this Ordinance, or any amendment thereto; and except as otherwise specifically described, where a district boundary line does not coincide with rear lot lines, said boundary lines shall be dimensioned on the Zoning Map. The Zoning Map will not supercede actual ordinance rezoning of parcels and in a conflict, the ordinance zoning shall prevail. Interpretation of district boundaries shall be determined by the Zoning Board of Appeals in accordance with Section 5.03.

SECTION 4.03**BUILDING REGULATIONS**

- A. No structure shall be erected, altered, or moved into this Township except in conformity with all of the regulations pertaining to such structure and pertaining to the district within which such structure is located, or to be located.
- B. Nor shall any such structure be erected, altered or moved into this Township without having been issued previously a building permit authorizing such erection, alteration or movement.
- C. No building permit shall be issued unless a site plan showing compliance with all requirements of this Ordinance has been approved by the Building Official or, in the case of a use requiring approval of the Township Planning Commission, approval of such Commission. In the case of an existing structure, a finding by the Building Official that the structure is in conformance with all existing ordinances and regulations, or the alteration or moving will permit compliance with all such ordinances and regulations is required. Nothing in this section shall prevent the issuance of a building permit for a variance duly granted by the Zoning Board of Appeals.
- D. No structure shall hereafter be erected or altered (1) to exceed the height or bulk; (2) to accommodate, or house a greater number of facilities; (3) to occupy a greater percentage of lot area; (4) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner be contrary to the provisions of this Ordinance.
- E. No structure shall be constructed within a floodplain of any natural water course, such as to diminish the capacity of the floodplain to store runoff, or to impede the free flow of such runoff.
- F. Any new structure for which a building permit has been issued, and construction of the whole, or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, or any

amendment thereto, may be completed and used in accordance with the plans and applications on which said building permit was granted, provided the construction permitted by such permit shall have been continued and completed within one (1) year from the date of issue of such building permit. All permits and approvals of all kinds shall be valid for only one year.

SECTION 4.04**ACCESSORY USES AND STRUCTURES**

Accessory buildings, except for farms or other uses otherwise permitted in this Ordinance shall be subject to the following regulations:

- A. The number of accessory buildings permitted on a given parcel of land shall be regulated by the following table according to the size of the parcel:

<u>PARCEL SIZE</u>	<u>MAXIMUM NUMBER OF ACCESSORY BUILDINGS PERMITTED</u>
5 acres or less	2
5.01 to 10 acres	3
10.01 to 15 acres	4
Over 15 acres	5

- B. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
- C. Accessory buildings shall not be erected in any required yard, except a rear yard.
- D. An accessory building shall not occupy more than twenty-five (25) percent of a required rear yard, and not more than forty (40) percent of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building.
- E. No detached building shall be located closer than ten (10) feet to any main building nor shall it be located closer than ten (10) feet to any side or rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.

- F. In platted subdivisions, no detached accessory building shall exceed one (1) story or fourteen (14) feet in height, except that accessory buildings in non-residential zoning districts may be constructed to equal the permitted maximum height of structures in said district, subject to Zoning Board of Appeal review and approval.
- G. No accessory building shall be constructed prior to the commencement of its principal dwelling.
- H. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the required front lot line on the lot to the rear of such corner lot. In no instance shall an accessory building be located nearer than ten (10) feet to a street right-of-way line.
- I. When an accessory building in any residential or commercial zoning district in excess of one hundred twenty (120) square feet is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the Zoning Board of Appeals.
- J. Notwithstanding any of the above, in a platted subdivision, only one accessory building shall be allowed, of a size not to exceed twenty-four (24) feet by thirty-two (32) feet and shall not have sheet metal sides, roof, or both.
- Township Treasurer, based on an estimate of the construction value as determined by the Building Official and in accordance with a schedule of fees established by the Township Board.
2. No building permit fee shall be charged for the repair of damages caused by fire, wind storm, or other natural act, provided however, all other requirements of this Ordinance are complied with and a building permit shall be issue only for the construction to replace the damaged portion, except as otherwise provided herein. The Zoning Board of Appeals may grant ordinance variances to this provision.
3. No structure or land located with this Township shall be occupied or used without a valid Certificate of Zoning Compliance issued in compliance with the provisions of this Ordinance.

SECTION 4.06

TEMPORARY USES AND BUILDINGS

SECTION 4.05

BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

- A. A building permit shall be obtained from the Building Official before any construction of a structure, or alteration or addition to any existing structure, may be undertaken, or before any structure is relocated into or within the Township; and a Certificate of occupancy shall be obtained and Certificate of Zoning Compliance shall be required before the structure or lot can be used or occupied.
1. No building permit shall be issued until the required fee has been paid to the
- A. Temporary uses and buildings are prohibited in all districts unless otherwise allowed.
- B. Temporary buildings not greater than three hundred (300) square feet in area and not to be used for dwelling purposes, may be placed on a lot or parcel of record and utilized only under the following conditions. Except as may be otherwise provided, such temporary uses shall be permitted only after review and approval by the Building Official. Temporary uses not covered by the following regulations shall be permitted only after review and approval by the Zoning Board of Appeals as provided in Article XXX, Section 30.05, G and elsewhere in this Section.
1. Fire Damage: During renovation of a permanent building damaged by fire. The temporary building must be removed when repair of fire damage is complete, but in no case shall it be located on the lot or parcel for more than one hundred and twenty (120) days.

2. New Construction: Temporary buildings that will be used in excess of six (6) months incidental to construction work, except single-family residences. Said temporary buildings shall be removed within fifteen (15) days after construction is complete, but in no case shall the building or structure be allowed for more than twelve (12) months, unless expressly authorized after petition to the Zoning Board of Appeals.
3. Churches and Schools: Temporary buildings incidental to a church or school, provided that all wiring, plumbing, fire protection and exits are approved by the Fire Chief and Building Official, and by relevant State agencies. Such buildings shall not be permitted for more than twelve (12) months.
4. Habitation of Accessory Buildings and Recreational Vehicles: No garage, barn, other accessory building, or cellar, whether fixed or portable, shall be used or occupied as a dwelling. Recreational vehicles or motor homes may be occupied for a period not to exceed thirty (30) days in one (1) year unless in an approved recreational vehicle park or campground.
5. Garage Sales: Garage sales, rummage sales, yard sales, moving sales, and similar activities complying with applicable deed restrictions and similar development requirements shall be considered temporary uses within any residential zoning district subject to the following conditions:
 - a. Any garage sale, rummage sale or similar activity shall be allowed without a temporary land use permit for a period not to exceed four (4) days within a six (6) month period. Such activities in operation for a period of time in excess of four (4) days shall require a temporary land use permit from the Zoning Board of Appeals.
 - b. In no instance shall more than four (4) garage sales, rummage sales or similar activities be held in any one location within any twelve (12) month period.
- C. Outdoor Display of Merchandise: Outdoor display and sales of merchandise is permitted without a permit within the C-5 Highway Service District, but is limited to two (2) events per calendar year, not exceeding four (4) consecutive days, including only merchandise customarily sold on the premises by a permanently established business on that lot.
- D. Temporary Real Estate Offices: Temporary real estate offices are permitted within approved development projects. No cooking or sleeping accommodations shall be maintained. The permit shall be valid for not more than one (1) year, but is renewable. The office shall be removed upon completion of the development. A model home may be used as a temporary real estate office.
- E. Auctions: The public sale of property to the highest bidder shall be permitted for not more than five (5) days. No sales activity shall occur within thirty (30) feet of any road right-of-way.
- F. Firewood Sales: Firewood sales limited to firewood cut from that parcel or lot only shall not be required to obtain a permit. Storage of firewood for sale and use by persons off the premises shall be restricted to the side and rear yards.
- G. Temporary Housing: When an existing dwelling is destroyed by fire, collapse, explosion, act of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined by the Building Official, a temporary dwelling permit may be issued by the Zoning Board of Appeals to allow a mobile home to be placed on the property upon the request of the owner. Said permit shall be in effect for no more than six (6) months and any extension must be approved by the Zoning Board of Appeals who may grant the same for a period of not more than six (6) months during which time a permanent dwelling shall be erected on the property.

The following conditions shall apply to all temporary housing permits:

1. Evidence that the proposed location of the temporary dwelling will not be detrimental to property within three hundred (300) feet.
 2. Proposed water supply and sanitary facilities have been approved by the Genesee County Health Department.
 3. Proposed temporary dwelling unit meets the requirements of the Building Code in effect in Mundy Township.
 4. All applicable dimensional requirements within said district shall apply to temporary dwellings.
 5. Building permit (plans) being pursued diligently.
- H. Uses which do not require the erection of any capital improvement of a structural nature, not otherwise permitted in any district (such as art fairs, carnivals, and civic festival events), not to exceed 12 months, provided the conditions set forth in Section 24.39 are met. In classifying uses as not requiring capital improvement, the Township shall determine that they are either demountable structures related to the permitted use of land; recreation developments, such as, but not limited to, golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems, or sanitary connections. A person, firm, or corporation engaging in a business within the Township offering a public amusement, entertainment, exhibition, or performance shall also comply with the licensing requirements of Chapter 6 of the Municipal Code of Ordinances (Ordinance No. 82).
- I. Performance Guarantee: A performance guarantee may be required in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond which shall be deposited with the Township Clerk in an amount equal to the estimated cost of removing any temporary building and any associated legal fees. The amount of the performance guarantee

shall be set by the Township Zoning Board of Appeals. The applicant shall similarly sign an affidavit holding the Township harmless against any claim for damages if the Township were to subsequently use the performance guarantee to remove the temporary structure after its authorized period had expired. The performance guarantee shall be returned when all the terms and conditions of the temporary land use permit have been met and the temporary use or building has been removed.

- J. Application: A temporary land use permit may be approved, modified, conditioned, or denied by the Building Official, except as provided elsewhere in this Section. The Building Official reserves the authority to refer any or all temporary land use requests to the Zoning Board of Appeals at his or her discretion in accordance with Article XXX, Section 30.05, G.

- K. The following standards shall be considered in determining whether or not such temporary use or structure should be allowed, and under what conditions:

1. Site plan drawing.
2. Traffic controls.
3. Parking.
4. Access to roadways.
5. Security.
6. Structure, size, and material.
7. Occupancy numbers and control of occupancy.
8. Fire safety.
9. Health (food, restrooms, Health Department approval).
10. Litter control.
11. Prior complaints or lack thereof.
12. Purpose of gathering.

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| <ul style="list-style-type: none"> 13. Electrical sources. 14. Open flames. 15. Noise/music. 16. Lighting. 17. Water. 18. Concessions. 19. Report from Police Department. 20. Report from Fire Department. 21. Insurance. 22. Clean up. 23. Hours and dates of operation. 24. Compliance with building code. 25. Other Township ordinances. 26. Uses of other properties in the area. 27. Whether any bond is posted and the terms thereof. 28. Any other factor deemed relevant to protect the health, safety, and welfare of the residents of the Charter Township of Mundy and the general public. | <ul style="list-style-type: none"> c. Control of nuisance factors. d. Submission of performance guarantee. e. Parking. f. Traffic controls. g. Access to roadways. h. Occupancy numbers and controls for limiting same. i. Fire safety. j. Health concerns, especially food preparation and rest room facilities. k. Litter control. l. Prior complaints and/or lack of same. m. Electrical. n. Open fires or flames. |
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4. Signature of the Building Official or Zoning Board of Appeals Chairman on the permit.
- M. Conditions of Approval:
- | | |
|---|---|
| <p>L. Permits: A written temporary land use permit will be issued for all temporary uses and buildings and shall contain the following information:</p> <ul style="list-style-type: none"> 1. The applicant's name. 2. The location and effective dates of the temporary use or building. 3. Conditions specified by which the permit was issued, such as: <ul style="list-style-type: none"> a. Use and placement of signs. b. Provision for security and safety measures. | <ul style="list-style-type: none"> 1. The nature and intensity of the temporary use and the size and placement of any temporary building shall be planned so that the temporary use or building will be compatible with existing development. 2. The parcel shall be of sufficient size to adequately accommodate the temporary use or building. 3. The location of the temporary use or building shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or building. |
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4. Off-street parking areas are of adequate size for the particular temporary use or building in addition to any other use of the property and are properly located; and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
5. Signs shall conform to the provisions of the Township Sign Ordinance.
6. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.
7. The Township may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this Ordinance. The Township may revoke a permit at any time for nonconformance with the requirements of this Section and a permit issued thereunder.
8. Permits which are renewable shall have an application filed for renewal at least fifteen (15) days prior to the expiration date of the current permit, except that applications for renewal or extension of a permit for less than fifteen (15) days may be applied for no later than three (3) days prior to the expiration date of the current permit.

N. Revocation: Upon expiration or revocation of a temporary land use permit, the temporary use shall cease and all temporary buildings shall be removed from the parcel of land. A temporary land use permit may be revoked or modified if any one of the following findings can be made:

1. That circumstances have changed;
2. That the temporary land use permit was obtained by misrepresentation or fraud;
3. That one (1) or more of the conditions of the temporary land use permit have not been met; or,
4. That the use is in violation of any statute, Ordinance, law, or regulation.

SECTION 4.07

SANITARY SEWAGE AND STORM WATER DISPOSAL SYSTEMS

All uses located within this Township shall be served by a safe and adequate disposal system for the disposal of sanitary sewage and storm water generated or deposited on the site occupied by such uses.

A. Sanitary Sewage Disposal

1. All uses located within one thousand (1,000) feet of a municipal Sanitary Sewage Collector System shall be connected to such system, subject to approval by duly authorized officials before any such use is activated.
2. All other uses shall be served by an on-site sewage disposal system, installed and approved by duly authorized county or state officials.

B. Storm Water Disposal Systems

1. All uses shall be located on a parcel of land designed and constructed to permit the safe and adequate disposal of storm water into the closest storm water disposal system as regulated and directed by county, state, or federal authorities.

SECTION 4.08

WATER SUPPLY

- A. Every building or structure hereafter erected or moved upon any premises and used in whole, or in part, for dwelling, recreational, business, commercial or industrial purposes shall be provided with a safe, adequate and potable water supply. All plumbing work relating to the water supply system shall conform to the standards of material and installations set forth by the Michigan State Plumbing Code, a copy of which is on file in the Township Clerk's office and the requirements of Genesee County.
- B. Where a public water system is not available, each fixture from which water for human consumption may be obtained shall be supplied

from a system which meets with the minimum requirements of the State of Michigan, the Genesee County Health Department and the Michigan State Department of Health.

SECTION 4.09

NON-CONFORMING USE, STRUCTURES AND LOTS

- A. **Non-Conforming Use:** Any use of land or structure, which use was lawful at the time of the effective date of this Ordinance, may be continued, provided however, such use shall have continued in operation, does not constitute a nuisance, and shall not be enlarged, altered or changed in area, activity, or content during its continuance, except as provided otherwise by proper authority.
- B. **Non-Conforming Structure:** The use of or occupancy of a non-conforming structure, which was a lawful structure at the time of the effective date of this Ordinance, may be continued. However, no enlargement, change or alteration shall be permitted upon such non-conforming structure in a manner which increases its nonconformity, except upon a finding by the Building Official that such enlargement, change or alteration will bring such structure into conformance with this Ordinance, and that the use within such structure is in conformity with the requirements of this Ordinance; and further provided, that no enlargement, change, or alteration of a non-conforming structure housing a non-conforming use shall be permitted, except upon a finding by the Zoning Board of Appeals that such enlargement, change, or alteration will permit greater compliance with the provisions of this Ordinance, and that adequate provisions, as required by the Zoning Board of Appeals, are installed or instituted to minimize the detrimental effects of the non-conforming use upon adjoining conforming use.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure, or part thereof, declared to be unsafe by an official charged with providing for the public safety, and which strengthening or restoration is ordered by such official. Nothing in this Ordinance shall prevent

a nonconforming structure to be enlarged, changed, or altered in a manner which does not increase its nonconformity.

- C. When a nonconforming use of structure, or structure and premises in combination is discontinued, abandoned, or otherwise ceases to exist for six (6) consecutive months or for 18 months during any three (3) year period, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

A nonconforming use of a structure, or structure and premises in combination, shall be determined to be abandoned or otherwise discontinued if one (1) or more of the following conditions exists, and which shall be deemed to constitute the intent of the part of the property owner to abandon the nonconformity:

1. Utilities, such as water, gas, and electricity to the property, have been disconnected;
2. The property, buildings, and grounds have fallen into disrepair;
3. Signs or other indications of the existence of the nonconformity have been removed;
4. Removal of equipment or fixtures which are necessary for the operation of the nonconforming use; and/or,
5. Other actions, which in the opinion of the Planning Commission, constitute an intention of the property owner or lessee to abandon the nonconforming use.

- D. **Non-Conforming Lot:** Any lot which was lawful at the time of the effective date of this Ordinance, but does not comply with all the provisions of this Ordinance may be continued in use; provided however, the change in use of, or the location, modification, or construction of any structure on such lot shall not be

permitted, except upon a variance approved by the Zoning Board of Appeals based upon a finding that such a variance is warranted, and subject to such conditions as the Board may find necessary to provide for the public health, safety, morals, and general welfare.

1. No building permit shall be issued for the construction of any structure upon any lot within any zoning district, which lot cannot meet the dimensional standards and requirements of such district and which lot was created after the enactment of this Zoning Ordinance, or after the enactment of any amendment which affects such standards or requirements, except as provided above.
2. No yard, or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

E. **Destruction of Structure:** Nothing in this Ordinance shall prevent the restoration, rebuilding, or repairing of any non-conforming structure, or a structure housing a non-conforming use, which structure has been damaged by fire, act of God, or any act of a public enemy, subsequent to the effective date of this Ordinance, in an amount up to and including sixty-five (65) percent of the assessed value of the structure provided that the restoration or repairing shall have commenced and is diligently prosecuted within one (1) year after the date of destruction.

F. **Maintenance:** Nothing in this Ordinance shall prevent the renovation or repair of non-structural members or the maintenance of a non-conforming structure made necessary by ordinary wear and tear, provided the cost per year of such repair or maintenance does not exceed twenty-five (25) percent of the value of the structure as determined by its state equalized valuation.

SECTION 4.10

EXCEPTION TO YARD AND LOT AREA REQUIREMENTS

- A. Lot area and yard requirements normally required within this Ordinance may be changed upon the approval of a variance by the Zoning Board of Appeals, in accordance with the provisions of Article XXX, and subject to the following provisions.
1. **Front Yards:** In all residential districts the front yard requirement shall not be less than the average depth of existing developed front yards on lots within four hundred (400) feet of said lot and within the same block face.
 2. **Side Yards:** The least width of a required side yard may be measured to the centerline of any adjoining alley, but no structure shall be erected within ten (10) feet of the alley line.
 3. **Rear Yards:** The required rear yard depth may be measured to the centerline of any adjoining alley, but no building shall be erected within fifty (50) feet of the alley line.
 4. **Lot Size:** Every lot platted or created after the date of enactment of this Ordinance shall not be greater in depth than 4 times the width at the front lot line.
 5. **Cul-de-sac Streets:** The required lot width on the turning circle of cul-de-sac shall be at least fifty (50) percent of the required lot width.

SECTION 4.11

SUPPLEMENTARY SETBACK REGULATION

Where structures have been built upon a majority of the parcels in the block face with a lesser setback than permitted by this Ordinance, a structure may be built to the average setback of the structures in the block face; provided, however, that the setback on corner lots shall not reduce the buildable width to less than a twenty-four (24) foot wide building.

SECTION 4.12**CLEAR VISION ZONE**

There shall be a clear vision zone at all corners of intersecting roads, or road junctions, consisting of a triangular area defined by the point of intersection of the right-of-way lines and the two points extended along such lines a distance of fifty (50) feet from the point of intersection, and within which area no obstruction to vision, excluding existing topography, shall be permitted from a height of two (2) feet to eight (8) feet above centerline elevation of abutting streets, except that not more than two (2) trees with trunks of not more than thirty (30) inches in diameter each, and clear of any branches for such heights may be located within such area; provided, however, that this section shall not prohibit the requirement of a greater clear vision area where such is necessary in view of permitted traffic, anticipated traffic volumes, or geographic conditions.

SECTION 4.13**LOT GRADES**

- A. All structures shall be constructed or located with a ground elevation such as to provide a sloping grade to cause the surface drainage to flow away from the walls of such structures. The balance of yard spaces shall be graded and adequate drainage provided where necessary to deflect drainage of surface from said premises and away from neighboring properties.
- B. Grades on any lot upon which new construction or earth movement is to be carried out shall be related to existing grades and drainage systems such as to provide adequate drainage and not jeopardize such existing drainage systems, and shall be approved by the Building Official and other such authorities having jurisdiction over such systems.
- C. Grades shall not be altered so as to cause a change to the natural flow of surface waters in either location or amount.
- D. When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard

around the new building shall be graded in such a manner as to meet existing grades and to prevent the flow of surface water onto adjoining property.

SECTION 4.14**CURB CUTS AND DRIVEWAYS**

Curb cuts and driveways may be located only upon approval by the Planning Commission and such other county and State authorities as required by law; provided, however, such approval shall not be given where such curb cuts and driveways shall cause an unreasonable increase in traffic hazards. A single driveway for a single family home shall be approved by the Building Official. All driveways and private roads to structures in the Charter Township of Mundy shall have the minimum standards to insure ingress and egress for emergency vehicles.

- A. A driveable surface not less than ten (10) feet in width; however, driveways fifty (50) feet or longer shall not be less than twelve (12) feet wide.
- B. The entire driveway width shall maintain a vertical clearance of not less than twelve (12) feet.
- C. All bridges, tressels, culverts, and tubes shall be designed to maintain a fifteen (15) ton vehicle.
- D. The turning radius at points of entry shall meet Genesee County requirements.
- E. All drives and driveways over one hundred fifty (150) feet in length shall have a section at the end of the driveway to accommodate the turning movement of emergency vehicles.
- F. The surface of a private drive shall be maintained at all times to allow the passage of a heavy emergency vehicle.
- G. In the event any question should arise as to the design criteria, same shall be directed to the Township Fire Chief, whose decision will prevail.
- H. Driveways shall meet the spacing requirements of Section 4.39, Access Management Standards.

- I. Abutting property owners may construct a joint residential driveway having a minimum width of ten (10) feet and a maximum width of thirty (30) feet and shall meet all the rules regarding residential driveway design.
- J. Steep grades and curves shall be avoided. Gradients shall not exceed ten (10) percent.

SECTION 4.15

ESSENTIAL SERVICES

- A. Nothing in this Ordinance shall prohibit the provision of essential services in any District, provided the installation of such service does not violate any other applicable provision of this Ordinance.
- B. Nothing in this Ordinance shall be construed to permit the erection, construction, or enlargement of any above ground structure, except utility poles and wires, except as otherwise permitted by this Ordinance.

SECTION 4.16

STORAGE IN FRONT YARD

Nothing in this Ordinance shall permit the storage of items or parking of any vehicle or non-permanent structure within the required front yard of any lot within a residential district, except that the parking of an operable passenger vehicle plus another licensed device for personal recreational use on a driveway located on private property shall not be prohibited. Operable passenger vehicle shall be defined as a currently licensed and defect-free vehicle operable in accordance with the state vehicle code.

SECTION 4.17

SIGNS

All signs must meet the requirements of Township Sign Ordinance.

SECTION 4.18

COMPLIANCE WITH AREA DEVELOPMENT PLANS

Where the Township has adopted specific area or neighborhood improvement or redevelopment plans and recommendations involving, but not limited to,

public rights-of-way, utilities and storm drainage, parking facilities, building placement, access drives, floor space density allocations, building facade and architectural treatment, no site plan and/or building permit shall be approved unless there is general compliance with such Township plan. The approval of planned development projects pursuant to its ordinances shall constitute the adoption of an area development plan.

SECTION 4.19

PERSONAL CONSTRUCTION AUTHORITY

Nothing in this Ordinance shall be construed as prohibiting an owner, tenants, occupant, or land contract vendee from doing his or her own building, altering, plumbing, electrical installations, etc., provided the minimum requirements of the State Electrical and Plumbing Codes of the State of Michigan, and the applicable Genesee County Health Department regulations are complied with.

SECTION 4.20

RELOCATED STRUCTURES

No structure shall be moved from within, or from outside the Township without a Building Permit being issued for such move; nor shall a structure be located, occupied, or used within this Township from any location within, or from outside the Township, until such structure is qualified and has been issued a Certificate of Zoning Compliance, under provisions of Section 4.05.

No Building Permit shall be issued for the movement of any such structure, until the Building Official has inspected such structure at its original location and determined that such structure is structurally safe for such movement, and can be made to comply with all codes, regulations, and ordinances of this Township, and a Performance Bond running to the Township and in an amount determined by resolution of the Township Board, but not less than five thousand (5,000) dollars, has been posted with the township Treasurer, to hold the Township harmless from all costs related to such movement and to assure completion of the structure for use at its new location within twelve (12) months after the issuance of the Building Permit.

SECTION 4.21**RECREATIONAL VEHICLE STORAGE**

- A. In no instance shall any vehicle or apparatus referenced above, which is over forty (40) feet in length be stored on lands other than those specifically designated for such parking and storage elsewhere in this Ordinance.
- B. Residents of the Township may store their own trailer, boats, and similar vehicles on their own property for an indefinite period of time, provided the vehicles are properly licensed or registered and in operable condition and are not stored within any front yard or required side yard setback. Such vehicles shall be registered in the name of a member of the family of the property owner, tenant, or lessee and shall be subject to applicable provisions concerning accessory buildings as set forth in Section 4.04.
- C. A travel trailer, camper, or motor home parked or stored on a residential lot shall not be connected to sanitary facilities and shall not be occupied.
- D. All such vehicles and apparatus shall be locked or secured at all time to prevent access thereto by children and accidental release that would permit movement onto abutting property or roadway.

SECTION 4.22**FENCES****A. Residential Fences**

Residential fences are permitted or required, subject to the following:

- 1. Fences on all lots of record in all residential districts which enclose property and/or are within a side or rear yard shall not exceed eight (8) feet in height, measured from the natural surface of the ground. No fence, wall, or hedge shall rise over three (3) feet in height in front of the house or in the required minimum front yard, whichever is greater. In addition, no fence, wall, or hedge shall be located

within a public right-of-way, occupy a clear vision zone established by Section 4.12, or interfere with visibility from a driveway.

- 2. Only one (1) fence shall be permitted along a common property line. The attaching of a primary fence to another fence is expressly prohibited. All fences shall be constructed in such a manner that all structural members, including braces, posts, poles, and similar projections shall be on the interior side of the fence.
- 3. No obscuring fence or wall shall be located within the front yard. Decorative fencing which does not materially impede vision shall be permitted in a front yard provided it does not exceed a height of three (3) feet. Non-obscuring decorative fencing does not include chain-link fencing.
- 4. Fences not used for farm operations shall not contain barbed wire, electric current, or charge of electricity.
- 5. All residential fences shall comply with the requirements of the Building Code.
- 6. Nothing contained herein shall be construed to take precedence over private deed restrictions where more restrictive than the above described regulations, however, the Township is not required to enforce such private restrictions.

B. Nonresidential Fences

- 1. Fences located in other than residential districts or on the boundary between such districts shall not exceed eight (8) feet in height, measured from the surface of the ground.
- 2. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.

3. No fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by Section 4.12, or interfere with visibility from a driveway.
4. Fences located within twenty-five (25) feet of an intersection shall not exceed thirty (30) inches in height.
5. Fences shall not contain barbed wire, electric current, or charge of electricity. In the case where the security of industrial and commercial property is concerned, the Planning Commission may approve a fence eight (8) feet in height with barbed wire attached to the top of such fence as part of the site plan review process.
6. All nonresidential fences shall comply with the requirements of the Building Code.

USE	HEIGHT REQUIREMENTS
1. RM-2 (adjacent to RSA & RM-1 Districts)	4'-6" to 6'-0" high
2. All Commercial Districts	4'-6" to 6'-0" high
3. All Industrial or Manufacturing Districts	5'-6" to 8'-0" high (height shall provide the most complete obscuring possible)
4. Off-Street Parking Area	4'-6" high (other than the above districts)
5. Hospital-Ambulance and Delivery Areas	6'-0" high Delivery Areas
6. Public Utility Buildings, Stations, and/or Substations	6'-0" high

SECTION 4.23

SCREENING WALLS

- A. For the use districts and uses listed below, there shall be provided and maintained on those sides abutting a residential district, an obscuring wall.

Required walls shall be located adjacent to the lot line, except where underground utilities interfere and except in instances where this Ordinance requires conformance with yard setback lines. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may modify the wall requirement by approving either an earth berm or evergreen screen in its place.

The Planning Commission may also waive the wall requirement in specific cases where natural or manmade barriers exist that would accomplish the same obscuring effect or where the Planning Commission finds that no good purpose would be served by compliance with the requirements of this Section.

- B. The height of the screening shall be in accordance with the following schedule measured from the surface of the parking area or land on the nonresidential side of the wall:

- C. In the case of variable screening height requirements such as in Section 4.23, B, 1-4 above, the extent of obscuring wall shall be determined by the Planning Commission on the basis of land usage, provided further that no wall or berm shall be less than the above required minimum nor greater than the above required maximum height.
- D. Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Planning Commission. All walls herein required shall be constructed of materials approved by the Planning Commission to be durable, weather resistant, and easily maintained.
- E. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, or buildings and any abutting residential district shall not be required when such areas are located more than two hundred (200) feet distant from abutting residential district(s).

- F. Masonry walls shall be erected on a concrete or cement block foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the Building Official and shall be not less than the width of the wall to be erected.

SECTION 4.24

LANDSCAPING

A. Intent

1. Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the Township. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses.
2. Screening is important to protect less-intensive uses from the noise, light, traffic, litter and other impacts of intensive nonresidential uses. The purpose of this Section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening.

B. Scope of Application

1. The requirements set forth in this Section shall apply to all uses, lots, sites, and parcels requiring site plan review which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless said site plan shows landscaping consistent with the provisions of this Section. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, and a final certificate of occupancy shall not be issued unless provisions set forth in this Section have been met or a performance

bond has been posted in accordance with the provisions set forth in Section 28.09. The Planning Commission shall determine the need for and the amount of the bond.

2. In a case where the use of an existing building changes so as to require a special land use review or an existing building is changed or otherwise altered or re-occupied, all of the standards set forth herein shall be met.
3. The requirements of this Section are minimum requirements and nothing herein shall preclude a developer and the Township from agreeing to more extensive landscaping.
4. Existing Vegetation: Existing vegetation may be used to satisfy the requirements of this Section provided the following:
 - a. If existing plant material is labeled "to be saved" on a site plan in order to fulfill the requirements of this Section, protective techniques, such as, but not limited to, fencing or barriers shall be placed at the drip line around the perimeter of the plant material during construction. No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the Township.
 - b. In the event that healthy trees which are used to meet the minimum requirements of this Ordinance or those labeled "to remain" are cut down, destroyed, damaged, or excavated at the drip line, as determined by the Township, the Contractor shall replace them with trees which meet Ordinance requirements.

C. Landscaping Standards

Except as otherwise specified in the general requirements for each Zoning District, all landscaping shall conform to the following standards:

1. All developed portions of the site shall be landscaped. All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material approved as to type and caliper by the Planning Commission.
2. In consideration of the overall design and impact of the landscape plan, the Planning Commission may reduce or waive the requirements outlined herein, provided that any such adjustment is in keeping with the intent of the Ordinance and upon a finding the existing vegetation to be maintained on the site generally accomplishes the same effect.
3. Installation and Maintenance:
 - a. All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or a performance guarantee may be secured pursuant to Section 28.09 for the amount of the cost of landscaping to be released only after the landscaping is completed. The determination of a guarantee and the method of such shall be determined by the Planning Commission.
 - b. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures.

D. Earth Berms

Earth berms shall conform to the following standards:

1. The berm shall be at least three (3) feet above the grade elevation, and shall be constructed with slopes no steeper than one (1) foot vertical for each four (4) feet horizontal with at least a two (2) foot flat area on the top. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.
2. The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.

E. Evergreen Screening

Evergreen screening shall consist of closely-spaced plantings which form a complete visual barrier that is at least six (6) feet above grade level within five (5) years of planting.

F. Landscape Buffer Zones

Where required, a buffer zone shall conform to the following standards:

1. A required buffer zone may be interrupted only by pathways or roadways for vehicular or pedestrian access.
2. Grass, ground cover, or other suitable live plant materials shall be planted over the entire greenbelt area, except that paving may be used in an area of intense pedestrian or other non-motorized circulation.
3. A minimum of one deciduous tree or evergreen tree shall be planted for each 30 linear feet or portion thereof of required buffer. Buffers may also incorporate, or may be required to incorporate, fencing, evergreen screening, landscaped earth berms, or

other landscaping and screening techniques as described by this Ordinance at the discretion of the Planning Commission.

4. For the purpose of determining required plant material, required buffer zone length shall be measured along the exterior periphery of the buffer area.

G. Off-Street Parking Areas

Off-street parking areas shall be landscaped as follows:

1. In off-street parking areas containing greater than twenty (20) spaces, at least five (5) percent of the total parking lot shall be used for interior landscaping. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.
2. The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.
3. A minimum of one (1) deciduous tree shall be planted in each landscaped area.
4. Regulations Pertaining to Landscaping Areas Used for Sight Distance

When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than thirty (30) inches above the centerline elevation of abutting pavement. Portions of required berms located within sight distance triangular areas shall not exceed a height of thirty (30) inches above the centerline elevation

of abutting pavement. Existing trees with trunks of more than thirty (30) inches in diameter may be located within such area only if permitting unobstructed cross-visibility. Landscaping, except grass or ground cover, shall not be located closer than three (3) feet from the edge of a driveway.

The triangular areas referred to above are:

- a. The area formed at the corner intersection of a public right-of-way or edge of a private road easement and a driveway, two (2) sides of the triangle area being ten (10) feet in length measured along the right-of-way or easement line and driveway line and the third side being a line connecting these two sides.
- b. The area formed at a corner intersection of two (2) public rights-of-way and/or private road easement lines, the two (2) sides of the triangular area being fifty (50) feet in length measured along the abutting public rights-of-way lines and the third side being a line connecting these two (2) sides.

SECTION 4.25

PLANT MATERIALS

- A. Landscaping shall be completed prior to the issuance of an occupancy permit, except that the Planning Commission may allow an extension of not more than six (6) months, if for reason of weather such planting is not able to be done at the time of occupancy. Thereafter, all landscaping shall be reasonably maintained with permanent plant materials. The Planning Commission may also require a performance guarantee in accordance with Section 28.09 to ensure the installation of plant materials.

- B. If existing plant material is labeled "to be saved" on site plans, protective techniques, such as (but not limited to) fencing placed at the drip-line around the perimeter of the plant material, shall be installed. No vehicle or other construction equipment shall be parked or stored within the drip-line of any plant material intended to be saved.
- C. In the event that healthy trees labeled "to be saved" on the approved site plan are destroyed or damaged, as determined by the Building Official, the owner, developer, or contractor shall replace said trees with trees of comparable type.
- D. Suitable materials equal in characteristics to the plant materials listed below, with the spacing as required, shall be provided. All such landscape materials shall be depicted upon the site plan.
- E. Trees not permitted:
1. Box elder
 2. Soft maples (red-silver)
 3. Slippery elms
 4. Poplars
 5. Willows

Representative Major Plant Types ⁽⁴⁾			
Type	Minimum Size Allowable ⁽¹⁾	Minimum On-Center Spacing ⁽²⁾	Maximum On-Center Spacing ⁽⁵⁾
1. <u>Deciduous Trees</u> <u>(shade/canopy)</u>			
Maple	1½" caliper ⁽²⁾	15 ft.	30 ft.
Oak	1½" caliper	15 ft.	30 ft.
Sycamore	2" caliper	20 ft.	40 ft.
Locust	2" caliper	15 ft.	30 ft.
Linden	1½" caliper	15 ft.	25 ft.
Ginko	1½" caliper	15 ft.	25 ft.
2. <u>Evergreen Trees</u>			
Pine	7' hgt.	10 ft.	20 ft.
Fir	6' hgt.	9 ft.	18 ft.
Spruce	6' hgt.	9 ft.	18 ft.
Hemlock	5' hgt.	10 ft.	20 ft.
Juniper	6' hgt.	8 ft.	16 ft.
3. <u>Ornamental Trees</u>			
Flowering Crabapples	1" caliper	10 ft.	20 ft.
Dogwoods	1" caliper	10 ft.	20 ft.
Birch	1" caliper	8 ft.	16 ft.
Magnolia	1" caliper	10 ft.	20 ft.
Fruit (Pear Plum)	1" caliper	9 ft.	18 ft.
4. <u>Shrublike Trees</u>			
Russian Olives	6' hgt.	10 ft.	20 ft.
Redbud	8' hgt.	15 ft.	30 ft.
Hawthorn	6' hgt.	10 ft.	20 ft.
Amur Maple	5' hgt.	8 ft.	16 ft.
Amelanchier	7' hgt.	10 ft.	20 ft.
Dogwood	6' hgt.	9 ft.	18 ft.
Goldenrain Tree	6' hgt.	9 ft.	18 ft.
Osage Orange	6' hgt.	10 ft.	20 ft.
5. <u>Evergreen Shrubs</u>			
Upright Yews	3' hgt.	3 ft.	6 ft.
Arborvitae	4' hgt.	3 ft.	6 ft.
Upright Junipers	3' hgt.	4 ft.	8 ft.
6. <u>Deciduous Shrubs</u>			
Lilac	4' hgt.	4 ft.	6 ft.
Forsythia	3' hgt.	4 ft.	8 ft.
Euonymus (selected varieties)	3' hgt.	3 ft.	6 ft.
Smoketree	4' hgt.	4 ft.	8 ft.
Cotoneaster (selected varieties)	3' hgt.	3 ft.	6 ft.
Dogwood	4' hgt.	3 ft.	6 ft.
Hydrangea	3' hgt.	3 ft.	6 ft.
Beauty Bush	4' hgt.	4 ft.	6 ft.
Privet	3' hgt.	3 ft.	6 ft.
Mock-Orange	4' hgt.	4 ft.	8 ft.

Footnotes to above major plant types list:

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

6. Horse chestnut (nut bearing)
7. Tree of heaven
8. Catalpa
9. Ginkgo (female)
10. Cottonwoods
11. Ash

chimneys, when located outside of a building, are to be screened to the height of the particular piece of equipment, as follows:

1. **Roof-Mounted Equipment:** To be screened by architectural features from the view of abutting streets and parcels.
2. **Equipment at Grade:** When located on the ground adjacent to a building, mechanical equipment is to be screened by landscaping, a solid wall or fencing from the view of the street or surrounding properties.

SECTION 4.26

SCREENING OF TRASH STORAGE AREAS

Any new or altered use which requires site plan review under Article XXVIII and has an outdoor trash storage area shall comply with the following requirements:

- A. Any such area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly, and sanitary condition.
- B. In no instance shall any such refuse be visible above the required screening.
- C. A wall, six (6) feet in height, shall enclose three (3) sides of the storage area. Such walls shall be constructed of materials approved by the Building Official to be durable and weather resistant. Bollards and/or other protective devices shall be installed at the opening and in the interior to the rear of any storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete, which complies with local building requirements.
- D. Any such storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. The Planning Commission may require an obscuring gate when the visibility of such a storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.

This subsection shall not apply to single-family residential uses.

- B. **Outdoor Storage in Commercial and Industrial Districts:** To be screened on all sides by a solid wall or fencing.
- C. **Trash Storage Areas:** To be screened on all sides by a solid wall or fencing.
- D. **Public Utility Substations in any district:** To be screened on all sides by a solid wall or fencing and landscaping.
- E. **Loading Areas:** Shall be fenced and screened whenever abutting a residential zoning district land use pursuant to the provisions of Sections 4.23.

SECTION 4.28

EXCEPTIONS TO FENCING AND SCREENING REQUIREMENTS

- A. **Buildings Abutting Lot Lines:** Required screening or fencing may be omitted along any lot line where a building wall exists immediately abutting the lot line.
- B. **Location Adjustment:** Where property line fencing or screening is required, the location may be adjusted so the fencing may be constructed at or within the setback line, provided the areas between the fence and the lot lines are landscaped, or in rural areas, retained in their natural vegetative state at the discretion of the Planning Commission.

SECTION 4.27

SCREENING OF ACCESSORY USE AREAS AND MECHANICAL EQUIPMENT

- A. Support equipment including air conditioning and heating devices, water and gas meters, but not including plumbing or exhaust vents or

- C. Existing Screening: Any fence, screen, wall or hedge which does not conform to the provisions of this Section and which is legally existing at the effective date of this Ordinance may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence, screen, wall, or hedge except as permitted in other sections of this Ordinance.
- D. Planning Commission Modification: Any of the requirements of this Section may be waived or modified by the Planning Commission during site plan review and approval, provided the Planning Commission first makes a written finding that specifically identified characteristics of the site or site vicinity that would make required fencing or screening unnecessary or ineffective, or where it would impair vision at a driveway or street intersection. Said written findings may be the written minutes of the meeting where that matter was addressed.
2. Installed lighting equipment specifications and data sheets.
3. For properties adjacent to residential - sections, calculations, or other details indicating conformance to light trespass requirements.
- D. Site lighting in all zoning districts shall use full "cut-off" luminaries that have 100% light output below the horizontal plane of the lowest part of the light source. No lights shall be allowed above the horizontal plane. This requirement may be waived, upon Planning Commission approval, for ornamental or decorative luminaries, but unshielded fixtures will be limited to maximum 100 watt metal-halide lamp. Decorative luminaries above 100W shall be provided with internal louver system to redirect light to grade. Luminaries shall be mounted on milled steel, painted aluminum or planed wooded poles, and shall not be attached to utility poles. Floodlight type fixtures shall be allowed provided they conform to all shielding and cut-off requirements.

SECTION 4.29

EXTERIOR LIGHTING

- A. All outdoor lighting in all use districts other than residential shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts, adjacent residences, and public rights-of-way.
- B. Exterior lighting requirements shall apply to non-single family residential detached zoned developments with parking spaces for more than five (5) cars.
- C. All site plans shall include a scaled photometric plan graphically illustrating the planned site lighting and illumination intensity (footcandles) for the proposed site. Compliance with the lighting design criteria shall be demonstrated by submitting the following for review.
1. Lighting plan showing light fixture locations, type designations and footcandle contour lines with the following intensities indicated: 0.05, 0.2, 0.6, 1.0, and 3.0 footcandles.
- E. Luminaries (pole or building mounted) shall have a maximum mounting height of twenty-five (25) feet above grade.
- F. Intensity - Exterior open parking areas shall meet the minimum requirements as recommended by the Illuminating Engineering Society of North America as indicated below:
- | <u>Level of Activity</u> | <u>Footcandles
(Minimum at
Pavement)</u> | <u>Uniformity Ratio
(Average: Minimum)</u> |
|--------------------------|--|--|
| High | 1.0 | 4:1 |
| Medium | 0.6 | 4:1 |
| Low | 0.2 | 4:1 |
- Examples of Levels of Activities
- High
- Major league athletic events
 - Major cultural or civic events
 - Regional shopping center
 - Fast food facilities

Medium

Community shopping
Office parks
Hospital parking areas
Transportation parking
Residential complex parking

Low

Neighborhood shopping
Industrial employee parking
Educational facility parking
Church parking

- G. The horizontal illumination at grade from a parking area onto adjoining residential property shall be limited to 0.05 footcandle at a point beyond the property line equal to the required building setback distance established for the adjoining residential property.

SECTION 4.30**PERFORMANCE STANDARDS**

Any use hereafter permitted by this Ordinance shall be subject to compliance with the following performance standards.

A. Noise

No person shall create, operate, or cause to be operated on non-industrial private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth in Ordinance 192-05.

B. Smoke

A person, firm, or corporation shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is:

1. As dark or darker in shade as that designated as No. ½ on the Ringelmann chart, as published by the United States Bureau of Mines.

2. Of such density as to obscure an observer's view to a degree equal to or greater than the level of smoke described in Section 4.30, B, 1.

3. At no time may smoke emissions be darker than Ringelmann No. 1.

C. Open Fires

Open fires shall be permitted only as allowed and regulated under the Mundy Township Burn Ordinance.

D. Noxious Gases

No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produces a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant, or animal life.

E. Glare and Heat

1. Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one half (0.5) of one (1) foot candle when measured at any adjoining residence or business district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot lines.
2. If heat is a result of a commercial or industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time, above the ambient temperature.

F. Vibration

Vibrations from commercial or industrial operations and vehicular traffic must be controlled to the extent that they cannot be felt past any property line.

G. Radio Transmission

For electronic or electric equipment required in a commercial or industrial operation, the equipment shall be operated in conformance with all applicable public agency standards so as to not interfere with radio, television, or other electronic equipment.

SECTION 4.31

SOIL REMOVAL; EXCAVATION; FILLING

A. Excavations for the sale of soil, sand, gravel, or other mineral resources, but specifically excluding excavations for the construction of a structure for which a building permit has been issued, subject to the following additional conditions and the special land use approval requirements of Article XXVII:

1. The applicant shall demonstrate by a site plan and supporting documents that the excavations, the method and schedule of operation, the anticipated timetable for the completion of the various phases of the project, and the final disposition, including all reclamation methods, including landscaping of the land will not encroach upon any existing flood plain, adversely impact the ground water, be detrimental to adjoining land uses, nor adversely affect the public health, safety, or the general welfare, provided however, no part of any excavation or fill shall be carried out within two hundred (200) feet of any property line.
2. The application shall be accompanied by a plan identifying the measures that will be carried out to protect adjacent areas from wind-blown material, and in the case of a landfill, by a certification of approval for the construction of the landfill from the State Department of Natural Resources with a complete set of all documents submitted to the department for the approval, a listing of the types of waste that will be deposited, and a list of all of the industrial and commercial clients from whom the specified waste material will be collected for deposit in the landfill.

3. The applicant shall also submit a plan for securing the area and preventing access to the excavation area by unauthorized persons, demonstrating compliance with the development standards of Section 24.54.
4. The Planning Commission shall review the submitted material, and following the public hearing, as provided in Article XXVII, file a recommendation to the Township Board. Such recommendation may suggest additional requirements, or changes the Commission determines necessary to provide for the public health, safety, and the general welfare.
5. The Township Board shall review the recommendation of the Planning Commission at the next regularly scheduled meeting, and may call upon additional testimony, view the premises, and call upon the applicant to submit any other pertinent information the Board deems necessary.
6. The Township Board may impose such conditions as it deems necessary to safeguard the public health, safety, and the general welfare, and shall require a bond in an amount of not less than five thousand (5,000) dollars to hold the Township harmless from all liabilities incidental to such excavation or sanitary landfill, to assure performance of all conditions required as a part of the approval of the project, and to repair all damages caused in the process of carrying out the landfill or excavation.
7. The permit approving the application shall be posted at a prominent location at the entrance to the activity, and shall be subject to an annual review and approval by application to the Township Board. The Township Board shall request the Planning Commission to submit a recommendation before acting on such application.

SECTION 4.32**PONDS**

- A. The regulations set forth in this section are designed to provide for the regulation of ponds and to specify the conditions and circumstances under which such ponds may be developed to protect the health, safety, and general welfare of the residents of the community, preserve ecologically important features, and to prohibit development which, unregulated, may have an adverse effect upon the existing aesthetic character of the township.
- B. General provisions.
 1. It shall be unlawful for any person, firm, corporation, or partnership, or other organization or entity to construct a pond within the Township without first securing a construction permit from the Building Official.
 2. A pond shall not be constructed on a lot or parcel of land which is less than 1.5 acres in size.
 3. Water shall be maintained in all pond excavations.
 4. All soil and similar materials excavated during the construction of the pond shall remain on the property.
 5. Neither the excavation nor the pond shall cover more than 25% of the lot area.
- C. Application and review procedures
 1. Application shall be made to the Township Building Official. Applications shall contain the following information:
 - a. Name and address of the applicant.
 - b. Legal description of the property upon which the pond will be established.
 - c. Site plan submitted in accordance with Article XXVIII, Site Plan Review Procedures.
 2. Evidence shall also be presented at the time of application that the Genesee County Drain Commission and Michigan Department of Environmental Quality have granted the necessary permits and/or approvals to the applicant for the construction of the pond or have released the applicant from any obligation thereto.
 3. The applicant shall also, at the discretion of the Building Official at the time of application, provide evidence from a licensed excavator, civil engineer, or similar allied professional that water can be continuously maintained in the pond once it is constructed, that the drainage pattern of the site will preclude drainage of water onto adjacent property or toward buildings, and that the natural or man-made drainage pattern of the area will remain unaffected.
 4. The Township Planning Commission shall review and approve applications for a pond construction permit and shall consider all relevant factors including:
 - a. The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes of ten (10) percent or less;
 - b. The subject site and/or adjoining properties do not contain natural assets including trees, woodlots, endangered species habitats, wetlands, 100-year floodplains, natural watersheds, or similar features that would be altered by the establishment of the pond;
 - c. The outside edge of the pond is not within fifty (50) feet of an existing County Drain;

- d. The proposed pond is not located within two hundred (200) feet of a public right-of-way, private easement, or school site; and,
 - e. The proposed pond is not within fifty (50) feet of an existing state-regulated wetland.
- D. All ponds shall meet the following requirements:
 - 1. The minimum setback distance for the pond shall be a minimum of fifty (50) feet from any property line. A pond may cross a property line only when all properties are owned by the applicant or upon submittal of an easement reviewed and accepted by the Planning Commission allowing such occupation.
 - 2. There shall be a distance of not less than twenty five (25) feet between the outside edge of the pond and any building.
 - 3. There shall be a distance of not less than two hundred (200) feet from any overhead transmission lines.
 - 4. Slopes of the excavation shall not exceed a ratio of six (6) feet horizontal to one (1) foot vertical, to a depth below water of six (6) feet.
 - 5. All areas disturbed during construction shall be seeded with grasses and maintained in good condition to prevent erosion.
 - 6. The Township Planning Commission may, at its discretion, require the installation of a fence not less than four (4) feet in height to protect the health, safety, and welfare of the property owners and or tenants, neighboring uses, and Township residents.
- E. Private ponds shall be allowed as an accessory use.
- F. Limitations.
 - 1. Construction of a pond shall be completed within twelve (12) months of the issuance of the construction permit. Extensions may be granted by the Planning Commission for cause shown.
 - 2. The requirements contained herein shall not relieve the applicant from complying with other land development or environmental standards established by the Township or by other public agencies having jurisdiction.
 - 3. No pond shall be constructed which disturbs existing natural assets including trees, woodlots, endangered species habitat, wetlands, 100-year floodplains, or similar features which, in the opinion of the Planning Commission, offers community benefit.

In determining whether the construction and maintenance of the proposed pond negatively impacts the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of constructing or maintaining the pond where intended, taking into consideration the local, state, and natural concern of protecting and preserving the natural feature in question. If, as a result of such balancing, there remains a debatable question whether the proposed pond negatively impacts the public interest, authorization for its construction and maintenance shall not be granted. The following general criteria shall be applied in undertaking this balancing test:

 - a. The relative extent of the public and private need for the proposed pond;

- b. The availability of feasible and prudent alternative locations for the proposed pond;
- c. The extent and permanence of the beneficial or detrimental effects which the proposed pond may have on the public or private use to which the area is suited, including the benefits the natural feature(s) provide;
- d. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish and wildlife, and the public health;
- e. The size of the natural feature being affected;
- f. Proximity of the proposed pond in relation to the natural feature, taking into consideration the degree of slope, general topography in the area, soil type, and the nature of the natural feature to be protected; and,
- g. Economic value, both public and private, of the proposed pond and economic value, both public and private, if the proposed pond or lake were not permitted.

G. Fees required.

- 1. Fees for the review of applications for the purpose of obtaining a construction permit for a pond shall be established by resolution of the Township Board.
- 2. Bonding or insurance shall be required in accordance with Section 25.09.

SECTION 4.33

REQUIRED FRONTAGE ON PUBLIC ROADS

No lot shall be created and no building or use shall be permitted on a lot, unless said lot fronts upon a public street or road or private road meeting the standards of Section 4.34 and contains the required street frontage at the required front yard setback line or building line for its zoning district. Exceptions are specifically provided for in this Ordinance.

Any residence or structure which gives access to such public roadway across land not solely owned by the applicant for the building permit shall be deemed not to be abutting the public roadway within the meaning of this Ordinance.

SECTION 4.34

PRIVATE ROADS

A. Except as specifically provided for elsewhere in this Ordinance, all private streets or roads within Mundy Township shall be subject to the following conditions and standards:

- 1. The private road must be in conjunction with a legal condominium development.
- 2. The site plan shall provide an easement sixty-six (66) feet in width. Such easement shall give access from a public street to all parcels resulting from the proposed division not having street frontage. Such easements shall be established for the joint use of owners of all abutting resultant parcels of the original property for ingress and egress and roadway maintenance, and also for occupation by private and publicly owned utilities serving such abutting parcels, and also for ingress and egress to adjacent parcels.
- 3. Each parcel resulting from the proposed division shall have a net area, exclusive of any area occupied by the ingress/egress easement required above, not less than that required for a single lot in the particular zoning district.

4. All private roads shall be improved to the Genesee County Road Commission standards for a public street. Professional certification shall be provided of the proposed construction plans to ensure compliance with County standards prior action on the proposed private road by the Township Board.
 5. The Mundy Township Planning Commission shall review the site plan and grant or deny approval.
 6. The property owners shall be required to ensure that the proposed private road will be maintained in a manner that permits access by public safety and protection vehicles at all times; that all conditions of the agreement be maintained in perpetuity; and that such an agreement be submitted to and approved by the Township Attorney prior to action on the proposed private road. Such agreement must be recorded and made part of the public record.
 7. Construction of the private road must be completed in accordance with construction drawings approved. No building permit shall be issued prior to final inspection and professional approval of the private road. All review and inspection fees incurred by the Township shall be reimbursed to Mundy Township prior to the issuance of any building permit.
- does not set aside requirements to comply with County or State regulations regarding licensure, personal liability, and freedom to leave the property.
- B. The keeping of five (5) pet animals six (6) months old or older requires the following site improvements and housing requirements:
 1. Said pets shall be restricted from leaving the site unattended.
 2. In the event said pets are housed outside the principal structure on the site, the structure housing the pets shall be located no less than twenty-five (25) feet from any lot line. In the event a fence is not located around the perimeter of the site, a fence shall be constructed around the structure housing said pets.
 3. The height of the required fence shall be adequate to prevent any pet from getting beyond the boundaries of the fenced enclosure. The fence shall be adequately secured to the ground to prevent tunneling beneath the fence.
 - C. The keeping of more than five (5) pet animals six (6) months old or other shall require a County license in addition to these requirements set forth above.

SECTION 4.35

KEEPING OF PETS

The keeping, raising, and breeding of pet animals, including dogs and cats, for show purposes, protection of property or for personal enjoyment is allowed in any zoning district, subject to the following conditions:

- A. The keeping of four (4) or fewer pet animals is generally considered to have minimal nuisance value, and no site improvement or method of housing said pets is required. However, this

SECTION 4.36

CONTINUATION OF USE

Any use specifically permitted in any zoning district which is proposed for a structure which has been previously approved for a use permitted under provisions of the respective Article regulating such district, may be approved upon a finding of continued compliance with all conditions applicable to the previous approval and to those applicable to the proposed use, including the provisions and procedures of Article XXIV, Development Standards, as applicable; Article XXVII, Special Land Uses, Review and Approval; and Article XXVIII, Site Plan Review Procedures.

SECTION 4.37**PRESERVATION OF ENVIRONMENTAL QUALITY****1. Intent**

It is the intent of this section to specify certain materials which must be prepared and submitted by land developers to assist the Township in determining if the proposed development is in compliance with local ordinance and State and Federal statutes, which are enacted to protect wildlife, preserve ecologically important features, and retain natural resources.

2. Definitions of Natural Resources

“Natural resources” shall include:

- a. Archaeological finds.
- b. Endangered species habitat.
- c. Floodplain, 100-year. An area which has a one (1) percent chance of flood occurrence in any given year.
- d. Hedgerow. A row of eight (8) or more trees having a four (4) inch or more diameter at four (4) feet above grade. (The drip-line of the trees defines the land area of a hedgerow.)
- e. Ponds and Lakes. A natural or artificial impoundment that retains water year-round.
- f. Steep Slopes. Slopes equal to or exceeding a grade of thirty-three (33) percent or a 3:1 ratio of run over rise, with a change of elevation of three (3) feet or more.
- g. Wetlands. Land area of one (1) acre or more where standing water is retained for a portion of the year and does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.
- h. Woodlot. An area of 1/4 acre or more containing eight (8) or more trees per 1/4 acre having a four (4) inch or more diameter at a four (4) foot height.

3. Applicability

In any zoning district, no natural resource shall be altered, changed, transformed, or otherwise varied by any person except as provided by this Ordinance, and such person having submitted to the Township Planning Commission the required data, exhibits, and information as hereafter required. The applicant may be relieved from the requirements of this Section by clearly showing the Planning Commission through the use of reports, exhibits, and/or expert testimony prior to the time of site plan review that the proposed development will not alter, change, transform, or otherwise vary any natural resource contained on the subject parcel.

4. Information and Data Required

A Natural Resources Analysis shall be submitted by and at the expense of the petitioner prior to Planning Commission review of the site plan. Submission shall be made concurrently with the payment of site plan review fees.

The Natural Resources Analysis shall include, at a minimum, the following information:

- a. Site conditions of the subject property indicating the location, size, and type of existing natural resources. Such information shall be displayed on a map in relation to the subject parcel's property lines and existing development pattern.
- b. A project description which, in narrative form, shall describe the proposed development in terms of use, density, building coverage, height, gross floor area, number of units, parking, landscaping, internal site circulation, traffic to be generated, and other applicable design features.
- c. The petitioner shall provide a full analysis and description of the proposed project's impact on the natural resources existing on the site. This analysis shall include an evaluation of alternatives to affecting the natural resources in terms of alternative site

location or actions. The analysis shall also assess the impact of affecting the natural resource(s) in terms the natural environment (topography, habitat, hazards, etc.), social concerns (aesthetics, historic and cultural values, etc.), economic aspects (employment opportunities created, tax base, land use pattern, etc.), and legal constraints (permits required, intergovernmental review, conformance with local plans/ordinances, etc.). These factors shall be evaluated in terms of both positive and negative impacts, direct and indirect impacts, as well as long-term vs. short-term affects.

- d. The applicant shall identify measures to mitigate or eliminate negative affects to natural resources identified in step 4(c) above.

5. Exclusions

The development of detached single-family units on an individual basis is hereby excluded from the requirements of this Section.

The requirements contained herein shall not relieve the project's sponsor from complying with other land development or environmental standards established by other public agencies having jurisdiction.

SECTION 4.38

NATURAL FEATURE SETBACK REGULATIONS

1. Intent and purpose. It is the intent of this section to require a minimum setback from natural features, and to regulate property within such setback in order to prevent physical harm, impairment, and/or destruction of or to a natural feature. It has been determined that, in the absence of such a minimum setback, intrusions in or onto natural features would occur, resulting in harm, impairment, and/or destruction of natural features contrary to the public health, safety, and general welfare. This regulation is based on the police power, for the protection of the public health, safety, and welfare, including the authority granted in the Zoning Enabling Act.

It is the purpose of this section to establish and preserve minimum setback from natural features, in order to recognize and make provision for the special relationship, interrelationship, and interdependency between the natural feature and the setback area in terms of: spatial relationship; interdependency in terms of physical location, plant species, animal species, and encouragement of diversity and richness of plant and animal species; over land and subsurface hydrology; water table; water quality; and erosion of sediment deposition.

If a greater setback or prohibition is required by other ordinance or other provision of this Ordinance, such greater setback or prohibition shall apply.

2. Regulation. A natural feature setback shall be maintained in relation to all areas defined in this Ordinance as being a "natural feature," unless, and to the extent, it is determined to be in the public interest not to maintain such setback by the body or official undertaking the review.
3. Definition of "natural feature." A natural feature shall mean a wetland or a watercourse, including a lake, pond, river, stream, or creek.
4. Authorization and prohibition.
 - a. The natural feature setback shall be an area or feature with boundaries and limitations determined in accordance with the standards and provisions in this section in relation to respective types of natural features.
 - b. In conjunction with the review of plans submitted for authorization to develop property or otherwise undertake an operation in or on, or adjacent to, a natural feature, applicable natural feature setbacks shall be determined, and authorizations and prohibitions established, by the Planning Commission. In the event an activity is proposed within a setback area as designated below, but such activity is not proposed in conjunction with an activity within the natural feature itself, review under this section shall be

- conducted by the Township body or official reviewing the proposed activity, or, if no other review is required, review shall be undertaken by the Building Official. The body or official undertaking the review shall, if determined necessary or appropriate by such body or official, utilize the services of a wetland consultant, and, in such case, the applicant shall establish an escrow and shall be responsible for the fees of such consultant.
- c. Within an established natural feature setback, unless and only to the extent determined to be in the public interest by the body undertaking plan review, there shall be no construction, removal, or deposit of any structures or soils, including dredging, filling, or land balancing. This prohibition shall not apply with regard to those activities exempted from this prohibition, below.
- d. In determining whether proposed construction or operations are in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the construction or operation, taking into consideration the local, State, and Federal concern for the protection and preservation of the natural feature in question. If, as a result of such a balancing, there remains a debatable question whether the proposed project and/or operation is clearly in the public interest, authorization for the construction and/or operation within the natural feature setback shall not be granted. The following general criteria shall be applied in undertaking this balancing test:
- (1) The relative extent of the public and private need for the proposed activity.
 - (2) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.
 - (3) The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the natural feature and/or natural feature setback provides.
 - (4) The probable impact of the proposed construction and/or operation in relation to the cumulative effect created by other existing and anticipated activities in the natural feature to be protected.
 - (5) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife, and the public health.
 - (6) The size and quantity of the natural feature setback being considered.
 - (7) The amount and quantity of the remaining natural feature setback.
 - (8) Proximity of the proposed construction and/or operation in relation to the natural feature, taking into consideration the degree of slope, general topography in the area, soil type, and the nature of the natural feature to be protected.
 - (9) Economic value, both public and private, of the proposed construction and/or operation, and economic value, both public and private, if the proposed construction and/or operation were not permitted.
 - (10) The necessity for the proposed construction and/or operation.

5. Exemptions. If and to the extent Mundy Township is prohibited by its ordinances and/or law from regulating the proposed activity in or on the respective natural feature, regulation under this Section shall be exempted. In addition, the following activities shall be exempted, provided it is not the intent of this provision to exempt regulation by other Ordinance provisions relative to the natural feature itself:
 - a. Installation of a fence within a setback area.
 - b. Maintenance of previously established lawn areas.
 - c. Grading and filling necessary in order to conform to express requirements imposed by the Township Engineer.
 - d. Installation of seasonal recreational structures for watercourse use.
 - e. Planting of trees and other vegetation, but not the use of fertilization.
6. Application form. Application shall be made under this section on the form approved by the Mundy Township Board.
7. Setback standards. Unless otherwise determined by the body undertaking the plan review, the following setbacks shall apply:
 - a. A 75-foot setback from the boundary or edge of a wetland.
 - b. A 75-foot setback from the ordinary high water mark of a watercourse.
8. Appeals.
 - a. An interested person who is aggrieved by the determination under this section may request an appeal to the Mundy Township Board.
 - b. A request for appeal must be filed within ten (10) days. If an appeal is requested during such ten-day period, the effectiveness of the permit shall be suspended pending the outcome of the appeal.
- c. The Mundy Township Board shall determine whether to consider the appeal based upon the minutes of the body making the initial decision (if minutes are kept), or based upon an entirely new hearing. If a new hearing shall be conducted, notice of the time, date, and place of the hearing shall be mailed to the owners of property, based upon Mundy Township records, within three hundred (300) feet of the property, and also mailed to all persons, subdivision associations, and lake associations registered with the Township to receive such notices.
- d. If the Mundy Township Board determines to consider the appeal based upon the minutes of the person or body being reviewed, the applicant and other interested parties, as allowed by the Mundy Township Board, shall be entitled to be heard by way of argument and citation of authorities prior to the Board's determination.
- e. The Mundy Township Board, based upon its appellate review, may reverse, affirm, or modify the determination and/or permit issued.

SECTION 4.39

ACCESS MANAGEMENT STANDARDS

Vehicular access and ingress from all zoning lots, except residential developments involving five (5) or less dwelling units, shall adhere to the following standards and requirements.

1. General Performance Standards

It shall be unlawful to construct or use any direct access driveway which does not meet the following criteria:

- a. Any driveway design must allow an entering vehicle turning speed of 15 mph to help reduce interference with through street traffic.

- b. Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period as determined by a competent traffic survey.
- c. There must be sufficient on-site storage to accommodate at least three queued vehicles waiting to enter or exit without using any portion of the street right-of-way or in any other way interfering with street traffic.
- d. Provisions for circulation between adjacent parcels should be provided through coordinated or joint parking systems, or other methods as specified in the Township Master Plan.
- e. Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.
- f. Driveway placement should be such that loading and unloading activities will in no way hinder vehicle ingress or egress.
- g. Direct-access driveway placement must be such that an exiting vehicle has an unobstructed sight distance according to the following schedule:

**Roadway Design Speed
Sight Distance (Feet)**

35 mph	225
40 mph	275
45 mph	325
50 mph and above	350

- h. Driveway design must be such that an entering vehicle will not encroach upon the exit lane of a two-way driveway. Also, a right-turning exiting vehicle will be able to use only the first through traffic lane available without encroaching into the adjacent through lane.

2. Standards for Acceleration, Deceleration, and Passing Lanes

Acceleration, deceleration, and passing lanes shall be provided as follows:

- a. Driveways and/or streets providing ingress and egress to all two-lane, paved major or secondary thoroughfares shall be provided with paved acceleration and deceleration lanes and passing lanes. The requirement for the installation of a passing lane may be waived by the Planning Commission provided such waiver is obtained by the applicant from the Genesee County Road Commission or Michigan Department of Transportation by the time the application for site plan approval has been submitted.
- b. Driveways and/or streets providing ingress and egress to all three-lane, paved major or secondary thoroughfares shall be provided with paved acceleration and deceleration lanes.
- c. Driveways and/or streets providing ingress and egress to roads of four (4) or more lanes shall be provided with paved tapers or turning lanes for traffic safety as required by the Genesee County Road Commission or the Michigan Department of Transportation.
- d. Required lanes or tapers shall be indicated schematically on the site plan and shall be constructed in accordance with the standards for such facilities as established by the governing public agency.

3. Driveway Spacing

Unsignalized access spacing shall be determined as a function of the arterial roadway operating speeds. Spacing for adjacent access shall be determined according to the following schedule:

SECTION 4.40**TRAFFIC IMPACT STUDY REQUIREMENTS****A. Intent**

Mundy Township recognizes the direct correlation between land use decisions and traffic operations. The intent of this Article is to permit accurate evaluation of expected impacts of proposed projects to assist in decision-making. This Section is further intended to help achieve the following objectives:

1. Provide a standard set of analytic tools and format for preparing Traffic Impact Studies.
2. Allow the Township to assess the effects that a proposed project may have on the community by outlining information needed and evaluation procedures to be used.
3. Help ensure safe and reasonable traffic operating conditions on streets and intersections after development of the proposed use.
4. Reduce the negative traffic impacts created by individual developments, and which may negatively impact such developments by helping to ensure the transportation system can accommodate the expected traffic safely and efficiently.
5. For rezonings, the Traffic Impact Study is intended to evaluate if the rezoning is timely or, if inconsistent with the Master Plan, if the rezoning would be a logical alternative to the Master Plan.
6. Realize a comprehensive approach to the overall impacts of various developments along a corridor or within a part of a community rather than a piecemeal approach.
7. Provide direction to community decision-makers, road agencies, and developers of expected impacts of a project.

8. Alert the community, transportation agencies, and developers of improvements or modifications needed to the roadway, access, or site design.
9. Protect the substantial public investment in the existing street system.

B. Definitions

Traffic Impact Study: The analysis of the effect of site-traffic generated by a development on intersection Level of Service and the safety and operation of the public street and highway system. There are four types of traffic impact studies:

1. Traffic Impact Rezoning Study - A traffic study which typically contrasts the traffic impact associated with uses permitted under current zoning with uses permitted under the zoning district requested.
2. Traffic Impact Assessment - A traffic impact study for relatively low traffic generating uses which focuses on the impacts at proposed site access points.
3. Traffic Impact Statement - A traffic impact study which evaluates the impacts on roadways adjacent to the study site and specified nearby intersections.
4. Regional Traffic Analysis - A traffic impact study for very high traffic-generating uses. This type of study typically covers a large geographic area and may include traffic condition projections for up to a twenty (20) year period.

C. Applicability

Except as provided below under Waiver of Study Requirements, a Traffic Impact Study shall be required and shall be submitted by a petitioner for a rezoning, site plan, or

subdivision plan under any of the following situations. The type of study required shall be dependent upon the type and scale of the proposed use and existing traffic patterns.

1. A "Rezoning Traffic Impact Study" for the following Rezoning and Master Plan Amendment requests:

- a. A proposed rezoning consistent with the community's long range land use plan, but when the timing of the change may not be appropriate due to traffic issues. This threshold applies when a rezoning would permit uses that could generate 100 or more directional trips during the peak hour, or at least 1,000 more trips per day, than the majority of the uses that could be developed under current zoning.
- b. A proposed rezoning which is inconsistent with the community master plan when permitted uses could generate at least 100 directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets or over 750 trips in an average day.
- c. Proposed amendments to the Master Plan which would recommend uses which would generate higher traffic volumes.

2. Development Proposals (Site Plans, Plats, Mobile Home Parks, and Condominium Projects):

- a. A Traffic Impact Statement shall be required for any proposed development which would be expected to generate over 100 directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over 750 trips in an average day.

b. A Traffic Impact Assessment shall be required for projects which could generate 50-99 directional trips during a peak hour.

c. A Traffic Impact Statement or Assessment, based on the thresholds in a. and b. above, shall be required for new phases or changes to a development where a traffic study is more than two (2) years old and roadway conditions have changed significantly (volumes increasing more than two (2) percent annually).

d. A Traffic Impact Assessment shall be required for a change or expansion at an existing site where the increased land use intensity is expected to increase traffic by at least 50 directional trips in a peak hour or result in at least 750 vehicle trips per day for the entire project. A Traffic Impact Statement shall be required if the traffic is expected to increase by over 100 directional trips in the peak-hour.

D. Traffic Impact Study Contents

- 1. Description of the site, surroundings, and study area: Illustrations and a narrative should describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.). This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features, and a description of any committed roadway improvements. The Study should define and justify the Study area selected for analysis.

2. Description of the requested zoning or use
 - a. Traffic Impact Study for a rezoning or Master Plan amendment request: a description of the potential uses which would be allowed, compared to those allowed under current zoning. If the use is not consistent with the Master Plan, an explanation of the difference should be provided.
 - b. Traffic Impact Study for a site plan review, mobile home park, condominium project or subdivision tentative preliminary plat: a description of factors such as the number and types of dwellings units, the gross and usable floor area, the number of employees and shift change factors. Intended phasing or future expansion should also be noted.
 3. Description of Existing Traffic Conditions
 - a. Traffic counts: existing conditions including existing peak-hour traffic volumes (and daily volumes if applicable) on street(s) adjacent to the site. Existing counts and levels of service for intersections in the vicinity which are expected to be impacted should be provided for projects requiring a Traffic Impact Statement or Regional Traffic Analysis. Traffic count data shall not be over two (2) years old, except the Township may permit 24-hour counts up to three (3) years old to be increased by a factor supported by documentation or a finding that traffic has increased at a rate less than two (2) percent annually in the past three (3) to five (5) years.
 - b. Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include lane configurations, geometrics, signal timing, traffic control devices, posted speed limits, average running speeds and any sight distance limitations. Exiting levels of service shall be calculated for intersections included within the study area.
 - c. Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described.
 - d. The existing right-of-way shall be identified along with any planned or desired expansion of the right-of-way identified by the Township or State or County agency having jurisdiction.
 - e. Traffic crash data and analysis covering the most recent three (3) years for the study area or proximity to site access points may be required by the Township.
- Traffic counts shall be taken on a Tuesday, Wednesday, or Thursday of non-holiday weeks. Additional counts (i.e., on a Saturday for a proposed commercial development) may also be required in some cases. The individual or firm performing the Impact Study shall obtain the traffic counts during average or higher than average volume conditions (i.e., regarding weather or seasonal variations and in consideration of any construction or special events) for the area under study.

4. Background Traffic Growth

- a. Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan.
- b. For rezoning requests where a traffic study is required, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the Building Official (Official). For Traffic Impact Assessments, Statements, or Regional Traffic Analyses, the rates for the specific uses(s) proposed shall be used.
- c. Any trip reduction for pass-by trips, transit, ridesharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the agency reviewers. The Township may elect to reduce the trip reduction rates used.
- d. For projects intended to be developed in phases, the trip generation by phase shall be described.

5. Trip Distribution

The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site access points, and nearby intersections where required. Projected turning movements shall be illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be attached (trip distribution model, market studies, counts at existing driveways, etc.). For project requiring a Regional Traffic Analysis, use of network traffic assignment model projection (if available) may be required to help evaluate impacts.

6. Impact Analysis

- a. Level of service "capacity" analysis at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. For projects requiring a Traffic Impact Statement or Regional Traffic Analysis, before and after capacity analyses shall also be performed for all street intersections where the expected traffic generated at the site will comprise at least five (5) percent of the existing intersection capacity, and/or roadway sections and intersections experiencing congestion or a relatively high crash rate, as determined by the community or applicable road agency.
- b. Gap studies for unsignalized intersection, where applicable.

- c. The Township may require a Regional Traffic Analysis which evaluates the impact on the street network over a wide area and/or for up to 20 years for a project of regional significance, if a network model is available.
7. Access Design/Access Management Standards

The report shall include a map and description of the location and design of proposed access (driveways or new street intersections) including: any sight distance limitations, dimensions from adjacent driveways and intersections within 250 feet on either side of the main roadway, data to demonstrate that the number of driveways proposed is the fewest necessary, support that the access points will provide safe and efficient traffic operation and be in accordance with the standards of Mundy Township.
8. Other Study Items

The Traffic Impact Study shall include:

 - a. Need for, or provision of, any additional right-of-way where planned or desired by the applicable road agency.
 - b. Changes which should be considered to the plat or site plan layout.
 - c. Description of any needed non-motorized vehicles.
 - d. If the use involves a drive-through facility, the adequacy of the queuing stacking area should be evaluated.
 - e. If a median crossover is desired, separate analysis should be provided.
- f. If a traffic signal is being requested, the relationship of anticipated traffic to traffic signal warrants in the Michigan Manual of Uniform Traffic Control Devices. Analysis should also be provided on the impacts to traffic progression along the roadway through coordinated timing, etc.
 - g. Description of site circulation and available sight distances at site driveways.
9. Mitigation/Alternatives

The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques or a reduction in the proposed intensity of use. The responsibility and timing of roadway improvements shall be described. Nothing in this Section shall relieve the petitioner from complying with Section 4.39 of this Ordinance.
10. Qualifications

Preparer. The preparation of a thorough traffic impact study requires extensive background and experience in traffic-related analysis. Therefore, the experience of the preparer best defines his or her ability to provide a technically sound analysis. Recommended preparer requirements are outlined below.

 - a. The person responsible for the preparation of the study shall meet the following requirements:

- | | |
|---|--|
| <p>(1) Three (3) or more years of recent experience in the preparation of similar studies.</p> <p>(2) The development of similar studies (and similar intersection and/or corridor analyses) comprise a major component of the preparer's recent professional experience. This requires ongoing experience and familiarity with the <u>Highway Capacity Manual</u> techniques, as well as the computer software (Highway Capacity software and others) that provide level of service results and other analysis findings needed to fully assess potential impacts.</p> <p>(3) Specific education, training, and/or professional coursework in traffic impact analysis from an accredited college or university or other professional transportation training organization (i.e., National Highway Institute, Northwestern University Traffic Institute, etc.).</p> <p>(4) The study preparer shall be an associate (or higher) member of one or more professional transportation-related organizations, particularly the Institute of Transportation Engineers (ITE) or the</p> | <p>Transportation Research Board (TRB). This helps ensure that the preparer is maintaining their knowledge as new research is published and analysis techniques are changed or refined.</p> <p>b. The preparer should have one of the following qualifications:</p> <p>(1) A registered engineer (PE).</p> <p>(2) A Community Planner with AICP or PCP certification.</p> <p>c. Any study involving roadway or traffic signal design work shall be prepared by or under the supervision of a registered engineer (PE) with specific training in traffic engineering.</p> <p>d. The study should include a resume of the preparer responsible for the report. The study may also include relevant experience of the preparer's firm. The study should also be signed by the preparer with full recognition of potential liability for the results and recommendations outlined in the report.</p> |
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- E. Waiver of Study Requirements
- The requirement for a Traffic Impact Study, or the study elements listed in Section 4.40.D "Traffic Impact Study Contents" may be waived/modified following consultation with a representative of the applicable governing agency. Reasons for the waiver or modification shall be documented. Factors to be considered include:

1. Roadway improvements are scheduled which are expected to mitigate any impacts associated with the proposed project.
2. The existing level of service along the roadway is not expected to drop below a C level of service due to the proposed project.
3. The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at this location.
4. A similar traffic study was previously prepared for the site and is still considered applicable.

provided, and that such approval shall be null and void should such certification not be filed with the Township Building Official within said four (4) month period.

SECTION 4.42

ONE-FAMILY DWELLING DESIGN STANDARDS

A building containing not more than one dwelling unit designed for residential use, shall comply with the following standards:

- A. The home shall have a minimum square footage of one thousand (1,000) feet.
- B. That the family dwelling shall have a minimum width across any front, side, or rear elevation of twenty-four (24) feet and comply in all respects with the Township Building Code. This shall include minimum heights for habitable rooms, and where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Township Building Code, then and in that event such federal or state standard or regulation shall apply.
- C. That the structure shall be firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such material and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, modular home, or pre-constructed home, then such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
- D. In the event that a dwelling is a mobile home, modular home, pre-fabricated, or pre-constructed home as defined herein, each home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.

SECTION 4.41

PUBLIC WATER AND SEWERS EXCEPTIONS

Public water and sanitary sewer service shall be provided to all uses within the RM-1, RM-2, M-3, C-1, C-2, C-3, C-4, C-5, PRC, M-L, M-M, M-H, and C-3A Districts, unless specifically excepted from this requirement upon application to and approval by the Zoning Board of Appeals under the procedures provided for a variance under Article XXX of this Ordinance. The Zoning Board of Appeals shall not approve an exception to this Section unless it specifically finds that:

- A. Public water service is not available within one thousand (1,000) feet of the proposed site and the Genesee County Health Department certifies that adequate and safe water is available on the subject site; and,
- B. Public sewer service is not available within one thousand (1,000) feet of the proposed site and the Genesee County Health Department certifies that adequate and safe disposal of all sanitary sewage that can be anticipated from the proposed use can be carried out on the subject site.

The Zoning Board of Appeals may approve the exception contingent upon a certification by the County Health Department, within four (4) months from the approval date, that adequate and safe water and sewer services can be

- E. The dwelling must be connected to a public sewer and water supply or to such a private facilities approved by the local health department.
 - F. The dwelling shall have an attached structure of similar quality or better quality workmanship as the original structure, designed for the parking and storage of automobiles. Said structure shall have a minimum square footage of four hundred eighty (480) square feet. When attached to a mobile home, modular home, pre-fabricated home or pre-constructed home, said structure shall comply with all requirements of the Michigan Building Code relative to grade separation and fire restrictive requirements.
 - G. That the dwelling must be aesthetically compatible in design and appearance with other residences in the vicinity. At a minimum, design features shall include: a roof having a 4:12 pitch and a roof overhang of not less than six (6) inches on all sides; window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; not have less than two exterior doors with the second one being in either the rear or side of the dwelling; and, steps connected to said exterior door areas or porches connected to said door areas where a difference in elevation requires same.
- The compatibility of design and appearance shall be determined in the first instance by the Township Building Official upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Building Official's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling", as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- H. The dwelling shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
 - I. The dwelling shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
 - J. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the Township pertaining to such parks.
 - K. All construction required herein shall be commenced only after a building permit has been obtained in accordance with applicable Township building code provisions and requirements.

SECTION 4.43

HOME OCCUPATIONS

Home occupations shall be subject to the following standards:

- A. No article or service shall be sold or offered for sale on the premises, except as such is produced on the premises by such occupation. The use of a single-family residence by an occupant of that residence for a home occupation to give instruction in a craft or fine art within the residence shall be permitted.

- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purpose by its occupants, and not more than twenty-five (25) percent of the dwelling unit, (not counting areas of unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches or decks) shall be used for purposes of the home occupation.
- C. There shall be no change in the outside appearance of the structure or premise, or other visible evidence of the conduct of such home occupation.
- D. The outdoor storage of goods and materials shall be prohibited. No interior display shall be visible from the exterior of a dwelling unit used for purposes of home occupation.
- E. No more than one (1) home occupation per dwelling unit shall be permitted.
- F. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
- G. The list of home occupations specifically excludes these uses: animal hospitals, commercial kennels, funeral parlors and undertaking establishments, antique shops, restaurants, rooming houses, tearooms, and automotive repair. Nothing in this Ordinance shall prohibit the use of a single-family residence by an occupant of that residence for a home occupation to give instruction in a craft or fine art within the residence.

SECTION 4.44

EXTERIOR BUILDING MATERIALS

- A. Except as may otherwise be permitted by State PA 230 of 1972, as amended, the exterior building walls of a nonresidential building and any related accessory building shall consist of the exterior building wall materials and/or combinations of materials expressly permitted in this section that are like or similar to the

exterior walls of a majority of nonresidential buildings in the surrounding area, except that no exterior building wall shall consist of any materials that are expressly prohibited in this section.

- B. The exterior building walls of a nonresidential building shall consist of the following materials or combinations thereof:
 - 1. Face brick.
 - 2. Glazed kiln-baked clay or shale ceramic masonry units, or cut stone or field stone, when these materials are used only in limited proportions as accent materials.
 - 3. Split-face and half-block concrete masonry units (CMU), which shall be treated (impregnated, not painted) with earth tone or natural colors.
 - 4. Precast concrete in a form and pattern which may consist of its natural color or which may be treated (impregnated, not painted) with earth tone colors.
 - 5. Finished cementitious materials, including finished systems and stucco, which shall be treated (impregnated, not painted) with earth tone colors.
 - 6. Metal materials, including standing, seamed, or ribbed panels and stainless steel shall be utilized in not more than thirty (30) percent of the building or as architectural features.
- C. Materials other than those specifically outlined in Section 4.44, B above shall be prohibited. Materials specifically prohibited include:
 - 1. CMU such as plain, patterned, and/or fluted block.
 - 2. Tarred paper, tin, corrugated iron, porcelain clad and steel flat sheets.
 - 3. Pressed or laminated wood products.

- D. After review and approval by the Building Official, other materials not specifically prohibited may be substituted in place of, or in combination with, the materials set forth in Section 4.44, B above. The Building Official may approve alternative materials only when it determines that such materials will:
1. Be in direct harmony with the intent and purpose of this section and will stand to further promote the uniform and qualitative visual environment of the Township.
 2. Meet all applicable requirements of the Michigan Building Code.
 3. Meets the requirements of the Stille-DeRossett-Hale Single State Construction Code Act (PA 230 of 1972, as amended).

ARTICLE V

ZONING DISTRICTS AND MAP

SECTION 5.01

ESTABLISHMENT OF DISTRICTS

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names.

RA: Residential Agricultural District
 RSA: Residential Suburban Agricultural District
 RM-1: Residential Urban District
 RM-2: Residential Urban (Multiple Family) District
 M-3: Mobile Home Park District
 C-1: Local Commercial District
 C-2: Commercial General District
 C-3: Regional Retail District
 C-4: Metropolitan Commercial District
 C-5: Highway Services District
 PRC: Planned Regional Center District
 M-L: Manufacturing District, Light
 M-M: Manufacturing District, Medium
 M-H: Manufacturing District, Heavy
 C-3A: Hill Road Development Corridor Overlay District

SECTION 5.02

ZONING DISTRICT MAP

The boundaries of the respective districts enumerated in Section 5.01 are defined and established as depicted on the Official Zoning Map entitled MUNDY TOWNSHIP ZONING MAP which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.

SECTION 5.03

INTERPRETATION OF DISTRICT BOUNDARIES

Where, due to the scale, lack of details, or illegibility of the Official Zoning Map or lack of definitive written records including ordinances, minutes, or surveys, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, by the Zoning Board of

Appeals. The Zoning Board of Appeals, in arriving at a decision on such matters, shall apply the following standards:

- A. Boundaries indicated as approximately following the centerline street or highway shall be construed to follow the centerline of said street or highway.
- B. Boundaries indicated as approximately following a recorded lot or parcel line shall be construed as following such line.
- C. Boundaries indicated as approximately following a Township boundary line shall be construed as following such Township boundary line.
- D. Boundaries indicated as approximately following a railroad right-of-way shall be construed to be midway between the main tracks.
- E. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads.
- F. Boundaries indicated as approximately parallel to or extensions of features indicated in subsections A. through E., above, shall be so construed. Distances not specifically indicated on the Official Zoning Map or written records shall be determined by the scale of the map.
- G. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Board of Appeals, after recommendation from the Planning Commission.

SECTION 5.04**ZONING OF VACATED AREAS**

Whenever any street, alley or other public way within the Township shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands shall automatically acquire and be subject to the same zoning regulations as are applicable to lands to which the same shall attach, and shall be used for those uses as permitted under this Ordinance for such adjoining lands.

SECTION 5.05**ZONING OF FILLED/POORLY DRAINED LANDS**

Whenever any fill is placed in any lake or stream, the land so created shall automatically acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent, and the same be used for those purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

SECTION 5.06**CONFLICTING REGULATIONS**

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

SECTION 5.07**CATEGORIES WITHIN ZONING DISTRICTS**

In order to ensure all possible benefits and protection for the zoning districts in this Ordinance, the land uses have been classified into two (2) categories:

- A. Uses Permitted (By Right): The primary uses and structures specified for which the zoning district has been established. Uses permitted by right may or may not be subject to the site plan review requirements of Article XXVIII.

- B. Uses Permitted By Special Land Use Permit: Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing and review by the Planning Commission. (Refer to Article XXVII.)

SECTION 5.08**SCHEDULE OF REGULATIONS**

The requirements in the table entitled "Schedule of Regulations" contained in Article XXIII shall apply to all lands, uses, buildings, and structures within each zoning district, except as otherwise established in this Ordinance. Owners of nonconforming lots of record should refer to Section 4.09 as well. Variances may be granted by the Zoning Board of Appeals only upon a showing of practical difficulty related to a unique characteristic of the land and not to self-created hardships of the owner. (See Article XXX)

ARTICLE VI

RESIDENTIAL AGRICULTURAL DISTRICT (RA)

SECTION 6.01

INTENT

- A. It is the intent of the Township to promote the conservation of agriculturally suited lands for agricultural purposes and to protect existing farms from the costs associated with urban developments. The RA District is established to include those lands which have been identified as consisting of Prime Agriculture Soils and located in areas which will not be served with public water and sanitary sewer services in the foreseeable future.
- B. It is also the intent of this Township to protect its residents from the costs of premature and uneconomic extension of public water and sewer services, while there are vacant and available areas to which such services are already available, or are readily extendable. The uses permitted within the RA District are intended to provide opportunities for present and future residents of this Township to enjoy low density residential areas in a rural environment.

SECTION 6.02

PRINCIPAL LAND USES

In the Residential Agricultural District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- A. Farms.
- B. One-family Dwellings.
- C. State licensed residential facility providing adult foster care service for six (6) or less people within the meaning of and in accordance with the provisions of 1979 PA 218 or 1973 PA 116 as may be amended.
- D. Family day care home.

- E. The noncommercial housing or raising of not more than four (4) horses, cattle, or similar sized animals; or not more than eight (8) sheep, goats, swine, or other similar sized animals; or not more than fifty (50) chickens, ducks, geese, or similar sized fowl, or the proportional equivalent of a mix of such animals on farm parcels of ten (10) acres or more. Additional animals may be kept, provided one (1) additional acre of land is provided for each additional unit of animal so kept, above those stipulated.
- F. Accessory buildings and uses, customarily incidental to any of the above permitted uses including one (1) temporary building (roadside stand) for the sale of nursery stock or other agricultural products raised on the premises having a land area of ten (10) acres or more.

SECTION 6.03

SPECIAL LAND USES

The following Special Land Uses shall be permitted subject to the review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 504 of the Michigan Zoning Enabling Act, as amended, Article XXVII, Review and Approval of Special Land Uses, and Article XXVIII, Site Plan Review procedures of this Zoning Ordinance.

- A. Public parks.
- B. Child day care centers/nursery schools.
- C. Group day care home.
- D. Churches.
- E. Medical and dental clinics for not more than two (2) doctors.
- F. Structures for essential services.
- G. Nurseries for the growing and sale of plants and landscaping material.
- H. Cemeteries.
- I. Wireless communication facilities.

- J. Airports.
- K. The breeding, feeding, and/or rental of animals on a commercial basis, or the non-commercial raising or housing of farm animals in excess of the numbers and types permitted above in this Ordinance.
- L. Kennels, veterinary offices, and animal hospitals.
- M. Municipal buildings and uses.
- N. Schools.
- O. Stables.
- P. Adult foster care large or small group homes.
- Q. Composting facilities.
- R. Any other use determined by the Zoning Board of Appeals to be of the same effect and characteristics as any of the specified uses permitted in this Section, which other use shall be subject to the same conditions as are required of the specified use to which such other use is determined to be similar, provided however, that such other use shall not be found to be of the same effect and characteristics as a use specified for another zoning district, or is specified as a use in any other zoning district.

SECTION 6.04

AREA AND BULK REQUIREMENTS

See Article XXIII, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE VII

RESIDENTIAL SUBURBAN AGRICULTURAL DISTRICT (RSA)

SECTION 7.01

INTENT

It is the intent of the Township to encourage the continuation of Agricultural uses, as identified, within this district, and to permit non-farm related residential development and the other uses enumerated herein, where lands which may have limited access to public water and sewer services and have been identified as non-prime agricultural lands. It is also the intent of the Township to permit residential development only at densities commensurate with the ability of the land to permit the proper operation of individual sanitary sewer systems and to provide an adequate supply of potable water which may, in lower density developments, be from private wells. All development, excluding existing farms will be encouraged subject to their ability to carry out the requirements of this Ordinance, and to a finding that such development will not require public costs in excess of those experienced by other similar developments within other zoning districts within the Township.

SECTION 7.02

PRINCIPAL LAND USES

In the Residential Suburban Agricultural District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- A. All Principal Land Uses permitted in a RA District, as identified in Section 6.02.

SECTION 7.03

SPECIAL LAND USES

The following Special Land Uses shall be permitted subject to the review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 504 of the Michigan Zoning Enabling Act, as amended, Article XXVII, Review and Approval of Special Land Uses, and Article XXVIII, Site Plan Review procedures of this Zoning Ordinance.

- A. Any use identified and as regulated in Section 6.03 of this Ordinance.
- B. Any other use determined by the Zoning Board of Appeals to be of the same effect and characteristics as any of the specified uses permitted in this Section, which other use shall be subject to the same conditions as are required of the specified use to which such other use is determined to be similar, provided however, that such other use shall not be found to be of the same effect and characteristics as a use specified for another zoning district, or is specified as a use in any other zoning district.

SECTION 7.04

AREA AND BULK REQUIREMENTS

See Article XXIII, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE VIII

RESIDENTIAL URBAN DISTRICT (RM-1)

SECTION 8.01

INTENT

It is the intent of the Township to encourage RM-1 District development in areas which are served by public sewer and water systems. The RM-1 District is established as areas where Single Family Detached Dwellings will be encouraged and afforded the highest degree of consideration, with all other Supplemental Land Uses being permitted under conditions where there will be minimal adverse effect upon such single family areas.

SECTION 8.02

PRINCIPAL LAND USES

In the Residential Urban District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- A. All Principal Land Uses permitted in a RSA District, as identified in Section 7.02.
- B. Cluster Developments in accordance with Section 23.04.

SECTION 8.03

SPECIAL LAND USES

The following Special Land Uses shall be permitted subject to the review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 504 of the Michigan Zoning Enabling Act, as amended, Article XXVII, Review and Approval of Special Land Uses, and Article XXVIII, Site Plan Review procedures of this Zoning Ordinance.

- A. Any use identified in Section 7.03 of this Ordinance, with the exception of kennels, veterinary offices, and animal hospitals.
- B. Two-family (duplex) residential developments.
- C. Triplex and fourplex residential developments.

- D. Townhouses.

- E. Any other use determined by the Zoning Board of Appeals to be of the same effect and characteristics as any of the specified uses permitted in this Section, which other use shall be subject to the same conditions as are required of the specified use to which such other use is determined to be similar, provided however, that such other use shall not be found to be of the same effect and characteristics as a use specified for another zoning district, or is specified as a use in any other zoning district.

SECTION 8.04

AREA AND BULK REQUIREMENTS

See Article XXIII, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE IX

RESIDENTIAL URBAN (MULTIPLE-FAMILY) DISTRICT (RM-2)

SECTION 9.01

INTENT

- A. It is the intent of the Township to encourage RM-2 District development only in areas served by public water and sewer systems. It is the objective of the Township to afford the greatest diversity in choices of housing types in this district. This diversity is intended to permit housing opportunities for all of the people of the Township, regardless of economic circumstances.
- B. While requiring the location of RM-2 District development to occur in areas with public water and sewer services, this type of development will also be encouraged to locate where energy costs for transportation can be economical and other amenities of urban living can be maximized. Every effort possible will be exerted to prevent the undue concentration of one type of housing in any single area.

SECTION 9.02

PRINCIPAL LAND USES

In the Residential Urban (Multiple-Family) District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- A. All Principal Land Uses permitted in a RM-1 District, as identified in Section 8.02.
- B. Multiple-family residential structures, including stacked ranches.

SECTION 9.03

SPECIAL LAND USES

The following Special Land Uses shall be permitted subject to the review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 504 of the Michigan Zoning Enabling Act, as amended, Article XXVII, Review and Approval of Special Land Uses, and Article XXVIII, Site Plan Review procedures of this Zoning Ordinance.

- A. Any use identified in Section 8.03 of this Ordinance.
- B. Municipal buildings and uses.
- C. Any other use determined by the Zoning Board of Appeals to be of the same effect and characteristics as any of the specified uses permitted in this Section, including any conditions as are required of the specified use to which such other use is determined to be similar. Such other use shall not be specifically allowed by this zoning ordinance in any zoning district.

SECTION 9.04

AREA AND BULK REQUIREMENTS

See Article XXIII, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE X

MOBILE HOME PARK DISTRICT (M-3)

shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured home community.

SECTION 10.01

PURPOSE

The Mobile Home Park District is intended to encourage the appropriate location and suitable development of mobile home parks. In keeping with the occupancy characteristics of contemporary mobile homes, this Article establishes density standards and permitted uses that reflect the basic needs of potential residents. The following regulations shall apply to Mobile Home Park Districts:

SECTION 10.02

USES

In the Mobile Home Park District no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses:

- A. Mobile home park developments subject to all minimum requirements and standards as established in the Mobile Home Commission Act, Act 96 of 1987 as amended, and all rules promulgated pursuant to Act 96, as may be amended, unless otherwise provided herein.
- B. Clubhouse, swimming pool, and recreation facilities for the use of park residents and guests.
- C. Adult foster care family homes or family day care homes.
- D. Accessory uses and structures, such as managers offices, laundry facilities, severe weather shelters, tool or storage sheds, and other services for the residents of the park, shall be permitted. Parking for such services shall be provided, as required by Rule 926, Manufactured Housing Commission Rules, as amended. The park manager may display mobile homes and accessories for on-site sale, provided the accessories are contained within a mobile home or an approved permanent structure. A manufactured home shall only be used as a single-family dwelling. This provision

SECTION 10.03

PRELIMINARY PLAN REVIEW

All mobile home parks shall be subject to the preliminary plan review procedures below; all other uses shall be subject to the site plan review procedures of Article XXVIII.

- A. Application: Prior to the establishment of a new mobile home park, change of an existing use to a mobile home park, or addition to an existing mobile home park, subject to the conditions listed below, a preliminary plan shall be provided for review by the Planning Commission in accordance with the requirements of this Section.
 1. Every preliminary plan submitted to the Township Clerk for review by the Planning Commission shall be a complete application and in accordance with the requirements of this Ordinance. Eighteen (18) copies of the preliminary plan shall be submitted with the application.
- B. Data Required: Site plans for mobile home park developments in the M-3 District shall contain the following information:
 1. The date, north arrow and scale. The scale shall be not less than at least one (1) inch equals one hundred (100) feet.
 2. All homesites and/or exterior property lines are to be shown and dimensioned.
 3. The location and height of all existing and township approved proposed structures on and within one hundred (100) feet of the subject property.
 4. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, and recreation areas, if provided.

5. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys and internal access roads.
 6. The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firm(s) responsible for the preparation of the site plan.
 7. The name and address of the property owner or petitioner.
 8. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
 9. Size and location of existing utility service sites including proposed connections to public sewer or water supply systems. When interconnection to a public sewer or water system will occur, information on system capacity shall also be provided. It is the intent of this section to obtain information which adequately conveys information on the location, layout, and general design of sewer and water systems. Detailed construction plans shall not be required.
 10. Location of all fire hydrants.
 11. The number of mobile home sites proposed and a phasing plan if the sites are proposed to be built in stages.
 12. The location, layout and general design of all surface drainage facilities which must meet the requirements and standards of Rules 325.3341 – 325.3349 of the Michigan Department of Environmental Quality, Division of Water and Radiological Protection or similar current regulations. Detailed construction plans shall not be required.
 13. Utility and other easements.
 14. Public information available concerning clusters of trees existing on site.
 15. Existing wetlands.
 16. Public information available concerning floodplains, drainage courses, lakes, ponds, drains, rivers, and streams, including their water surface elevation, floodplain elevation, and normal high water elevation.
 17. List of soils on the site utilizing the Soil Conservation Service's most recent "Soil Survey of Genesee County."
 18. All required setbacks in Sections 10.04 and 10.05, below.
 19. Information on other mobile home parks within ten miles including:
 - a. Occupancy rates.
 - b. Planned future development.
 - c. Facilities.
 - d. Services.
- C. A copy of the final construction plan shall be submitted to the Township upon approval by the Department of Consumer and Industry Services.
- D. Review Process:
1. The municipality shall grant preliminary approval if the proposed mobile home park conforms to applicable laws and local ordinances not in conflict with this act and laws and ordinances relative to:
 - a. Land use and zoning.
 - b. Municipal water supply, sewage service, and drainage.
 - c. Compliance with local fire ordinances and State fire laws.
 2. The County Drain Commissioner shall review and may approve outlet drainage. The County Road Commission shall review and may approve ingress and egress roads. The

County Road Commission and the County Drain Commissioner shall not have authority as to interior streets and drainage in the mobile home park, unless the streets or drains are dedicated to the public.

3. The local health department may grant preliminary approval, under the guidance of the department of public health, for water and sewage service and general site suitability.
4. If a reviewing agency as provided in this section has not returned the preliminary plan to the developer, either approved, modified, or disapproved within 90 days after it receives the preliminary plan, the preliminary plan shall be considered approved.
5. Coordination of approvals by state and local governments shall be provided by the director of public health before it may grant construction approval.
6. The developer shall submit the preliminary approval with the final plans to the department of public health for review before the department of commerce may issue a construction permit.

E. Fees Required: Fees for the review of site plans shall be established by resolution of the Township Board.

SECTION 10.04

AREA, HEIGHT AND PLACEMENT REGULATIONS

Mobile home parks shall comply with the following area, height and placement regulations as specified below. All other uses shall comply with the standards established for the RM-1, Residential Urban District in Article XXIII.

A. Lot Size: The manufactured home development shall be developed with sites averaging 5,500 square feet per manufactured home unit, but no lot shall be less than 5,000 square feet.

B. Floor Space: There shall be not less than seven hundred twenty (720) square feet of floor area as measured by its outside dimensions. The floor area of any porch, sun deck, or other structure shall not be used to meet the seven hundred twenty (720) square foot requirement.

C. Internal Yard Setbacks: The placement of mobile homes within a mobile home park shall observe the following setback requirements:

1. Twenty (20) feet from any part of an attached or detached structure of an adjacent mobile home which is used for living purposes for a home not sited parallel to an internal road.
2. Ten (10) feet from an on-site parking space of an adjacent mobile home site.
3. An attached or detached structure or accessories that are not used for living purposes shall be a minimum distance of ten (10) feet from an adjacent home or its adjacent attached or detached structures, not less than five (5) feet from a mobile home site property line, shall be located in the rear yard, and shall be in compliance with Section 4.04 of this Ordinance.
4. Fifty (50) feet from a permanent building, such as a clubhouse or maintenance building.
5. Twenty (20) feet from the edge of an internal road.
6. Seven (7) feet from a parking bay.
7. Seven (7) feet from a common pedestrian walkway.
8. Fifteen (15) feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.

- D. **Maximum Heights:** The maximum height of any clubhouse building or severe weather shelter shall not exceed thirty-five (35) feet, or two (2) stories in height, except that structure containing a gymnasium, auditorium or similar use area may reach a height of not more than fifty (50) feet. Storage or service buildings shall not exceed fifteen (15) feet, or one (1) story in height.

SECTION 10.05

DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS

Mobile home parks shall meet the following development standards.

- A. **Park Setbacks:** No mobile home or developed recreational space within a proposed open space area within a mobile home park shall be located closer than fifty (50) feet to any public road right-of-way or located closer than fifty (50) feet to a development boundary line which abuts non-residentially zoned property. A mobile home located within a mobile home park may be located not nearer than ten (10) feet to a development boundary line which abuts residentially zoned land. Site-constructed buildings within a mobile home park such as a community building or laundry shall not be located closer than 25 feet from a development boundary line abutting residentially zoned property.
- B. **Access to Public Roads:** All access to the park shall be from public thoroughfares. Two (2) access points shall be provided to the public thoroughfare to allow a secondary access for emergency vehicles. Such secondary access may be secured by an emergency crash gate provided, it can be demonstrated to the satisfaction of the Planning Commission through use of expert witness testimony and analysis, that such restricted access will not negatively affect traffic flow within the mobile home park or on adjoining roadways. A boulevard entrance extending to the first intersection of interior park roads shall be interpreted as satisfying this requirement provided one (1) entrance lane

having a minimum width of fourteen (14) feet to facilitate the easy delivery of manufactured homes, and two (2) exit lanes (one (1) each for left and right movements) having a lane width of twelve (12) feet each are provided. Ingress/egress to or from mobile home parks shall not be provided through a subdivision, site condominium, or multiple-family development.

- C. **Paving:** All internal roads and parking facilities shall be provided with a paved of concrete or bituminous asphalt surface in compliance with the standards of the AASHTO Specifications referenced in Rule 922 of the Manufactured Housing Commission Rules. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to prevent the drainage of water onto adjacent property or toward buildings. No portion of any off-street parking area may be allowed to encroach into sidewalk areas.
- D. **Parking:** Parking spaces shall be provided to the minimum extent necessary to reasonably service mobile home units and ancillary uses. A minimum of two (2) off-street parking spaces shall be provided for each mobile home unit. In addition, a minimum of one (1) off-street parking space for every three (3) mobile home sites shall be provided for visitor parking. Visitor parking shall be located within 500 feet of the homesites the parking intended to serve. On-street street parking shall be permitted only when internal access roads contain a pavement width meeting the following schedule to ensure unimpeded access by emergency vehicles.
1. One-way, parallel parking, 1 side (23 feet)
 2. One-way, parallel parking, 2 sides (33 feet)
 3. Two-way, parallel parking, 1 side (31 feet)
 4. Two-way, parallel parking, 2 sides (41 feet)
- E. **Sidewalks:** Sidewalks, a minimum of five (5) feet in width; shall be installed along one (1) side of all internal collector roads within the

park and to the public right-of-way and to all service facilities including, but not limited to, central laundry, central parking, severe weather shelters, and central recreation/park areas. As an alternative, three (3) foot wide sidewalks may be installed, provided such sidewalks are installed along each side of all internal collector roads and to the public right-of-way. Sidewalks not less than five (5) feet wide shall also be required along that portion of a site fronting along public thoroughfares.

F. Utilities: The installation of utilities within a mobile home park shall be in accordance with the following requirements:

1. All electrical, telephone, television and utility service shall be underground and specifically designed in conformance with the standards established in Rules 932, 934, 935, and 940 of the Manufactured Housing Commission. When separate meters are installed, each meter shall be located in a uniform manner.
2. All gas distribution lines shall be located underground. Each manufactured housing lot so served shall have the service line located underground to a connection point and the manufactured housing unit shall be supported so it cannot be abraded by the pad surface. The use of independent bottled gas service for individual manufactured housing units is prohibited. All heating systems shall be designed and installed in accordance with Rules 934 and 940 of the Manufactured Housing Commission.
3. Service roadway and parking lights shall be installed so as to permit the safe movement of vehicles and pedestrians at night. All lighting meet the requirements of Rule 929 of the Michigan Manufactured Housing Commission and shall be so located and shielded as to direct the light away from adjacent properties and public right-of-ways.

4. Minimum standards for plumbing, heating, and electrical systems shall be those either set forth by the United States Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards or by ANSI (American National/Standards Institute) for mobile homes predating HUD. The Township Building Official may only inspect and issue permits for manufactured home installation, home utility connection, and site-built construction.

5. All mobile home sites and all other buildings within the park shall be connected to the water system of the Township if it is available to the park at the time of Project approval, or to another state approved system. The park water system shall conform to Parts 2-4 of the Michigan Department of Environmental Quality (MDEQ) Mobile Home Park Standards.

6. All mobile home sites and all other buildings within the park shall be connected to the sanitary sewerage system of the Township if it is available to the park at the time of Project approval, or to other state approved systems. The park sanitary sewerage system shall conform to MDEQ Mobile Home Park standards.

7. All storm sewers shall be constructed in accordance with Parts 2-4 of the MDEQ Mobile Home Park Standards by the developer.

G. Skirting: Skirting shall be installed around all mobile homes in accordance with Rule 604 of the Manufactured Housing Commission. Such skirting shall be compatible aesthetically with the appearance and construction of the mobile home. All skirting shall be installed prior to the issuance of a Certificate of Occupancy. In

the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed ninety (90) days.

- H. **Storage:** The developer shall provide a central storage facility or shall permit or provide individual utility sheds for each manufactured home site. Any utility sheds placed on individual manufactured home sites shall be maintained in good condition and kept painted. Utility sheds shall only be placed in side or the rear yard areas.
- I. **Storage/Parking:** Boats, boat trailers, and utility trailers are permitted to be parked within a mobile home park, only in a central or collective parking area. This area shall be in addition to the automobile parking requirements of this Ordinance and shall be adequately fenced, locked or secured, and visually buffered or screened by means of landscaping.
- J. **Installation:** Each mobile home site shall conform with Mobile Home Commission requirements of Rule 602 for installation of mobile homes.
- K. **Streets:** Street off-sets of not less than 125 feet shall be provided. Dead-end streets shall not exceed 500 feet in length and shall provide adequate turning areas at their endpoint to accommodate emergency and delivery vehicles.

SECTION 10.06

LANDSCAPING, GROUND COVER AND OPEN SPACE

Mobile home parks shall be landscaped as follows:

- A. Exposed ground surfaces in all parts of the mobile home park shall be paved or covered with stone or other solid material or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every mobile home parks shall be graded and equipped to drain all surface water in a safe, efficient manner.

- 1. If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development. If the park abuts a nonresidential development, the park need not provide screening.
- 2. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.

- B. Required landscaping screening shall consist of evergreen trees or shrubs of a minimum three (3) feet in height which are spaced so they provide a continuous screen at maturity. All such landscaped areas shall be irrigated to maintain plant material in a livable condition. Alternative screening devices subject to prior approval may be utilized if they conceal the manufactured housing community as effectively as the required landscaping described above and provided the screening is kept in good repair.
- C. Open space shall be provided in an amount equal to two (2) percent of the community's gross acreage, and shall be designated on the site plan. Should recreational areas also be proposed, these shall also be shown on the plans.

SECTION 10.07

PUBLIC HEALTH, SAFETY AND MISCELLANEOUS PROVISIONS

The following additional provisions shall apply to all mobile home parks:

- A. Except as provided below, fire hydrants shall be installed in all mobile home parks and shall be in compliance with the requirements and provisions of the current local fire code, including the requirement that there be no more than five hundred (500) feet between hydrants as measured along adjacent roadways within the mobile home park. The MDEQ, under authority of Rule 1105(2) of the MDEQ Administrative Rules promulgated under the Safe Drinking Water Act (PA 399 of 1976) may

- prohibit the installation of fire hydrants where water main capacity, system source capacity, storage capacity, or pressure is inadequate to sustain fire flow demands in addition to normal user demands. If the central water system cannot support fire hydrants, "dry" fire hydrants shall be installed.
- B. For the protection of the public safety, an orderly street name and marking system and mobile home unit and numbering marking system shall be established by the mobile home park owner and a plan of this system shall be verified with the Township Fire Department.
- C. Dogs, cats, or other domestic or house pets shall not be permitted to run at large or to commit any nuisance within the development.
- D. Outdoor fireplaces and wood burning stoves or incinerators shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the site and on neighborhood property. Open fires shall not be allowed. No fuel shall be used or items burned which emit dense smoke or objectionable odors.
- E. Individual fuel oil, liquid petroleum, or other fuel tanks shall not be permitted to be stored in or under any mobile home unit in a mobile home park.
- F. The mobile home park operator shall ensure that common trash receptacle containers (dumpsters) are provided in sufficient quantity to conveniently serve the residents of the development or weekly curbside pickup is provided with trash containers required to be stored outside.
- G. Park grounds shall be maintained in a neat condition at all times.
- H. Every mobile home shall be required to be equipped at all times with one (1) fire extinguisher and one (1) smoke detector in accordance with Rule 702a of the Manufactured Housing Commission.
- I. There shall be no personal property storage of any kind underneath any mobile home and each mobile home shall be maintained in a clean and presentable condition at all times. This section shall not preclude the placement of towing mechanisms, including axles, which were removed from the manufactured home at the time of its installation, to be stored underneath the home upon its removal provided they are screened from view by skirting and/or perimeter landscaping.
- J. No personal property shall be stored outside or under any mobile home. Storage (utility) sheds may be used but need not be supplied by the owner of the mobile home park development.
- K. Towing mechanisms shall be removed from the mobile home dwelling at the time of dwelling installations and stored so as not to be visible from the exterior of the mobile home park.
- L. Manufactured homes and accessory structures for an on-site sale may be displayed for access as model homes. Only one garage and/or storage building may be displayed on an individual home site.
- M. A manufactured home shall only be used as a single-family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured home community.
- N. The owner or operator of any mobile home park shall be responsible for all street construction and street maintenance within the confines of the mobile home park, shall be responsible for all snow removal within the confines of the mobile home park, and shall be responsible for picking up trash and garbage within the confines of the mobile home park.
- O. Fences on individual home sites, where installed, shall provide unimpeded emergency access to each manufactured home.

- P. There shall be a maximum of one (1) mobile home park development sign per road frontage with an entrance which shall bear only the name of the mobile home park. Such a sign shall be located not less than fifty (50) feet from the road right-of-way line demarcated by a Clear Vision Zone. The Clear Vision Zone is an unobstructed triangular area described as follows: The area formed at the intersection of two road right-of-way lines where the two (2) sides of the triangular area are twenty-five (25) feet long measured along abutting public right-of-way lines, and the base of the triangle is a line connecting the two end points of the triangle's sides; also, the area formed at the intersection of a road right-of-way and a driveway where the two (2) sides of the triangle are ten (10) feet long measured along the abutting public rights-of-way line and the edge of the driveway, and the base of the triangle is a line connecting the two end points of the triangle's sides. The sign may be lighted, provided that the source of light is not visible and is not of the flashing or intermittent type. One (1) sign, not exceeding fifty (50) square feet in area shall be permitted for the first entrance provided to the community. For multiple entrances, a thirty-two (32) square foot sign shall be permitted at each entrance after the first. Signs may be double-faced, but each side of the sign shall have identical copy and be flush with the other side, if comparable to sign regulations in other developments.
- Q. Expandable units on mobile homes may be utilized, provided that the minimum spacing between mobile homes as herein provided is maintained.
- R. Site built single-family dwellings shall be permitted in the MHP District. Such dwellings shall comply in all respects with the RM-1, Residential Urban District requirements for such dwellings.
- S. Variation of building detail, form and siting shall be used to provide visual interest in the development and to avoid a repetitive design. Colors shall be harmonious and shall use only compatible accents.

ARTICLE XI

LOCAL COMMERCIAL DISTRICT (C-1)

SECTION 11.01

PURPOSE

The C-1, Local Commercial District, as herein established, is designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas and to encourage the planned concentration of such activities in locations where analysis of the residential population demonstrates a need for such a facility. The C-1, Local Commercial District is also intended to provide locations of the low-intensity, office-type professional and administrative services necessary for the normal conduct of a community's activities.

SECTION 11.02

PRINCIPAL LAND USES

In the Local Commercial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- A. Office-type businesses related to executive, administrative, or professional occupations including, but not limited to, offices of a lawyer, accountant, insurance/real estate agent, architect, engineer, and similar occupation.
- B. Clinics, except veterinary clinics having outdoor runs.
- C. Medical, dental, and optical laboratories that provide testing services or provide medical or dental devices such as artificial limbs, teeth, eye glasses, etc.
- D. Banks, credit unions, savings and loan associations, and similar uses.
- E. Business service establishments such as typing services, photocopying services, quick-printing establishments, office supply stores, and similar establishments.
- F. Restaurants (not including fast-food establishments).

- G. Generally recognized retail businesses which supply commodities on the premises, such as, but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.
- H. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops, beauty parlors or barber shops, photographic studios, and self-service laundries and dry cleaners.
- I. Accessory structures and uses customarily incidental to the above permitted uses.
- J. Child care centers (day care centers).
- K. Other uses similar to the above uses as determined by the Zoning Board of Appeals (see Section 30.05, B, 3).
- L. Accessory buildings and uses customarily incidental to the above permitted uses.

SECTION 11.03

SPECIAL LAND USES

The following Special Land Uses shall be permitted subject to the review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 504 of the Michigan Zoning Enabling Act, as amended, Article XXVII, Review and Approval of Special Land Uses, and Article XXVIII, Site Plan Review procedures of this Zoning Ordinance.

- A. Automobile Service Stations and Repair Garages.
- B. Fast-food restaurants or drive-in establishments.
- C. Wireless communication facilities.
- D. Hospitals.
- E. Clubs and fraternal organizations.
- F. Mortuaries and funeral homes.
- G. Public buildings and uses.

- H. Schools.
- I. Automobile car wash establishments.
- J. Nursing or convalescent homes.
- K. Churches.
- L. Indoor or outdoor commercial recreation facilities.
- M. Accessory residences.
- N. Any other use determined by the Board of Appeals to be of the same effect and characteristics as any of the specified uses permitted through Special Land Use approval in this Section, including any conditions as are required of the specified use to which such other use is determined to be similar. Such other use shall not be specifically allowed by this Zoning Ordinance in any zoning district.

SECTION 11.04

GENERAL REGULATIONS

- A. Merchandise may be displayed or stored only within enclosed buildings. The Planning Commission, upon application of the property owner, may modify this requirement to permit, during business hours, limited displays immediately adjacent to the building, upon finding the display is customarily found in connection with the nature of the operation or use.
- B. The warehousing or indoor storage of goods and materials, beyond that normally incidental to the above permitted uses, shall be prohibited.

SECTION 11.05

AREA AND BULK REQUIREMENTS

See Article XXIII, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE XII

GENERAL COMMERCIAL DISTRICT (C-2)

SECTION 12.01

INTENT

It is the intent of the Township to encourage C-2 District development to provide those retail sales and services that require a larger market population than that necessary to support a C-1 District retail area, and to be located with direct access to a paved County Primary Road, or State Highway.

The most distinguishing features of the C-2 District, as contrasted to uses in a C-1 District, will be the opportunities for land uses that are similar to those permitted in a C-1 District, but at a larger scale; to permit a larger array of goods and services necessary for everyday living; and the addition of land uses of a more intensive nature. The Township will encourage C-2 District uses to locate near each other to be mutually supportive and under conditions providing a safe and convenient environment.

SECTION 12.02

PRINCIPAL LAND USES

In the General Commercial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- A. Any use identified in Section 11.02 of this Ordinance.
- B. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
- C. Any service establishment of an office, showroom, or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer, or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.
- D. Private clubs, fraternal organizations, lodge halls, and indoor recreational facilities.

- E. Restaurants, or other places service food or beverage, except those having the character of a drive-in.
- F. Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely within enclosed buildings.
- G. Business schools and colleges, or private schools operated for profit.
- H. Other uses similar to the above uses as determined by the Zoning Board of Appeals (see Section 30.05, B, 3).
- I. Accessory structures and uses customarily incidental to the above permitted uses.

SECTION 12.03

SPECIAL LAND USES

The following Special Land Uses shall be permitted subject to the review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 504 of the Michigan Zoning Enabling Act, as amended, Article XXVII, Review and Approval of Special Land Uses, and Article XXVIII, Site Plan Review procedures of this Zoning Ordinance.

- A. Any use identified in Section 11.03 of this Ordinance.
- B. Amusement halls (arcades).
- C. Health Clubs or spas.
- D. Any combination of the uses identified in item A - C above, subject to any individual requirements for each contained therein.
- E. Any other use determined by the Board of Appeals to be of the same effect and characteristics as any of the specified uses permitted through Special Land Use approval in this Section, including any conditions as are required of the specified use to which such other use is determined to be similar. Such other use shall not be specifically allowed by this Zoning Ordinance in any zoning district.

SECTION 12.04

GENERAL REGULATIONS

- A. Merchandise may be displayed or stored only within enclosed buildings. The Planning Commission, upon application of the property owner, may modify this requirement to permit, during business hours, limited displays immediately adjacent to the building, upon finding the display is customarily found in connection with the nature of the operation or use.
- B. The warehousing or indoor storage of goods and materials, beyond that normally incidental to the above permitted uses, shall be prohibited.

SECTION 12.05

AREA AND BULK REQUIREMENTS

See Article XXIII, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE XIII

REGIONAL RETAIL DISTRICT

(C-3)

SECTION 13.01

INTENT

It is the intent of the Township to encourage C-3 District development to provide opportunities for comparison and other retail shopping under safe and convenient conditions. It is also the intent of the Township to encourage such development where each use will relate to every other use within the same development, whether each use is developed independently, or as a part of a coordinated development under the direction of a single entrepreneur.

The most distinguishing features of the C-3 District are the opportunity to engage in a leisurely comparison shopping at many specialty shops and the extended market area covering several political jurisdictions.

SECTION 13.02

PRINCIPAL LAND USES

In the Regional Retail District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- A. Any use identified in Section 12.02 of this Ordinance.

SECTION 13.03

SPECIAL LAND USES

The following Special Land Uses shall be permitted subject to the review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 504 of the Michigan Zoning Enabling Act, as amended, Article XXVII, Review and Approval of Special Land Uses, and Article XXVIII, Site Plan Review procedures of this Zoning Ordinance.

- A. Any use identified in Section 12.03 of this Ordinance.
- B. Veterinarian clinics.
- C. Theaters.

- D. Entrepreneurial schools, such as business or technical schools, or training schools in the use of any of the equipment offered for sale within the use district.
- E. Motels and hotels.
- F. Outdoor transient enterprises.
- G. Automobile dealerships.
- H. Monument sales and manufacturing.
- I. Mini-storage facilities.
- J. Open air businesses.
- K. Outdoor and indoor commercial recreation facilities.
- L. Any other use determined by the Zoning Board of Appeals to be of the same effect and characteristics as any of the specified uses permitted through Special Land Use approval in this Section, including any conditions as are required of the specified use to which such other use is determined to be similar. Such other use shall not be specifically allowed by this Zoning Ordinance in any zoning district.

SECTION 13.04

GENERAL REGULATIONS

- A. Merchandise may be displayed or stored only within enclosed buildings. The Planning Commission, upon application of the property owner, may modify this requirement to permit, during business hours, limited displays immediately adjacent to the building, upon finding the display is customarily found in connection with the nature of the operation or use.
- B. The warehousing or indoor storage of goods and materials, beyond that normally incidental to the above permitted uses, shall be prohibited.

SECTION 13.05

AREA AND BULK REQUIREMENTS

See Article XXIII, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE XIV

METROPOLITAN

COMMERCIAL DISTRICT (C-4)

SECTION 14.01

INTENT

It is the intent of the Township to encourage the development of C-4 Districts as locations for commercial uses which are deemed not compatible in the situations proposed for the C-1, C-2, and C-3 Districts, and are not ideal for locations in the Manufacturing Districts of this Township. Some of the distinguishing characteristics of the C-4 District uses are the large area occupied by such use, the low turnover per unit area, generation of occasional high volumes of traffic, or heavy truck traffic, etc.

SECTION 14.02

PRINCIPAL LAND USES

In the Metropolitan Commercial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- A. Any use identified in Section 13.02 of this Ordinance.

SECTION 14.03

SPECIAL LAND USES

The following Special Land Uses shall be permitted subject to the review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 504 of the Michigan Zoning Enabling Act, as amended, Article XXVII, Review and Approval of Special Land Uses, and Article XXVIII, Site Plan Review procedures of this Zoning Ordinance.

- A. Any use identified in Section 13.03 of this Ordinance.
- B. Wholesale or warehousing business or freight terminals.
- C. Truck or trailer rental services.

- D. Any other use determined by the Zoning Board of Appeals to be of the same effect and characteristics as any of the specified uses permitted through Special Land Use approval in this Section, including any conditions as are required of the specified use to which such other use is determined to be similar. Such other use shall not be specifically allowed by this Zoning Ordinance in any zoning district.

SECTION 14.04

AREA AND BULK REQUIREMENTS

See Article 21, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE XV

HIGHWAY SERVICE

COMMERCIAL (C-5)

SECTION 15.01

INTENT

It is the intent of the Township to encourage the development of C-5 Districts as locations where motorists on the Freeway system can seek necessary services close to the Freeway. Therefore, the C-5 District is intended as areas primarily to serve the Freeway users and assist in the conservation of energy by such assistance. The C-5 District, therefore, will be encouraged to locate on lands readily accessible to Freeway Interchanges.

SECTION 15.02

PRINCIPAL LAND USES

In the Highway Service Commercial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- A. Any Retail Sale of Goods and Services, necessary to the needs of the transient motoring public, such as groceries, laundromats, restaurants, bars, sanitary sewage disposal stations, motels and hotels, and drug stores.
- B. Accessory buildings and uses customarily incidental to the above permitted uses.

SECTION 15.03

AREA AND BULK REQUIREMENTS

See Article XXIII, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE XVI

PLANNED REGIONAL CENTER DISTRICT (PRC)

SECTION 16.01

INTENT

It is the intent of the Township to encourage the development of PRC Districts as locations for a mixture of uses, including professional, personal service or business, office uses, hotels and motels, multiple residential use, commercial, retail and food service uses, research, development, high-technology and light assembly uses; and distribution and warehouse uses. Such a PRC District shall have a minimum project area of not less than forty (40) contiguous acres, have an interstate highway along one of its property lines; and have direct access to a paved County Primary Road or State Highway.

SECTION 16.02

USES PERMITTED

The following land uses shall only be permitted as special land uses subject to the review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 504 of the Michigan Zoning Enabling Act, as amended, Article XXVII, Review and Approval of Special Land Uses, and Article XXVIII, Site Plan Review procedures of this Zoning Ordinance.

A. Any use identified in Section 16.01 above, subject to the additional conditions as specified below:

1. All parking areas and driveways shall be paved and designed, constructed, and landscaped to clearly identify vehicular access areas and deny vehicular access to all other areas.
2. There shall be provided a paved drive of not less than twenty (20) feet in width, providing direct vehicular access to any adjoining parking area serving an adjacent PRC District use.
3. No less than ten (10%) Percent of the total site area, exclusive of the area of buildings, shall be landscaped. Such

landscaped area shall include at least fifty (50%) percent of any required yard abutting a street, which may not be used for vehicular parking or driveways; in any event there shall be provided and maintained along all street frontage a landscaped area of not less than fifteen (15) feet in width.

4. No part of any front yard, or any required landscaped area shall be used for the storage or display of any merchandise, except that outside storage ancillary to the primary use of the site may be permitted, subject to the review and approval of the Planning Commission.
5. All setback areas and areas accessible to vehicular traffic shall be designed, constructed landscaped, and maintained to provide safe and efficient circulation, and where adjacent to any residential development, such areas shall be constructed, landscaped, and maintained to protect such adjacent residential areas from the noise and glare generated from activities on the subject property.
6. All lighting fixtures shall be located to adequately illuminate areas deemed necessary to assure the safety and convenience of the visitors and employees, and directed in a manner to protect abutting street users and adjacent properties from unreasonable glare or hazardous interference of any kind.
7. Adequate provision shall be made for the safe and effective storage and disposal of all waste material, with the location of the storage facilities clearly identified and dimensioned on the site plan.
8. A freestanding pylon sign may be permitted at the right-of-way line of each street or highway abutting the PRC District subject to all applicable requirements of this Ordinance such sign shall not exceed a height of thirty

(30) feet, nor exceed an area of two hundred (200) square feet on any one surface.

9. Off-street parking spaces shall be provided for each use activity within the PRC District in accordance with the following minimum requirements, parking space dimensions, gross area definition and shared-use concepts:

(1) Residential Uses:

Multiple dwelling unit	1.5 space per unit
Motels and hotels	1 space per sleeping unit

(2) Commercial Uses:

Business and professional offices	3.5 spaces per 1,000 gsf of floor area
Retail establishments	4 spaces per 1,000 gsf of floor area
Food service dining areas, meeting rooms, and ballrooms	1 space per 3 seats
Research development high tech and assembly uses (other than office use)	2 spaces per 1,000 gsf of floor area
Distribution and ware-house uses	1 space per 2,000 gsf of floor area

- (3) No less than two-thirds of the total required number of parking spaces shall be no less than nine (9) feet wide to accommodate full-sized automobiles, and up to one-third of the total required may be no less than eight (8) feet wide, for compact vehicles.

- (4) For purpose of computing the required number of parking spaces based on gross square feet (gsf) of floor area, such gross building area is measured to the interior surfaces of perimeter walls at each floor and excludes interior atrium wells, elevator and mechanical shafts above the ground floor, and rooftop mechanical equipment and penthouse areas.

- (5) When a motel or hotel use is located adjacent to an office use so that the motel or hotel can advantageously share the office parking spaces in whole or in part during sequential or essentially non-overlapping house of operation, the parking requirement for the motel or hotel may be reduced accordingly.

10. Off-street loading spaces shall be provided for retail, research and development, high technology, light assembly, distribution and warehouse

uses in the PRC District in accordance with the following requirements, with gross floor area defined as indicated in Subsection 9(4) above:

0 to 5,000 gsf	No spaces required
5,000 to 40,000 gsf	One (1) space
40,000 to 120,000 gsf	One (1) space for each 40,000 gsf
Over 120,000 gsf	Three (3) spaces plus one (1) space for each 60,000 gsf over 120,000 gsf

- B. Public utility structures and uses.
- C. Any other use determined by the Zoning Board of Appeals to be of the same effect and characteristics as any of the specified uses permitted in this district, which other use shall be subject to the same conditions as are required of the specified use to which such other use be found to be of the same effect and characteristics as a use specified for a less restrictive Zoning District, or is specified as a use in any other less restrictive zoning district.

SECTION 16.03

MODIFICATIONS TO SITE PLAN REVIEW PROCEDURES

- A. As a precedent to the submittal of any site plan for any specific use or portion of the PRC District for review by the Township, a Conceptual Land Use Plan of the District is to be submitted for review and approval by the Planning Commission.
- B. A Conceptual Land Use Plan shall show:
1. The alternative land use concepts and general land use proposed within the PRC District;
 2. Their general location on the site; and,
 3. Their relationship to adjacent districts outside of the PRC District.

- C. Accompanying the Conceptual Land Use Plan, additional written and graphic material shall include:

1. A property area survey of the PRC District;
2. An indication by the applicant of ownership or other interest in the land;
3. A description of the natural features of the site which will be retained or modified, including topography vegetation and drainage;
4. A description of any proposed phasing of the development of the elements of the District, including flexibility for alternative land use concepts;
5. A description of contemplated development of an-site water supply, sanitary sewer and drainage facilities and their offsite connections; and,
6. A description of on-site traffic generation and circulation elements and their relationship to the surrounding roadways and thoroughfares.

- D. Maps or plans submitted shall be at a scale of not less than 1" = 100': topography shall be submitted in mapped form with contour interval of not more than two (2) feet.

- E. In reviewing and approving the Conceptual Land Use Plan, the following conditions shall be set forth by the Planning Commission:

1. The Conceptual Land Use Plan shall be reviewed by the Planning Commission relative to the Plan's meeting the intent and the requirements of the Township's Zoning Ordinance.
2. Once an area has been designated as a PRC District and has been granted Conceptual Land Use Plan approval, any variation in permitted uses shall be subject to review and approval by the Planning Commission.

3. Approval of the Conceptual Land Use Plan by the Township Planning Commission shall not constitute approval of any Site Plan for all or part of the District, but shall be deemed as approval of the Land Use Plan submitted to serve as a guide in the preparation and approval of any site plan for the district.
4. Approval of the Conceptual Land Use Plan by the Planning Commission shall be effective for a period of four (4) years. If no site plan for any part of the district has been filed within that time, an extension may be applied for and granted by the Planning Commission.

SECTION 16.04

PARKING AND LOADING AREA

Parking and loading areas shall be provided, as required under Article XXVI, provided, however, the location of the parking area shall be related to existing parking areas on contiguous parcels of land to permit safe and convenience entry and exit from the street and all loading areas shall be located to minimize conflicts with client parking and further provided, that the Planning Commission may close any driveway it deems necessary to eliminate traffic hazardous conditions provided each affected land use is served by not less than two (2) direct or indirect access points to the abutting roadway.

SECTION 16.05

AREA AND BULK REQUIREMENTS

See Article 21, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE XVII

MANUFACTURING DISTRICT, LIGHT (M-L)

SECTION 17.01

INTENT

It is the intent of the Township to encourage the development of the M-L District as areas where light industrial activities and warehousing activities can be located and served. Light industrial activities for this district are defined as those activities which are commercial in nature, but do not provide retail services to individuals on an over-the-counter carry-out basis, but will include manufacturing involving the fabrication of pre-treated material into products for sale or shipment elsewhere, but specifically excluding toxic or hazardous material, heavy gauge metals requiring outdoor storage, and all raw organic matter. The M-L District will also permit those activities necessary to the needs and convenience of the persons who work or must spend a significant portion of the day within the district.

SECTION 17.02

PRINCIPAL LAND USES

In the Manufacturing District, Light, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- A. Any use identified in Section 14.02 of this Ordinance.

SECTION 17.03

SPECIAL LAND USES

The following Special Land Uses shall be permitted subject to the review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 504 of the Michigan Zoning Enabling Act, as amended, Article XXVII, Review and Approval of Special Land Uses, and Article XXVIII, Site Plan Review procedures of this Zoning Ordinance.

- A. Light Industrial Uses such as manufacturing activity involving the processing or packaging of pre-treated material (not raw materials) into products for sale or shipment; and any industrial

equipment sales and service activity; but specifically excluding any toxic or hazardous material, heavy gauge metals, or raw organic material.

- B. Any use specifically permitted subject to special land use review within a C-4 District under provisions of Section 14.03 may be permitted within this district, subject to special land use review.
- C. Industrial parks.
- D. Junk yards.
- E. Any other use determined by the Zoning Board of Appeals to be of the same effect and characteristics as any of the specified uses permitted in this Section, including any conditions as are required of the specified use to which such other use is determined to be similar. Such other use shall not be specifically allowed by this Zoning Ordinance in any zoning district.

SECTION 17.04

AREA AND BULK REQUIREMENTS

See Article XXIII, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE XVIII

MANUFACTURING DISTRICT, MEDIUM (M-M)

SECTION 18.01

INTENT

It is the intent of the Township to encourage the development of the M-M District as areas where light industrial activities involving putrescible or hazardous material prohibited in the M-L District can be permitted. Light industrial activities for this district are defined as those activities which are commercial in nature, and involving manufacturing processes, including storage requirements, that can be performed within an enclosed building, but do not provide direct over-the-counter retail services to individuals. The M-M District will also permit those activities necessary to the needs and convenience of the persons who work, or must spend a significant portion of the day within the district, and those activities which can be located within the district without adverse effects upon such activities, or upon the other activities which are permitted within the district.

SECTION 18.02

PRINCIPAL LAND USES

In the Manufacturing District, Medium, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- A. Any use identified in Section 17.02 of this Ordinance.

SECTION 18.03

SPECIAL LAND USES

The following Special Land Uses shall be permitted subject to the review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 504 of the Michigan Zoning Enabling Act, as amended, Article XXVII, Review and Approval of Special Land Uses, and Article XXVIII, Site Plan Review procedures of this Zoning Ordinance.

- A. Any use specifically permitted subject to special land use review within an M-L District under provisions of Section 17.03 may be permitted within this district, subject to special land use review.
- B. Medium Industrial Uses, including any activity not requiring outdoor storage of materials but involving the processing or packaging of raw material; provided however, there shall be no processing of heavy gauge metals requiring heat treatment, or presses, or other equipment, exceeding Three (3) tons in capacity.
- C. Any other use determined by the Zoning Board of Appeals to be of the same effect and characteristics as any of the specified uses permitted in this Section, which other use shall be subject to the same conditions as are required of the specified use to which such other use is determined to be similar, provided however, that such other use shall not be approved for this district should such other use be found to be of the same effect and characteristics as a use specified for a less restrictive zoning district, or is specified as a use in any other less restrictive zoning district.

SECTION 18.04

AREA AND BULK REQUIREMENTS

See Article XXIII, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE XIX

MANUFACTURING DISTRICT, HEAVY (M-H)

SECTION 19.01

INTENT

- A. It is the intent of the Township to encourage the development of the M-H District as areas, where all other industrial activities, heretofore, not permitted, can be located in the Township under reasonable conditions. These industrial activities will be permitted under conditions which will eliminate, or minimize to a reasonable level, all adverse effects upon all other nearby uses and the people of the Township and adjacent areas, which adverse effects can be anticipated to be generated from activities proposed within the M-H District.
- B. It is not the intention to permit any and all activities without regard to the effects and consequences that can be anticipated upon existing and future activities and the people of the Township. Each proposed activity will be critically assessed and a determination made as to the degree of change that can be allowed of the required conditions.

SECTION 19.02

PRINCIPAL LAND USES

In the Manufacturing District, Heavy, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- A. Any use identified in Section 18.02 of this Ordinance.

SECTION 19.03

SPECIAL LAND USES

The following Special Land Uses shall be permitted subject to the review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 504 of the Michigan Zoning Enabling Act, as amended, Article XXVII, Review and Approval of Special Land Uses, and Article XXVIII, Site Plan Review procedures of this Zoning Ordinance.

- A. Any use specifically permitted subject to special land use review within an M-M District under provisions of Section 18.03 may be permitted within this district, subject to special land use review.
- B. Heavy Industrial Uses (requiring outdoor storage of raw materials or components or merchandise and/or involving metal smelting, heat treatment, electrolytic or chemical plating; processes involving rolling mills, oil processing, fertilizer manufacturing, slaughter houses, rendering plants, and any other similar types of activities).
- C. Outdoor transient amusement enterprises.
- D. Composting facilities.
- E. Incinerator for the burning of solid waste, hazardous waste, or medical waste.
- F. Hazardous waste treatment facility, medical waste disposal area, or solid waste disposal area other than a sanitary landfill.
- G. Any other use determined by the Zoning Board of Appeals to be of the same effect and characteristics as any of the specified uses permitted in this Section, which other use shall be subject to the same conditions as are required of the specified use to which such other use is determined to be similar. Such other use shall not be specifically allowed by this Zoning Ordinance in any zoning district.

SECTION 19.04

AREA AND BULK REQUIREMENTS

See Article XXIII, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE XX

HILL ROAD DEVELOPMENT

CORRIDOR OVERLAY

DISTRICT (C-3A)

SECTION 20.01

INTENT

It is the intent of the Township to encourage C-3A District development to provide opportunities for comparison and other retail shopping under safe and convenient conditions. It is also the intent of the Township to encourage such development where each use will relate to every other use within the same development, whether each use is developed independently, or as a part of a coordinated development under the direction of a single entrepreneur. The most distinguishing features of the C-3A District are the opportunity to engage in a leisurely comparison shopping at many specialty shops and the extended market area covering several political jurisdictions.

SECTION 20.02

AREA OF APPLICATION

The Hill Road Development Corridor shall include all land lying wholly or partially in a 2,000-foot wide strip extending from Fenton Road west to the centerline of Jennings Road. The northern boundary shall be a line parallel with Hill Road lying 1,000 feet north of the centerline. The southern boundary shall be a line parallel with Hill Road lying 1,000 feet south of the centerline. All parcels wholly or partially within these perimeters and having frontage on or direct access to Hill Road shall be included in the Hill Road Development Corridor.

All zoning categories within the Hill Road Development Corridor shall be governed by this Ordinance and shall remain unchanged, except for parcels zoned C-3 on August 13, 1988. On the original effective date of this Ordinance, August 13, 1988, all parcels of land zoned C-3 within the Hill Road Development Corridor Overlay District shall henceforth be zoned C-3A. Properties located within the Hill Road Development Corridor are required to meet the existing Zoning District requirements of the proposed use of said property, and are governed by the permitted uses prescribed for that

underlying District, in addition to the requirements of this Article. The permitted uses within the C-3A District, as created on August 13, 1988, are established below.

Properties currently zoned residential and used for residential purposes according to their residential zoning classification, within the Hill Road Development Corridor, shall not be subject to the terms and conditions of this Ordinance. These properties will be subject to the provisions and conditions of this Ordinance once the residential nature of their use changes to a use requiring a higher zoning classification.

Should a conflict occur between the various provisions of the various ordinances of the Township, then the more stringent requirements as determined by the Township Planning Commission shall prevail.

SECTION 20.03

PRINCIPAL LAND USES

In the Hill Road Development Corridor Overlay District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- A. Professional offices.
- B. Shopping centers consisting of a planned grouping of commercial establishments constructed and managed as a total entity with customer and employee parking provided on site, provisions of goods delivery separated from customer access, and containing a minimum of 20,000 square feet (gross).
- C. Retail stores offering comparison goods such as, but not limited to, carpet stores, furniture stores, and home appliances.
- D. Supermarkets, discount and department stores.
- E. Theaters, assembly halls, concert halls, or similar places of assembly when conducted within completely enclosed buildings.
- F. Stores of a generally recognized retail nature which supply commodities on the premises such as, but not limited to, groceries, drugs, dry goods, clothing, flowers, and notions when part of a planned shopping center.

- G. Athletic clubs. a street, a 20-foot planting strip shall be established. The planting strip shall consist of a minimum of one (1) deciduous shade tree for every forty (40) linear feet of frontage and shall be established between the street setback line and said property.
- H. Restaurants (not including fast food establishments) when part of a planned shopping center.
- I. Banquet halls and convention facilities.
- J. Banks, credit unions, savings and loan associations, and similar uses with or without drive-through facilities. 4. All service and repair facilities shall be contained within an enclosed building.
- K. Clubs and fraternal organizations. B. Hotels and motels.
- L. Schools for music, dance, business or trade operating for a profit. C. Amusement halls and arcades.
- M. Other uses similar to the above uses as determined by the Zoning Board of Appeals (see Section 30.05, B, 3). D. Automobile service stations and repair garages in accordance with the requirements of Article XXIV, and the following:
- N. Accessory structures and uses customarily incidental to the above permitted uses.

SECTION 20.04

SPECIAL LAND USES

The following Special Land Uses shall be permitted subject to the review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 504 of the Michigan Zoning Enabling Act, as amended, Article XXVII, Review and Approval of Special Land Uses, and Article XXVIII, Site Plan Review procedures of this Zoning Ordinance.

- A. Salesroom, rental facilities, and/or sales lots for new and/or used automobiles, recreation vehicles, trucks, mobile homes, trailers and modular homes, subject to the following:
1. Ingress and egress shall be located a minimum of seventy-five (75) feet from the intersection of any two (2) streets.
 2. Lighting shall be located and designed to reflect away from residential areas.
 3. Where a sales lot and/or rental facilities for new and/or used automobiles, recreation vehicles, trucks, mobile homes, trailers and modular homes abut
1. The automobile service station or repair garage shall be for sale of gasoline, oil, and minor accessories only; no major repair work shall be performed within this District. Tire service (but not recapping), battery, muffler, undercoating, auto glass, reupholstering, wheel balancing, shock absorbers, wheel alignments, and minor tune-ups only, shall be permitted.
 2. The minimum lot area shall be twenty-two thousand five hundred (22,500) square feet with one street side equal to at least one hundred sixty five (165) feet in width, and so arranged that ample space is available for motor vehicles which are required to wait.
 3. There shall be provided, on those sides abutting or adjacent to a residential district, a four-foot six-inch (4'6") completely obscuring wall. The height of the wall shall be measured from the surface of the ground.
 4. No outside storage of oil drums, trailers, or any other material or equipment shall be permitted for rent, sale, or display.
 5. Pumps or other equipment, used in servicing of motor vehicles, shall be placed not less than forty (40) feet from any residential boundary line.

6. There shall be no outside display or any parts and/or products of any kind.
7. Any repair and/or replacement activity shall be conducted within a totally enclosed building.
8. All new, used and/or discarded parts shall be stored within a completely enclosed building approved by the Building Department.
9. Any repair activity shall be located not less than twenty-five (25) feet from a property line.
10. The parking of vehicles on site shall be limited to those which may be serviced within a twenty-four (24) hour period.
11. There shall be no outside parking and/or storage or any partially dismantled or inoperative vehicles.
12. In operations such as automobile reconditioning, but not necessarily limited to such activities, there shall be no releasing of toxic gasses, liquids or materials in any form into the atmosphere, the waste or sewer systems of the Township, or on, or into the earth and further, no adverse affects shall be created by any activity on adjacent property or development.

SECTION 20.05

PARKING AND LOADING AREAS

Parking and loading areas shall be provided, as required under provisions of Article XXVI and as required under provisions of this Article. All loading areas shall be located to minimize conflicts with client parking. The location of a parking area shall be related to all existing parking areas on contiguous parcels of land to permit safe and convenient access to and from such areas. To effect such access, the Planning Commission shall require the construction of a marginal access drive connecting neighboring parking areas, or instead that money be placed in escrow with the Township so as to provide for a marginal access drive equal in length to

the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided or monies have been deposited with the Township Clerk. Further, the Planning Commission may close any driveway it deems necessary to eliminate hazardous traffic conditions provided each affected land use is served by one direct access to the abutting roadway.

SECTION 20.06

OFF-STREET PARKING

Off-street parking shall be permitted to occupy a portion of the required front yard and side yard provided that there shall be maintained a landscaped area of not less than twenty (20) feet along the front or side lot line which borders a street or residential district. Parking and loading areas situated between the front of a structure located within the Hill Road Development Corridor and a public street shall be paved with a bituminous material or better surface.

SECTION 20.07

AESTHETIC REVIEW

The Township Planning Commission shall review and approve the design, construction and overall aesthetics of all structures, including alterations and/or additions, which are erected or placed within the Hill Road Development Corridor. The Planning Commission is to insure that any such structure, alteration and/or addition complies with the purposes and intentions of the Hill Road Development Corridor philosophy. Structures, alterations and/or additions shall at the minimum have their fronts facing on a public street constructed of stone, face brick or other ornamental materials as approved by the Planning Commission. The Planning Commission is empowered to restrict the use of unacceptable construction methods and materials on the remainder of any such structure, alteration and/or addition and shall strive to fulfill the aesthetic intentions of assuring compatibility of structures located within this district.

SECTION 20.08**STORAGE AREAS**

The storage of open stock, junk piles, scrap and other raw materials within the Hill Road Development Corridor is specifically forbidden unless allowed by such other zoning and is screened behind acceptable enclosures as determined by the Township Planning Commission.

SECTION 20.09**STORAGE OR DISPLAY OF SALE ITEMS**

Unless otherwise permitted by existing zoning classifications of particular properties, there shall be no outside storage or display of items for sale within the Hill Road Development Corridor.

SECTION 20.10**STRUCTURES ON SITE**

No lot or parcel of land within the Hill Road Development Corridor shall have more than one (1) principal structure erected thereon. No temporary structures are allowed in this district.

SECTION 20.11**MINIMUM LOT WIDTH**

The minimum lot width permitted shall be one hundred sixty-five (165) feet.

SECTION 20.12**YARD REQUIREMENTS**

No structure shall be located less than forty (40) feet from any side or rear property lines provided, however, that no side yards are required along the interior side lot lines of the district, except as otherwise specified in the Building Code, provided that if walls or structures facing such interior side lot lines contain windows or other openings, landscaped side yards of not less than ten (10) feet shall be provided. Where a lot borders on a residential district or street, there shall be provided a landscaped area of not less than twenty (20) feet along the lot line which borders said street or residential district. Front yard setbacks shall be minimum of one hundred twenty-five (125) feet, as measured from the centerline of abutting rights-of-way.

SECTION 20.13**PUBLIC WATER AND SEWER SERVICE**

Public Water and Sewer Services shall be provided to all uses.

SECTION 20.14**SIDE YARD REQUIREMENTS**

Every structure located within the Hill Road Development Corridor shall have at least one side yard area designated and maintained as a fire lane with a minimum width of twenty (20) feet.

ARTICLE XXI

PLANNED DEVELOPMENT PROJECTS

SECTION 21.01

INTENT

The intent of this Article is to permit the application of a Zoning District for development and use of land as a Planned Development Project pursuant to Section 503 of PA 110 of 2006, as amended. The rezoning and designation of Planned Development Project status shall be predicated on simultaneous approval of the following by the Township Board: the specific principal use(s) which is intended to occupy the land; the specific plan for site and/or building improvements which are intended to be placed on the land; and, the designation of the appropriate Zoning District(s) to the land so as to permit occupancy by the intended use.

It is further intended that once a parcel of land has been rezoned and granted a Planned Development Project designation, no development shall take place thereon nor use made of any part thereof except in accordance with the originally approved application and plans, or in accordance with an approved amendment thereto.

SECTION 21.02

ELIGIBILITY

The rezoning of land as a Planned Development Project may be approved by the Township Board upon petition by the property owner, subject to the following conditions:

- A. The Planned Development Project designation shall be mutually agreeable to the property owner and the Township Board.
- B. The Township Board shall find that rezoning and development of such land under the zoning amendment procedures, site plan review procedures, and minimum ordinance requirements as otherwise set forth in this Ordinance may result in future adverse affects on adjacent properties, established land uses, and established zoning districts due to such factors as parcel location, neighboring land uses, size and/or nature, and intensity of the

proposed principal use, or other principal uses that are also permitted in the district being requested.

SECTION 21.03

APPLICATION PROCEDURE

Application shall be made to the Township Board for rezoning to a specific Zoning District(s) as a Planned Development Project. Such application shall include the following:

- A. The proposed Zoning District(s) being requested.
- B. A proof of ownership of the land being requested for rezoning.
- C. Maps and drawings as required in Article XXVIII of this Ordinance.
- D. A written statement explaining in detail the full intent of the sponsor indicating the specifics of the site plan as it relates to the type of dwelling units contemplated and resultant population; the extent of nonresidential development and the resultant traffic generated and parking demands created; and providing supporting documentation such as but not limited to: market studies supporting the land use request, traffic studies, and the intended scheduling of development, as may be appropriate for the specific project submitted.

SECTION 21.04

CONCEPTUAL APPROVAL

An applicant, at its option, may seek conceptual approval of a Planned Development Project. An applicant is not required to seek conceptual approval, but may do so if it so desires.

- A. This procedure allows approval of conceptual plans of development for a Planned Development Project.
- B. Plans need not have specific engineering details, but must be in sufficient detail to allow the Planning Commission and the Township Board to evaluate the proposed development.

- C. That if the Township Board grants conceptual approval, final approval will be granted if all specific requirements for final approval are met as set forth in this Section and if all government approvals and detailed and sealed engineering and site plans are presented and approved.
- D. Final development plans shall not vary more than ten (10) percent in any single respect or item from the conceptual approved plans or the applicant shall not be entitled to rely upon the conceptual approval as a basis for seeking final approval.
- E. There shall not be any requirement for a Planned Development Project Agreement after only conceptual approval.

SECTION 21.05

PLANNING COMMISSION REVIEW

The Planning Commission shall review and provide a recommendation to the Township Board on both the site plan and rezoning application.

- A. Site Plan Review: The Planning Commission shall review the site plan for the Planned Development Project in accordance with the provisions of this Ordinance and shall submit a recommendation to the Township Board regarding the same. The recommendation may occur concurrently with the recommendation made on the rezoning application specified in Section 21.05,B. below, regardless of any other time restrictions or restraints imposed by this Ordinance or any other ordinance.
- B. Rezoning Application: The Planning Commission shall review the Planned Development Project rezoning application and shall hold a public hearing in accordance with Section 503 (5) of PA 110 of 2006, as amended.

The Planning Commission shall consider the proposed specific principal and accessory use(s) which are intended to occupy the land, the specific plans for building and/or site improvement and the specific zoning district(s) being requested, relative to possible effects on

adjacent properties, established land uses, established zoning districts, and future development of the general area as defined in the Township's Master Plan.

Following the public hearing, the Planning Commission shall forward a copy of the application (including all plans, drawings and documents which are proposed to be made a part of the rezoning for a Planned Development Project), a copy of the minutes of the public hearing and the Planning Commission's recommendation, which may be included in the minutes of the meeting, to the Township Board.

SECTION 21.06

TOWNSHIP BOARD REVIEW

The Township Board shall review and make a final determination on the application for rezoning as a Planned Development Project which shall include the specific principal use(s), the specific building and/or site improvement plans, and the specific zoning district(s) to be applied to the parcel.

Upon approval by the Township Board of this Ordinance amendment, the specific proposed principal use(s) and the specific plans for building and/or site improvements of the parcel shall become an integral part of the zoning amendment, and for purposes of Township record keeping, shall be referred to as "Planned Development Project No. ____," which number shall correspond to the number of the amending ordinance.

All approved plans and records shall be filed with the Township Clerk.

Following approval of the Planned Development Project (PDP) the Township Board authorizes the developer to prepare a PDP agreement. The PDP agreement is a legal document, prepared by the land owner and/or his representatives which specifically includes all reports, plans, and submittals previously used by the petitioner to gain Planned Development Project approval by the Township Board, and which details the development plans for the property, the covenants and restrictions proposed for the PDP, the staging of development, and the improvements to be placed in the development.

The PDP agreement is reviewed by the Township Attorney, Planner, and Engineer. Their reports are submitted to the Township Board for their consideration.

The Township Board and the land owner and/or his representatives review the PDP agreement. Upon its acceptance by the Township Board, the Township Supervisor, Township Clerk, and the land owner and/or his representative shall sign a minimum of two (2) copies. One (1) signed copy shall be retained by the Township Clerk, and one (1) signed copy shall be provided to the land owner and/or his representatives.

SECTION 21.07

REQUIRED CONDITIONS

Planned Development Projects shall be subject to the following required conditions:

- A. Once an area has been rezoned as a Planned Development Project, no development shall take place thereon nor use made of any part thereof except in accordance with the originally approved plan, or in accordance with an approved amendment thereto. Amendments shall be reviewed in accordance with the procedure for the original application.
- B. Approval of a principal use, and building and/or site improvement plans as part of the rezoning, shall be effective for a period of 12 months, except that the Planning Commission may, at its discretion and upon application by the land owner and/or his representative and for cause shown, grant an extension for an additional 12 months. At the end of the 24 month period, if the development is not completed, the Planning Commission shall review the progress to date and make a recommendation to the Township Board as to action relative to permitting continuation under the original approval for an additional time period. In the event an extension is not granted by the Township Board past the 24 month period, the approval and allowances, including the Planned Development Project Agreement, site plan, zoning designation, and any conditions imposed pursuant to this article shall become null and void and of no further force and effect.

- C. Rezoning of the parcel to the appropriate zoning district shall be based on the proposed principal use(s) of the parcel and all primary and special approval land uses permitted in the respective zoning districts as defined by this Ordinance.
- D. Plans for building and/or site improvements of the proposed PDP shall be in accordance with all other requirements of this Ordinance; provided, however, that the Planning Commission may recommend, and the Township Board may impose, such additional requirements as is considered reasonable for protection of adjacent properties, established land uses, and established zoning districts from any adverse influences of the PDP.

SECTION 21.08

MINOR ALTERATIONS

Planned Development Projects shall be permitted the following minor alterations:

- A. Minor alterations or amendments shall be allowed to a previously approved Planned Development Project pursuant to the provisions contained herein.
- B. A minor alteration or amendment shall include an alteration of ten (10) percent or less of any measurement or item.
- C. The procedure for a minor alteration or amendment, as herein defined, shall be the same as for the actual approval process, or as the approval process for a conceptual approval, except as specifically modified herein.
- D. A minor alteration or amendment may be that as determined by the Planning Commission and the Township Board.
- E. The Planning Commission shall, if the proposed alteration amendment appears to be minor, review such without a fee being paid at that time.
- F. The application for a minor alteration or amendment shall be accepted without the payment of any fee. The Township Board, at the time of the final determination of the allowance or disallowance of the request for

the minor alteration or amendment, shall determine if the fee shall be waived. Absent such a determination to waive the fee, the applicant shall pay the required fee prior to any further action on the part of the applicant.

G. The Planning Commission shall review and make a recommendation to the Township Board on the proposed alteration or amendment. The Planning Commission shall specifically include in its recommendation:

1. Its approval or denial of the proposal, together with any other comments on the proposal; and,
2. Whether the fee should be waived in this particular application, considering the time and costs incurred by the Township, as well as the nature of the proposed alteration or amendment.

SECTION 21.09

FEES

Fees for legal, engineering, and planning review of plans shall be established by resolution of the Township Board and paid by the applicant or land owner in an amount sufficient to cover the actual costs incurred by the Township.

SECTION 21.10

APPEAL

No decision related to a Planned Development Project shall be taken to the Zoning Board of Appeals.

ARTICLE XXII

PLANNED UNIT DEVELOPMENTS

SECTION 22.01

INTENT

The planned unit development provisions of this Ordinance are intended to allow flexibility in the design of residential neighborhoods to encourage the conservation of natural features such as, but not limited to, woodlands, slopes, meadows, floodplains, and wetland areas and achieve economies of design related to vehicular and pedestrian circulation ways, utility construction, and dwelling unit siting. This Section provides for a mix of housing types provided that the overall project density does not exceed the density permitted by the underlying zoning district, based on the formula provided by this Section. Further, under certain circumstances and based on a comprehensive plan for the entire development, this Section allows for a mix of residential and compatible non-residential uses oriented toward the planned unit development residents but not exclusively for the residents of the planned unit development.

SECTION 22.02

APPLICATION OF PLANNED UNIT DEVELOPMENT PROVISIONS

- A. Minimum Parcel Criteria: The provisions of this Section may be applied to any parcel of land eighty (80) acres or greater, located in the RM-1 or RM-2 Districts, which is under single ownership and for which an application for a planned unit development is made as provided herein. In addition to the required residential land area, property zoned for commercial use, which is under the same ownership as the aforementioned residentially zoned property, may be included as a part of the overall planned unit development proposal.
- B. Exceptions to Minimum Parcel Criteria: Notwithstanding the provisions of paragraph A., an application for a planned unit development on a parcel of land of less than eighty (80) acres may be submitted if the Planning Commission finds, based upon information provided by the landowner, that the minimum area requirement

should be waived because a planned unit development is in the public interest and that one (1) or more of the following conditions exist:

- 1. The parcel of land, or the neighborhood in which it is located, has an unusual physical feature(s) that will be conserved by employing the provisions of this Article;
 - 2. The parcel of land has a historical character of importance to the Township that will be protected by employing the provisions of this Article; or,
 - 3. The parcel of land is adjacent to, or across the road from, a parcel which has been developed as a planned unit development and such will contribute to the maintenance of the amenities and values of the neighboring development.
- C. Application Criteria: An applicant for planned unit development must demonstrate all of the following:
- 1. Application of the planned unit development provisions will result in at least one of the following:
 - a. A recognizable and material benefit to the future residents of the project as well as the community, where such benefit would otherwise be unfeasible or unlikely without application of the planned unit development provisions; or
 - b. The long-term conservation of natural features and the environmental character to the Township will be achieved; or
 - c. A nonconforming use shall be rendered more conforming to the zoning district in which it is situated.

2. The proposed type and density of use shall not result in an unreasonable increased burden upon public services, facilities, and/or utilities in comparison to the use or uses otherwise permitted by the underlying zoning district.
3. The proposed planned unit development shall not result in any unreasonable negative economic impacts on the surrounding properties.

SECTION 22.03

PLANNED UNIT DEVELOPMENT DESIGN STANDARDS

A planned unit development proposal shall be consistent with the statement of purpose of this Article as well as the following general standards for the use of land, the type, bulk, design, and location of buildings, the density of use, common open space and public or private facility requirements, and the development of geographic divisions of the site.

- A. **Residential Dwellings:** The plan may provide for a variety of permanent housing types, including both detached and attached single-family dwellings and multiple-family dwellings, but not mobile homes, as herein defined. Single-family attached and cluster housing as a means of conserving natural features and providing additional common open space.
- B. **Permitted Residential Density:** The permitted residential density shall be determined based on the maximum density permitted by the underlying zoning district, as modified by the following formula:
 1. Gross parcel area minus the area occupied by proposed or existing dedicated public right-of-ways, and minus eighty (80) percent of the area occupied by any wetlands, and floodplain areas. The resulting land area shall be divided by the minimum lot size of the underlying zoning district to establish the maximum number of permitted dwelling units.

2. The minimum permitted lot size for a detached single-family dwelling in areas not served by public sewer and water shall be determined by the Genessee County Health Department standards, but shall not be less than 11,000 square feet.

- C. **Common Open Space:** All planned unit developments shall maintain a minimum of thirty (30) percent of the parcel as common open space which is readily accessible and available to the residents of the planned unit development. A portion of the common open space requirement may be fulfilled by wetland, floodplain, and/or open water areas, provided that not more than twenty-five (25) percent of the designated common open space area is wetland area, floodplain area, and/or open water.
- D. **Educational and Recreational Uses:** Both public and private nonresidential uses of an educational or recreational nature, including but not limited to golf courses, tennis clubs, swim clubs, riding stables, and necessary accessory uses and structures, designed as an integral part of the overall planned unit development, may occupy appropriate portions of the site. Developed recreational uses such as tennis clubs, swim clubs, riding stables, and the like, may be used to satisfy twenty-five (25) percent of the common open space requirement. Golf courses may be used to satisfy up to sixty (60) percent of the common open space requirement, provided such use is integrated into the overall development.
- E. **Commercial Uses:** Commercial uses together with such other uses deemed consistent with the overall development plan, may occupy up to ten (10) percent of the gross area of a parcel, but shall occupy not more than twenty (20) acres.
 1. The following commercial uses may be permitted within a planned unit development:

- a. Professional offices including but not limited to the offices of a lawyer, accountant, insurance agent, real estate broker, architect, engineer, doctor, dentist or similar occupation.
 - b. Banks, credit unions, savings and loan associations, and similar financial institutions.
 - c. Retail businesses which supply commodities on the premises such as but not limited to groceries, meats, dairy products, baked goods, drugs, dry goods, clothing, notions, hardware, books, and similar establishments.
 - d. Personal service establishments which form services on the premises such as but not limited to repair shops (watches, electronics, shoes, etc.), tailor shops, beauty parlors, barber shops, photographic studios, and dry cleaners.
 - 2. Planned commercial uses shall be accessed by public roads and sited in such a manner as to not encourage through traffic within the planned unit development or adjacent residential areas.
- F. Off-Street Parking and Loading: Off-street parking and loading/unloading spaces shall be provided in accordance with Article XXVI of this Ordinance.
- G. Other Site Improvements: Signage, lighting, landscaping, exterior building materials, and other features of the project shall be designed and constructed with the objective of creating an integrated and controlled development, consistent with the character of the community, the surrounding developments, and the site's natural features. This shall also include service roads in commercial areas.
- H. Perimeter Setback and Buffering: The proposed location and arrangement of structures shall not be materially detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood. There shall be a perimeter setback and landscaping and/or berming, as recommended by the Planning Commission, for the purpose of buffering the adjacent properties from the planned unit development. The setback distance and buffering treatment need not be uniform at all points on the perimeter of the development.
- However, in cases where nonresidential uses in the planned unit development are adjacent to residentially zoned property, such uses shall be visually screened by a landscape berm, evergreen screen, or a decorative wall.
- I. Phasing: Each residential development phase shall be designed to stand alone and provide a residential environment which is compatible with the surrounding existing development. Deviations from the number of dwelling units per acre established for the entire planned unit development may be permitted within certain development phases as long as the number of dwelling units authorized per acre is not affected. Further, each development phase shall be designed to provide a proportional amount of common open space in each proposed phase.
- J. A minimum of fifty (50) percent of the total number of residential dwelling units in any planned unit development must be constructed and be ready for sale prior to the construction of any commercial portion of the planned unit development, except that site grading, road construction, and utility installations related to the commercial portions of the planned unit development may be undertaken concurrent with the development of residential units and public or private recreation uses. However, based on supportive evidence provided by a professional market study, the Planning Commission may authorize the construction of commercial uses prior to the completion of fifty (50) percent of the total number of residential dwelling units.

- K. **Planned Unit Development Agreement:** The plan shall contain such proposed covenants, deed restrictions, easements, and other provisions relating to the bulk, location, and density of such residential units, nonresidential uses and public facilities, and provisions for the ownership and maintenance of the common open space as are necessary for the welfare of the planned unit development and are not inconsistent with the best interests of the Township. Said covenants, deed restrictions, easements, and other provisions, which are a part of the plan as finally approved, may be modified, removed, or released only in accordance with regulations and standards as may be subsequently set forth by the Township Board. The enforcement of covenants, deed restrictions, and easements shall be carried out by an association formed by the residents of the planned unit development. Further, the bylaws of such association shall provide for the assessment of fees to finance enforcement actions undertaken by the association.
- L. The landowner shall make such easements, covenants and other arrangements, and shall furnish such performance guarantees, as may be required, to assure performance in accordance with the plan and to protect the public interest in the event of abandonment of proposed development before completion.
- M. **Land Division Requirements:** All portions of the planned unit development, including single-family lots, multiple-family dwellings, commercial areas, and public and private recreational uses, and common open space areas shall be platted in conformance with the requirements of the state of Michigan Subdivision Control Act, PA 288 of 1967, as amended, and with the Mundy Township Subdivision Control Ordinance; or prepared in conformance with the requirements of the state of Michigan Condominium Act, PA 59 of 1978 and the condominium provisions of this Ordinance.

SECTION 22.04

PROCEDURE FOR REVIEW AND APPROVAL

A. Optional Conceptual Planned Unit Development Submittal

An applicant for planned unit development approval may prepare a conceptual planned unit development submittal to provide the Planning Commission with a general overview of the proposed planned unit development. The conceptual submittal shall be processed in accordance with the following procedures.

1. The applicant shall provide seven (7) copies of the conceptual submittal to the Township at least thirty (30) days prior to the meeting at which the submittal is to be initially presented.
2. The following minimum information must be provided as part of the concept submittal:
 - a. Statement of purpose, objectives, and development program including:
 - (1) Discussion of the rationale for employing the planned unit development provisions rather than developing the project conventionally.
 - (2) Total project area.
 - (3) Description of existing site characteristics.
 - (4) Description of proposed character of the development.
 - (5) Densities, areas and setbacks for various residential types.

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| (6) | Area and percent of developed and undeveloped open spaces. | and existing and proposed road surfacing. |
| (7) | Discussion of proposed means of serving the development with water, sanitary waste disposal, and storm water drainage. | b) Existing utility lines including sanitary sewer, storm sewer, water main, and gas and electric service. |
| (8) | Proposed project phasing and estimated timing schedule by phase to completion. | c) Existing adjacent land uses and structures within 200 feet of the proposed planned unit development boundary. |
| (9) | Statement of anticipated impact on natural features, public facilities and services such as but not limited to police and fire protection, roads, and schools. | d) Proposed internal pedestrian and vehicular circulation system. |
| b. | Generalized development plan and program, including: | e) Areas to be developed for residential, commercial, recreational, and common open space uses and structure locations. |
| (1) | Overall map at a minimum scale of 1 inch equals 2,000 feet showing the relationship of the proposed planned unit development to its surroundings, including section lines, parcel boundaries, major roads, collector streets, among other landmarks. | f) Areas to be preserved in a natural state. |
| (2) | Generalized graphic depiction at a scale of 1 inch equals 200 feet showing the following: | g) Other data or graphics which will serve to further describe the proposed planned unit development. |
| a) | Major access roads serving the site, including right-of-way widths, | |

3. The Planning Commission shall review the concept plan and shall make comments and suggestions about the proposed concept plan. The Planning Commission may refer appropriate portions of the submittal to the Township Attorney, Engineer, Planner and/or appropriate County agencies for review and comment, prior to making comments and suggestions to the applicant.

B. Preliminary Planned Unit Development Submittal

A preliminary planned unit development submittal shall be processed in accordance with the following procedures:

1. The applicant shall provide seven (7) copies of the preliminary planned unit development submittal to the Township at least thirty (30) days prior to the meeting at which the submittal is to be initially presented.
2. The following minimum information must be provided by the preliminary planned unit development submittal. If the applicant did not prepare a conceptual submittal, the preliminary planned unit development submittal shall also include the information required by Section 22.04.

a. Existing Site Features

- (1) An overall area map at a scale of not less than 1 inch equals 2,000 feet showing the relationship of the planned unit development to its surroundings such as section lines and/or major roads or collector streets.
- (2) Physical development plan prepared at a minimum scale of 1 inch equals 100 feet.
- (3) Boundaries of proposed planned unit development, section or corporation lines within or adjacent to the tract, and overall property dimensions.
- (4) Property lines of adjacent tracts of subdivided and

unsubdivided land shown in relation to the proposed planned unit development site, including those of areas across abutting roads.

- (5) Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the proposed planned unit development site, including those located across abutting roads.

- (6) Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the proposed planned unit development site.

- (7) Topography drawn at a two (2) foot contour interval. Topography must be based on USGS datum and be extended a minimum distance of two hundred (200) feet outside the proposed planned unit development boundaries.

b. Proposed Development Features

- (1) Layout of internal roads indicating proposed road names, right-of-way widths, and connections to adjoining platted roads, and also the widths and location of alleys, easements, and pedestrian ways.

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| <p>(2) Layout, numbers, and dimensions of single-family lots, including building setback lines.</p> <p>(3) Layout of proposed multiple-family dwellings, including setbacks, buildings, drives, parking spaces, pedestrian ways, and landscaping.</p> <p>(4) Location and function of both developed and undeveloped open spaces, as well as the layout of facilities to be included on developed open spaces.</p> <p>(5) Depiction of major wooded areas and description of means to be employed to preserve them.</p> <p>(6) An indication of ownership, and existing and proposed use of any parcels identified as "excepted."</p> <p>(7) An indication of the proposed sewage, water supply, and storm drainage system. If county drains are involved, the proposed drainage shall be acceptable to the Genesee County Drain Commissioner.</p> <p>(8) Conceptual site grading and conceptual landscaping plans.</p> <p>(9) Depiction of proposed development phases.</p> | <p>(10) Architectural renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements.</p> <p>c. Tabulations</p> <p>(1) Total site acreage and percent of total project in various uses, including developed and undeveloped open space.</p> <p>(2) Total site density of single-family and multiple-family dwellings and percent of ground area covered by structures other than detached single-family dwelling units.</p> <p>(3) Acreage and number of single-family lots, multiple-family dwellings (including number of bedrooms) to be included in development phases.</p> <p>d. Planned Unit Development Agreement</p> <p>(1) Legal description of the total site.</p> <p>(2) Statement of developer's interest in the land proposed for development.</p> <p>(3) Statement regarding the manner in which open space is to be maintained.</p> |
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- (4) Statement regarding the developer's intentions regarding sale and/or lease of all or portions of the planned unit development, including land areas, units, and recreational facilities.
 - (5) Statement of covenants, grants of easements (including easements for public utilities), and other restrictions to be imposed upon the uses of the land and structures.
 - (6) Statement of required modifications (variances) to the regulations which are otherwise applicable to the site.
 - (7) Schedule indicating the time within which applications for final approval of each phase of the planned unit development are intended to be filed.
3. The Planning Commission reviews preliminary planned unit development submittal as well as the comments from the Township Attorney, Engineer, Planner and appropriate state and county agencies and then sets a public hearing to receive citizen input on the proposed planned unit development. Notice of such public hearing shall be given in accordance with the following notification procedures:
 - a. One (1) notice of the public hearing shall be published in a newspaper of general circulation in the Township.
 - b. Notice of the Public Hearing also shall be sent by first class mail to the owners of the property for which planned unit development approval is being considered; to the owners of record of all real property and to the occupants of all structures located within three hundred (300) feet of the boundaries of the property in question. (If the name of the occupant is not known, the term "occupant" may be used in making notification.)

Notifications need not be given to more than one (1) occupant of a structure, except if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice.

In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 - c. Notice of the public hearing shall be made not less than five (5) nor more than fifteen (15) days prior to the public hearing date.

- d. The public hearing notice shall:
 - 1) Describe the nature of the planned unit development proposal.
 - 2) Adequately describe the property in question.
 - 3) State the date, time, and place of the public hearing.
 - 4) Indicate when and where written comments concerning the request will be received.
 - e. Planning Commission holds a public hearing. After the public hearing, the Planning Commission submits a report on the public hearing and the Commission's recommendation to the Township Board. Before recommending preliminary approval to the Township Board, the Planning Commission shall determine that the stated purpose of the Planned Unit Development Ordinance and the specific conditions of Section 22.02 exist and the requirements of Section 22.03 have been met.
4. The Township Board reviews the public hearing report and the Planning Commission recommendation and either approves, approves with modifications, or denies the preliminary planned unit development submittal.
 5. Following approval of the preliminary planned unit development submittal, the Township Board authorizes the developer to prepare the planned unit development agreement and the final planned development submittal.
6. The developer prepares a planned unit development agreement which is reviewed by the Township Attorney, Planner, and Engineer.
 7. The Township Board reviews the planned unit development agreement and either approves, approves with conditions, or denies the planned unit development agreement.
 8. A final planned unit development submittal for some portion of the planned unit development must be submitted within twelve (12) months following approval of the preliminary planned unit development. If no final planned unit development submittal is accepted within that period, approval of the preliminary planned unit development is automatically rescinded and the underlying zoning will take effect. However, the Township Board, upon written application by the developer, may extend the designation for successive one (1) year periods; except that no more than two such twelve (12) month extensions may be granted.
- C. Final Planned Unit Development Submittal
- The final planned unit development submittal for all or a portion of the total planned unit development is reviewed by the Planning Commission and acted upon by the Township Board to assure substantial compliance with the preliminary planned unit development submittal.
- Construction of the initial phase of the planned unit development shall be completed within two (2) years following final preliminary plat or condominium plan approval by the Township Board. This limit may be extended for a reasonable period to be determined by the Township Board, upon written application by the developer for cause shown. If, however, this time limit is not met and an extension is not granted, the planned unit development agreement is automatically rescinded.

1. The final planned unit development submittal must be prepared as one of the following:
 - a. Subdivision Plat as Defined by the Subdivision Control Act

The final planned unit development submittal must be prepared in the form of a preliminary plat in detail sufficient to be granted tentative preliminary plat approval in conformance with the state of Michigan Subdivision Control Act, the Mundy Township Subdivision Ordinance, and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.
 - b. Condominium Plan

The final planned unit development submittal must be prepared in the form of a condominium plan pursuant to the requirements of the Condominium Act and the Condominium provisions as established in Article 29 of this Ordinance, in detail sufficient to be granted approval in conformance with the condominium provisions of this Ordinance and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.
2. The following minimum information must be provided by the developer at the time of filing of a final planned unit development submittal for all or a portion (phase) of a planned unit development:
 - a. Detailed grading plan.
 - b. Detailed landscaping plan.
 - c. Detailed utilities layout.
 - d. Total phase acreage and percent of total planned unit development.
 - e. Acreage and percent of portion of phase and total planned unit development occupied by single-family, multiple-family, and developed and undeveloped open space.
 - f. Total phase density and percent of total planned unit development.
 - g. Number of bedrooms per multiple-family dwelling unit by type (i.e., efficiency, one bedroom).
 - h. Percent of ground area covered by structures other than detached single-family dwelling units.
 - i. Legal description of the total phase, each use area, and dedicated open space.
 - j. Copies of covenants, easements, and other restrictions to be imposed.
 - k. Proposed dates of construction start and completion of phase.
3. The final planned unit development submittal shall not:
 - a. Vary the proposed gross residential density or intensity of use in any portion of the planned unit development by more than ten (10) percent; or
 - b. Involve a reduction of the area set aside for common space;

- c. Increase by more than ten (10) percent the floor area proposed for nonresidential use; or,
 - d. Increase by more than five (5) percent the total ground area covered by buildings.
 - 4. The final planned unit development submittal shall be processed in accordance with the following procedures:
 - a. The applicant shall provide seven (7) copies of the final planned unit development submittal to the Building Official at least fourteen (14) days before the meeting at which the submittal will be presented. The Building Official shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Building Official shall place the preliminary submittal on the Planning Commission's agenda.
 - b. The Planning Commission accepts plan and refers the appropriate portions of the submittal to the Township Attorney, Engineer, Planner as well as the appropriate state and county agencies for review and recommendation.
 - c. The Planning Commission reviews the final planned unit development submittal to assure conformance with the approved preliminary planned unit development submittal and planned unit development agreement. Within sixty (60) days following receipt of the final planned unit development submittal, the Planning
 - 5. Before either the Planning Commission recommends final approval or the Township Board grants final approval to any planned unit development, the Planning Commission and Township Board shall, respectively, determine that:
 - a. Provisions, satisfactory to the Township Board, have been made to provide for the financing of any improvements shown on the plan for open spaces and common areas which are to be provided by the applicant, and that maintenance of such improvements is assured by a means satisfactory to the Township Board.
 - b. The cost of installing all streets and necessary utilities has been assured by a means satisfactory to the Township Board.
 - c. The final plan for any phase is in conformity with the overall comprehensive plan of the entire neighborhood acreage. Any changes or amendments requested shall terminate the overall planned unit development approval until such changes and/or amendments have been reviewed and approved as in the instance of the preliminary submittal.
- Commission shall approve or, if the final planned unit development submittal deviates from the preliminary planned unit development submittal by more than the limits prescribed in this Ordinance, require modifications to assure conformance.

- d. Proceeding with a planned unit development should only be permitted if it is mutually agreeable to the Township Board and the developer.
6. Following approval of a final planned unit development submittal by the Planning Commission, the developer begins processing the plat through the Township Board in conformance with the Subdivision Control Act and the Mundy Township Subdivision Ordinance or the condominium plan through the Planning Commission and Township Board in conformance with the Condominium Act and condominium provisions of this Ordinance.

SECTION 22.05

APPEALS

No decision or condition related to a planned unit development submittal shall be taken to the Zoning Board of Appeals.

SECTION 22.06

FEES

Fees for the review of a conceptual, preliminary or final planned unit development submittal shall be in accordance with the schedule of fees adopted by resolution of the Township Board. Before final approval is granted, the cost of review fees shall be paid for by the applicant/developer and shall include reimbursement of all costs incurred by the Township.

ARTICLE XXIII

SECTION 23.00

SCHEDULE OF REGULATIONS

Zoning District		Minimum Zoning Lot Size Per Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)(a,b,c)			Maximum % of Lot Area Covered By All Buildings	Minimum Floor Area Per Unit (Sq. Ft.)
		Area in Square Feet(a)	Width in Feet(a)	In Stories	In Feet	Front (a)	Each Side(a)	Rear (a)		
RA	Residential/ Agriculture	1 Acre without sewer 20,000 with sewer	100 without sewer 80 with sewer	3	50	95ft. on Section line rd. 85 ft. on ¼ Section line 68ft. on local thoroughfare	10	50	30%	1,000
RSA	Residential Suburban Agricultural	1 Acre without sewer 14,000 with sewer	100 without sewer 80 with sewer	2.5	40	95 ft. on Section line rd. 85 ft. on ¼ Section line rd. 68 ft. on local thoroughfare	10	50	30%	1,000
RM-1	Residential Urban	12,000 10,000 Cluster Subdivisions	60	2	40	95 ft. on Section line rd. 85 ft. on 1/4 Section line rd. 68 ft. on local thoroughfare	10	30	30%	1BR- 750 2 BR- 950 3 BR- 1,150 4 BR- 1,250
RM-2	Residential Urban Multi-Family	(d)	(d)	2.5	30	100(e,f,h)	50(e,f,h)	50(e,f,h)	30%	1 BR - 600 2 BR - 800 3 BR - 1,000
MHP	Manufactured Home Park	See Article X								
C-1	Local Commercial	—	—		30	130(g,i,j)	(j,l,m)	20(k,l,p)	30%	
C-2	General Commercial	—	—		30	130(g,i,j)	(j,l,m)	20(k,l,p)	30%	
C-3	Regional Retail Commercial	—	—		30	130(g,i,j)	50(m,o)	50(k,o,p)	—	
C-4	Metropolitan Commercial	—	—		30	130(g,i,j)	100(m,o)	100(k,o,p)	—	
C-5	Highway Services Commercial	—	—		30	130(g,i,j)	20(m,o)	40(k,o,p)	—	
PRC	Planned Regional Center	40 Acres	—		60	85(g,i,j)	20(m,o)	40(k,p)	—	
M-L	Light Industrial	2 Acres	—	No Maximum			90(n)	See Article XXIV	(k,p)	40%
M-M	Medium Industrial	2 Acres	—	No Maximum		90(n)	See Article XXIV	(k,p)	40%	
M-H	Heavy Industrial	5 Acres	—	No Maximum		90(n)	See Article XXIV	(k,p)	40%	
HRC	Hill Road Corridor	See Article XX								

See NOTES on following pages.

SECTION 23.01**NOTES TO SCHEDULE OF REGULATIONS**

- (a) Section 4.11 Supplementary Setback Regulations
 Section 23.02 Lot Size Averaging
 Section 23.03 Cross-District Averaging
 Section 23.04 Residential Clustering Option
 Section 23.05 Zero Lot Line Developments

- (b) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or as required elsewhere in this Ordinance.

For all lots of record having less than sixty (60) feet of lot width, the minimum required side yards shall be five (5) feet.

- (c) The required setback abutting a street shall not be less than the minimum front yard setback of the district in which it is located and all regulations applicable to a front yard shall apply.

- (d) In an RM-2 Multiple-Family District, the total number of rooms (not including kitchen, dining, and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by eighteen hundred (1,800). All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10) percent of the units may be of an efficiency apartment type. For the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

Efficiency	=	1 room
One Bedroom	=	2 rooms
Two Bedroom	=	3 rooms
Three Bedroom	=	4 rooms
Four Bedroom	=	5 rooms

Plans presented showing 1, 2, or 3 bedroom units, and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads.

In an RM-1 Cluster Subdivision, the minimum lot size shall be 10,000 square feet; however, in no event shall the minimum floor area, i.e., the size of units, be less than required in RM-1 zoning.

- (e) In all RM-2 Multiple Family Residential Districts, the minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than thirty (30) feet. Parking may be permitted within a required side or rear yard but shall not cover more than thirty (30) percent of the area of any required yard, or any minimum distance between buildings. The formula regulating the required minimum distance between two buildings in all RM Districts is as follows:

$$S = \frac{L^A + L^B + 2(H^A + H^B)}{6}, \quad \text{where}$$

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

LA = Total length of building A.

The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

LB = Total length of building B.

The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.

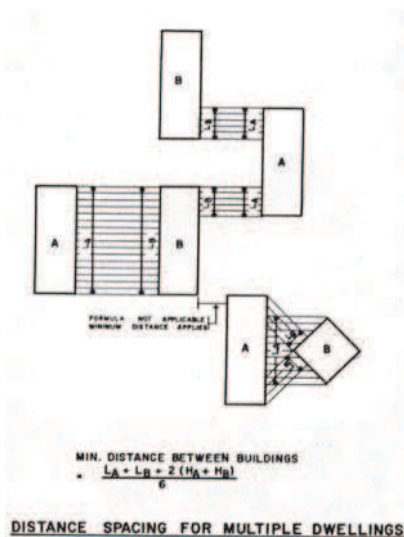
H^A = Height of building A.

The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall

be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

H_B = Height of building B.

The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.



(f)

Along those property lines which abut a single residential district, the minimum required yard shall be determined by the following formula:

$$Y = \frac{L + 2H}{3}$$

Along those property lines which abut a district zoned for other than single-family residential, the minimum required yard shall be determined by the following formula:

$$Y = \frac{L + 2H}{6}$$

Y = required yard.

L = the total length of a line which, when viewed directly from above, is parallel to the lot line and intersects any part of the building.

H = height of the building.

Where a lot line abuts a street, one-half (1/2) the width of the right-of-way of said street may be considered as a yard setback; but in no instance, including the above, shall any yard from building line to property line be less than forty (40) feet.

(g)

In off-street parking areas containing more than twenty (20) spaces, an area equal to at least five (5) percent of the total surface area of such parking lot and associated maneuvering lanes shall be used for interior parking lot landscaping for purposes of water absorption, snow storage, and for installation of plant materials to improve micro-climate conditions. Such area shall consist of landscape islands distributed throughout the parking area having of sufficient size to maintain plant growth. A minimum of one (1) deciduous tree shall be planted in each landscaped island.

(h)

Interior courts shall contain a minimum of five hundred (500) square feet with a minimum horizontal dimension of twenty (20) feet.

(i)

Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.

(j)

No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided. Each structure shall have an area designated and maintained as a fire lane with a minimum width of 20 feet. Sharing with directly adjacent property is acceptable.

(k)

Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements.

- (l) No building shall be closer than thirty (30) feet to any adjacent residential district. The minimum of 30 feet is allowable only with sufficient visual and audio screening.
- (m) Off-street parking shall be permitted in a required side yard setback.
- (n) Off-street parking for visitors, over and above the number of spaces required under Article XXIV may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line.
- (o) No building shall be located closer than fifty (50) feet or the height of the building, whichever is the greater to the outer perimeter (property line) of such district when said property line abuts any residential district.
- (p) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential, office, or business district or from a public street.

SECTION 23.02

LOT SIZE AVERAGING

Lot size averaging may be permitted by the Planning Commission, upon application from the Proprietor, if it determines that it will provide a better relationship of lots to the topography, vegetation or other natural or man-made features. Lot size averaging is the allowance for variation in lot area and width in a development, but with the average lot area meeting the minimum area as required in the underlying particular residential district.

The Planning Commission must convene a public hearing held in accordance with PA 110 of 2006, as amended, as part of its review, study, and approval of an area for lot size averaging.

In the case where lot size averaging is permitted:

- A. The number of lots shall not exceed the number allowed for the zoning district in which the development is located.

- B. Reduction of lot area or width below the minimum required for the zoning district may be permitted for not more than one-third (1/3) of the total number of lots in the development.
- C. No lot shall have an area or width greater than ten (10) percent below that area or width required in Section 23.00.
- D. All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat, or condominium subdivision plan.

SECTION 23.03

CROSS-DISTRICT AVERAGING

When two or more zoning districts are involved within the boundaries of one parcel of land which is under consideration for development of one-family residential use pursuant to Act 288 of 1967, as amended, known as Subdivision Control Act of 1967, the Planning Commission, upon application from the proprietor, may grant a variation from the minimum requirements of the several zoning districts so involved, so as to provide cross-district lot size and density averaging within the boundaries for such parcel of land.

The Planning Commission must convene a public hearing held in accordance with PA 110 of 2006, as amended, as part of its review, study, and approval of an area for cross-district averaging.

If this variation in development is approved, the following conditions shall be met:

- A. The relocation of lot lines shall generally conform with the existing topography, vegetation, and other natural or man-made features.
- B. The total number of lots in any such development shall not exceed the sum of the total number of such lots in each separate zoning district which comprise the whole of the parcel of land involved.
- C. That no individual lot in any such zoning district comprising the whole of such parcel, shall have an area or width which shall be less than the minimum required for the higher density zoning district.

- D. All computations showing the total number of lots permitted and average lot size allowed resulting from this technique shall be indicated on the print of the preliminary plat, or condominium subdivision plan.

- c) Through a common party wall in only the garage portion of an abutting structure.
- d) The attachment of more than four (4) units in the above-described manner shall not be permitted.

SECTION 23.04

RESIDENTIAL CLUSTERING OPTION

The intent of this Section is to encourage the development of single family residential patterns that, through design innovation, will introduce flexibility so as to provide for a more appropriate development to encourage the preservation of open space through site planning.

The Planning Commission shall convene a public hearing held in accordance with PA 110 of 2006, as amended, as part of its review, study, and approval of an application for the cluster housing option. Design and approval criteria for cluster housing shall be as follows:

- A. The minimum yard setbacks, heights, and minimum lot sizes per unit as required by the Schedule of Regulations may be waived by the Planning Commission and the attaching of dwelling units may be accomplished subject to the following:

1. The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the district in which the cluster is to be constructed.
2. The attaching of single family dwelling units, one to another, may be permitted when said homes are attached by means of one or more of the following:
 - a) Through a common party wall which does not have over seventy-five (75) percent of its area in common with an abutting dwelling unit wall.
 - b) By means of an architectural wall detail which does not form interior room space.

- B. In a single family cluster housing development, the dwelling unit density shall be no greater than if the gross land area were to be developed in the minimum square foot lot areas as required for the single family district in which the development is proposed. An exception in the form of a ten (10) percent density bonus may be granted by the Planning Commission where at least fifty (50) percent of the site is retained as permanent open space or in agricultural activity. In the case of agricultural activity, the method of open space protection shall specifically state that the property shall revert to permanent open space when and if the agricultural activity ceases. The details of the conversion and the maintenance of the open space shall also be provided.

- C. Yard requirements shall be provided as follows:

1. Spacing between any grouping of four (4) or fewer one-family units and another grouping of such structures shall be equal to at least twenty (20') feet, measured between the nearest point of the two groupings. A grouping may include a single, freestanding unit.
2. All such groupings shall be situated so as to have one side of the lot abutting onto a common open space.
3. That side of a building adjacent to a dedicated street shall not be closer to said street than twenty-five (25) feet.
4. This nature of development, when abutting a front yard of an existing recorded subdivision which is not a part of the site plan submitted under this Section, shall cause all dwelling units facing such subdivision to relate through its front or entrance facade and shall treat said side of the grouping as a front yard.

5. No building shall be located closer than thirty (30') feet to the outer perimeter (property line) of the site.
- D. Public sewer and water shall be required.
- E. A landscaped berm shall be required, at least six (6') feet high, or a ten (10') foot landscaped greenbelt shall be provided along the entire property line abutting the major thoroughfare. This berm may be included within a required side or rear yard. The slopes on said berms shall be not greater than 3' horizontal to 1' vertical so as not to erode when planted in grass; and the design of the berm as it relates to street intersections, finding that it conforms with corner clearance visibility regulations found elsewhere in this Ordinance. A natural buffer, if one exists, may satisfy all or part of this requirement.
- F. In submitting a proposed layout under this Section, the sponsor of the development shall include, along with the site plan, typical building elevations and floor plans, topography drawn at two (2') foot contour intervals, main floor grade elevations relative to the existing topography, all computation relative to acreage and density, details relative to the proposed berm or greenbelt and any other details which will assist in reviewing the proposed plan.
- G. Site plans submitted under this option shall be accompanied by information regarding the following:
1. The proposed manner of holding title to open land in perpetuity.
 2. The proposed method of regulating the use of open land.
 3. The proposed method of maintenance of property and financing thereof.
 4. All land not intended to be conveyed to individual dwelling unit owners shall be set-aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the Township Attorney to assure compliance with the terms of all Ordinance and provisions there under.
5. That title to the open land is held in common by the owners of all dwelling units in the detached single family cluster development.
- H. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.

SECTION 23.05

ZERO LOT LINE DEVELOPMENTS

- A. The intent of the zero lot line concept is to:
1. Promote the more efficient use of land, as compared to traditional single family development, thereby making housing more affordable to a segment of the community.
 2. Design dwellings that integrate and relate internal and external living areas resulting in more pleasant and enjoyable living facilities.
 3. Permitting the outdoor space to be grouped and utilized to its maximum benefit by placing the dwelling unit against one of the property lines.
- B. The Planning Commission must convene a public hearing held in accordance with PA 110 of 2006, as amended, as part of its review, study, and approval of an area proposed for zero lot line development.
- C. A zero lot line is restricted for one-family developments only in the RM-2 District.
- D. The Planning Commission may approve an application for a zero lot line development which complies with the following development parameters:

1. Uses permitted are restricted to detached one-family dwellings on individually platted lots, including every accessory use customarily incidental therewith.
2. The minimum lot area shall be five thousand (5,000) square feet per unit. The minimum lot width required shall be sixty (60) feet.
3. Each dwelling unit shall only be placed on one interior side property line with a zero (0) setback as to abut the adjoining unit, and the dwelling unit setback on the other interior side property line shall be a minimum of sixteen (16) feet. Patios, fences, walks, trellis, garden features, and similar elements shall be permitted within the setback area provided, however, no structure, with the exception of fences and walks, shall be placed within required easements.
4. A minimum twenty-five (25) foot front yard and twenty-five (25) foot rear yard setback shall be provided. The minimum side yard setback on the street side of a corner lot, or adjacent to any nonresidential district, shall be twenty (20) feet.
5. The total lot coverage permitted for all buildings on the site shall not exceed thirty (30) percent of the lot area.
6. Every part of a required setback shall be maintained as an open space, with no principal or accessory structure occupying any portion, except that overhead projections from the building face (such as soffits) and projection of architectural features (such as bay windows or awnings) may project not more than three (3) feet into such space.
7. The maximum building height shall not exceed two (2) stories and twenty-five (25) feet in height.
8. The wall of the dwellings located on the zero lot line shall have no windows, doors, air conditioning units, or any other type of openings, provided, however, that atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three (3) walls of the dwelling unit and a solid wall of at least eight (8) feet in height is provided on the zero lot line. Said wall shall be constructed of the same material as exterior walls of the unit.
9. A minimum of two (2) off-street parking spaces, excluding the private garage or carport, shall be required for each dwelling unit.
10. All dwellings constructed on a zero lot line must be provided with a firewall as set forth by the applicable building code.
11. Public water and sewer is required and must be supplied to each unit by the Developer.

SECTION 23.06

OPEN SPACE PRESERVATION AND DEVELOPMENT OPTION

These regulations are intended to provide flexibility in certain zoning requirements to preserve the natural features in open space that might be lost through more traditional subdivision development. Only land that is zoned at a density equivalent to two or fewer dwelling units per acre, or, if the land is served by a public sewer system, three or fewer dwelling units per acre, are eligible for application of the provisions of this Section, regardless of zoning classification. The Open Space Preservation and Development Option has been developed to comply with the requirements of Public Act 177 of 2001; and is permitted by right in qualified districts as noted above conditional upon compliance with the provisions of this Section.

- A. Definitions: For purposes of this Section, the following terms shall apply.

1. Adjusted parcel acreage: Net parcel area after the acreage of all lakes, ponds, streams, 50% of regulated wetlands, property within a 100 year floodplain, public rights-of-way, and utility easements are deducted.
 2. Density: Equals the number of dwellings units situated on or to be developed on the adjusted acreage parcel. Density of a site shall be based upon the total dwelling unit count achieved from a concept layout plan prepared by the applicant and accepted by the Township showing the subject site as a single family detached development meeting the design requirements established for the zoning district in which it is located. Actual density shall also be determined by compliance with all setbacks, parking, open space, and other site design requirements. The resulting development yield, determined through such computation, shall be distributed throughout not more than 50 percent of the subject site's buildable area. All remaining land area shall perpetually remain in an undeveloped state pursuant to this Section.
 3. Open Space Preservation Area: Any undeveloped land area within the boundaries of the parcel within an open space residential development, which is designed and intended to conserve on a permanent basis environmental features for the common use or enjoyment of the residence of the development or the public or dedicated to an agricultural use. Such open space may contain accessory structures and improvements appropriate for recreational purposes, as provided by ordinance, such as recreational trails, picnic areas, children's play areas, greenways, or lineal parks. The following are not to be considered open space by this definition:
 - a. Golf courses.
 - b. The area of any street right-of-way proposed to be dedicated to the public.
 - c. Access easements for private roads or underground or overhead utilities.
 - d. The required setback surrounding an existing residential structure that is not located on an individual lot or condominium site.
 - e. Parking and loading areas.
 - f. Airports or airstrips.
- B. Eligibility Criteria: In selecting the open space development option, the applicant must present a proposal for residential development that meets each of the following:
1. Open Space: To be eligible for open space overlay option, the proposed development shall contain no less than 50 percent of the land area that will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restricted covenant, or other legal means that runs with the land.
 2. Unified Control: The proposed development shall be under single ownership or control such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
 3. Protection From Development in Perpetuity: The applicant shall guarantee to the satisfaction of the Township that all open space preservation areas will remain perpetually in their undeveloped state as required. Further, subdivision open

space lands or their use for other than recreation, conservation, or agricultural shall be prohibited.

4. **Density Impact:** The proposed type and density of use shall not result in an unreasonable increase in the need for or impact upon public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted in this zoning ordinance, and shall not place an unreasonable impact upon the subject site and surrounding land, surrounding property owners and occupants, and/or the natural environment.
5. **Community Master Plan:** The proposed development shall be consistent with and further the implementation of the Township Master Plan, as may be amended.
6. **Public Sewer or Public Water:** The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this Section would also depend upon such an extension.
7. **Prior Requests:** The option provided pursuant to this Section has not previously been exercised with respect to the land.

- C. **Flexibility Allowances:** Subject to the limitations specified below, the Planning Commission may grant specific departure from their requirements of the Zoning Ordinance for yard setback, lot area and/or width, and bulk standards as part of the approval process to encompass flexibility and creativity consistent with the open space preservation concept, provided such modification results in enhanced buffering from adjacent land uses or public rights-of-way, or further preservation of natural features.

Regulatory modifications are not subject to variance approval by the Zoning Board of Appeals. No part of an open space community

plan may be appealed to the Zoning Board of Appeals. Any deviation of an approved plan shall require approval from the Planning Commission. This provision shall not preclude an individual lot or dwelling unit owner from seeking a variance following final approval of an open space community, provided such variance does not involve alterations to open space areas as shown on the approved open space plan.

A plan submitted in connection with this Section shall be subject to the following limitations:

1. The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the single family residential district in which the project is to be constructed.
2. The maximum number of units attached shall not exceed four (4) units per building. The maximum number of buildings allowed in any one (1) cluster shall not exceed four (4) buildings.
3. The exterior design of the structures shall be compatible with existing single family structures located in the general area of the project in regards to architectural style, size, overall floor area and heights. Variety in the design of individual units shall be provided by the use of design details that do not appeal to be continuous or repetitious. An exterior design pattern that is repetitious throughout the project shall not be permitted.
4. Yard requirements shall be provided under this option as follows:
 - a. Spacing between groups of attached or between unattached buildings shall be equal to at least 20 feet measured between the nearest points of adjacent buildings. A grouping may include a single unit.

- b. All such groupings shall be so situated as to have one side of the building abutting onto a common open space.
 - c. Any side of a building adjacent to a private road shall not be nearer to such road than fifteen (15) feet.
 - d. Any side of a building adjacent to a dedicated public right-of-way shall not be nearer to such public right-of-way than twenty-five (25) feet. This requirement shall be increased to fifty (50) feet if the street is a quarter section line or section line road.
 - e. This nature of development, when abutting a front yard of an existing recorded subdivision which is not a part of the project plan submitted under this section, shall cause all dwelling units facing such subdivision to relate through its front or entrance façade and shall treat such side of the groupings as front yards.
 - f. No building shall be located closer than thirty (30) feet to the outer perimeter (property line) of the site.
5. The location of open space preservation areas shall meet the following standards to the greatest extent feasible:
- a. The open space is provided along a public street right-of-way to provide additional buffering from the traffic and enhance views from the roadway provided the open space along such right-of-way shall generally have a depth of at least 50 feet.
 - b. The open space provides an ecological link to permanent open space in the surrounding lands and is located to connect open spaces, public parks or bicycle/pedestrian paths throughout the community, when feasible.
 - c. The open space is designed and located to be contiguous to all or most of the dwelling units. Open access to required open space under the provisions of this section shall be provided, when feasible.
 - d. All sensitive environmental feature areas, natural features and animal and plant habitats of significant value are included in the open space preservation areas and are adequately protected.
6. Where the proposed development abuts an existing conventional single-family use, an orderly transition shall occur, if sufficient area exists within the parcel to allow it, using one or more of the following techniques:
- a. Detached single family dwellings subject to the schedule of regulations;
 - b. Open or recreation space;
 - c. Changes in topography which provide an effective buffer;
 - d. A major or secondary thoroughfare; or,
 - e. A landscaped, earthen berm.
7. Open space areas shall represent at least 50 percent of the subject site's adjusted parcel acreage.
- D. Plan Review Procedures: Review by the Planning Commission shall follow the standards, procedures and submittal requirements adopted by the Township for approval of site plans, condominiums, platted subdivisions or land divisions, as may be applicable, and the criteria of Section 23.06.D below.

1. In submitting a proposed layout under this section, the sponsor of the development shall include, along with the project plan, master deed documents, floor plans, topography drawn at two (2) foot intervals, main floor grade elevations relative to the existing topography, all computations relative to acreage and density, and any other details which will assist in reviewing the proposed plan.
2. The applicant shall provide a copy of the legal instrument that would run with the land and that would have the legal effect of preserving in perpetuity in an undeveloped state the open space required by this Section. Such legal instrument shall be reviewed and approved by the Township Attorney prior to recording. Examples of such legal instrument include, but are not limited to, a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended, (MCLA 399.251), deed restrictions, or restrictive covenants. The legal instrument shall outline, at a minimum, the following:
 - a. The proposed allowable use(s) of the open space and any necessary access easements;
 - b. Require that the open space be maintained in perpetuity in an undeveloped state, without buildings, structures or other improvements, except as recommended by the Planning Commission and approved by the Township Board;
 - c. Require that the open space be maintained by parties who have an ownership interest in the open space;
 - d. Provide standards for scheduled maintenance of the open space; and
 - e. Provide for maintenance to be undertaken by Mundy Township in the event that the open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
3. The Township may require the inclusion of open space restrictions that prohibit the following:
 - a. Dumping or storing of any materials or refuse.
 - b. Activity that may cause a risk of soil erosion or threaten any living plant material.
 - c. Cutting or removal of live plant material except for removal of dying or diseased vegetation.
 - d. The use of motorized off-road vehicles.
 - e. Cutting, filling or removal of vegetation from wetland areas.
 - f. Use of pesticide, herbicides, or fertilizers within or adjacent to wetlands.
- E. Approval Criteria: Approval of a proposed development shall be predicated upon a positive finding that all of the following criteria have been met:
 1. The design shall promote the goals, objectives, and policies of the Township Master Plan;
 2. Open space areas shall be provided in suitable locations that offer convenient access by residents and adequate screening from nearby dwelling units;
 3. Natural assets, wildlife habitat areas, or sites having historic archaeological or cultural value shall be protected;

4. Individual lots, buildings, and roadways, and open space areas shall be designed to minimize the alteration of environmental site features;
5. The design of structures shall be compatible with existing single-family structures located in the general area in terms of architectural style, size, overall floor area, building height, and neighboring building orientation; and,
6. Grouping of the dwelling units shall occur in a manner which preserves the basic amenities and qualities normally associated with single family living (such as, but not limited to, privacy, personal open space, and adequate natural lighting and ventilation) while allowing for innovative site layout and open space areas.

ARTICLE XXIV DEVELOPMENT STANDARDS

The provisions of Article XXIV shall apply in all cases when any use contained herein is developed in any zoning district.

SECTION 24.01

ADULT FOSTER CARE LARGE OR SMALL GROUP HOME

- A. Site Requirements:
 - 1. A designated passenger loading/unloading area shall be provided near a barrier-free entrance to the facility.
 - 2. A designated loading/unloading area for delivery vehicles shall be provided.
- B. Buffering Requirements:
 - 1. Property lines which abut a less intense residential district or use shall be screened according to the applicable provisions of Article IV.
 - 2. Parking areas and delivery vehicle loading/unloading areas shall be screened according to the applicable provisions of Article IV.

SECTION 24.02

AIRPORTS

All airports shall comply with the following additional requirements:

- A. All access to and from any airport shall be provided from a paved county primary road, or a state or federal route, and located not less than two hundred (200) feet from any other residential district, and as otherwise required by this Ordinance.
- B. All taxiways and runways shall be located not less than five hundred (500) feet from all property lines.
- C. All approach zones for a distance of not less than one-half (½) mile from the end of the

runway and a width of not less than one thousand (1,000) feet shall be under the control of the airport operator.

- D. All structures shall be located not less than two hundred (200) feet from all property lines.
- E. All residential areas and lands in any other residential district located less than one thousand (1,000) feet from any runway, taxiway, or apron shall be shielded from aircraft noise and exhaust by an earth berm or other structure, such that the protected area is not exposed to a higher noise level measured at the setback line in the residential area or district, than is experienced from road traffic along the closest road fronting along such residential area.

SECTION 24.03

AMUSEMENT HALLS (ARCADES)

- A. The building shall not be located within one hundred (100) feet of a residential building, district, church (or other place of worship), or school.
- B. Ingress and egress to the facility shall be only from a major thoroughfare, or from a shared access drive to such roadway.
- C. No exterior loudspeaker or public address system shall be used.

SECTION 24.04

ANIMALS, COMMERCIAL RAISING (FARM ANIMALS)

- A. The breeding, feeding, and/or rental of animals on a commercial basis, or the non-commercial raising or housing of farm animals in excess of the numbers and types permitted under provisions of Section 24.05 of this ordinance, subject to the following additional conditions:
 - 1. The enclosure holding or housing the animals shall be located not less than one-half (½) mile from any other residential district boundary, and not less than five hundred (500) feet from all property lines.

2. Adequate potable water shall be available at the structure housing the animals.
3. The area where the animals are kept shall be designed and constructed to direct all surface runoff and wash water which can come in contact with any animal waste into a holding pond, or similar facility meeting the standards of the U.S. Soil Conservation Service. Pre-treatment of such collected surface water shall be required prior to its release into natural or public stormwater conveyance systems.
4. The animal husbandry activity shall be carried out only on a farm.

SECTION 24.05

ANIMALS, NON-COMMERCIAL RAISING (FARM ANIMALS)

- A. The non-commercial housing or raising of not more than four (4) horses, cattle, or other similar sized animals; or not more than eight (8) sheep, goats, swine, or other similar sized animals; or not more than fifty (50) chickens, ducks, geese, or other similar sized fowl, or the proportional equivalent of a mix of such animals on farm parcels of ten (10) acres or more. Additional animals may be kept, provided one (1) additional acre of land is provided for each additional unit of animal so kept, above those stipulated subject to the following additional conditions:
 1. All structures enclosing or housing such animals shall be located not less than two hundred (200) feet from all property lines, or not less than three hundred (300) feet from any existing residential structure on any adjacent lands, whichever provides the greatest setback from the adjacent property line.
 2. The minimum area for the use of such animals shall be not less than one (1) acre for each horse, cattle, or similar sized animal, or for each pair of sheep, goat, swine, or similar sized animal; or for a flock of sixteen (16) fowl.

3. RA or RSA zoning is required for the keeping of non-commercial farm animals.

SECTION 24.06

AUTOMOBILE DEALERSHIPS

- A. No vehicles which are inoperative shall be stored on the premises.
- B. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.
- C. The area on which vehicles are displayed shall be hard-surfaced and adequately drained.

SECTION 24.07

AUTOMOBILE FUELING STATIONS, SERVICE STATIONS AND REPAIR GARAGES

- A. Locational Requirements:
 1. For facilities with new underground storage tanks, the site shall be three hundred (300) feet from any residential well, eight hundred (800) feet from a non-community public water well and two thousand (2,000) feet from any public water well.
 2. Ingress and egress to the facility shall be only from a major thoroughfare, or from a shared access drive to such roadway.
 3. No driveway or curb cut shall be located less than fifty (50) feet from any lot line, measured from the edge of the driveway to the lot line.
 4. No more than two (2) driveways onto a roadway shall be permitted per site. Driveway approach width shall not exceed thirty (30) feet.

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

B. Site Requirements:

1. In addition to the minimum lot size of the district, such uses selling fuel shall have an additional five hundred (500) square feet of lot area for each pump over four (4), and one thousand (1,000) additional square feet of lot area for each additional bay over two (2).
2. The minimum lot width and frontage shall be two hundred (200) feet.
3. All fuel pumps shall be located not less than fifteen (15) feet from any lot line or within thirty (30) feet of the road right-of-way, and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.
4. The entire area used for vehicle service shall be, at a minimum, bituminous hard-surfaced and adequately drained.
5. There shall be no above-ground outdoor storage/dispensing tanks on the site without leak proof secondary containment sufficient to accommodate one hundred twenty (120) percent of the volume of the tank.

C. Buffering Requirements:

1. Buffer zones shall comply with the requirements of Article IV.
2. Dumpsters shall be screened in accordance with the provisions of Article IV.
3. The view of all restroom doors shall be shielded from adjacent streets and residential districts.

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

D. Performance Standards:

1. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
2. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than fifteen (15) days and then only for the purpose of temporary storage pending transfer to a junkyard. Such storage shall not occur in front of the building.
3. Sales of new and used motorized vehicles shall not be permitted.
4. No public address system shall be audible from any abutting residential parcel.
5. All floor drains shall be connected to a public sanitary sewer system with the approval of the sewer authority or connected to an approved holding tank.
6. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
7. All handling of flammable or hazardous substances shall be in accordance with state and federal laws and all required state and federal permits shall be obtained and the establishment shall remain in conformance therewith. In addition, the developer shall provide a "spill containment plan" acceptable to the Fire Chief that the occupant will be able to implement in the event of a spill. A copy of the approved Plan shall be filed with the Fire Department.

8. An automobile wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.

SECTION 24.08

AUTOMOBILE WASH

- A. All ingress and egress to the site shall be directly from a hard surfaced road.
- B. Minimum lot size shall be twenty thousand (20,000) square feet.
- C. All washing activities must be carried on within a building.
- D. Vacuuming activities shall be at least fifty (50) feet distant from any adjoining residential zone.
- E. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street. A street shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.
- F. Provision shall be made for the drying of the automobiles undercarriage during subfreezing weather prior to entering the public thoroughfare.
- G. There shall be provided two (2) vehicle stacking spaces for each self-serve wash stall, not containing the vehicle wash or vacuum area.
- H. There shall be provided fifteen (15) stacking spaces for each automatic wash lane.
- I. All off-street parking areas and maneuvering lanes shall be drained so as to preclude drainage of water onto adjacent property and public rights-of-way.

SECTION 24.09

BED AND BREAKFAST ESTABLISHMENTS

- A. Site Requirements:
 1. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single family dwelling. Parking shall be

arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

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

B. Performance Standards:

1. The bed and breakfast facility must be a single family dwelling which is operated and occupied by the owner of the dwelling.
2. The applicant shall provide a scaled floor plan of the premises as part of the special land use application.
3. The exterior appearance of the structure shall not be altered from its single-family character.
4. The impact of the bed and breakfast establishment on the neighborhood shall be no greater than that of a private home with weekend guests.
5. One sign is permitted providing:
 - a. It is for identification purposes only.
 - b. It is not internally illuminated and does not exceed four (4) square feet.
 - c. It shall be mounted flush to the principal structure.
6. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
7. No separate or additional kitchen facilities shall be provided for the guests.
8. Retail sales are not permitted beyond those activities serving overnight patrons.

9. Meals shall not be served to the public at large but only to guests.
10. No receptions, private parties or activities for which a fee is paid shall be permitted.
11. Exterior solid waste facilities beyond what might normally be expected for a single family dwelling shall be prohibited.

SECTION 24.10

CEMETERIES, CREMATORIES AND/OR MAUSOLEUMS

A. Locational Requirements:

1. All ingress and egress to the site shall be from a major thoroughfare.
2. The site shall not interfere with the future development of a system of collector and larger streets in the vicinity.

B. Site Requirements:

1. The minimum lot or parcel size for cemeteries, crematories, and/or mausoleums shall be twenty (20) acres.
2. No more than five (5) percent of the site area may be occupied by buildings.
3. All burial plots and all structures including but not limited to a mausoleum shall be set back no less than two hundred (200) feet from any lot line or road right-of-way.
4. Adequate parking shall be provided on the site, at least fifty (50) feet from any lot line, and no cemetery parking shall be permitted on any public street.

C. Buffering Requirements: A ten (10) foot buffer zone containing screening plant materials approved by the Planning Commission is to be provided adjacent to all interior lot lines pursuant to the requirements of Article IV.

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

SECTION 24.11

CHILD DAY CARE CENTERS/NURSERY SCHOOLS

A. Site Requirements:

1. No portion of a child care center shall be located within three hundred (300) feet of any fuel pumps, underground storage tanks, or any other explosive material.
2. A child loading/unloading area shall be designated which assures safe access to the center and will not impede circulation within the parking area or access to the site during peak traffic hour.
3. On-site traffic circulation shall be restricted to a one-way traffic pattern, where possible.

B. Buffering Requirements: Any facility boundary which abuts property which is residentially used or zoned shall be screened according to the applicable provisions of Article IV.

SECTION 24.12

CHURCHES (PLACES OF WORSHIP) AND OTHER FACILITIES NORMALLY INCIDENTAL THERETO

- A. The minimum lot size shall be three (3) acres. The minimum lot width shall be 300 feet.
- B. All ingress and egress shall be from a hard-surfaced road.
- C. No building shall be closer than one hundred (100) feet to any interior lot line.
- D. A continuous and obscuring wall not less than four feet six inches (4'6") in height or other screening, as approved by the Planning

Commission, shall be provided along the sides of the off-street parking area adjacent to residentially zoned or used land.

SECTION 24.13

CLUBS AND FRATERNAL ORGANIZATIONS

- A. The minimum lot size shall be three (3) acres. The minimum lot width shall be 300 feet.
- B. All ingress and egress shall be from a hard-surfaced road.
- C. No building shall be closer than one hundred (100) feet to any interior lot line.
- D. A continuous and obscuring wall not less than four feet six inches (4'6") in height or other screening, as approved by the Planning Commission, shall be provided along the sides of the off-street parking area adjacent to residentially zoned or used land.

SECTION 24.14

COMMERCIAL RECREATION (INDOOR)

- A. Site Requirements:
 - 1. The site shall be located on a major thoroughfare.
 - 2. Minimum lot size shall be one (1) acre.
- B. Buffering Requirements: Shall comply with the requirements of Article IV.
- C. Performance Standards:
 - 1. Sites shall be routinely cleared of debris so that litter does not accumulate on adjacent properties.
 - 2. Central loudspeakers/paging systems are prohibited.
 - 3. The intensity level of sounds shall not exceed seventy (70) decibels (dba) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels (dba) at the common lot line when adjacent to residential uses and

residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards .

- 4. Whenever a swimming pool is to be provided, said pool shall conform to the requirements of Article XXIV.
- 5. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.

SECTION 24.15

COMMERCIAL RECREATION (OUTDOOR)

Outdoor commercial recreation uses shall include, but need not be limited to, the following: miniature golf; animal racing, go-cart, automobile or motorcycle tracks; amphitheaters; amusement parks; drive-in theaters; air gun or survival games; campgrounds (including youth camps, religious retreats and hunting camps), recreational vehicle parks or travel trailer parks; resorts; fairgrounds; batting cages; ski slopes; skate board parks; flea markets; uses similar to the above uses; and, uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, offices for management functions, spectator seating and service areas, including locker rooms and rest rooms.

- A. Site Requirements:
 - 1. The site shall be located on a major thoroughfare.
 - 2. Minimum site area shall be three (3) acres for: flea markets, batting cages, skateboard parks and miniature golf.
 - 3. Ten (10) acres for: amphitheater, amusement parks, resorts and campgrounds. Minimum lot width shall be six hundred (600) feet.
 - 4. Twenty (20) acres for all other commercial recreation uses. Minimum lot width shall be six hundred (600) feet.

B. Buffering Requirements:

1. No building or spectator seating facility shall be located within one hundred (100) feet of a lot line.
2. Front, side and rear yards shall be at least eighty (80) feet. The first fifty (50) feet of such yards shall not be used for off-street parking and shall be landscaped.
3. Whenever parking areas are adjacent to land zoned or used for residential purposes, a five (5) foot wall or greater shall be provided along the sides of the parking area adjacent to such residential land.
4. Race tracks and drive-in theaters shall be enclosed around the entire periphery with an obscuring screen fence at least eight (8) feet in height. Fences shall be of permanent finished construction, painted or otherwise provided with a durable finish.

C. Performance Standards:

1. The applicant shall provide evidence of compliance with all appropriate federal, State, County and local permits as appropriate.
2. Facilities shall provide off-street parking and passenger loading areas.
3. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
4. Facilities which have a participant capacity greater than five hundred (500) people shall provide letters of review from the County Sheriff and Genesee County Road Commission with respect to the proposed project.
5. Exterior lighting shall be installed in such a manner so that it does not impede the vision of traffic along adjacent streets.

6. Facilities using night lighting adjoining a residentially zoned property shall deflect lighting away from these areas.
7. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.
8. Outside storage shall be screened.
9. Landscaped areas shall be maintained in a healthy condition pursuant to Article IV.
10. Sites shall be routinely cleared of debris so that litter does not accumulate on adjacent properties.
11. In no case shall a recreational accessory use pre-date the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
12. Accessory commercial activities shall be limited to those necessary to serve only the seasonal patrons of the facility.
13. Not more than sixty-five (65) percent of the land area shall be covered by recreational uses.
14. Central loudspeakers/paging systems are prohibited adjacent to residential property.
15. The intensity level of sounds shall not exceed that as regulated by the other Ordinances of the Township.
16. No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of an existing dwelling.
17. All sanitary facilities shall be designed, constructed, and maintained in strict conformance with Genesee County Health Department regulations.
18. Adequate trash receptacles shall be provided, as needed throughout the site.

19. Drive-in theater screens shall not face any public street and shall be so located as to be out of view from any major thoroughfare.
20. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners.
21. In the case of camping facilities:
 - a) Each campsite shall contain a minimum of fifteen hundred (1,500) square feet.
 - b) Each campsite shall be set back from any right-of-way or lot line at least seventy (70) feet.
 - c) A common use area shall be provided at a rate of five hundred (500) square feet per campsite.
 - d) There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
 - e) At least one (1) public telephone shall be provided in the facility.
 - f) Maximum density for campgrounds shall be fifteen (15) campsites per acre.
 - g) No more than one (1) permanent residence shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.
 - h) Separate toilet and bathing facilities shall be provided for each sex and shall contain hot and cold water at a ratio of one facility per twenty (20) campsites.

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

SECTION 24.16

COMMUNICATION FACILITIES, WIRELESS

A. Wireless Communication Antennas.

1. In order to encourage co-location and to minimize the number of Wireless Communication Support Facilities (WCSFs) within the Township, Wireless Communication Antennas (WCAs) shall be considered a permitted accessory use in all non-residential zoning districts when placed on or attached to any structure which constitutes a principle use, including existing WCSFs, provided that any WCA shall not extend more than twenty (20') feet above the tallest portion of the structure on or to which it is attached. Provided further that the height of any WCA shall not exceed one hundred (100') feet unless:
 - a) Located on a lawfully existing or approved WCSF; or
 - b) Located on a structure existing prior to the adoption of this regulation; or
 - c) Located on a structure which has received a height variance.
2. An application to install a WCA shall require a review by the Township Planning Commission, and shall include evidence that the applicant has first attempted to locate a WCA in a non-residential zoning district.
3. WCAs shall require no personnel on the premises except as necessary for maintenance and repair.
4. If a WCA requires an accessory equipment storage structure, it shall not be greater than fifteen (15') feet in height and shall meet all zoning requirements.

5. WCAs shall not be allowed on any site used as a single family dwelling unit.
 6. All WCAs shall be designed to blend into or meet the aesthetic character of the principal (primary) structure where reasonably practical taking into consideration the location of the WCA and the line of sight angle and distance from the right-of-way and neighboring uses.
 7. No accessory equipment structure or area shall be allowed in any rights-of-way which creates a public safety hazard.
 8. This Section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).
- B. Wireless Communication Support Facilities (WCSF).
1. All WCSF shall be constructed in compliance with all applicable construction codes, which include the Electronic Industries Association/ Telecommunications Industry Association (EIA/TIA) Structural Standards of Steel Antenna Towers and Antenna Supporting Structures.
 2. The WCSF shall comply with all applicable Federal Aviation Administration (FAA) requirements.
 3. The WCSF shall not be used for advertising purposes and shall not contain any signage.
 4. The WCSF may be located on a zoning lot containing other principal uses. The WCSF may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot complies with the applicable minimum lot size for the existing principal use or is a legal nonconforming or grandfathered lot. The area within which the WCSF is located shall be the area subject to the requirements of this section, rather than the entire zoning lot, unless otherwise provided herein.
 5. The WCSF shall meet all requirements of the zoning district in which it is located which are not inconsistent with this section. Minimum yard requirements shall be measured from the boundary of the zoning lot to the closest portion of the WCSF or the accessory equipment structure or storage area, whichever is closer.
 6. The WCSF shall have a landscaped buffer concealing the base of the WCSF and accessory equipment structure or storage area shall be screened from any right-of-way or adjacent properties. A buffer selected by the Planning Commission shall be constructed around the perimeter of a WCSF. Screen fencing shall also be required for public safety reasons. A chain linked or a solid wood fence at least six (6') feet in height shall be erected entirely around any communication tower and any related support facilities being utilized for commercial purposes. "No Trespassing" signs shall be posted around the wireless communication facility with the identity of the service provider and an emergency telephone number.
 7. The construction of the WCSF shall be of monopole design unless it can be demonstrated that such design is not feasible to accommodate the user or co-location.
 8. The application shall contain information showing the geographic search area within which the proposed WCSF must be located and shall also provide locations of all structures of similar height within and adjacent to the search area.
 9. If co-location is not part of the application, then the applicant shall provide evidence as to why co-location is not possible.

10. This section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).
11. WCSFs shall not have a shiny or metallic finish.
12. The applicant is required to disclose whose wires will be connecting proposed towers so the Township can assess any separate franchise fees.

C. Replacement of Existing WCSF.

1. An existing WCSF which was lawful at the time of its construction may be replaced for purposes of accommodating co-location of additional WCAs or otherwise provided that:
 - a) The replacement WCSF shall not exceed a total height of one hundred and fifty (150') feet or, if the existing WCSF has an approved height greater than one hundred and fifty (150') feet, the replacement WCSF shall not exceed the approved height.
 - b) The replacement WCSF shall be located within the same zoning lot as the existing WCSF and shall be located so as to maximize compliance with existing minimum yard requirements.
 - c) The applicant shall cause the existing WCSF to be removed within ninety (90) days of completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the existing WCSF shall be removed within one hundred and eighty (180) days of the Township's final construction inspection of the replacement WCSF.

- d) If the location of the replacement WCSF is such that the existing WCSF must be moved before the replacement WCSF is constructed, temporary portable antennae support facilities may be used, but must be removed within thirty (30) days of the completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the temporary portable antennae facilities must be removed within sixty (60) days of the Township's final construction inspection of the replacement WCSF.
- e) The plan for a replacement WCSF in any zoning district must be reviewed by the Planning Commission which shall approve such requests that meet the requirements of this section.

D. Review Criteria for All New WCSFs, Except Replacement WCSFs.

1. A new WCSF shall not be approved unless it can be demonstrated by the applicant that there is a need for the new WCSF which cannot be met by placing WCA on an existing WCSF or on other structures or replacement of an existing WCSF. Information concerning the following factors shall be considered in determining that such need exists:
 - a) Insufficient structural capacity of existing WCSFs or other suitable structures and unfeasibility of reinforcing or replacing an existing WCSF;
 - b) Unavailability of suitable locations to accommodate system design or engineering on existing WCSF or other structures;

- c) Radio frequency interference or other signal interference problems at existing WCSF or others structures;
 - d) Other factors which demonstrate the reasonable need for the new WCSF;
 - e) Evidence that the denial of the application for a proposed WCSF will result in unreasonable discrimination among providers of functionally equivalent personal wireless communication services and/or will have the effect of prohibiting the provision of personal wireless communication services; and,
 - f) Evidence that the refusal of owners or parties who control WCSFs or other structures to permit a WCA to be attached to such WCSFs or structures.
2. WCSFs shall be designed to have sufficient structural capacity to allow for three (3) providers to be located on the structure. The wireless communication facility shall also be designed to show that the applicant has sufficient space on its site plan for an equipment building large enough to accommodate three (3) users. If an equipment building is initially constructed to accommodate only one (1) user, space shall be reserved on site for equipment building expansions to accommodate three (3) users.
3. The applicant must include a statement in the application of its good faith intent to allow the co-location of the WCAs of other entities, provided that the cost of modifying the WCSF to accommodate the co-location WCA is borne by the co-locating entity, and that all requests for co-location of wireless communication facilities will be responded to within thirty (30) days from the date of receipt of written request.
4. As an additional condition of issuing the permit to construct and operate the tower, the owner/operator of the tower is required to sign a statement that all disputes with future providers concerning co-location and the terms and conditions of co-location shall be submitted to commercial arbitration under a system selected by the parties but if the parties are unable to agree, then under the auspices of the Commercial Arbitration Provisions of the American Arbitration Association.
5. The applicant shall send a written notice to all potential users of the new WCSF offering an opportunity for co-location. The list of potential users shall be provided by the Township based on those entities who have requested approval of WCSF in the past, current FCC license holders, and any other entities requesting to be included on the list. Copies of the notice letters shall be provided to the Township at the time the application is filed.
6. New WCSFs shall meet the following additional criteria:
 - a) The WCSF shall not exceed one hundred and fifty (150') feet in height;
 - b) All WCSFs over one hundred (100') feet in height shall be designed for the co-location of three additional WCAs, and shall therefore also be able to accommodate additional equipment storage structures;
 - c) All WCSFs shall be setback a minimum of two hundred and fifty (250') feet from any residential zoning districts; and,
 - d) The installation of a WCSF must be reviewed by the Planning Commission which shall approve such WCSFs that meet the requirements of this section.

Such review by the Planning Commission shall be without notice.

7. Application Requirements for New WCSFs:

- a) A site plan prepared in accordance with Article XXVIII of this ordinance (Site Plan Review Procedures) shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- b) The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed. The purpose of landscaping is to provide screening for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities which may be unsafe.

8. The application shall include a certification by a State of Michigan licensed and registered professional engineer of the applicant with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulation for the district in question, in determining the appropriate setback to be required for the structure (WCSF) and other facilities.

9. The application shall include a description of security to be posted at the time of receiving a building permit

for the facility to ensure removal of the facility when it has been abandoned or is no longer needed. In this regard, the security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township Board establishing the land in question as security for removal.

10. The application shall include a map showing existing and known proposed WCSFs and WCAs within the Township, and further showing existing and known such facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility.
11. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the WCF is on the premises.

E. Additional Criteria for Special Approval Condition Use and Review:

1. The installation of a WCSF in any residential zoning district shall be located on lots or parcels of not less than two (2) acres.
2. As a condition of issuing a permit to place a WCSF in a residential zoning district, the applicant is required to provide proof that no suitable locations exist within any other "permitted use" or "special use" areas determined by the Ordinance.
3. If the WCSF is not entirely surrounded by commercial or industrial uses, the applicant is required to provide a written justification of the need for this site showing why other non-residential sites are not suitable.

4. The Planning Commission may require a visual/line of site analysis to enable the Township to assess impacts. Such analysis may require the applicant to provide visualization of the WCSF on-site which may include graphic representations or other acceptable methods to demonstrate the visualization.

F. Removal of Abandoned WCSFs.

Any WCSF which is abandoned shall immediately be removed or demolished. For the purposes of this section, abandoned shall mean that no WCA or other commercial antenna has been operational and located on the WCSF for one hundred eighty (180) days or more. Where the removal or demolition of an abandoned WCSF has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the WCF or the Township may place a lien on the property to cover costs for the removal of the WCF. A lien on the property shall be superior to all other liens except taxes.

G. Variances and Appeals.

Variances from this Section may be requested from the Zoning Board of Appeals. Requests for additional height to any permitted or previously approved WCSF may be granted by the Planning Commission to provide for co-location of additional WCA so long as such additional height does not exceed thirty (30') feet. Appeals of a Planning Commission decision shall be taken to the Zoning Board of Appeals.

H. Certification of Registered Engineer.

The Township may require a review by an independent registered engineer engaged by the Township and paid for by the applicant for the construction of wireless communication towers. Among other things, the Engineer may review

and approve the written certification of the applicant's Engineer and may review and approve the applicant's studies showing the necessity for and location of the tower; and may review and approve the structural integrity, electrical integrity and electrical safeness of the wireless communication facility in its projected uses so as to assure the protection of the health, safety and welfare of the Township residents.

SECTION 24.17

DRIVE-IN ESTABLISHMENTS

A. Site Requirements:

1. The site shall have at least one (1) lot line on a major thoroughfare.

B. Performance Standards:

1. The outdoor space used for parking and vehicle stacking shall be hard surfaced and adequately drained.
2. Drive-in restaurant management shall provide adequate trash and litter policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary.
3. No drive shall be closer to any other drive than seventy-five (75) feet and the maximum number of driveways permitted is two (2).
4. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on abutting streets.
5. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent said sound or music from being audible beyond the boundaries of the site.

SECTION 24.18**ENTREPRENEURIAL SCHOOLS (TRADE SCHOOLS, BUSINESS SCHOOLS)**

- A. All ingress and egress to the site shall be directly from a major thoroughfare.
- B. Necessary steps shall be taken to ensure that any resulting dust, flushing, fumes, gas, noise, odor, smoke, vapor, or vibration do not create a condition detrimental to the surrounding area.
- C. Any outdoor storage of rubbish, junked equipment, or parts is prohibited unless it is screened with a six (6) foot masonry wall. The material being stored shall not be stacked higher than the wall.
- D. In the case of vehicle mechanics, any temporary outdoor storage of vehicles for repair shall not be located within fifty (50) feet of a public right-of-way or a residential district.

SECTION 24.19**ESSENTIAL SERVICES**

Structures for essential services, such as transformer stations, high voltage transmission lines and towers, oil and gas pipelines, pump stations, etc., subject to the following additional requirements:

- A. The area occupied by such an activity shall not include any storage of any equipment or parts, nor the stationing of personnel for other than necessary repairs, or periodic maintenance of the lot area or buildings.
- B. All operational and moving machinery shall be housed within a building.
- C. All structures shall be located in compliance with all setback and height requirements for residential uses in the district, excepting line poles located within established easements.
- D. The entire perimeter of the lot on which buildings are located shall be secured to prevent access to the premises, and all towers shall be secured to discourage trespass, particularly by young children.

SECTION 24.20**FUNERAL HOMES AND MORTUARIES**

- A. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet.
- B. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

SECTION 24.21**GARDEN APARTMENTS AND TOWNHOUSES**

- A. No garden apartments or townhouses shall be located within thirty (30) feet of another such structure, unless a greater distance is required under any other provision of this Ordinance.

SECTION 24.22**GOLF COURSES AND COUNTRY CLUBS**

- A. Site Requirements:
 - 1. Minimum site shall be eighty (80) acres for a nine-hole course.
 - 2. Minimum site shall be one hundred sixty (160) acres for an 18-hole course.
 - 3. The minimum site for tennis, racket sport and swimming facilities shall be no less than four (4) acres.
- B. Buffering Requirements:
 - 1. A landscaped buffer zone shall be provided between the parking and principal building area and any adjacent residential development.
 - 2. A fifty (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses or wetlands must be maintained. The buffer zone must contain natural vegetation and shall not be chemically treated.

- C. Performance Standards:
1. Accessory uses may include: clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, standard restaurant and drinking establishments, tennis, racket sport, and swimming facilities.
 2. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
 3. Major accessory uses such as a standard restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop, may be located in separate structures.
 4. There may be a maximum of two (2) identification signs. Each sign may have a maximum area of thirty (30) feet. Both signs may be lighted but not internally.
 5. All principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any lot line or abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
 6. Access shall be so designed as to provide all ingress and egress directly onto or from a major thoroughfare.
 7. The total lot area covered with principal and accessory buildings shall not exceed fifteen (15) percent.
 8. All artificial lights shall be directed away from adjoining properties.
 9. No outdoor loudspeaker or call system shall be audible on adjoining property.
 10. Outside storage shall be properly screened.
 11. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the principal building.
 12. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setbacks. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties.
 13. Toilet facilities for use by patrons shall be located conveniently. Satellite restrooms are to be located away from lot lines and painted or finished in an earth tone color. Such facilities shall be approved by the Genesee County Health Department.
 14. Golf courses shall retain and preserve native vegetation over at least thirty (30) percent of the total upland area of the course to reduce water demand, excessive soil erosion and heavy nutrient run-off.
 15. Water quality protective measures are required as follows:
 - a. Maintenance of erosion control barriers during construction and until all ground cover is established.
 - b. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.

- c. Site areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on-site ponding area.
 - d. A chemical storage area must be designated within an accessory building. The area must provide secondary containment to prevent the spread of spills.
 - e. An inventory manifest of stored chemicals must be posted at the entrance of the accessory building. Said listing must also be filed with the Township.
- 16. At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information. All chemical applications must be applied by a Michigan Department of Agriculture Licensed Applicator.
 - 17. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.
 - 18. In order to ensure that the site can be restored to prior conditions should golf course construction not be completed, the Township may require posting of a performance guarantee or other acceptable security.
 - 19. Swimming pools shall conform with the requirements of Article IV.

SECTION 24.23

GROUP DAY CARE HOMES

- A. A group day care home shall not be located closer than 1,500 feet to any of the following:
 - 1. Another licensed group day care home.
 - 2. Another adult foster care small group home or large group home licensed under the adult foster care licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 - 3. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
 - 4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- B. All outdoor play areas shall be enclosed with ornamental fencing having a minimum height of six (6) feet.
- C. The facility shall maintain the property consistent with the visible characteristics of the neighborhood.
- D. The group day care home shall not operate for more than 16 hours during any 24 hour period.
- E. Signs shall be in accordance with Section 4.17.
- F. Off-street parking shall be provided in the ratio of one (1) parking space for each employee in the largest working shift plus two (2) visitor parking spaces.

SECTION 24.24

HEALTH CLUBS AND SPAS

- A. The minimum lot size shall be three (3) acres.
- B. All ingress and egress shall be from a hard-surfaced road.

SECTION 24.25**HOSPITALS****A. Locational Requirements:**

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

B. Site Requirements:

1. The minimum lot or parcel size for hospitals shall be ten (10) acres.
2. No more than twenty-five (25) percent of the site area shall be covered by buildings.
3. Except as provided in Section 23.00, the minimum distance of any building from lot or right-of-way line shall be at least one hundred (100) feet for front, rear, and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet.
4. Access to and from any delivery or ambulance areas shall be directly from a major thoroughfare.
5. Noise producing activities, such as ambulance and delivery areas, laundry, or power plant, shall not be located closer than three hundred (300) feet from any residential area.

C. Buffering Requirements:

1. Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall five (5) feet in height.
2. Parking areas shall be screened from surrounding residential areas by a wall or fence, in combination with suitable plant materials as specified in Article IV.

3. All lighting shall be shielded away from public right-of-way and neighboring residential lots.

D. Performance Standards:

1. All hospitals shall be licensed by the Michigan Department of Public Health.
2. Hospitals shall conform to applicable state and federal laws.

SECTION 24.26**INDUSTRIAL PARKS**

- A. The minimum land area for an Industrial Park shall be Twenty (20) acres.

- B. The development of an Industrial Park shall be in accordance with an overall plan for the development of the park.

- C. Each lot within the park shall be provided with public sanitary sewage and water services.

1. Such services shall conform to all applicable statutes, ordinances, and regulations of the State of Michigan, the County of Genesee and the Township.

- D. All Industrial Parks shall have direct access to a paved county primary road, which access shall not be less than Two Hundred (200) feet from the closest right-of-way line of any public street intersecting such primary road.

- E. No parking area, or driveway shall be located less than fifty (50) feet, and no structure shall be located less than one hundred fifty (150) feet from any adjoining residential district.

- F. The front yard of all lots within the Park for a depth of twenty (20) feet, and all setbacks adjoining any residential district shall be designed, constructed and landscaped to protect the peaceful enjoyment of such adjacent residential district property.

- G. Minimum lot areas within an industrial park shall be one (1) acre.

- H. All structures within a park shall be located such as to provide not less than twenty (20) feet of clear area around each structure for access by emergency services.
- I. Lighting facilities shall be required where deemed necessary for the safety and convenience of employees and visitors, and all external lighting fixtures shall be located to prevent any direct glare upon adjacent residential district areas and vehicular traffic.

SECTION 24.27

INDUSTRIAL USES, LIGHT

- A. Light Industrial Use: Any industrial use not involving the processing of raw materials and not requiring the outdoor storage of material or components used in its manufacturing or sales activity; excepting any smelting, heat treatment, electrolytic or chemical plating rolling mills, oil processing, fertilizer manufacturing, slaughter houses, explosive manufacturing, tannery, rendering plants and any other similar types of activities; subject to the following additional conditions:
 - 1. The land on which such activity is proposed shall have direct access to a paved county primary road.
 - 2. All activities shall be carried out within an enclosed building.
 - 3. There shall be no outdoor storage of any supplies, or material used in the manufacturing process, other than vehicles used in the transportation of supplies and finished products.
 - 4. All points of vehicular access shall be to and from a paved county primary road, provided however, no access point shall be located less than two hundred (200) feet from the closest right-of-way line of any street intersecting such primary road, or to any other point of access to any other parcel of land.
- 5. No parking area, or driveway shall be located closer than fifty (50) feet, and no structure shall be located less than one hundred (100) feet from any side or rear property line, or less than two hundred (200) feet from any residential district, provided however, the Planning Commission may direct that a greater separation be provided upon a finding that such greater separation is necessary to protect the peaceful enjoyment of such adjacent residential property.
- 6. There shall be maintained along all street frontages, a landscaped area of not less than fifty (50) feet in width, but encompassing all of the yard setbacks along such street frontage that is not occupied by a structure.
- 7. All areas adjacent to any residential district shall be designed, constructed and landscaped for a width of not less than fifty (50) feet to reduce the noise and light glare from activities on the property.
- 8. No part of any front yard, or any required landscaped area shall be used for the storage or display of any equipment, supplies or raw material or any merchandise.
- 9. All setback areas and areas accessible to vehicular traffic shall be designed, constructed, landscaped, and maintained to provide safe and efficient circulation of such traffic.
- 10. All lighting fixtures shall be located to adequately illuminate areas determined necessary to assure the safety and convenience of the visitors and employees, and directed in a manner to protect abutting street users and adjacent properties from unreasonable glare or hazardous interference of any kind.

11. Adequate provision shall be made for the safe and effective storage and disposal of all waste material, with the location of the storage facilities clearly identified and dimensioned on the site plan.
 - a) The site plan shall be submitted with a listing of all the putrescible or hazardous raw material and waste material that will be used and generated by the activity.
 - b) The site plan shall also be submitted with a notarized agreement executed by the owner of the activity, or its chief executive officer and a licensed waste hauler, providing for the daily removal of all putrescible or hazard waste material.
4. All points of vehicular access shall be to and from a paved county primary road, provided however, no access point shall be located less than two hundred (200) feet from the closest right-of-way line of any street intersecting such primary road, or to any other point of access to any other parcel of land.
5. No parking area, or driveway shall be located closer than fifty (50) feet, and no structure shall be located less than one hundred (100) feet from any side or rear property line, or less than two hundred (200) feet from any residential district, provided however, the Planning Commission may direct that a greater separation be provided upon a finding that such greater separation is necessary to protect the peaceful enjoyment of such adjacent residential property.

SECTION 24.28

INDUSTRIAL USES, MEDIUM

- A. Medium Industrial Use: Any industrial use which may involve the processing of raw materials and which does not require the outdoor storage of raw material or components used in its manufacturing or sales activity; excepting any smelting, heat treatment, electrolytic or chemical plating rolling mills, oil processing, fertilizer manufacturing, slaughter houses, explosive manufacturing, tannery, rendering plants and any other similar types of activities; subject to the following additional conditions:
 1. The land on which such activity is proposed shall have direct access to a paved county primary road.
 2. All activities shall be carried out within an enclosed building.
 3. There shall be no outdoor storage of any supplies, or material used in the manufacturing process, other than vehicles used in the transportation of supplies and finished products.
6. There shall be maintained along all street frontages, a landscaped area of not less than fifty (50) feet in width, but encompassing all of the yard setbacks along such street frontage that is not occupied by a structure.
7. All areas adjacent to any residential district shall be designed, constructed and landscaped for a width of not less than fifty (50) feet to reduce the noise and light glare from activities on the property.
8. No part of any front yard, or any required landscaped area shall be used for the storage or display of any equipment, supplies or raw material or any merchandise.
9. All setback areas and areas accessible to vehicular traffic shall be designed, constructed, landscaped, and maintained to provide safe and efficient circulation of such traffic.
10. All lighting fixtures shall be located to adequately illuminate areas determined necessary to assure the safety and convenience of the visitors and

employees, and directed in a manner to protect abutting street users and adjacent properties from unreasonable glare or hazardous interference of any kind.

11. Adequate provision shall be made for the safe and effective storage and disposal of all waste material, with the location of the storage facilities clearly identified and dimensioned on the Site Plan.

- a) The site plan shall be submitted with a listing of all the putrescible or hazardous raw material and waste material that will be used and generated by the activity.
- b) The site plan shall also be submitted with a notarized agreement executed by the owner of the activity, or its chief executive officer and a licensed waste hauler, providing for the daily removal of all putrescible or hazard waste material.

other point of access to any other parcel of land.

3. There shall be provided a setback area of not less than one thousand (1,000) feet from all property lines, except as otherwise provided hereafter.

a) There shall be maintained along all property lines, a landscaped area of not less than one hundred fifty (150) feet in width, which shall be designed and constructed to protect the peaceful enjoyment of all adjacent residential district areas.

b) Any setback area required within this paragraph, excluding required landscaped area may be used for parking areas, driveways, display areas, offices, and showrooms.

4. All setback areas and other areas accessible to vehicular traffic shall be designed, constructed, landscaped, and maintained to provide safe and efficient circulation of such traffic.

5. All lighting fixtures shall be located to adequately illuminate areas determined necessary to assure the safety and convenience of the visitors and employees, and directed in a manner to protect abutting street users and adjacent properties from unreasonable glare or hazardous interference of any kind.

6. All outdoor storage areas for raw material, used material, or components, or material subject to wind erosion (sand, gravel, coal, etc.) shall be enclosed on all sides by a tight unpierced fence or wall with a height of not less than the height of the stored material.

SECTION 24.29

INDUSTRIAL USES, HEAVY

- A. Heavy Industrial Uses: Any industrial use requiring the outdoor storage of raw materials, components, or merchandise, and/or involving metal smelting, heat treatment, electrolytic or chemical plating; processes involving rolling mills, oil processing, fertilizer manufacturing, slaughter houses, rendering plants, and any other similar types of activities; subject to the following additional conditions:

- 1. The land on which such activity is proposed shall have direct access to a paved county primary road.
- 2. All points of vehicular access shall be to and from a paved county primary road, provided however, no access point shall be located less than two hundred (200) feet from the closest right-of-way line of any street intersecting such primary road, or to any

7. Adequate provision shall be made for the safe and effective storage and disposal of all waste material, with the location of the storage facilities clearly identified and dimensioned on the Site Plan.
 - a) The site plan shall be submitted with a listing of all putrescible or hazardous raw material and waster material that will be used or generated by the activity.
 - b) The site plan shall also be submitted with a notarized agreement, executed by the owner of the activity, or its chief executive officer and a licensed waste hauler, providing for the daily removal of all putrescible or hazardous waste material which will be kept current.
 3. Adequate standing and parking facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
 4. Whenever the installation abuts a residential district, a transition strip at least two hundred (200) feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass, and structural screens of a type approved by the Planning Commission. All inventory shall be stored and maintained so as not to be visible from any residential property. Nothing shall be stacked higher than eight (8) feet.
- C. Buffering Requirements:
1. The front yard shall be planted with trees, grass, and shrubs. The spacing and type of plant materials shall be consistent with the provisions of Article IV.
 2. A solid fence, wall or earthen berm at least ten (10) feet in height shall be provided around the periphery of the site to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall or berm shall be of permanent finish and construction.

SECTION 24.30

JUNK YARDS

A. Locational Requirements:

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

B. Site Requirements:

1. The minimum lot or parcel size for junk yards shall be ten (10) acres.
2. Setbacks:
 - a. All enclosed areas shall be set back at least one hundred (100) feet from any front lot line.
 - b. A junk yard shall not be located closer than two hundred (200) feet from the border of the industrial district in which it is located.

D. Performance Standards:

1. All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.

2. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
 3. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, oiled, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads. All such areas shall be at least ten (10) feet wide to allow for emergency vehicle access.
 4. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles. Before the state will issue the licenses, the Building Official and the County Sheriff shall certify that the facility is in a properly zoned area and that the operators have not been previously convicted as felons.
 5. Any materials listed on the Michigan Critical Materials Register (fuel and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Natural Resources and the Township Fire Department.
- B. Buffering Requirements: Accessory buildings where animals are kept, runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent residential lot line.
 - C. Performance Standards:
 1. All kennels shall be operated in conformance with all applicable County, State and Federal regulations.
 2. Hobby kennels shall only house animals owned by the occupant of the dwelling unit.
 3. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
 4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
 5. The intensity level of sounds shall not exceed seventy (70) decibels (dba) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards and as noted in the noise ordinance.
 6. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
 7. During the hours between 7:00 a.m. until 10:00 p.m., animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.

SECTION 24.31

KENNELS

- A. Site Requirements:
 1. A hobby kennel shall be on a lot with a minimum size of five (5) acres for the first three (3) animals and one-third (1/3) additional acre for each additional animal, with a limit of five (5) animals.
 2. A commercial kennel shall be on a lot with a minimum lot size of ten (10) acres for the first six (6) animals and an additional one-third (1/3) acre for each animal thereafter.

8. Runs and/or exercise areas, and buildings where the animals are maintained shall be located in the rear yard only.
 9. The kennel area shall be buffered by a landscape buffer designed in conformance with Article 4.
 10. The outside perimeter of the run and/or exercise area of a hobby or commercial kennel shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top having to prohibit the escape of animals.
 11. All animals must be licensed and maintained in a healthful and careful manner.
 12. Outdoor runs and breeding areas in commercial kennels shall have concrete surfaces, suitable for cleaning by high-pressure water, and shall be provided with an adequate septic system.
 13. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.
 14. Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.
 15. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.
- C. The building housing the activity and the landscaping of the premises shall be designed and constructed to blend and be compatible with the existing residential development along the street on which the clinic is located, or which reasonably can be anticipated in the district.
 - D. All parking areas shall be located in the rear yard and shall be effectively screened from all adjacent residential areas and the street, with suitable fencing and plantings, as determined by the Planning Commission.
 - E. All vehicular access shall be located not less than twenty (20) feet from the nearest property line, and constructed to provide safe access to and from the lot.

SECTION 24.33

MINI STORAGE (SELF-SERVE STORAGE)

SECTION 24.32

MEDICAL AND DENTAL CLINICS

- A. The lot on which the activity is located shall have direct access only to a paved major (primary) thoroughfare.
 - B. All structures on the lot shall comply with setbacks, as required for residential uses within the district.
- C. A ten (10) foot landscaped greenbelt shall be provided between the property line and wall required along all street frontages. A five (5) foot landscaped greenbelt shall be provided between the property line and wall where the site abuts any residential district. All materials shall be planted in conformance Article IV of this Zoning Ordinance.
 - D. Parking shall be provided in accordance with the following: two (2) spaces for the resident manager, one (1) additional space for each additional employee, and two (2) additional spaces for customers shall be provided adjacent to the rental office.
 - E. Internal driveway aisles shall be a minimum of twenty-four (24) feet in width.
 - F. All off-street parking areas and driveways shall be hard surfaced and drained so as to preclude drainage onto adjacent property.

- G. All ingress and egress from this site shall be onto a paved major thoroughfare.
- H. Building height shall not exceed one (1) story or fourteen (14) feet except that a caretaker or resident manager's unit may be allowed a building height of two (2) stories or twenty-five (25) feet.
- I. No single storage building shall exceed seventy-five hundred (7,500) square feet.
- J. All storage on the property, with the exception of item K below, shall be kept within an enclosed building.
- K. The outdoor storage of recreational vehicles, motorized homes, and travel trailers may be permitted. All such areas shall be on an aggregate treated surface, or better. Such storage shall be completely screened from view from all adjacent residential areas.

SECTION 24.34

MONUMENT SALES AND MANUFACTURING

- A. All ingress and egress to the site shall be directly from a hard surfaced road.
- B. The activity shall not have a detrimental effect on nearby residents by virtue of noise, smoke, or other emissions.
- C. Parking shall be provided equivalent to a retail use of the same usable floor area for the customer service area of the business and for industrial uses for any area dedicated to monument manufacturing.
- D. Outdoor materials storage areas shall be permitted, but such areas shall be screened by an obscuring screen wall not less than six feet in height designed in accordance with the requirements within Article IV of this Ordinance.

SECTION 24.35

MOTELS AND HOTELS

- A. Locational Requirements:
 - 1. Ingress and egress to the motel shall be only from a major thoroughfare.
- B. Site Requirements:
 - 1. There shall be at least eight hundred (800) square feet of lot area for each room.
 - 2. The maximum lot coverage of all buildings, including accessory buildings, shall not exceed twentyfive (25) percent of the area within the lot lines of land developed at any one time.
- C. Buffering Requirements:
 - 1. The front twenty five (25) feet of the lot shall be landscaped buffer zone, unpaved, and shall not be used for offstreet parking.
- D. Performance Standards:
 - 1. Only nominal kitchen or cooking facilities shall be provided in guest rooms.
 - 2. The minimum floor area of each guest unit shall be two hundred fifty (250) square feet.
 - 3. No guest shall establish permanent residence at the motel.

SECTION 24.36

NURSING OR CONVALESCENT HOMES

- A. Site Requirements:
 - 1. There shall be a minimum of one thousand five hundred (1,500) square feet of open site area for each bed in the facility to provide for landscaping, parking, service drives, yards, recreational areas and accessory uses.

B. Buffering Requirements:

1. No building shall be closer than forty (40) feet to any lot line.

C. Performance Standards:

1. No more than twenty-five (25) percent of the site area shall be covered by buildings.
2. Parking areas shall not be located within fifty (50) feet of a residential district or use.
3. All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable state and Federal laws.
4. The site shall be served by a major or minor thoroughfare.

SECTION 24.37**NURSERIES, GREENHOUSES**

Nurseries for the growing and sale of plants and landscaping material, subject to the following additional conditions:

- A. All structures shall be located in compliance with all setback requirements for residential uses within the district.
- B. A paved parking area for not less than five (5) vehicles shall be provided and located not less than forty (40) feet from all right-of-way lines. However, actual number of parking spaces shall be determined by all uses and expected uses.
- C. The parking area shall be served by a paved driveway located not less than twenty (20) feet from the nearest property line and constructed to provide safe access to and from the lot.
- D. The minimum lot size shall be ten (10) acres.
- E. All activities shall be conducted using the Generally Accepted Agricultural Management Practices (GAAMPS).

SECTION 24.38**OPEN AIR BUSINESSES**

Open air businesses shall include, but need not be limited to, the following: automobile, truck and boat sales, agricultural equipment sales, nursery, landscaping supplies, lumber yards, home and garden centers.

A. Site Requirements:

1. The minimum frontage shall be two hundred (200) feet.
2. No loading activities shall be permitted within seventy-five (75) feet of any lot line abutting a residential land use.
3. All buildings shall be set back a minimum of fifty (50) feet from any lot line.
4. Ingress and egress to the facility shall be only from a major thoroughfare, or from an approved shared access drive to such thoroughfare.
5. No more than two (2) driveways onto a thoroughfare shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.

B. Buffering requirements:

1. Storage yards associated with home and garden centers, lumber yards and nurseries shall be completely obscured from view from public streets.

C. Performance standards:

1. The site shall be kept in a neat and orderly fashion.
2. Not more than fifty (50) percent of the parcel shall be covered by buildings and outdoor storage of materials and goods.
3. Storage or display of goods and materials shall not occur in the required yards.

4. No public address system shall be audible from any abutting residential parcel.
 5. All lighting shall be shielded from adjacent streets and residential districts.
 6. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
 7. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainageways.
- D. All areas subject to vehicular use shall be paved with a bituminous or better surface, with appropriate bumper-guards where needed.
- equipment, lighting fixture control, and the volume capacity of each electronic amplification equipment that will be used.
- E. Temporary, or portable service facilities for power, water, sanitary sewage and solid waste disposal, with adequate capacities shall be identified and located subject to the approval of duly established authority.
 - F. The enterprise shall be authorized by the Township Board, following consideration of a recommendation from the Planning Commission.
 - G. The Township Board may require any condition it determines necessary to protect the public health, safety, and the general welfare, and shall require the posting of a bond running to the Township in an amount necessary to hold the Township harmless and to reimburse the Township for any costs incurred to correct any damage to adjoining property. Additionally the Township shall be a named insured on a policy of \$5,000,000 liability insurance (year 2004 dollars) adjusted for inflation by a company licensed to do business in the state.

SECTION 24.39

OUTDOOR TRANSIENT ENTERPRISES

Outdoor transient enterprises as defined in this Ordinance, shall be subject to the following conditions:

- A. No such activity shall be permitted for a period of more than seven (7) consecutive days at any location.
- B. All activity areas, including parking lots, access routes, etc., shall be located not less than five hundred (500) feet from any residential dwelling, or any other residential district boundary.
- C. Access to the activity area shall only be from a paved section line road, county primary road, or State or Federal route, and shall be designed and located to provide safe and adequate entry and exit from such activity area.
- D. The application shall identify the location and description of every game, ride show, and display proposed on the site, electric generation

SECTION 24.40

PUBLIC FACILITIES

- A. Public facilities, being those facilities owned by a government or other municipal entity, include: parks, administrative offices, fire and police facilities, libraries, museums, recreational centers, and storage areas for public equipment.
- B. Site Requirements:
 1. No building shall be closer than fifty (50) feet to any property or road right-of-way line.
 2. No more than thirty (30) percent of the gross lot area shall be covered by buildings.
 3. Lot area and width shall not be less than that specified for the district in which the proposed use would be located.

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

C. Buffering Requirements:

1. Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced with a chain link fence five (5) feet in height.

D. Performance Standards:

1. All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to other buildings on the same site development.
2. No adverse environmental conditions such as noise, air pollution, lighting or other disruptions result.
3. Outdoor storage areas shall be located a minimum of fifty (50) feet from any residentially zoned property.
4. Facilities shall provide off-street parking and passenger loading areas at least twenty-five (25) feet from residential lot lines.
5. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
6. Any sports fields shall be a minimum of one hundred (100) feet from any lot line and two hundred (200) feet from any dwelling.

SECTION 24.41

RESIDENCE, ACCESSORY

A residential dwelling unit may be added to a non-residential use permitted in the commercial districts as a use permitted subject to site plan review (though not to a use permitted subject to special land use review) subject to the following:

- A. The associated non-residential use is in compliance with all applicable requirements of this Ordinance.
- B. The residential dwelling unit shall be constructed as an integral part of the structure housing the non-residential use and provided with an entry way independent of such use.
- C. The residential dwelling unit will be occupied by the owner or manager of the non-residential use to which the dwelling unit is attached, or an employee of such use.

SECTION 24.42

ROADSIDE STANDS

- A. The structure displaying the produce and other items for sale shall be subject to all of the setback requirements for the district in which it is located.
- B. Parking spaces for not less than three (3) vehicles with clearly defined driveways for access to and from the highway shall be provided, with such parking area located not less than forty (40) feet from all right-of-way lines.

SECTION 24.43

SCHOOLS (PUBLIC, PRIVATE OR PAROCHIAL)

- A. Locational Requirements:
 1. Ingress and egress to the site shall be only from a major thoroughfare.
 2. A preferential location is one which would offer natural or man-made barriers or buffer zone that would lessen the effect of intrusion of the institution on adjoining uses.
- B. Site Requirements:
 1. The minimum lot or parcel size for schools shall be five (5) acres.
 2. No more than twenty-five (25) percent of the site area shall be covered by buildings.

3. No more than sixty (60) percent of the site shall be covered with impervious surface. The remainder shall be suitably landscaped.

4. Service areas and facilities, and outdoor recreation facilities, shall not be located within one hundred (100) feet of a residential district or use.

5. Parking areas shall not be located within fifty (50) feet of a residential district or use.

6. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles will not interfere with traffic.

7. No parking shall be allowed within the minimum front yard setback of fifty (50) feet.

8. The principal building shall be no closer than seventy-five (75) feet from any lot line or right-of-way.

C. Performance Standards: All activities conducted on the site shall conform to County, State, and Federal laws.

SECTION 24.44

STABLES (COMMERCIAL)

A. Commercial stables are permitted by special land use permit only in the RA District.

B. Site Requirements:

1. Commercial stables shall have a minimum lot size of ten (10) acres for the first seven (7) horses and an additional one-half (½) acre for each horse thereafter.

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

3. Stables may not be located in platted subdivisions.

C. Buffering Requirements:

1. Animals shall be confined in a suitably fenced area or paddock to prevent their approaching nearer than fifty (50) feet to any dwelling on adjacent premises.

2. A vegetative strip of at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water or well head. In areas with slopes of over five (5) percent, the Planning Commission may increase setbacks in order to minimize runoff, prevent erosion, and promote quick nutrient absorption.

D. Performance Standards:

1. All stables shall be operated in conformance with all applicable county, state and federal regulations.

2. All animals shall be maintained in a healthy condition and carefully handled.

3. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.

4. Inspections of stables may be conducted at any time within reason by either the police authorities, by employees under the supervision of the Township Supervisor or by any entity or agency which has regulatory or enforcement authority over such places or animals. A review of inspections shall be made prior to special use permit renewal.

5. Manure piles shall be stored, removed, and/or applied in accordance with Michigan Department of Agriculture and County Health Department regulations.

6. A shelter shall be provided for all horses, including a separate stall for each horse which is at least ten (10) feet by ten (10) feet.
 7. Stables, corrals, and piles of manure or feed shall not be located nearer than two hundred (200) feet to any lot line and one hundred and fifty (150) feet from any right-of-way line.
 8. Enclosed riding arenas associated with commercial stables shall not exceed ten thousand (10,000) square feet in gross floor area on a minimum of a ten (10) acre site, except that an additional one thousand five hundred (1,500) square feet of floor area may be permitted for each additional full acre in a lot area, provided that no riding arena shall exceed fifteen thousand (15,000) square feet in gross floor area.
 9. Riding arenas are permitted providing they meet height and setback restrictions of the district and they do not exceed four thousand five hundred (4,500) square feet in gross floor area.
 10. No living quarters shall be located in any arena building.
 11. Special events for which a fee is paid, such as shows, exhibitions, and contests shall only be permitted only after a temporary zoning permit has been secured from the Zoning Board of Appeals, in accordance with the procedures established in Article IV.
 12. The Planning Commission may limit the number of horses and prescribe the manner of keeping the animals as necessary to prevent offensive odors, the pollution of water supplies, and/or the spread of infectious disease.
- square feet, permanently or temporarily placed in, on, or above the ground shall be permitted as an accessory structure in all residential zoning districts subject to the following:
1. Swimming pools, spas, and hot tubs shall be prohibited in the front yard area, or within any easement or right-of-way.
 2. There shall be a minimum distance of not less than ten feet between adjoining lot lines or alley right-of-way and the outside wall of the swimming pool, spa, or hot tub.
 3. There shall be a distance of not less than four feet between the outside wall of a swimming pool and any building or other structure (garage, shed, etc.) on the same lot. This requirement shall not apply to spas or hot tubs.
 4. To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured and completely enclosed by a fence at least four feet in height with a self-closing and latching gate.
 - a. Above ground pool walls four feet or more in height shall satisfy this requirement, provided that the pool ladder or steps shall be capable of being secured, locked, or removed.
 - b. The Building Official may waive this requirement upon determining that the swimming pool, spa, or hot tub is otherwise secured against unauthorized access.
 5. No swimming pool shall be located directly under utility wires or electrical service leads. A minimum ten foot horizontal setback shall be maintained from the pool perimeter to the vertical plane of the overhead wire.

SECTION 24.45

SWIMMING POOLS, SPAS, AND HOT TUBS

- A. Outdoor swimming pools, spas, and hot tubs with a diameter exceeding 12 feet, a depth exceeding four feet, or an area exceeding 100

6. A horizontal distance of at least three feet must be maintained from a permanent pool to any sanitary sewer line or lead, any septic system, and any underground water, electrical, telephone, gas, or other pipes and conduits, except for parts of the swimming pool system.

SECTION 24.46

THEATERS

- A. A dedicated pick-up and drop off zone shall be provided which shall not interfere with on-site circulation, and shall provide immediate, barrier-free adjacent access to the theater building.
- B. All provisions of Section 24.14 shall apply.

SECTION 24.47

TRUCK OR TRAILER RENTAL SERVICES

- A. All ingress and egress to the site shall be directly from a hard surfaced road.
- B. The lot or area upon which new and/or used automobiles, recreation vehicles, trucks, and trailers are placed shall be hard surfaced.
- C. Ingress and egress shall be at least sixty (60) feet from the intersection of any two (2) streets.
- D. No major repair or major refinishing shall be conducted on the subject site. All service and minor repair facilities shall be located within an enclosed building. Damaged vehicles and/or vehicles waiting for repair may be stored outside provided such storage area is screened by an obscuring wall six (6) feet in height. There shall be no outdoor storage of materials.

SECTION 24.48

TWO-FAMILY (DUPLEX), TRIPLEX, FOURPLEX AND MULTI-FAMILY DWELLINGS (INCLUDING STACKED RANCH) DEVELOPMENTS

- A. Site Requirements:
 1. The minimum lot size shall be one (1) acre and have a minimum frontage of one hundred fifty (150) feet.

2. Such developments shall have direct access to a paved major thoroughfare.
3. One two car garage per dwelling unit at a minimum of not less than 480 square feet. (This shall not apply to multi-family dwellings; however, not less than 30 percent of all multi-family off-street parking spaces shall be covered by a carport (canopy structure).
4. No multiple-family dwelling shall contain more than twelve (12) dwelling units or exceed a length of 360 linear feet.
- B. Performance Standards: The architecture of the dwelling shall be compatible with the existing or intended residential character of the neighborhood.

SECTION 24.49

VETERINARIAN CLINICS

- A. Buffering Requirements: Buildings where animals are kept, outside dog runs, paddocks, and/or exercise areas shall not be located nearer than two hundred (200) feet to any adjacent residential district lot line or any adjacent building used by the general public and shall not be located in any required yard.
- B. Performance Standards:
 1. Uses permitted include medical treatment, retail sales and boarding. Animals included are dogs, cats and similar household pets.
 2. All activities must be confined within a fully enclosed building that is soundproofed except for large animal paddock.
 3. All principal use activities shall be conducted within a totally enclosed main building.
 4. There shall be no storage or boarding of animals outside of the fully enclosed and soundproofed building.

5. No dogs shall be permitted in open run areas between the hours of 10:00 p.m. and 7:00 a.m.
6. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

SECTION 24.50

WHOLESALE OR WAREHOUSING BUSINESSES OR FREIGHT TERMINALS

- A. All ingress and egress to the site shall be directly from a hard surfaced road.
- B. The lot or area upon which trucks and trailers circulate or are parked shall be hard surfaced.
- C. Ingress and egress shall be at least sixty (60) feet from the intersection of any two (2) streets.

SECTION 24.51

COMPOSTING FACILITIES

- A. The land on which such activity is proposed shall have direct access to a paved County Primary Road.
- B. All points of vehicular access shall be to and from a paved County Primary Road, provided however, no access point shall be located less than two hundred (200) feet from the closest right-of-way line of any street intersecting such Primary Road, or to any other point of access to any other parcel of land.
- C. No parking area, or driveway shall be located closer than fifty (50) feet, and no structure shall be located less than one hundred (100) feet from any side or rear property line, or less than two hundred (200) feet from any Residential District, provided however, the Planning Commission may direct that a greater separation be provided upon a finding that such greater separation is necessary to protect the peaceful enjoyment of such adjacent residential property.

- D. There shall be maintained along all street frontages, a landscaped area of not less than fifty (50) feet in width, but encompassing all of the yard setbacks along such street frontage that is not occupied by a structure.
- E. All areas adjacent to any Residential District shall be designed, constructed, and landscaped for a width of not less than fifty (50) feet to reduce the noise and light glare from activities on the M-H District area and to eliminate the visual impact of the industrial area to such adjacent Residential District.
- F. No part of any front yard, or any required landscaped area shall be used for the storage, or display of any equipment, supplies, or raw material.
- G. All setback areas and areas accessible to vehicular traffic shall be designed, constructed, landscaped, and maintained to provide safe and efficient circulation of such traffic.
- H. All lighting fixtures shall be located to adequately illuminate areas determined necessary to assure the safety and convenience of the visitors and employees, and directed in a manner to protect abutting street users and adjacent properties from unreasonable glare or hazardous interference of any kind.
- I. All outdoor storage areas for raw material, used material, or components, or material subject to wind erosion (sand, gravel, coal, etc.) shall be enclosed on all sides by a tight un-pierced fence or wall with a height of not less than the height of the stored material.
- J. Adequate provision shall be made for the safe and effective storage and disposal of all waste material, with the location of the storage facilities clearly identified and dimensioned on the site plan.
 1. The site plan shall be submitted with a listing of all the putrescible or hazardous raw material and waste material that will be used and generated by the activity.

2. The site plan shall also be submitted with a notarized agreement executed by the owner of the activity, or its chief executive officer and a licensed waste hauler, providing for the daily removal of all putrescible or hazardous waste material.
- K. That a plan shall be submitted along with the site plan which identifies the measures which will be carried out to protect adjacent areas from wind blown materials, offensive odors and other visual and physical pollutants.
 - L. The minimum lot area for a composting operation shall be not less than twenty (20) acres and shall not exceed forty (40) acres for a single operation.
 - M. Composting operations shall not be permitted within a 100 year floodplain, or within one hundred (100) feet of a defined wetland.
 - N. Composting operations shall be at least one thousand (1,000) feet from navigable waterways and five hundred (500) feet from other surface waters, which include, but are not limited to, inland rivers, ponds, water courses, county drains, and lakes.
 - O. Composting operations shall not be located less than five hundred (500) feet from existing wells or well casings.
 - P. That no composting process or procedure shall be located less than five hundred (500) feet from any side or rear property line, or less than one thousand (1,000) feet from any residential district, provided however, the Planning Commission may direct that a greater separation be provided upon a finding that such greater separation is necessary to protect the peaceful enjoyment of such adjacent residential property.
 - Q. That if a license or approval is required for the proposed use through any federal, state, or local agency, a certificate of approval for construction or operation of the facility shall be submitted along with copies of all supporting documentation supplied in connection with the application for such licensing or approval.

SECTION 24.52

INCINERATOR FOR THE BURNING OF SOLID WASTE, HAZARDOUS WASTE, OR MEDICAL WASTE

- A. The land on which such activity is proposed shall have direct access to a paved County Primary Road.
- B. All points of vehicular access shall be to and from a paved County Primary Road, provided however, no access point shall be located less than two hundred (200) feet from the closest right-of-way line of any street intersecting such Primary Road, or to any other point of access to any other parcel of land.
- C. There shall be provided a setback area of not less than one thousand (1,000) feet from all property lines, except as otherwise provided hereafter.
 1. There shall be maintained along all property lines, a landscaped area of not less than fifty (50) feet in width, which shall be designed and constructed to protect the peaceful enjoyment of all adjacent residential district areas.
 2. Any setback area required within this paragraph, excluding the landscaped area specified in Subparagraph (1), above, may be used for parking areas, driveways, display areas, offices, and showrooms, notwithstanding any other provision to the contrary in this Ordinance.
- D. All setback areas and other areas accessible to vehicular traffic shall be designed, constructed, landscaped, and maintained to provide safe and efficient circulation of such traffic.
- E. All lighting fixtures shall be located to adequately illuminate areas determined necessary to assure the safety and convenience of the visitors and employees, and directed in a manner to protect abutting street users and adjacent properties from unreasonable glare or hazardous interference of any kind.

- F. Adequate provision shall be made for the safe and effective storage and disposal of all waste material, with the location of the storage facilities clearly identified and dimensioned on the site plan.
1. The site plan shall be submitted with a listing of all putrescible or hazardous raw material and waste material that will be used or generated by the activity.
 2. The site plan shall also be submitted with a notarized agreement, executed by the owner of the activity, or its chief executive officer and a licensed waste hauler, providing for the daily removal of all putrescible or hazardous waste material.
- G. That a plan shall be submitted along with the site plan which identifies the measures which will be carried out to protect adjacent areas from wind blown materials, offensive odors, and other visual and physical pollutants.
- H. All outdoor storage areas for raw material, used material or components, material subject to wind or water erosion, or, solid, hazardous or medical wastes, whether intended to be incinerated or a by-product therefrom, shall not be located less than one hundred (100) feet from any side or rear property line, or less than five hundred (500) feet from any residential district, provided, however, the Planning Commission may direct that a greater separation be provided upon a peaceful enjoyment of such adjacent property.
- I. That if a license or approval is required for the proposed use through any Federal, State, or local agency, a certificate of approval for construction or operation of the facility shall be submitted along with copies of all supporting documentation supplied in connection with the application for such licensing or approval.

SECTION 24.53

HAZARDOUS WASTE TREATMENT FACILITY, MEDICAL WASTE DISPOSAL AREA, OR SOLID WASTE DISPOSAL AREA OTHER THAN A SANITARY LANDFILL

- A. The land on which such activity is proposed shall have direct access to a paved County Primary Road.
- B. All points of vehicular access shall be to and from a paved County Primary Road, provided however, no access point shall be located less than two hundred (200) feet from the closest right-of-way line of any street intersecting such Primary Road, or to any other point of access to any other parcel of land.
- C. There shall be provided a setback area of not less than one thousand (1,000) feet from all property lines, except as otherwise provided hereafter.
 1. There shall be maintained along all property lines, a landscaped area of not less than fifty (50) feet in width, which shall be designed and constructed to protect the peaceful enjoyment of all adjacent residential district areas.
 2. Any setback area required within this paragraph, excluding the landscaped area specified in Subparagraph (1), above, may be used for parking areas, driveways, display areas, offices, and showrooms, notwithstanding any other provision to the contrary in this Ordinance.
- D. All setback areas and other areas accessible to vehicular traffic shall be designed, constructed, landscaped, and maintained to provide safe and efficient circulation of such traffic.
- E. All lighting fixtures shall be located to adequately illuminate areas determined necessary to assure the safety and convenience of the visitors and employees, and directed in a manner to protect abutting street users and adjacent properties from unreasonable glare or hazardous interference of any kind.

F. Adequate provision shall be made for the safe and effective storage and disposal of all waste material, with the location of the storage facilities clearly identified and dimensioned on the site plan.

1. The site plan shall be submitted with a listing of all putrescible or hazardous raw material and waste material that will be used or generated by the activity.
2. The site plan shall also be submitted with a notarized agreement, executed by the owner of the activity, or its chief executive officer and a licensed waste hauler, providing for the daily removal of all putrescible or hazardous waste material.

G. That a plan shall be submitted along with the site plan which identifies the measures which will be carried out to protect adjacent areas from wind blown materials, offensive odors, and other visual and physical pollutants.

H. All outdoor storage or staging areas for raw material, used material or components, material subject to wind or water erosion, or, solid, hazardous or medical wastes, whether in the process of being transferred, processed, incinerated, or otherwise handled or facilitated, or a by-product therefrom, shall not be located less than one hundred (100) feet from any side or rear property line, or less than five hundred (500) feet from any residential district, provided however, the Planning Commission may direct that a greater separation be provided upon a showing that such greater separation is necessary to protect the peaceful enjoyment of such adjacent residential property.

I. That if a license or approval is required for the proposed use through any Federal, State, or local agency, a certificate of approval for construction or operation of the facility shall be submitted along with copies of all supporting documentation supplied in connection with the application for such licensing or approval.

SECTION 24.54

MINING OPERATIONS

A. Fencing and screening:

1. All excavated and mined areas shall be fenced with a six (6) foot high, cyclone type fence protected by lockable gates.
2. All excavated and mined areas, including equipment and facilities, shall be screened from view by one of the following:
 - a. Raised earth berm, at least eight (8) feet high at its center above the actual elevation of the property along the property line. The berm shall have slopes not in excess of one (1) foot vertical to four (4) feet horizontal and shall be planted with vegetation.
 - b. Plantings of coniferous trees which will attain a height of at least six (6) feet within five (5) years of planting, with sufficient rows, staggered and of a depth that will guarantee effective screening.

B. All equipment shall be located no closer than one hundred fifty (150) feet to the nearest abutting property line.

C. No excavation or mining shall take place within one hundred fifty (150) feet of the nearest abutting property line.

D. Hours of operation shall be established which adequately protect adjoining properties.

E. All equipment and facilities utilized in the mining operation shall be constructed, maintained and operated in such a manner to eliminate, insofar as possible, noises, vibrations, dust, or lighting which are injurious or unduly annoying.

- F. Proper drainage shall be utilized to insure adjoining properties are not subject to water runoff or sediment. Drainage shall also be utilized to insure that no bodies of water are allowed to lay fallow or stagnate. No interference with the existing water table will be allowed and adequate assurances are to be given to insure contamination of the Township's potable water supply does not occur.
- G. Reclamation and rehabilitation.
1. All excavations shall be made either to a water producing depth of at least ten (10) feet below the low water mark for at least eighty percent (80%) of the water area, or, shall be graded or backfilled with noxious-free, nonorganic, noncombustible materials to insure that:
 - a. The excavated area shall not collect and permit to remain thereon, stagnant water; or
 - b. The surface of such area not permanently submerged is graded or backfilled as necessary so as to reduce peaks and depressions thereof, and so as to produce a gently rolling and/or sloping surface that will minimize erosion and which will conform substantially to the adjoining land area.
 2. All excavations or disturbed soil areas in the mining operation site not permanently submerged shall be reclaimed by use of sufficient soils and overburden, and by appropriate seeding of grasses or plantings of shrubs and trees.
 3. Upon cessation of mining, the operator shall within twelve (12) months commence removal of all facilities, equipment, stockpiles and buildings. Unless as contained in the mining operation plan, reclamation and rehabilitation of the mining operation site shall commence within twelve (12) months after cessation of mining operations. Failure to comply with reclamation and rehabilitation herein will allow the Township to forfeit whatever bonds are posted and commence reclamation and rehabilitation activities.

ARTICLE XXV

SPECIAL USE PERMITS

SECTION 25.01

INTENT

It is recognized that the operational characteristics and influences of certain specialized uses require special attention to assure that their development and operations will not adversely affect the surrounding area, or the public health, safety and welfare of the Township as a whole.

It is the intent of this Article to set forth the basic and specialized review process and requirements necessary to evaluate and control these uses. **Special Use Permits and Special Land Use Permits are separate and distinct.**

SECTION 25.02

APPLICATION

The procedure and requirements for filing and processing special use permits are as follows:

- A. Applications for Special Use Permits shall be filed on a form provided by the Township.
- B. Each application shall be accompanied by a fee as established by resolution of the Township Board.
- C. The application shall also include such information as required by Article XXVIII, Site Plan Review Procedures.
- D. The completed application shall be signed by the fee holder of the affected property.
- E. Basic requirements for reviewing various specified and nonspecified uses.

1. Billiard Parlors, Card Rooms and Similar Uses

Establishments, the principal use of which is to provide facilities and space for patrons to engage in the playing of mechanical amusement devices, pool, billiards, cards or similar activities shall only be permitted in the C-3 Districts, subject further to the following requirements and conditions:

- a. The site shall not be located within one hundred (100) feet of a residential district.
- b. The site shall be so located as to abut a major thoroughfare right-of-way, and all ingress-egress to the site shall be directly from said major thoroughfare.

2. Sexually Oriented Businesses and Pawn Shops

It has been demonstrated that the establishment of adult businesses and pawn shops in business districts which are immediately adjacent to and which serve residential neighborhoods, has a deleterious effect on both business and residential segments of the neighborhood, causing blight and a downgrading of property values. A prohibition against the establishment of more than two such regulated uses within one thousand (1,000) feet of each other serves to avoid the clustering of certain businesses, which, when located in close proximity to each other, tend to create a skid row atmosphere. However, such prohibition fails to avoid the deleterious effects of blight and devaluation of both business and residential property values resulting from the establishment of adult supply stores, adult motion picture theaters, adult mini-motion picture theaters and adult cabarets, adult personal service establishment, adult physical culture establishment, and pawn shops in a business district which is immediately adjacent to and which serves residential neighborhoods. The concern for and pride in the orderly planning and development of a neighborhood should be encouraged and fostered in those persons who comprise the business and residential segments of that neighborhood.

The Planning Commission and the Township Board should be guided by the expressed will of those businesses and residences which are immediately adjacent to the proposed location of, and therefore, most affected by the existence of any, adult supply store, adult motion picture theater, adult mini-motion picture theater, and adult cabarets, adult personal service establishment, adult physical culture establishment, and pawn shop.

- a. For purposes of this Article, the following definitions shall control:

Adult Arcade – Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities,” “specified anatomical areas,” or “specified acts of violence.”

Adult Cabaret - An establishment where materials or entertainment is presented, displayed, permitted or provided, which is distinguished or characterized by an emphasis on or related to “specified sexual activities,” “specified anatomical areas,” or “specified acts of violence” as defined herein.

Adult Entertainment – Any use of land, whether vacant or combined with structures or vehicles thereon, by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting “specified sexual activities,” “specified anatomical areas, of “specified act of violence.”

Adult Mini-Motion Picture Theater - Any enclosed building with the capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities,” “specified acts of violence,” or “specified anatomical areas” for observation by patrons therein.

Adult Motel – A hotel, motel, or similar commercial establishment that offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities,” “specified anatomical areas,” or “specified acts of violence,” and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions, or offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or

allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twenty-four (24) hours.

Adult Motion Picture Theater - Any enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities," "specified acts of violence," or "specified anatomical areas" for observation by patrons therein.

Adult Novelty Business – Any establishment which offers for sale devices which simulate human genitals or devices designed for sexual stimulation.

Adult Personal Service Establishment - Any business agency, or service which arranges, solicits, or provides for the benefit of its customers or clients, escorts, dates, models, "therapists," companions or entertainers, either on or off the premises, for the purpose of engaging in "specified sexual activities," "specified acts of violence" or displaying "specified anatomical area" as defined herein.

Adult Physical Culture Establishment - "Adult physical culture establishment" is any establishment, club, or business by whatever name designated, which provides, offers, or advertises, or is equipped or arranged so as to provide as part of its services, either on or off the premises, massages, body rubs, physical stimulation, baths, body piercing (other than

ears), tattoos, or other similar treatment by any person. The following uses shall not be included within the definition of an adult physical culture establishment:

- (1) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed or certified physical or massage therapist, a licensed practical nurse, or any other similarly licensed medical professional;
- (2) Electrolysis treatment by a licensed operator of electrolysis equipment;
- (3) Continuing instruction in martial or performing arts or in organized athletic activities;
- (4) Hospitals, nursing homes, medical clinics, or medical offices; and,
- (5) Barbershops or beauty parlors, health spas and/or salons which offer massage to the scalp, face, the neck, or shoulders only.

Adult Supply Store - Any premises wherein a significant portion or area is used for the sale, rental, distribution, or display of books, magazines, novelties, periodicals, films, videos, recordings, devices, objects, toys, paraphernalia or similar materials, which are used for or characterized by an emphasis on "specified sexual

activities", "specified acts of violence", or "specified anatomical areas." Retail establishments which display, sell, distribute, provide or rent such materials within a segregated enclosed area not greater than five (5) percent of the total useable retail space which is limited to persons ages 18 years or over, shall not be included in the definition of "Adult Supply Store."

Establishment – Any business or enterprise which utilizes any buildings, structures, premises, parcel, place, or area.

Nude Model Studio – Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for consideration.

Pawn Broker - Any person, corporation, or member or members of a corporation or firm who loans money on deposit or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or other who deals in the purchasing of personal property or other valuable thing on the condition of selling the same back again at a stipulated price.

Pawn Shop - Any shop, store, or building, or other location at which a pawn broker conducts business.

Restricted Adult Business – Any of the defined sexually oriented businesses, which are not customarily open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

Sexual Encounter Center – A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex; or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

Sexually Oriented Business – An adult supply store, adult motion picture theater, adult mini-motion picture theater, adult cabaret, adult personal service establishment, adult physical culture establishment, adult arcade, adult motel, adult novelty business, nude model studio, sexual encounter center, or restricted adult business.

"Specified Sexual Activities" shall be defined as:

- (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral/anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of

- the following depicted sexually oriented acts or conduct: anilingus, c o p r o p h a g y , c o p r o p h i l i a , cunnilingus, fellatio, necrophilia, pederasty, pedophilia, sapphism, or sodomy;
- (2) Clearly depicted human genitals in a state of sexual stimulation, arousal, tumescence;
- (3) Use of human or animal masturbation, sodomy, oral copulation , coitus, ejaculation;
- (4) Fondling or touching of nude human genitals, pubic region, buttocks, or female breast;
- (5) Masochism, erotic, or sexually oriented torture, beating, or the infliction of pain;
- (6) Erotic or lewd touching, fondling, or other contact with an animal by a human being; and,
- (7) Human excretion, u r i n a t i o n , menstruation, vaginal or anal irrigation.
- “Specified Acts of Violence” shall include:
- (1) The graphic depiction, whether real or stimulated, of human or animal: 1) decapitation; 2) dismemberment; 3) physical torture; 4) stabbing; 5) shooting; 6) strangulation; 7) drowning ; 8) electrocution ; 9) aggravated assault, whether accomplished by human contact, instruments , or weapons; 10) rape; 11) disfigurement; 12) mutilation; 13) burning; a n d , 1 4) disembowelment.
- “Specified Anatomical Areas” is defined as:
- (1) Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; and 3) female breast: below a point immediately above tope of the areola; and
- (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- b. Sexually oriented businesses and pawn shops as defined above shall only be permitted in the C-3 District subject to the following requirements and conditions:
- (1) Not more than two such uses shall be permitted within 1,000 feet of each other.
- (2) It shall be unlawful to establish any such use in a C-2 District if the proposed location is within 500 feet of a residentially zoned district unless the prohibition is waived upon the presentment to the Planning Commission of a

- validated petition requesting such waiver, signed by 51 percent of those persons owning, residing, or doing business within 500 feet of the proposed location.
- (3) The site shall be so located as to abut a major thoroughfare, right-of-way, and all ingress-egress to the site shall be directly from such major thoroughfare.
- c. Pawn shops shall be subject to an examination at any time by the Supervisor, Township Attorney, or other police officer of the Township or by the Prosecuting Attorney or the Sheriff or other police officer of Genesee County, for the purpose of inspecting the premises and record of property received.
- Applicants seeking approval to provide tattoos or body piercing (other than ears) as part of an adult physical culture establishment shall demonstrate to the satisfaction of the Site Committee through use of floor plans and similar evidence that:
- (1) The tattooing, body piercing and clean-up areas will be smooth and easily cleanable.
 - (2) The tattooing, body piercing and clean-up areas will be well lit.
 - (3) A handwashing sink is provided in the tattooing areas.
- (4) A utensil wash-up sink is provided in the clean-up area.
- F. After completing review and study of the application, the Township Planning Commission shall hold a public hearing in accordance with PA 110 of 2006, as amended.
- Following the public hearing, the Planning Commission shall forward a copy of the application, the minutes of the public hearing, and the Planning Commission recommendation to the Township Board. The Township Board shall review and make final determination on the application.
- If the Township Board determines that the application for a sexually oriented business is complete, it shall within ninety (90) days of said determination make and adopt specific findings with respect to whether the sexually oriented business in compliance with the approval standards and development standards of this Section.
- If the Township Board has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a special use permit for the same within ninety (90) days of its determination that a completed application has been filed, then the special use permit shall be deemed to have been approved.
- In the event an application for a special use permit is denied for a sexually oriented business, the applicant shall be entitled to prompt review by the Zoning Board of Appeals as a means to exhaust local remedies and to be consistent with the intent of *Paragon Properties Co., v. Novi*, 206, Mich App 74; 520 NW2d 344 (1994). The applicant shall file for an appeal with the Township Clerk within five (5) business days of the denial of the special use permit request by the Township Board. The review shall, upon the Applicant's request, be conducted at a special Zoning Board of Appeals meeting convened for such purposes within fifteen (15) days of receipt of such a request; otherwise, it will be considered at the next

regularly scheduled meeting of the Township Zoning Board of Appeals. The Zoning Board of Appeals shall review the record of proceedings conducted before the Township Board to determine whether the Township Board's decision was based upon competent material and substantial evidence in the record and otherwise review the Township Board's determination to ensure that it complies with all requirements of both the Michigan and United States Constitutions.

If the Township Zoning Board of Appeals affirms denial of special use permit application for the operation of sexually oriented businesses, then the applicant shall be entitled to prompt judicial review by submitting a written request to the Township Clerk. Such written request must be received by the Township Clerk within thirty (30) days of the date of the decision of the Township Zoning Board of Appeals. The Township shall within five (5) business days of receipt of such written request do the following:

- a. File a petition in Circuit Court for the County of Genesee, seeking a judicial determination with respect to the validity of such denial and, in conjunction therewith, apply for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Township Zoning Ordinance.
- b. Request that the application for issuance of a preliminary injunction be set for a show-cause hearing within five (5) days or as soon as thereafter as is possible.

In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing, the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its application for preliminary injunction and shall join such request.

In the event that the applicant does not waive notice and/or does not request an early hearing on the Township's application for permanent injunction, it shall nevertheless be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.

The filing of written notice of intent to contest the Township's denial of a special use permit shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special use permit application automatically approved if, within fifteen (15) days of the filing of the Township's petition, a show-cause hearing has not been scheduled.

G. Prior to approving any application for a Special Use Permit, the Township Board shall find adequate evidence that the proposed use:

1. Will be harmonious with and in accordance with the general objectives of the Master Plan;
2. Will be designed, constructed, operated and maintained in harmony with the existing and intended character of the general vicinity and so that such use will not change the essential character of that area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole;
5. Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection, and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services;

6. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;
 7. Will not involve uses or activities, which will create nuisance factors; and,
 8. Will be consistent with the intent and purposes of this Ordinance.
- H. In order to insure that the proposed use under a Special Use Permit fulfills the requirements of this Article:
1. The Planning Commission may recommend and the Township Board require such additional conditions and safeguards as deemed necessary for the protection of the general welfare, and individual property rights and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard, or requirement and the failure to correct such breach within thirty (30) days after an order to correct is issued by the Township Board shall be reason for immediate revocation of the permit. Additional time for correction of the cited violation may be allowed by the Township Board upon submission of proof of good and sufficient cause. Conditions and requirements stated as a part of Special Use Permit authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such Special Use Permit is in effect. Accordingly, the Special Use Permit shall be recorded with the Register of Deeds of Genesee County.
 2. The discontinuance of a special use after a specified time may be a condition to the issuance of the permit. Renewal of a Special Use Permit may be granted after a review and determination by the Township Board, after recommendation of the Planning Commission, that continuing private need and public benefit will be served by such renewal, provided that the renewal application shall be in accord with standards and requirements in effect at the time that the renewal is requested.
 3. The Special Use Permit may also require that a specified percentage of authorized construction be completed within a stated time, as a condition to the issuance of the permit.
 3. No application for a Special Use Permit, which has been denied by the Township Board shall be resubmitted until the expiration of one (1) year from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions, sufficient to justify reconsideration by the Planning Commission. Each reapplication will be treated as a new application.

ARTICLE XXVI

OFF-STREET PARKING AND LOADING

SECTION 26.01

INTENT OF PARKING PROVISIONS

It is the intent of this Ordinance that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance. All vehicles shall be stored on the lot occupied by the principal building.

- A. **Fractional Space:** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.
- B. **Requirements for a Use Not Mentioned:** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Planning Commission shall make this determination and a record of the rationale applied documented in a file established for that purpose. An appeal may be taken to the Zoning Board of Appeals.
- C. **Use of Parking Areas:** No commercial repair work, servicing or selling of any kind or storage of materials shall be conducted in any parking area or parking garage. Parking spaces shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.
- D. **Building Additions or Other Increases in Floor Area:** Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.

- E. **Joint Use of Parking Areas:** The joint use of parking facilities by two or more uses may be granted by the Planning Commission whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.

- 1. **Computing Capacities:** In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
- 2. **Record of Agreement:** A copy of an agreement between joint users shall be filed with the application for a land use permit, the building permit, and recorded with the Register of Deeds of the County. The agreement shall include a guarantee for continued use of the parking facility by each party.

- F. **The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. The Planning Commission may modify or waive an off-street parking requirement under this Section under any of the following circumstances:** 1) a determination by the Planning Commission that existing off-street parking spaces on or adjacent to the parcel or lot can effectively accommodate the parking needs of the proposed use without materially negatively impacting traffic safety or adjacent uses; and, 2) sufficient evidence has been provided by the applicant to the Planning Commission to demonstrate that an alternative parking standard would be more appropriate for the type, scale, or intensity of the proposed use. In addition, except as may otherwise be provided below, the number of required stacking spaces shall be as documented by current professional traffic engineering studies for that particular use.

- G. Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum required number of parking spaces is excessive, the Planning Commission may approve the construction of a lesser amount, provided the deferred parking is shown on the site plan and set aside as open space.

Deferred parking spaces shall, however, be constructed in accordance with the approved site plan after the Building Official has documented three (3) incidents of problem parking on the site within twelve (12) months of the issuance of a certificate of occupancy.

SECTION 26.02**PARKING SPACE REQUIREMENTS**

The number of required off-street parking spaces shall be provided with the following:

Type of Use	Required Number of Spaces
1. Single and Two-Family Dwellings	Two (2) spaces for each dwelling unit.
2. Multiple-Family Dwellings	Two (2) spaces for each multiple-family dwelling unit, plus one space per five (5) units for guest parking.
3. Adult Foster Care Facilities	One (1) space per employee on the largest work shift, plus the spaces required for the dwelling unit.
4. Auditoriums (incidental to schools), Churches, Stadiums, Gyms, Theaters, and Buildings of Similar Use with Fixed Seats	One (1) space for each four (4) seats, plus one (1) space for each two (2) employees.
5. Automobile Service and Repair Stations	Two (2) spaces for each repair and service stall (a service stall is not considered a parking space), plus one space for each two (2) employees.
6. Fuel Stations	One per fueling station, plus one per employee, plus 0.5 stacking space per fueling station (Note: A double-sided gas pump is counted as two fueling stations.)
7. Fuel stations with convenience store or carry-out or fast-food restaurant	One per fueling station, plus one per employee, plus one stacking space per fueling station, plus requirements for convenience store or carry-out or fast-food restaurant
8. Barber Shops and Beauty Parlors	Two (2) spaces for each beauty and/or barber chair.
9. Boarding and Lodging Houses	One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater, plus one (1) additional space for the owner or operator.
10. Bowling Alleys	Two (2) spaces for each alley, plus one (1) space for each employee on the largest shift.
11. Clinics	Two (2) spaces for each examination or treatment room, plus one (1) space for each doctor or dentist and other employees.
12. Commercial and Public Recreational Facilities	One space per three (3) patrons to the maximum capacity of the facility.
13. Convalescent Homes or Similar Uses	One (1) space for each six (6) beds, plus one (1) space for each employee on the largest working shift.
14. Dance Halls, Pool and Billiard Rooms	One (1) space for each three (3) persons allowed within maximum capacity load.

15. Day care facilities	One (1) space for each employee, plus a paved, unobstructed stacking space for pick-up and drop-off, plus one (1) space per eight (8) children of licensed capacity.
16. Drive-In Banks, Cleaners, Car Laundries, and Similar Businesses	Stacking space for five (5) cars between the sidewalk area and the drive-up window and one (1) space for each employee on the largest shift.
17. Drive-in Restaurants or Fast-Food Restaurants	One (1) space for each four (4) seats, plus one (1) space for each employee on the largest shift; plus sufficient area for eight (8) stacking spaces for drive-in windows.
18. Elementary and Middle Schools	One (1) space for each two (2) employees, plus one (1) space for each four (4) seats where the school contains an auditorium and/or stadium or gym.
19. Funeral Homes and Mortuaries	One (1) space for each twenty-five (25) square feet of gross floor area of chapels and assembly rooms.
20. Golf Clubs, Swimming Pool Clubs, Tennis Clubs or Other similar Uses	Four (4) spaces for each green, plus one (1) space for every two (2) employees on the largest shift, plus fifty (50) percent of the spaces otherwise required for any accessory uses (e.g. restaurant, pro shop, etc.).
21. High Schools and Colleges	One (1) space for each employee, plus one (1) space for each five (5) students (based on the capacity of the facility as determined by the fire marshall), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
22. Hospitals and Health Care Centers	One (1) space for each three (3) patient beds, plus one (1) space for each two (2) employees on the largest shift, plus one (1) space for each visiting doctor.
23. Industrial or Manufacturing Establishments	One (1) space for each employee in largest working shift.
24. Junk Yards	Two (2) spaces for each employee.
25. Excavation Operations and Asphalt Batching Plants	One (1) space for each employee on the largest shift.
26. Laundromat	One (1) space for each three (3) washing or drying machines.
27. Libraries, Museums, Post Offices	One (1) space for each eight hundred (800) square feet of floor area, plus one (1) space for every two (2) employees on the largest shift.
28. Miniature or Par-3 Golf Courses	Three (3) spaces for each hole, plus one (1) space for each employee.
29. Motels, Hotels, Bed and Breakfasts	One (1) space for each sleeping unit, plus two (2) spaces for each employee on the largest shift.

30. Private Recreational Facilities	One (1) space for each six (6) potential members based on the capacity of the facility.
31. Professional Offices and Banks	One (1) space for each three hundred (300) square feet of gross floor area.
32. Standard Restaurants, Cafeterias, Taverns, and Bars	One (1) space for each three(3) seats up to the capacity of the facility as determined by the fire marshall.
33. Retail Stores, including furniture, appliance, automobile sales, machinery sales, and personal services (other than beauty and barber shops), except as otherwise specified herein.	One (1) space for each three hundred (300) square feet of gross floor area.
34. Supermarket, Self-Service Food Store	One (1) space for each one hundred (100) square feet of gross floor area.
35. Warehouses, Wholesale Stores	One (1) space for each eight hundred (800) square feet of floor area.

SECTION 26.03

LOCATION OF PARKING AREAS

All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve.

SECTION 26.04

SITE DEVELOPMENT REQUIREMENTS

All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards and requirements.

- A. Marking and Designation: Parking areas shall be so designed and marked as to provide for orderly and safe movement and parking of vehicles.
- B. Driveways: Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.
 - 1. Except for parking spaces provided for single-family and two-family residential lots, drives for ingress and egress to the parking area shall be not less than thirty (30) feet wide and so located as to secure the most appropriate development of the individual property.
- C. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a residential district.
- C. Site Maneuverability: Each parking space, within an off-street parking area, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- D. Parking aisles shall not exceed 300 feet without a break in circulation.
- E. Except for those lots serving single-family and two-family dwellings, all parking lots shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas or pedestrian-ways. The Planning Commission may waive or modify this requirement by approving either a concrete curb, a man-made ornamental barrier, or curbing integral with an adjacent sidewalk having a width of not less than seven feet. The Planning Commission may also waive the requirement in specific cases where cause can be shown that no good purpose would be served by compliance with the requirements of this section.
- F. Plans for the layout of off-street parking facilities shall be in accordance with the following design requirements.

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0°(Parallel Parking)	6-8 feet fore and aft of space	8 feet	20 feet
30° to 53°	12 feet	8 feet 6 inches	20 feet
54° to 75°	15 feet	8 feet 6 inches	20 feet
75° to 90°	24 feet	9 feet	20 feet

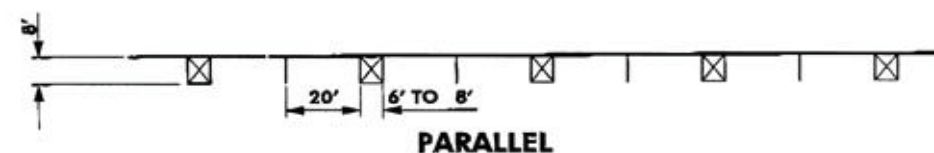
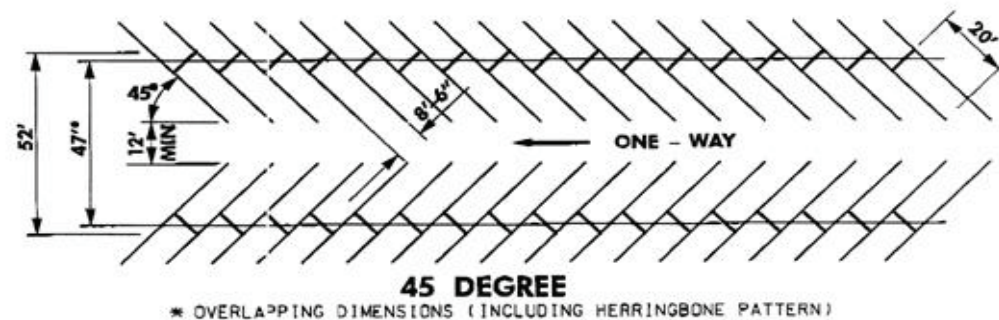
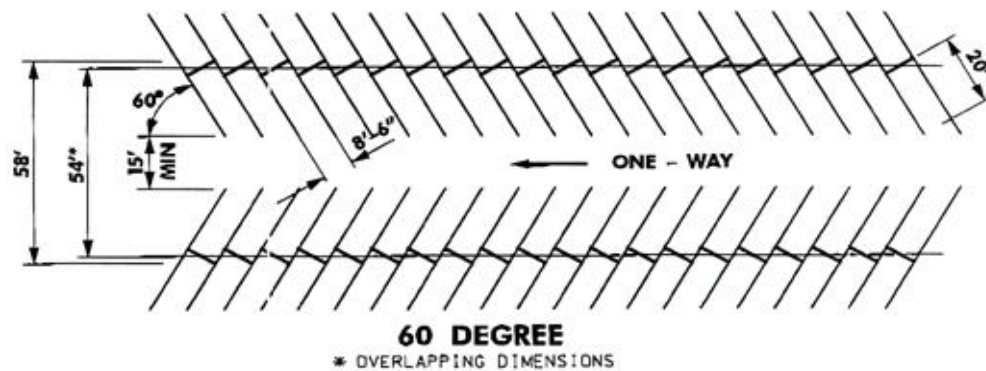
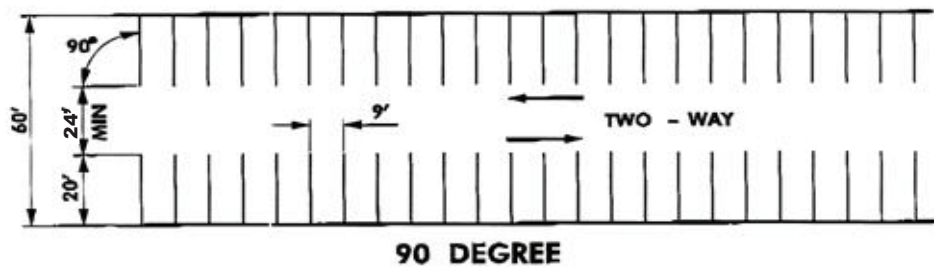


Figure 26-1 Parking

- G. Surface: Parking areas with a capacity of four (4) or more vehicles shall be surfaced with a material that shall provide a durable, smooth, and dustless surface and shall be graded and provided with adequate drainage but shall be such that material will not be transferred or carried into the public roadway.
- H. Lighting: Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation.
1. Lighting shall be designed and constructed in such a manner to ensure that direct or directly reflected light is confined to the development site through the use of full cut-off fixtures.
 2. Unless otherwise approved by the Planning Commission, light sources shall be high pressure sodium. Approved exceptions shall use warm white or natural lamp colors.
 3. Specifications for lights, poles, fixtures, light sources, and lenses shall be reviewed and approved by the Planning Commission.
- I. Buffering: Where a parking area with a capacity of four (4) or more vehicles adjoins a residential district, a landscaped buffer zone shall be provided between the parking area and the adjoining property pursuant to the requirements of Section 4.24, F.
- B. Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances.
- C. When accessible parking spaces are added in an existing parking lot, spaces must be located on the most level ground close to the accessible entrance. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least three (3) feet wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.

SECTION 26.06

LOADING AND UNLOADING SPACE REQUIREMENTS

SECTION 26.05

HANDICAPPED PARKING REQUIREMENTS

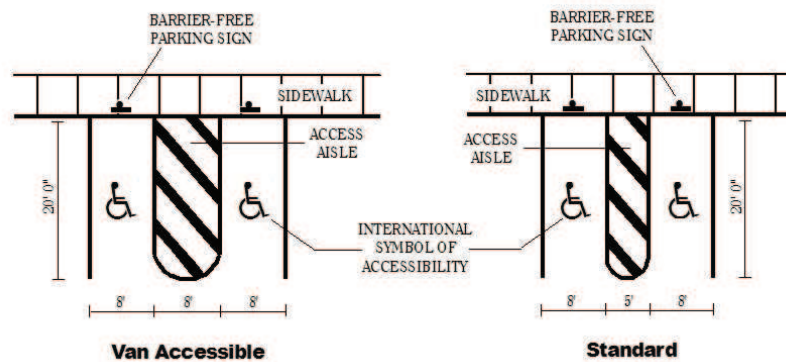
- A. Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the table on the following page.
- B. Additional Parking Space: Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 26.02 and shall not be considered as supplying off-street parking space.
- C. Space Requirements: There shall be provided adequate space for standing, loading, and unloading service not less than twelve (12) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, open or enclosed, for uses listed in the table which follows, or for similar uses similarly involving the receipt or distribution by vehicles of material or merchandise.

Accessible Parking Space Requirements

Total Number of Parking Spaces Provided (Per Lot)	Total Minimum Number of Accessible Parking Spaces (60-Inch and 96-Inch Aisles)	Van Accessible Parking Spaces With Min. 96-Inch wide Access Aisle	Accessible Parking Spaces With Min. 60-Inch Wide Access Aisle
	<u>Column A</u>		
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1,001 and over	20 plus one (1) for each 100 over 1,000	1/8 of Column A*	7/8 of Column A**

*One (1) out of every eight (8) accessible spaces

**Seven (7) out of eight (8) accessible parking spaces



- D. Access: Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.
- E. Screening: All loading and unloading areas and outside storage areas which face or are visible from residential properties or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than five (5) feet in height, in accordance with the design requirements of Section 4.24.D, E, and F for vegetative screening.

OFF-STREET LOADING SPACE REQUIREMENTS

Use	Space Required
Commercial uses, such as Retail Stores, Personal Services, Amusement, Automotive Service	First 2,000 square feet; none. Next 20,000 or fraction thereof; one (1) space. Each additional 20,000 or fraction thereof; one (1) space.
Hotels, Offices, Clinics	First 2,000 square feet; none. Next 50,000 or fraction thereof; one (1) space. Each additional 100,000 or fraction thereof; one (1) space.
Wholesale and Storage Contrator's Yards	First 20,000 square feet; one (1) space. Each additional 20,000 or fraction thereof; one (1) space.
Manufacturing uses	First 20,000 square feet or fraction thereof; one (1) space. Each additional 20,000 or fraction thereof; one (1) space.
Funeral Homes and Mortuaries	First 5,000 square feet or fraction thereof; one (1) space. Each additional 10,000 or fraction thereof; one (1) space.
Hospitals	First 20,000 square feet; one (1) space. Next 100,000 or fraction thereof; one (1) space. Each additional 200,000 or fraction thereof; one (1) space.
Schools, Churches, Clubs, Public Assembly Buildings, Auditoriums, Boarding Houses, Convalescent Homes	For each building, one (1) space.
For similar uses not listed	For each building 5,000 square feet or over; one (1) space.

ARTICLE XXVII

REVIEW AND APPROVAL OF SPECIAL LAND USES

SECTION 27.01

SPECIAL LAND USES

- A. The uses identified as special land uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitate individual standards and conditions in order to safeguard the general health, safety, and welfare of the community.
- B. The Zoning Board of Appeals shall have the power to authorize, upon appeal, a variance from the individual standards and conditions required by the special land use. To obtain a variance, the applicant must submit an affidavit indicating why the requested variance will not adversely affect the general health, safety, and welfare of the community and will not be contrary to the spirit and intent of this Zoning Ordinance.

SECTION 27.02

APPLICATION

Every application for a special land use permit shall be accompanied by a processing fee in an amount established by resolution of the Township Board together with any costs incurred by the Township. No portion of such fee shall be reimbursable to the applicant.

SECTION 27.03

DATA REQUIRED

An application for a special land use permit shall contain the following:

- A. Applicant's name, address, and telephone number.
- B. Address and tax description number of the subject site.

- C. A signed statement that the applicant is the owner of the subject site, or is acting as the owner's representative.
- D. A complete site plan containing all of the applicable data outlined in Article XXVIII, Site Plan Review Procedures.
- E. Supporting statements, evidence, data, information and exhibits which address those standards and requirements for assessing special land use permit applications.

SECTION 27.04

PUBLIC HEARING REQUIREMENTS

- A. Upon receipt of an application for a use requiring special land use approval, one (1) notice that a request for special land use approval has been received shall be published in a newspaper of general circulation in the Township. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval.

The notice shall:

1. Describe the nature of the special land use request.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

3. State the date, time, and place of the public hearing.
4. Indicate when and where written comments concerning the request will be received.

SECTION 27.05

STANDARDS FOR APPROVAL

A. The Planning Commission shall review the particular circumstances and facts applicable to each proposed special land use in terms of the following standards and requirements and shall make a determination as to whether the use proposed to be developed on the subject site meets the following standards and requirements:

1. Will be harmonious with and in accordance with the general objectives of the Master Plan.
2. Will be designed, constructed, operated, maintained, in harmony with existing and intended character of the general vicinity and so that such use will not change the essential character of that area.
3. Will not be hazardous or disturbing to existing or future neighboring uses.
4. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
5. Will be served adequately by necessary public services and utilities, such as highways, streets, drainage structures, sanitary sewers, water, police and fire protection, and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
6. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.

7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.

8. Will be consistent with the intent and purposes of this Ordinance in general, and Section 28.05, Standards for Granting Site Plan Approval in particular.

B. If the facts regarding the special land use being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this Zoning Ordinance will be met by the proposed use, the Planning Commission shall not grant approval of the special land use.

C. The Planning Commission may deny, approve or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration, which specifies the basis for the decision and any conditions recommended. Such statement may be included in the minutes of the Planning Commission.

D. In granting approval of a special land use permit, the Planning Commission may attach such reasonable conditions of use as it deems necessary to protect the best interests of the Township and the general vicinity, to achieve the objectives of this Ordinance, and to assure that the general public health, safety, and welfare will not be infringed upon.

E. Upon holding a public hearing and review of the special land use request, the Planning Commission shall make its finding. The finding shall include those conditions which are required to be imposed. The Planning Commission, upon receipt of the finding and recommendation, may deny, approve, or approve with conditions any request for a special land use permit. Any decision on such a request shall state the finding or fact and specify the conclusions drawn therefrom and any conditions imposed thereon.

- F. Any conditions imposed shall remain unchanged, except upon the mutual consent of a majority of the Planning Commission and the landowner. The Township shall maintain a record of all conditions that are changed. All records of proceedings hereunder shall be kept and made available to the public.
- G. Any special land use permit granted under this Zoning Ordinance shall become null and void and all fees forfeited unless construction and/or use is commenced within six (6) months of the date of issuance of said special land use permit and completed within twelve (12) months, except that the Planning Commission may at its discretion, upon application by the owner and for cause shown, provide for an extension of up to twelve (12) months provided there is no change of any conditions.
- H. A violation of any requirement, condition, or safeguard imposed hereunder shall be considered a violation of this Zoning Ordinance and constitute grounds for termination of a previously granted special land use permit.
- I. The special land use review and site plan review shall occur concurrently.

SECTION 27.06

GROUP DAY CARE HOMES

A group day care home shall be approved in accordance with Section 206, (4) of PA 116 of 2006 if it meets the requirements of Section 24.23.

ARTICLE XXVIII

SITE PLAN REVIEW

PROCEDURES

SECTION 28.01

PURPOSE

It is the purpose of this Article to specify standards and data requirements which shall be followed in the preparation of site plans as required by this Ordinance.

SECTION 28.02

IMPROVEMENTS WHICH REQUIRE SITE PLAN APPROVAL

Prior to the establishment of any new use, addition to an existing use, or the erection of any structure in any zoning district, a site plan shall be reviewed and approved by the Planning Commission, subject to the following conditions.

- A. Site Plan Review Required: Site plan review is required for all principal uses and structures permitted in all zoning districts (except individual single-family and two-family dwellings erected on a single lot or parcel and their accessory structures) and all special land uses.
- B. Administrative Review Option for Additions: When the erection of a structure constitutes an addition to an existing use or building or a change in use not requiring a Special Land Use permit, the site plan review procedures may be modified by the Building Official to provide for an administrative review and approval in lieu of Planning Commission review and approval. The decision to perform an administrative review shall be made by the Building Official. Should the Building Official so choose to require the matter to go before the Planning Commission, the matter shall follow the procedures prescribed herein. The Building Official may conduct an administrative review if the following conditions are met:
 1. No variances are required.

2. The proposed new construction will not increase the total gross floor area of all buildings on the parcel by more than 25 percent or 2,500 square feet, whichever is less.

- C. Conformance to Ordinance Requirements: All site plans shall conform to the requirements of the Zoning Ordinance. Administrative review procedures are not intended to modify any ordinance, requirement, or development standard. The Building Official shall notify the Planning Commission of all site plans processed or scheduled for administrative review.
- D. Land Clearing: No person shall undertake any activity such as grading, clearing, cutting and filling, excavating, or tree removal in preparation for a use or structure which requires site plan review and approval until the proposed use or structure is authorized by a land use permit.

SECTION 28.03

DATA REQUIRED FOR SITE PLANS

Site plans which require Planning Commission review and approval must comply with the requirements of paragraphs A., B. and D. of this Section. Site plans which are eligible for administrative review must comply with paragraphs A., C. and D. of this Section.

- A. General Information Required: All site plans shall be prepared in accordance with the following requirements:
 1. All site plans shall be drawn at a scale of at least 1 inch equals 100 feet and include plan preparation and revisions dates, a graphical scale, north arrow, and a location map. The location map shall depict the proposed development site, section lines and numbers, and major roadways within 2,000 feet of the site.
 2. The applicant's name, address and telephone number and the property owner's name, address and telephone

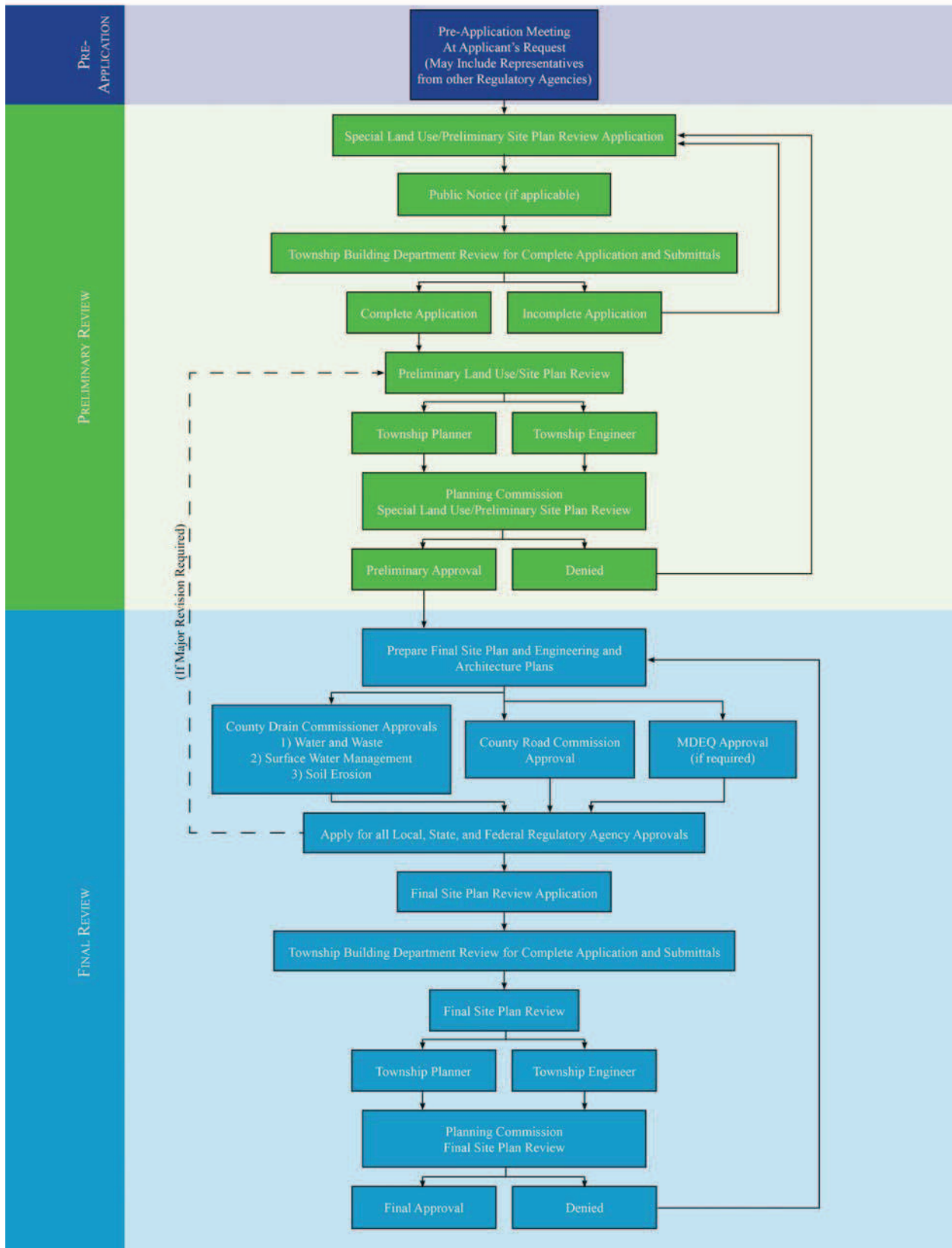
- number, if different than that of the applicant. Written approval of the property owner shall be required before any application is accepted.
 3. A survey of the property showing property line dimensions and bearings, any easements of record, required setbacks, and a written legal description.
 4. Notation of all federal, state and local permits required.
 5. Bear the seal of the responsible professional engineer, land surveyor, or registered landscape architect licensed in the state of Michigan prior to issuance of a land use permit.
- B. Additional Information Required for Planning Commission Review: Site plans which are subject to Planning Commission review shall provide the following information in addition to that which is required by Section 28 .03.A:
1. A written statement which describes the characteristics of the development. For residential developments, the project description shall describe the number of dwelling units, bedrooms, carports or garages, and the type and amount of recreational open space. For nonresidential developments, the project description shall describe the intended use, hours of operation, the gross and useable floor areas in square feet, and the number of employees per shift.
 2. A site data chart which compares the existing and proposed improvements to the lot area, setback, height and lot coverage requirements of the zoning district and the off-street parking and landscape requirement calculations.
 3. Location of natural features such as, but not limited to, woodlots, streams, county drains, lakes, ponds, and existing topography at 2-foot intervals within 100 feet of the site.
 4. The location/limits of the 100-year floodplain and/or an engineer's certification that the parcel is outside the limits of the 100-year floodplain as indicated on the current FEMA FIRM map.
 5. The limits of any wetlands as certified by the MDEQ or professional wetland consultant, or an MDEQ certification that the site does not contain jurisdictional wetlands.
 6. Location and dimensions of existing structures within 100 feet of the site including notation as to which on-site structures will be retained and which will be removed or altered.
 7. Location and dimensions of proposed structures, including building elevations and floor plans.
 8. Location and dimensions of existing public rights-of-way (including paving material), private roads, or access easements of record and location and types of existing traffic control measures, if present.
 9. Location and dimensions of proposed rights-of-way, acceleration/deceleration lanes, driveways, parking spaces, maneuvering lanes, loading areas, and sidewalks. Proposed traffic control measures and proposed street names shall also be indicated.
 10. Location of existing and proposed utilities, water mains, wells, fire hydrants, sewers, septic fields, storm drains, as well as any easements that exist or are proposed to be established for the installation, repair, or maintenance of utilities.
 11. Location and dimension of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps, and other facilities designed to collect, store or transport stormwater or wastewater as well as point of discharge.

SECTION 28.04**ACTION ON SITE PLANS**

12. Proposed location and types of signs, trash receptacles, light fixtures, and any other accessory structures and uses.
 13. Typical straight cross-sections including slope, height, and width of any berms and type of ground cover, and height and type of construction of any wall or fence, including footings.
 14. Location, spacing, type and size of proposed plant materials.
 15. Location and specifications for any existing or proposed storage of any chemicals, salts, flammable or hazardous materials as well as any required containment structures or clear zones.
 16. Location of outdoor display or sales areas.
- C. Additional Information for Administrative Review: Site plans subject to administrative review and approval shall provide the following information in addition to that required by Section 28.03.A:
1. A project statement that describes the proposed use of the building, the number of employees, floor plan layout, and other general information describing the proposed activity.
 2. Existing and proposed parking serving the site, including any improvements (paving, striping, landscaping) which are contemplated.
 3. Existing and proposed sidewalks, landscaping, and other site amenities.
 4. Any required screening walls or landscape buffers between the use and the adjacent properties.
 5. Existing and proposed site ingress and egress.
- D. Any other information deemed necessary to determine if the proposed site plan conforms to the requirements of this Ordinance.
- A. The applicant shall provide fifteen (15) copies of the site plan for local review. Site plans shall be processed in accordance with Figure 28-1. below.
 - B. Submission of an Administrative Site Plan: The applicant for administrative review shall provide two (2) copies of the proposed site plan to the Building Official. The Building Official shall review the submittal to determine that all the required information has been provided. Upon finding that the site plan is complete, the Building Official shall proceed with an administrative review and approval.
 - C. Action: The Planning Commission or Building Official, as applicable, shall disapprove, approve, or approve with conditions the site plan. The body or person(s) authorized to take action on a site plan may impose conditions in addition to the specific requirements of this Ordinance. Any conditions required by the Planning Commission, together with the reasons for those conditions, shall be provided in writing to the applicant. Such writing may be the official minutes of the Planning Commission.
 - D. Approval of Site Plans: A site plan shall be approved if it contains the information required by and is in compliance with the Zoning Ordinance, the conditions imposed pursuant to the Ordinance, and other Township planning documents.
 - E. Approved Site Plans: One (1) copy marked "approved" of the approved site plan, including any written conditions, shall be maintained by the Building Official for future review and enforcement activities. One copy shall be returned to the applicant. If any variance was granted by the Zoning Board of Appeals, written evidence of the variance(s) shall be filed with the site plan and a copy provided to the applicant.

Figure 28-1

MUNDY TOWNSHIP SPECIAL LAND USE AND/OR SITE PLAN REVIEW PROCEDURE



- F. Site Plan Approval for Special Land Uses: The approval of site plans reviewed in conjunction with a special land use application shall be conditioned upon use approval.

SECTION 28.05

STANDARDS FOR GRANTING SITE PLAN APPROVAL

Each site plan shall conform to the applicable provisions of this Ordinance and the standards listed below:

- A. Arrangement of Structures: Site plans shall demonstrate that buildings, parking areas, signs, walls, fences, and the like are designed to minimize adverse affects on development users and the occupants of adjacent properties.
- B. Natural Features: Site plans shall demonstrate that as many natural features as possible have been retained, particularly where such features provide a buffer between adjoining properties or assist in preserving the general appearance of the neighborhood or help control soil erosion or stormwater.
- C. Vehicular and Pedestrian Traffic: Site plans shall fully conform to the driveway and traffic standards of the Michigan Department of Transportation and the Genesee County Road Commission. Further, the site plan shall demonstrate that there is a proper relationship between existing and proposed roadways, parking areas, and that the safety and convenience of pedestrian and vehicular traffic has been assured.
- D. Public Safety: Site plans shall fully conform to the applicable fire safety and emergency vehicle access requirements.
- E. Drainage: Site plans shall fully conform to Genesee County Drain Commission standards.
- F. Erosion: Site plans shall fully conform to the Genesee County Soil Erosion and Sedimentation Control Ordinance.
- G. Hazardous Waste Management: Site plans shall demonstrate that reasonable precautions will be taken to prevent hazardous materials from entering the environment.

- H. Public Health: Site plans shall fully conform to the requirements of the Michigan Department of Public Health and the Genesee County Health Department.

- I. Statutory Compliance: Site plans shall fully conform to all applicable State and Federal statutes.

SECTION 28.06

SITE PLAN AMENDMENTS

- A. Approval Required: Site plan amendments shall be reviewed and approved in the same manner as the original submittal and require the mutual consent of the property owner and the approving body or person. Minor site plan amendments, as defined in Section 28.06.B, may be made by the Building Official.
- B. Minor Site Plan Amendments: Minor site plan amendments shall be limited to the following site plan changes:
 - 1. Moving walls within the confines of the approved building footprint because of a natural impediment such as soil conditions or subsurface geology.
 - 2. Moving the ingress and egress drive a distance up to 20 feet, if required by the Genesee County Road Commission or Michigan Department of Transportation.
 - 3. Substituting a landscape material provided a nurseryman or landscape architect certifies that the substituted species is of a similar nature and quality.
 - 4. Changing the location and/or design of exterior light fixtures provided that there will be no change in the intensity of site lighting and the location conforms to the requirements of this Ordinance.
 - 5. Changing the dimensions or location of approved signage provided that the sign conforms to the requirements of Township Sign Ordinance.

6. Altering the location of an accessory structure that is less than 100 square feet in area provided that the location does not encroach on any approved parking, loading, or landscape areas and otherwise conforms to the requirements of this Ordinance.
 7. Changing the height and/or material of fencing provided that the height conforms to the requirements of the Ordinance and that any substituted material is similar in character and quality.
- C. Approval Required: A site plan amendment shall be approved upon a finding that such change(s) will not adversely affect the initial reasons for granting approval.

SECTION 28.07

REVIEW OF CONDOMINIUM PROJECTS

Condominium project review shall be in accordance with Article XXIX.

SECTION 28.08

DRAWINGS OF RECORD

Upon completion of required improvements, the applicant shall submit drawings of record, certified by a surveyor or engineer, to the Building Official. All submitted drawings of record shall be on a mylar sheet of at least 13 inches by 16 inches and also provided electronically in a .pdf format. In the case of a condominium subdivision, the developer shall provide 2 copies of the recorded master deed and any exhibits.

SECTION 28.09

PERFORMANCE GUARANTEES

To ensure compliance with the Zoning Ordinance requirements and any conditions imposed thereunder, the Planning Commission or Building Official may require the deposit of a performance guarantee.

- A. Form: A performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond in the amount of the estimated cost of the approved site improvements. The Township shall have the right to determine the form of the performance guarantee.
- B. Deposit: The performance guarantee shall be deposited with the Township prior to the issuance of a land use permit. Upon receipt of the performance guarantee, the Township shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest bearing account.
- C. Rebate: In the event the performance guarantee is a cash deposit or certified check, the Township shall rebate 50 percent of the deposited funds when 60 percent of the required improvements are completed and the remaining 50 percent when 100 percent of the required improvements are completed as confirmed by the Building Official. If a request is made by the applicant, pending completion of the exterior improvements, the performance guarantee may be applied by the applicant to assure compliance with the standards of the Zoning Ordinance and the specifications of the site plan.
- D. Return: Upon satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Building Official, the Township shall return to the applicant the performance guarantee deposited and any accrued interest.
- E. Completion of Improvements: In the event the applicant fails to make the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee and any accrued interest to complete the improvements. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee deposited. Should the Township use all or a portion of the performance guarantee to complete the required improvements, any amounts remaining after the improvements are made shall be applied first to cover the Township's administrative costs related to the completion of the improvements, with the balance being refunded to the applicant.

- F. Performance Guarantees Required by Other Agencies: If the applicant has been required to post a performance guarantee with another governmental agency other than the Township to ensure the completion of an improvement associated with the approved site plan, the applicant shall not be required to deposit with the Township a performance guaranteed for that specific improvement.
- G. Performance Guarantee Agreement: At the time the performance guarantee is deposited with the Township and prior to the issuance of a land use permit, the applicant and Township shall enter into an agreement incorporating the provisions of this Section.

SECTION 28.11

FEES

An application fee shall be established by resolution of the Township Board. Before issuance of a land use permit, any costs incurred by the Township shall be paid for by the applicant.

SECTION 28.10

VALIDITY AND REVOCATION OF SITE PLAN APPROVAL

- A. Validity of Approval: An approved site plan shall be valid for a period of 12 months from the date of issuance of the land use permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this period, the Building Official shall notify the applicant in writing of the expiration of said permit; provided, however, that the Planning Commission may extend the period of time, up to twelve (12) additional months, in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction.
- B. Revocation: The Planning Commission shall have the authority to revoke site plan approval following a hearing if construction of the approved improvements does not proceed in conformance with the approved site plan. Upon discovery of a violation, the Building Official may issue a stop work order and a notice to appear for a hearing before the Planning Commission. Notice of the hearing date shall be provided to the applicant no less than 10 days prior to the date of the meeting.

ARTICLE XXIX

REGULATION OF

CONDOMINIUM

DEVELOPMENTS

SECTION 29.01

APPLICATION

The following regulations shall apply to all condominium developments within Mundy Township.

SECTION 29.02

INITIAL INFORMATION

Concurrently with notice required to be given Mundy Township, pursuant to Section 71 of state PA 59 of 1978, as amended (the Condominium Act), a person, firm, or corporation intending to develop a condominium development in the Township shall provide the following information:

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

- E. Approximate number of condominium units to be developed on the subject parcel.
- F. Whether or not a public water system is contemplated.
- G. Whether or not a public sewer system is contemplated.

SECTION 29.03

INFORMATION TO BE KEPT CURRENT

The information shall be furnished to the Township Building Official and shall be kept updated until such time as a Certificate of Occupancy has been issued.

Section 28.04 Site Plans for New Projects: Prior to recording of the Master Deed required by Section 72 of state PA 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to Article XXVIII of this Ordinance. Draft copies of the proposed Master Deed and By-Laws shall be included as part of the site plan submittal for review and comment by the Township Attorney. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.

SECTION 29.04

SITE PLANS FOR EXPANDABLE OR CONVERTIBLE PROJECTS

Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Article XXVIII of this Ordinance.

SECTION 29.05

MASTER DEED, RESTRICTIVE COVENANTS, AND "AS BUILT" SURVEY TO BE FURNISHED

The condominium development developer or proprietor shall furnish the Township Building Official with the following: one (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants and By-Laws, and two (2) copies of an "as built" survey. The "as built" survey shall be reviewed by the Township Building Official for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board.

SECTION 29.06**MONUMENTS REQUIRED**

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

- A. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inches in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter. The iron or steel bar shall extend a minimum one-half inch above the concrete encasement.
- B. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
- C. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- D. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.

- E. All required monuments shall be placed flush with the ground where practicable.
- F. All units corners and the intersection of all limited common elements and all common elements shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
- G. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit to Mundy Township, whichever the proprietor selects in an amount to be established by the Township Board. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

SECTION 29.07**COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAW**

All condominium developments shall comply with all applicable Federal and State statutes, County standards, and local ordinances.

SECTION 29.08**ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS**

Prior to the issuance of any building permits, all applicants shall be required to certify to the satisfaction of the Building Official that all streets, sanitary sewers, storm sewers, water systems and other infrastructure improvements have been constructed in accordance with requirements of Genesee County and Mundy Township. Such certification shall be made in writing by the appropriate public agency, such as the Genesee County Drain Commissioner, the Genesee County Health Department, and/or the Genesee County Road Commission.

No final occupancy of the condominium development shall be permitted before all improvements required by this Ordinance are installed. The Building Official may allow the temporary occupancy of the condominium development before all improvements required by this Ordinance are installed provided that a bond, cash, a certified check, or an irrevocable bank letter or credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.

SECTION 29.09

SINGLE FAMILY DETACHED CONDOMINIUMS: DESIGN LAYOUT AND ENGINEERING STANDARDS

- A. Single family detached condominium developments shall be subject to all requirements and standards of the applicable zoning district in which it is located.
- B. The design of a single family detached condominium project shall be subject to the design layout and engineering standards of the Township Subdivision Regulations Ordinance.

SECTION 29.10

SINGLE FAMILY DETACHED CONDOMINIUM PROJECT REVIEW PROCEDURES

Single family detached condominium projects shall undergo pre-preliminary, preliminary, and final site plan review as described below. Every application for review shall be submitted in accordance with the processing procedures established by the Township Planning Commission and accompanied by a processing fee in an amount established by resolution of the Township Board, as may be amended. No portion of the fee shall be refundable.

- A. Initial Voluntary Investigation:
 - 1. Prior to the preparation of a pre-preliminary site plan, it is suggested that the proprietor meet informally with the Municipal Departments concerned to investigate the procedures and standards of the Township with references to its Ordinances and with

the proposals of the Master Plan as they affect the area in which the proposed site condominium is located. The proprietor should not submit a pre-preliminary site plan at this time.

The proprietor should concern himself with the following factors:

- a. The proprietor shall secure a copy of the Zoning Ordinance, Subdivision Regulations Ordinance, engineering specifications, and other similar ordinances or controls relative to the development and improvement of land so as to make himself aware of the requirements of the Municipality.
 - b. The area for the proposed condominium shall be properly zoned for the intended use.
 - c. An investigation of adequacy of existing schools and the adequacy of public open spaces including parks and playgrounds to serve the proposed development shall be made by the proprietor.
 - d. The relationship of the proposed site condominium with respect to major thoroughfares and plans for widening of thoroughfares shall be investigated by the proprietor.
 - e. Standards for sewage disposal, water supply and drainage of the Township shall be investigated by the proprietor.
- B. Pre-Preliminary Site Plan: The procedure for preparation, submittal and review of a pre-preliminary site plan of the land areas to be developed as a single family detached condominium shall be in accordance with the requirements specified within Section 301,

Ordinance No. 80-B, Township Subdivision Regulations Ordinance, for a Pre-Preliminary Plat.

- C. Preliminary Site Plan: The procedures for preparation, submittal, and review of a preliminary site plan of the land area to be developed as a single family detached condominium shall be in accordance with the requirements specified within Section 302.1, Ordinance No. 80-B, Township Subdivision Regulations Ordinance, for the tentative approval of a Preliminary Plat.
- D. Final Site Plan: Except as provided below, the procedure for preparation, submittal, and review of a final site plan of the land area to be developed as a single family detached condominium shall be in accordance with the requirements specified within Section 303.1 and Section 303.2, Ordinance No. 80-B, Township Subdivision Regulations Ordinance, for a Final Plat. This is in addition to the other applicable submittal requirements for site plans specified in Article XXVIII. The final site plan shall conform substantially with the reviewed and accepted preliminary site plan.
1. Ten (10) copies of the final site plan of the proposed single family detached condominium shall be filed by the proprietor with the Clerk, and he shall depart such sums of money as the Township may require by resolution.
 2. After reviewing comments of the Township Engineer, Township Planner, and any other persons or agencies who have been provided with the final site plan, the Township Board shall approve conditionally, disapprove, or approve the final site plan.

Should approval be conditional, the final site plan shall not be considered complete until a revised site plan which incorporates all of the necessary changes, revisions, modifications or corrections has been submitted and reviewed by the Township Board.

If the facts regarding the final site plan being reviewed do not establish by a preponderance of the evidence that the standards and requirements as set forth by this Zoning Ordinance have been met, the Township Board shall deny approval.

Should the Township Board find that all requirements and/or conditions have been satisfactorily met, it shall give approval to the final site plan. The Clerk shall make a notation to that effect on copies of the final site plan and distribute copies of same as follows:

- a. return one (1) copy to the applicant;
 - b. retain one (1) copy which shall become a matter of permanent record in the Planning Commission files; and,
 - c. forward one (1) copy to the School Board or School Superintendent of the School District having jurisdiction in the area concerned.
3. Nothing herein shall prevent the Township from attaching a performance guarantee to the approval of final site plan in accordance with Section 28.09 to ensure the faithful completion of all improvements.

SECTION 29.11

FINAL DOCUMENTS TO BE PROVIDED

After submittal of the condominium plan, By-Laws, and the Master Deed, the proprietor shall furnish to the Township a copy of the site plan and "as-built" drawings. Such information shall be provided on a mylar sheet(s) and electronically in a .pdf format. All drawings shall be sealed with the seal of the responsible design professional, and recorded with the Genesee County Register of Deeds.

ARTICLE XXX

ZONING BOARD OF APPEALS

SECTION 30.01

INTENT AND PURPOSE

The purpose of this Article is to ensure that the objectives of this Ordinance are fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that flexibility be provided for in the strict application of this Ordinance, that the spirit of the Ordinance be observed, public safety secured, and substantial justice done.

SECTION 30.02

CREATION AND MEMBERSHIP

- A. Establishment: A Zoning Board of Appeals (ZBA), first established by the Zoning Ordinance adopted September 6, 1982, is hereby retained in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as may be amended. The Zoning Board of Appeals shall consist of five(5) members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the Township representative of the population distribution and of the various interests present in the Township. A member of the Township Board may serve on the Zoning Board of Appeals but shall not serve as the chairperson. The Building Official or other employee or contractor of the Township Board may not serve on the Zoning Board of Appeals.
- B. Appointment of Members: The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. No alternate member may be either a member of the Township Board or the Planning Commission. The alternate members may be called as needed by the chairperson, on a rotating basis, to sit as regular members of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days.

An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

- C. Terms of Office: Members shall be appointed for three (3) year terms except in the case of Planning Commission and Township Board members, whose terms shall be limited to the time they are members of the Planning Commission or Township Board. When members are first appointed, the appointments may be for less than three years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has been expired. Vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed. Members of the Zoning Board of Appeals may be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after a public hearing. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- D. A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute malfeasance in office.

SECTION 30.03

ORGANIZATION

- A. Rules of Procedure: The Zoning Board of Appeals shall adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The Zoning Board of Appeals shall annually elect a chairperson, a vice chairperson, and a secretary.

- B. Meetings and Quorum: Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Zoning Board of Appeals' Rules of Procedure may specify. A majority of the total membership of the Board shall comprise a quorum. The Township Board of Appeals shall not conduct official business unless a majority of the regular members of the Board is present. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act, PA 267 of 1976.
- C. Oaths and Witnesses: The chairperson may administer oaths and compel the attendance of any witness in order to ensure a fair and proper hearing.
- D. Records: The minutes of all meetings shall contain the grounds for every determination made by the Zoning Board of Appeals including all evidence and data considered, all findings of fact and conclusions drawn by the Zoning Board of Appeals for every case, along with the vote of each member and the final ruling on each case. The Zoning Board of Appeals shall file its minutes in the office of the Township Clerk.
- E. Legal Counsel: An attorney for the Township shall act as legal counsel for the Zoning Board of Appeals pursuant to procedures established by the Township Board.

SECTION 30.04

JURISDICTION

The Zoning Board of Appeals shall act upon questions as they arise in the administration of this Ordinance. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in PA 110 of 2006, as amended. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters for which this Ordinance provides an administrative review, interpretation, variance, or temporary land use permit. Within this capacity, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Building Official, Planning Commission, or any official administering or enforcing the provisions of this

Ordinance. This jurisdiction shall not include the hearing of appeals related to special land use, planned unit development (PUD) and planned development project (PDP) decisions.

SECTION 30.05

AUTHORIZED APPEALS

The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

- A. Administrative Review: The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Building Official or by any other official or by the Planning Commission in administering or enforcing the provisions of this Ordinance.
- B. Interpretation of the Ordinance: The Zoning Board of Appeals shall hear and decide upon requests to:
 1. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the Zoning Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.
 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Building Official.
 3. Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the Zoning Board of Appeals shall so declare, the effect being that use is not permitted in

the Township until or unless the text of the Ordinance is amended to permit it.

- C. Variance: The Zoning Board of Appeals shall have the power, by a majority vote of its members, to authorize specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, and sign requirements of this Ordinance, provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.

1. The strict enforcement of the provisions of this Ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owner owning property within the same zoning district.
2. There are conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district.
3. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
4. The requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.
5. The requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.

- D. A variance under this Ordinance shall not be granted which permits a use not otherwise permitted within the zoning district, upon the property for which a variance is being requested.

- E. Conditions: The ZBA may impose conditions upon an affirmative decision. The conditions may include, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent land uses of land, and to promote the use of land in a socially and economically desirable manner.

Conditions imposed shall do all the following:

1. Be designed to protect natural resources, the health, safety, and welfare, as well as social and economic well being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use, or activity, and the community as a whole.
2. Be related to valid exercise of the police power and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
4. The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions.

- F. Variance Authorization Period: Each variance granted under the provisions of this Ordinance shall become null and void unless:

1. The construction authorized by such variance or permit has commenced within six (6) months of granting of the variance.

2. The occupancy of land, premises, or buildings has taken place within one (1) year after the granting of the variance.
- G. Granting temporary use permits will be the responsibility of the Zoning Board of Appeals.
- H. Rehearing: No rehearing on an application denied by the Zoning Board of Appeals shall be reconsidered except upon the grounds of newly discovered evidence or a falsehood previously relied upon which is found upon inspection by the Zoning Board of Appeals to be valid. A rehearing shall be processed in the same manner as the original application, including payment of the required fee. A request for rehearing by the Township Board or Zoning Board of Appeals shall be made on behalf of the applicant within eight (8) days. No land use permit shall be granted which relies upon a variance before eight (8) days following the decision of the Zoning Board of Appeals have expired.
- I. Reapplication: After eight (8) days following a decision by the Zoning Board of Appeals, no application for a variance, Ordinance interpretation, or appeal which has been denied, wholly or in part, by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions found upon inspection by the Board to be valid.

SECTION 30.06

APPEAL AND NOTICE REQUIREMENTS PROCEDURES

- A. Notice of Appeal: An appeal may be taken to the Zoning Board of Appeals by an aggrieved person, firm, or corporation, or by an officer, department, board, or bureau of the state or local unit of government. An appeal shall be made in accordance with the processing procedures established by the Zoning Board of Appeals. In addition, a variance in the Zoning Ordinance may be applied for and granted under Section 4 of the Uniform and Condemnation Procedures Act, 1980 PA 87, MCL 213.54, and as provided for under this Act.

Each appeal shall be accompanied by a processing fee in an amount established by resolution of the Township Board, as may be amended from time to time. No portion of such fee shall be reimbursable to the applicant. The Building Official shall forthwith transmit to the Board, all of the papers constituting the record upon which the action appealed from was taken. Any appeal from the ruling of the Building Official concerning the enforcement of the provisions of this Ordinance shall be filed within ten (10) days after the date of the Building Official's decision.

- B. Hearing: Upon receipt of a Notice of Appeal, or of an application for Ordinance interpretation, or variance request, the chairperson of the Zoning Board of Appeals shall schedule a reasonable time and date for a public hearing.
- C. Notice of Hearing: The Zoning Board of Appeals shall make no recommendations except in a specific case. The Zoning Board of Appeals shall fix a reasonable time for the hearing to be held. A notice of the time and place of such public hearing shall be published in a newspaper of general circulation in the Township and sent to the person requesting the interpretation or appealing not less than fifteen (15) days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation or appeal request and the time, date, and place of the public hearing on the interpretation or appeal request shall be sent by first class mail or personal delivery not less than fifteen (15) days before the public hearing to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used. The public hearing notice shall indicate the property that is subject to the appeal or interpretation. The notice shall include a listing of the street address(es) of the subject site. If there is no street address(es), other means of identification may be used.

- D. Appearance: Upon the hearing, any party may appear in person or by agent or attorney. The Zoning Board of Appeals may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.
- E. Stay: Pursuant to Section 604(3) of PA 110 of 2006, an appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Official certifies to the Zoning Board of Appeals after notice of appeal has been filed with him or her, that by reason of facts stated in the certificate a stay would, in the Building Official's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals, or, on application, by court of record.
- F. Fee: A fee as established by the Township Board, shall be paid to the Township Clerk at the time the petitioner files an application with the Zoning Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred by the Board in connection with the appeal. No fee shall be charged if a Township Employee is the moving party, in their official authority.
- G. Decision: The Zoning Board of Appeals shall render its decision within sixty (60) days of filing of a Notice of Appeal, or application for Ordinance interpretation or variance, unless in the opinion of Zoning Board of Appeals, an extension of time is necessary to review information pertinent to making the decision. The concurring vote of a majority of the total membership of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant on any matter upon which they are required to pass under or to effect any variation in this Ordinance. Any decision of the Zoning Board of Appeals shall not become final until the expiration of eight (8) days from the date of entry of such order, 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.
- H. Performance Guarantee: In authorizing any variance, or in granting any temporary dwelling permits, the Zoning Board of Appeals may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of conditions or improvements associated with a project for which zoning approval is sought, be deposited with the Township Clerk to insure faithful conformance with the conditions or completion of the improvements. Such performance guarantee shall be collected and returned pursuant to the requirements of Section 28.09.

SECTION 30.07

REVIEW BY CIRCUIT COURT

- A. Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the circuit court of Genesee County. The circuit court shall review the record and decision to ensure that the decision meets all of the following requirements:
1. Complies with the constitution and laws of the state.
 2. Is based upon proper procedure.
 3. Is supported by competent, material, and substantial evidence on the record.
 4. Represents the reasonable exercise of discretion granted by law to the Zoning Board of Appeals.
- B. If the court finds the record inadequate to make the review required by this section or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.

- C. An appeal under this section shall be filed within 30 days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision. The court shall have jurisdiction to make such further orders as justice may require. An appeal may be had from the decision of any circuit court to the court of appeals

ARTICLE XXXI

GENERAL EXCEPTIONS

SECTION 31.01

APPLICATION

The regulations in this Ordinance shall be subject to the interpretations and exceptions, specified in the following Sections 31.02 through 31.07.

SECTION 31.02

ESSENTIAL SERVICES

Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such service does not violate any other applicable provisions of this Ordinance or any other ordinance of Mundy Township.

SECTION 31.03

VOTING PLACE

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

SECTION 31.04

HEIGHT LIMIT

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, or television and amateur radio operator antennae for personal use of normal or customary height; provided that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a special land use. This shall not be construed to limit other lawful authorities such as the FAA or any other governmental agency.

SECTION 31.05

YARD REGULATIONS

When yard regulations cannot reasonably be complied with, or where their application cannot be determined, on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified as determined by the Zoning Board of Appeals.

SECTION 31.06

PROJECTIONS INTO YARDS

Architectural features, not including vertical projections, may extend or project into a required side yard not more than three (3) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

SECTION 31.07

ACCESS THROUGH YARDS

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

ARTICLE XXXII

ADMINISTRATION AND ENFORCEMENT

SECTION 32.01

ENFORCEMENT

The Mundy Township Board hereby designates the Mundy Township Building Official to serve as the Chief Enforcement Officer for the purpose of administering and enforcing the provisions of this Ordinance.

SECTION 32.02

DUTIES OF CHIEF ENFORCEMENT OFFICER

- A. The Chief Enforcement Officer shall have the power to grant zoning compliance and occupancy permits and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance.
- B. Under no circumstances is the Chief Enforcement Officer permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his/her duties as Chief Enforcement Officer. This shall not prohibit the Chief Enforcement Officer from making reasonable interpretations of the applications of this ordinance.
- C. The Chief Enforcement Officer shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

ARTICLE XXXIII

AMENDMENTS

SECTION 33.01

AMENDMENT PROCEDURE

- A. The Township Board may, upon recommendation from the Township Planning Commission, amend, supplement, or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in PA 110 of 2006, as may be amended. Whenever a petitioner requests a zoning district boundary amendment, he shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to his petition and shall submit a petition for rezoning to the Township Clerk. However, there shall be a twelve (12) month waiting period between a Township Board denial for a zoning district boundary change and a new request.
- B. Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit the sum established by resolution of the Township Board with the Township Clerk at the time that the petition is filed to cover the publication and other miscellaneous costs for said change.
- C. The Township shall only approve Zoning Ordinance text and map amendments after receipt of a recommendation by the Township Planning Commission. Before submitting its recommendation, the Township Planning Commission shall hold not less than one (1) public hearing. Notices of the public hearing shall be given not less than fifteen (15) days before the proposed text or map amendment will be considered.

Notices under this section shall: describe the nature of the amendment; indicate the property that may be subject of the request; state when and where the public hearing will be held; include the places and times at which the proposed text and/or map amendment(s) may be examined; and indicate when and where written comments will be received concerning the request. In addition, if an individual property or ten (10) or fewer adjacent properties are

proposed for rezoning, the notice shall include a listing of all street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

Notice of the public hearing shall be published in a newspaper or general circulation in the Township. Notice shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.

If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the property, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located within the Township. If the name of the occupant is now known, the term "occupant" may be used in making notification.

- D. Following the hearing, the Township Planning Commission may submit the proposed Zoning Ordinance amendments, including any zoning maps, to the County Planning Commission for review and recommendation.
- E. If the recommendation of the County Planning Commission has not been received by the Township within thirty (30) days after receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review and recommendation of the Ordinance amendments.

F. The Township Planning Commission shall transmit a summary of comments received at the public hearing and its proposed text and/or map amendment(s) to the Township Board. This may be achieved through the submittal of the minutes of the meeting. The Township Board may hold additional hearings if the Township Board considers it necessary. Notice of a public hearing held by the Township Board shall be published in a newspaper which circulates in the Township. The notice shall be published not more than fifteen (15) days or less than five (5) days before the hearing. If the Township Board considers amendments, changes, additions, or departures advisable to the proposed amendment(s) the Township Board shall refer the same to the Township Planning Commission for a report thereon within a time specified by the Township Board.

G. After receiving the report, the Township Board shall grant a hearing on a proposed ordinance text or map amendment to a property owner who by certified mail addressed to the clerk of the Township Board requests a hearing and the Township Board may request a member of the Township Planning Commission to attend the hearing. After a hearing at a regular meeting or at a special meeting called for that purpose, the Township Board may adopt, by majority vote of its membership, a text amendment or zoning districts map change for the portions of the Township outside the limits of cities and villages, with or without amendments that have been previously considered by the Planning Commission or at a hearing. Except as otherwise provided under Section 402 of PA 110 of 2006 pertaining to protest petitions, a zoning ordinance shall take effect upon the expiration of seven (7) days after publication or at such later date after publication as may be specified by the Township Board.

H. The Zoning Ordinance amendments shall be filed with the Township Clerk, and one (1) notice of Ordinance adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice of Ordinance adoption shall include either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the

amendment, the effective date of the Ordinance, and the place and time where a copy of the Ordinance may be purchased or inspected.

SECTION 33.02 CONDITIONAL ZONING

An owner of land may voluntarily offer, in writing, and the Township may approve, certain use and development of the land as a condition to the rezoning of the land or an amendment to the zoning districts map as authorized by Section 405 of PA 110 of 2006, as may be amended.

ARTICLE XXXIV

ENFORCEMENT, PENALTIES AND REMEDIES

SECTION 34.05

RIGHTS AND REMEDIES ARE CUMULATIVE

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

SECTION 34.01

VIOLATIONS

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

SECTION 34.02

PUBLIC NUISANCE PER SE

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

SECTION 34.03

FINES, IMPRISONMENT

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and, upon conviction thereof, shall be liable to the fines and imprisonment herein provided.

SECTION 34.04

EACH DAY A SEPARATE OFFENSE

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

ARTICLE XXXV

EFFECTIVE DATE

This Ordinance No. 08-123-Z was adopted by the Township Board of Mundy Township by authority of Act 110, of the Public Acts of Michigan, 2006, at a Regular Meeting thereof duly called and held on the 14th day of July, 2008, A.D.

This Ordinance became effective on August 3, 2008.

ARTICLE XXXVI

REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance adopted by Mundy Township, known as Ordinance No. 123-Z and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

ARTICLE XXXVII

SEVERANCE CLAUSE

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

