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ORDINANCE NO. 1 OF 2018

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CLARENDON TOWNSHIP

ORDINANCE NO. 1 OF 2018

AN ORDINANCE TO AMEND THE ZONING ORDINANCE IN CLARENDON TOWNSHIP TO COMPLY WITH THE MICHIGAN ZONING ENABLING ACT, 2006 PA 110, AS AMENDED (MCL 125.3101, ET SEQ.)

CLARENDON TOWNSHIP ORDAINS:

Section 1. Ordinance Amended. The 1976 Zoning Ordinance of Clarendon Township is hereby amended to read as follows:

ARTICLE 1

TITLE, PURPOSES, AND LEGAL CLAUSES

SECTION 1.01. TITLE.

This Ordinance shall be known and may be cited as: "The 1976 Zoning Ordinance of Clarendon Township, Amended."

SECTION 1.02. PURPOSES.

- A. Promoting and protecting the public health, safety, and general welfare.
- B. Protecting the character and stability of the agricultural, recreational, residential, commercial, and other areas within the Township and promoting the orderly and beneficial development of such areas.
- C. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air to protect the public health and convenience of access to property.
- D. Lessening and avoiding congestion on the public highways and streets.
- E. Providing for the needs of agriculture, recreation, residence, commerce, and land uses in future growth.
- F. Fixing reasonable standards to which buildings and structures shall conform.

- G. Prohibiting uses, buildings or structures which are incompatible with the character of development or the uses, buildings, or structures permitted within specified zoning districts.
- H. Preventing such additions to or alterations or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder.
- I. Protecting against fire, explosion, noxious fumes, and odors, dust, smoke, glare, noise, and other nuisances and hazards in the interest of the public health, safety, and general welfare.
- J. Preventing the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to land surrounding them.
- K. Conserving the taxable value of land, buildings, and structures throughout the Township.
- L. Providing for the completion, extension, substations, or elimination of nonconforming uses.
- M. Creating a Board of Appeals and defining the powers and duties thereof.
- N. Designating and defining the powers and duties of official or officials in charge of the administration and enforcement of this Ordinance.
- O. Providing for the payment of fees for building permits.
- P. Providing penalties for the violation of this Ordinance.

SECTION 1.03. VALIDITY AND SEVERALTY CLAUSE.

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

SECTION 1.04. CONFLICT WITH OTHER LAWS.

- A. Where any condition imposed by any provision of this Ordinance upon the use any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision under any other law, the provision which is more restrictive or which imposes higher standard or requirement shall govern.
- B. This Ordinance is not intended to abrogate or annul any easement, covenant, or private agreement, provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement that such easement, covenant, or other private agreement the provision of this Ordinance shall govern.

SECTION 1.05. PERIOD OF EFFECTIVENESS.

This Ordinance shall remain in full force and effect henceforth unless repealed.

SECTION 1.06. EFFECTIVE DATE.

This Ordinance shall take effect seven (7) days after the date of publication pursuant to MCL 42.22, which publication shall take place within fifteen (15) days from the date of adoption and shall be in a local newspaper of general circulation. Publication of a summary of this Ordinance, as part of the published proceedings of the Township Board, shall constitute publication of the Ordinance.

ARTICLE 2

PURPOSE

SECTION 2.01. PURPOSE.

It is the purpose of this Article to provide the procedure for the administration of the ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators, and enforcement of the provisions of this Ordinance and amendments thereto.

SECTION 2.02. ADMINISTRATION.

The provisions of this Ordinance shall be administered by the Township Planning Commission and the Township Board in accordance with the Clarendon Township Planning Commission Ordinance, the Michigan Planning Enabling Act, 2008 PA 33, MCL 125.3801, et seq., as amended, and the Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3101, et seq., as amended.

The Township Board shall appoint a zoning administrator to act as its officer to effect proper administration of this Ordinance. The individual selected, the terms of employment and the rate of compensation shall be established by the Township Board. For the purpose of this Ordinance, the zoning administrator shall have the powers of a police officer and shall be sworn in by the Township Clerk. The Township Board may appoint such assistants to the zoning administrator as may be necessary to aid the zoning administrator in the performance of his duties hereunder.

In the absence of the zoning administrator, the Township Clerk or other Township Zoning Administrator.

SECTION 2.03. DUTIES OF ZONING ADMINISTRATOR.

- A. Review all applications for zoning permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and other codes and ordinances adopted by the Township Board and shall approve issuance of the permit if the use and the requirements of this Ordinance and other laws are met; provided, however, that such application shall also be subject to the approval of the building inspector as hereinafter set forth.
- B. Receive all applications for conditional use permits; conduct field inspections, surveys, and investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; and notify the applicant, if requested, in writing, of any decision of the Planning Commission.

- C. Receive all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance; conduct field inspections, surveys, and investigation; prepare maps, charts, and other pictorial materials when necessary or desirable; and otherwise process applications so as to formulate recommendations to the Zoning Board of Appeals for determination.
- D. Receive all applications for amendments to this Ordinance; conduct field inspections, survey, and investigation; prepare maps, charts, and other pictorial materials when necessary or desirable; otherwise process applications so as to formulate recommendations; and report to the Planning Commission all such applications, together with recommendations.
- E. The building inspector shall be responsible to update the Township Zoning Map and keep it current.
- F. The zoning administrator shall prepare and submit to the Township Board and Planning Commission a written record of all building permits issued during each month. The record shall state the owner name(s), location of property, intended use, and estimated cost of construction for each permit. The building inspector shall maintain and post monthly a list in the Township Hall of all building permits issued.
- G. Maintain written records of all actions taken by the building inspector.
- H. Be responsible for providing forms necessary for the various applications to building inspector, Planning Commission, Township Board, or Zoning Board of Appeals, as required by this Ordinance and shall be responsible for what information is necessary on such forms for the effective administration of this Ordinance, subject to general policies of the Township Board, Planning Commission, and Zoning Board of Appeals.

SECTION 2.04. BUILDING PERMIT.

- A. **BUILDING INSPECTOR.** The building inspector referred to in this Ordinance is and shall be the building inspector appointed by the Township Board pursuant to the provisions of 1972 PA 230, as amended (MCL 125.1501 et seq.), known as the “Stille-DeRossett-Hale single state construction code act” and the building inspector shall have and perform duties as therein set forth.

B. BUILDING PERMIT REQUIREMENTS. A building permit is required for and shall be obtained after the effective date of this Ordinance from the office of the building inspector or his agent for the following conditions:

1. The construction, enlargement, alteration, or moving of any dwelling, building, or any part thereof, being used or to be used for agricultural, residential, commercial, or industrial purposes; provided, however, that a building permit is not required for a building incidental to the use for agricultural purposes of the land on which the building is located if the building is not used in the business of retail trade.
2. Agricultural buildings and structures to insure proper placement on a lot or parcel of land.
3. Accessory buildings and portable structures necessary to an agricultural operation, shall not require a building permit as long as the placement of said building conform to the setback and height requirements of the district in which they are located.
4. Repairs of a minor nature or minor alterations which do not change the use, occupancy, structural strength, fire protection, exits, light, and ventilation of a building shall not require a building permit.

C. APPLICATION FOR A BUILDING PERMIT. Application for a building permit shall be made in writing upon a blank form furnished by the building inspector and shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected, enlarged, altered, or moved. There shall be submitted with all applications for building permits two copies of a site layout or plot plan showing:

1. The location, shape, area, and dimensions of the lot, lots, or acreage.
2. The location of the proposed construction upon the lot, lots, or acreage affected.
3. The dimensions, height, and bulk of structures.
4. The nature of the proposed construction, alteration, or repair and the intended use.
5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses.
6. The present use of any structure affected by the construction or alteration.
7. The yard area and parking space dimensions, if applicable.

8. The proposed design and construction standards of parking spaces, if applicable.
9. The number of loading and unloading spaces provided, if applicable.
10. Any information deemed necessary by the building inspector to determine compliance with and provide for the enforcement of this Ordinance. If the information and all other provisions of this Ordinance, the building inspector shall issue a building permit upon payment of the required building permit fee.
11. Certified permit from the county health department stating that the proposed on-site water and sewer is in conformance with the county sanitary code.

D. VOIDING OF PERMIT. Any building permit granted under this Section shall be null and void unless the development proposed shall have its first inspection within ninety (90) days from the date of the granting of the permit. The building inspector shall make every effort to notify the holder of a permit that is liable for voiding before voidance is actually declared. The building inspector may void or revoke a permit issued in error or on a basis of incorrect information supplied by the applicant or his agent or in violation of the ordinance or regulations of the Township.

E. INSPECTION. The construction or usage affected by any building permit shall be subject to the following inspections:

5. At time of staking out of building foundation.
6. Upon completion of the work authorized by the permit.
7. Additional inspections as required by the Township Building Inspector.

It shall be the duty of the holder of every permit to notify the building inspector when construction is ready for inspection. Upon receipt of such notification for the first inspection, the building inspector shall determine whether the location of the proposed building, as indicated by corner stakes, is in accordance with yard setback and other requirements of the ordinance. The building inspector shall issue his/her written approval at the time of inspection, if the building or proposed construction meets the requirements of this Ordinance. Should the building inspector determine that the building or structure is not located according to the site and construction plans filed or is in violation of any provision of this Ordinance or any other applicable law, he/she shall so notify in writing, the holder of the permit or his agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved by the building inspector upon notice and request for re-inspection duly made.

Should a building permit holder fail to comply with the requirements of the building inspector at any inspection stage, the building inspector shall make a report in writing such failure to the Township Clerk.

The building inspector shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the ordinance requirements and such posting shall be considered as service upon and notice to the permit holder of cancellation thereof; and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.

SECTION 2.05. FEES, CHARGES, AND EXPENSES.

The Township Board shall establish a schedule of fees, charges, and expenses and a collection for building permits, appeals, and other matters pertaining to the ordinance. The schedule of fees shall be posted in the office of the building inspector and may be altered or amended only by the Township Board. No permit, certificate, conditional use on approval, or variance shall be issued until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals until preliminary charges and fees have been paid in full.

SECTION 2.06. VIOLATIONS; NUISANCES PER SE.

Any building or structure including tents and mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained, or used or any use of land or premise which is begun, maintained, or changed in violation of any provision of this Ordinance are hereby declared to be a nuisance per se.

SECTION 2.07. PENALTIES (MUNICIPAL CIVIL INFRACTION).

A person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00 or more than \$500.00, plus costs and other sanctions for each infraction. Each day on which any violation of this Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense. Repeat offenses shall be subject to increased fines as provided by Section 10 of the Clarendon Township Code of Ordinances.

SECTION 2.08. ENFORCEMENT OF ZONING BY TOWNSHIP BOARD.

In addition to all other remedies provided herein, the Township Board in the event it determines a structure, including tents and mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or used, or any use of land or premises which is begun, maintained, changed, or abandoned in violation of any provisions of this Ordinance, may, following the expiration of thirty (30) days after notice of intent to proceed under this Section is given to the owner of record of said land or premises at the last address shown on the records of said Township, undertake to correct the violation and to assess the land or premises for the cost thereof, which said assessment shall become a lien upon said land and shall be collected in the same manner as Township taxes in accordance with the law in such case made and provided.

SECTION 2.09. COMPLIANCE BOND.

- A. To ensure compliance with this Ordinance and any conditions imposed under this Ordinance, the Township may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements be deposited with the clerk of the Township to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to issue the permit. The Township shall establish procedures by which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements shall be made as work progresses.

- B. This Section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited under the land division act, 1967 PA 288, MCL 560.101 to 560.293.

ARTICLE 2A

SITE PLAN REVIEW

SECTION 2A.01. PURPOSE.

It is recognized by this Ordinance that the development of each parcel and site within the Township is critical toward achieving sound planning and zoning practices which benefit the entire community. Toward this end, specific information is requested of each developer or resident seeking to make improvements on land, whether it is new construction on a vacant parcel or for additions or alterations to an existing structure. The information required of each applicant may be different depending upon the scope of the improvement to be made.

SECTION 2A.02. BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN REVIEW.

The building inspector shall not issue a building permit for construction until a review for compliance with this Ordinance has been completed by the zoning administrator. The following buildings, structures, and uses shall be subject to full site plan review as specified in Section 2A.05:

- A. A multiple-family dwelling containing three or more dwelling units.
- B. Any permitted or conditional use located within the commercial or industrial zoning districts, except for any detached buildings accessory to an existing principal building or use which are less than 1,500 square feet in area (subject to sketch plan review).
- C. Any conditional use within the agricultural or residential zoning districts which have commercial applications resulting in two or more employees or the creation of three or more parcels, lots or units or for housing seven or more residents within one facility or for other more intensive development. Such uses shall include churches, schools, planned unit developments, site condominiums, residential care facilities, mobile home parks, recreation facilities, intensive livestock operations, telecommunication towers and other uses where sketch plans are not sufficient for the issuance of a building permit or conditional use approval.

SECTION 2A.03. BUILDINGS, STRUCTURES, AND USES REQUIRING SKETCH PLAN REVIEW.

The building inspector shall not issue a building permit for construction until a review for compliance with this Ordinance has been completed by the zoning administrator. The following buildings, structures and uses shall be subject to sketch plan review with approval by the building inspector, zoning administrator, Planning Commission, or Township Board where required.

- A. All permitted uses within the agricultural or residential zoning districts, including accessory buildings, subject to meeting the site development requirements for the district in which the building, structure or use is located.
- B. All conditional uses or any other uses not subject to site plan review, including accessory uses or buildings, home occupations or temporary uses.

SECTION 2A.04. SUBMISSION AND CONTENT OF SITE PLANS AND SKETCH PLANS.

- A. Site plans and sketch plans shall be submitted to the zoning administrator.
- B. The zoning administrator, Township Planning Commission or Township Board may require, in addition to the site plan, information which addresses environmental, economic, fiscal, or social impacts of the proposed development.
- C. Each submission for site plan review shall be accompanied by one application and four copies of the site plan and landscape plan for a standard review and ten copies of the site plan and landscape plan for a conditional use application. The application shall, at a minimum, include the following information:
 - 1. Applicant's name, address, and phone number.
 - 2. Proof of property ownership, and whether there are any options or liens against it.
 - 3. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
 - 4. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s).
 - 5. The address or parcel number of the property.
 - 6. Project title.
 - 7. Project description, including the total number of structures, units, bedrooms, offices, square feet, parking spaces, employees, amount of recreation and open space, and related information as pertinent or otherwise required by the ordinance.
 - 8. Name and address of the developer (if different from the applicant).

9. Name and address of the engineer, architect and/or land surveyor.
 10. A vicinity map drawn at a scale of one inch equals 200 feet with north point indicated.
 11. The gross and net acreage of all parcels in the project.
 12. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels.
 13. Project completion schedule/development phases.
- D. The site plan shall consist of an accurate, reproducible drawing at a scale of one (1) inch equals twenty (20) feet to one (1) inch equals one hundred (100) feet, showing the site which depicts the following:
1. Property lines with dimension and setback lines.
 2. Existing topographic elevations at two (2) foot intervals, proposed grades, and direction of drainage flows.
 3. Location and type of existing soils on the site with any certifications of borings.
 4. Watercourses and water bodies, including county drains and manmade surfaces, drainageways, floodplains and wetlands.
 5. Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building.
 6. Proposed location of accessory structures, buildings and uses including but not limited to all flagpoles, light poles, bulkheads, docks, storage sheds, and the method of screen where applicable.
 7. Location of existing public roads, rights-of-way, and private easements of record.
 8. Locations of abutting streets and proposed alignment of streets, drives, curb cuts, and access easements serving the development.
 9. Locations and design of barrier-free access carports, parking areas (including indication of all spaces and method of surfacing), fire lanes, and all lighting thereof.
 10. Location, size, and characteristics of all loading and unloading areas.
 11. Location and design of all sidewalks, walkways, and bicycle paths.

12. Location of water supply lines and/or wells, including fire hydrants and shutoff valves, and the location and design of wastewater lines, cleanout locations, connection points, and treatment systems, including septic systems, if applicable.
13. Location of all other utilities of the site including, but not limited to, natural gas, electric, cable TV, telephone, and steam.
14. Proposed location of common open spaces and common facilities, if applicable.
15. Location, size and specifications of all signs and advertising features with cross sections.
16. Location and specifications for all fences, walls, and other screening features with cross sections.
17. Location and specifications for all proposed perimeter and internal landscaping and the buffering features. For each landscape material the proposed size at the time of planting and of all vegetation to be retained on the site must be indicated.
18. Location and specifications for all solid waste disposal facilities.
19. Location and specifications for any existing or proposed above or belowground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
20. Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan.

E. Each submission for sketch plan review, whether for a conditional use permit and/or a building permit, shall include, at a minimum, the following information:

1. Applicant's name, address and phone number.
2. Proof of ownership or a signed statement from the owner indicating they are acting on the owner's behalf.
3. The address or parcel number for the subject property.
4. The dimensions and total lot area of the subject property.
5. The zoning of the subject property and the proposed front, side, and rear yard setbacks.

- F. The sketch plan shall consist of no less than eight and a half (8½) by eleven (11) inches drawing at a scale of either one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet. It shall show the following information:
1. Property lines with dimensions and frontage on any right-of-way, with the top of the drawing serving as the northern boundary of the site.
 2. The location of any existing and proposed buildings and the setback distance from the property lines.
 3. The size (square footage) of any existing and proposed buildings, based upon exterior dimension, with the principal building or dwelling unit identified separately.
 4. The presence of any easements and/or the location of any greenbelt buffer or landscaping required by the ordinance.
 5. The location of parking, driveways, or other access and the type of surface existing and/or proposed (such as gravel or asphalt).

SECTION 2A.05. REVIEW AND APPROVAL OF SITE PLANS AND SKETCH PLANS.

- A. The zoning administrator shall review preliminary site plans and sketch plans and contact the applicant as to whether the ordinance requirements have been met.
- B. The zoning administrator may, at his/her discretion, request of the supervisor a review of such plans by an engineer, architect or planner retained by the Township for such review. The cost of the review may be charged to the applicant where such expense is in excess of the required fee for site plan review.
- C. The zoning administrator may schedule the site plan with a request for a conditional use permit for review by the Planning Commission. Following review by the Planning Commission, the site plan may be approved with or without required changes, denied, or tabled for further review at a subsequent time. Applications for conditional use permit should include either a preliminary site plan or sketch plan, with the final site plan approved by the Planning Commission following action by the Township Board in order that the site plan may incorporate any required conditions imposed by the Board.
- D. The applicant will be notified of the date of the meeting for review of the applicant's request before the Planning Commission. The applicant may choose to submit plans which are incomplete in terms of the required information for submission. The Planning Commission may approve site plans or sketch plans lacking some of the required information if they believe the development will be harmonious with surrounding land use.

E. Approval or disapproval of the site plan shall be issued by the Planning Commission within sixty (60) days of receipt of the application and payment of the required fees.

F. Site plan approval shall be valid for one (1) year following the approval by the Planning Commission.

SECTION 2A.06. DEVELOPMENT REQUIREMENTS.

All site plans shall be consistent with the development standards as specified in the Clarendon Township Zoning Ordinance. A performance bond may be required by the conditions of the site plan in order to ensure completion of the plan as authorized by Section 2.09 of this Ordinance.

SECTION 2A.07. CONFORMITY TO APPROVED SITE PLAN.

When an applicant receives site plan approval, he/she must develop the subject property in complete conformity with the approved plan. If a building permit has not been obtained and on-site development actually begun within one year of the date of approval, the site plan approval shall become void and the developer shall make a new application for approval before proceeding.

ARTICLE 3

ZONING BOARD OF APPEALS

SECTION 3.01. BOARD OF APPEALS ESTABLISHED.

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided by Article VI of 2006 PA 110, as amended (MCL 125.3101, et seq.).

SECTION 3.02. MEMBERSHIP; TERMS OF OFFICE.

The Board of Appeals shall consist of three (3) members, the first member of such Board of Appeals shall be the chairman of the Township Planning Commission for the terms of his office; the second member shall be a member of the Township Board, appointed by the Township Board for the term of his/her office, provided such member shall not serve as chairperson of the Zoning Board of Appeals. The third member shall be selected and appointed by majority vote of the Township Board from among the electors residing in the unincorporated area of the Township. The terms of office for an appointed member of the Zoning Board of Appeals shall be three (3) years, except for a member serving because of his or her membership on the Planning Commission or legislative body, whose term shall be limited to the time he or she is a member of that body. No employee or contractor of the Township Board may serve as a member of the Township Board of Appeals. The chairman of the Township Planning Commission shall act as chairman of the Township Board of Appeals.

SECTION 3.03. RULES OF PROCEDURE; MAJORITY VOTE.

The Board shall adopt its own rules of procedure as may be necessary to properly conduct its meetings. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to affect any variation in this Ordinance.

SECTION 3.04. MEETINGS.

Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board in its rules or procedure may specify. The chairperson may administer oaths and compel the attendance of witnesses.

SECTION 3.05. PUBLIC MEETINGS AND MINUTES.

All meetings of the Board of Appeals shall be open to the public. Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to any case considered together with vote and signature of each member and the final disposition of each case. The grounds of every determination shall be stated in writing with reference to such determination for which the appeal is taken. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals permanent records. Such minutes shall be filed in the office of the Township Clerk and shall be sent promptly to the appellant or appellants and to the zoning administrator. The Township Clerk may act as secretary to the Zoning Board of Appeals. The Township attorney shall act as legal counsel for the Board and shall be present at all meetings upon the request of the Board. Other knowledgeable persons may also be utilized in an advisory capacity.

SECTION 3.06. POWERS AND DUTIES.

- A. The Board of Appeals shall have powers to interpret the provisions of this Ordinance, to grant variances from the strict application of any provisions of this Ordinance.
- B. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under this Zoning Ordinance, or to grant a variance under this Zoning Ordinance.

SECTION 3.07. VARIANCE.

A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

- A. A written application for a variance is submitted demonstrating practical difficulties relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in this Ordinance. For purposes of this Ordinance “practical difficulties” shall mean:
 - 1. That special conditions and circumstances exist which are peculiar to land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

4. That no non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

B. Following receipt of a written request for a variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and give notice as follows:

1. The Township shall publish notice of the hearing in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of the hearing.
2. Notice shall be given as provided under Subsection c. to the owners of property that is the subject of the request. Notice shall also be given as provided under Subsection c. to all persons to whom real property is assessed within three hundred (300) feet of the property that is the subject of the request and to the occupants of all structures within three hundred (300) feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, 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.
3. The notice under Subsection b. is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.
4. A notice under this Section shall do all of the following:
 - a. Describe the nature of the request.
 - b. 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.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.

- C. The Board of Appeals shall make findings that requirements of the ordinance have been met by the applicant for a variance.
- D. The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the welfare.
- E. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance and the variance is the minimum variance that will make the reasonable use of the land, building, or structure.
- F. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 2.06 of this Ordinance.
- G. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in said district.

SECTION 3.08. VOIDING OF AND REAPPLICATION FOR VARIANCE.

The following provisions shall apply:

- A. 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 been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion.
 - 2. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed, conditions found by the Board of Appeals to be valid.

SECTION 3.09. PROCEDURE FOR APPEALING TO THE BOARD OF APPEALS.

The following provisions shall apply:

- A. **APPEALS; HOW TAKEN.** Appeals from the ruling of the Township Building Inspector or seeking an interpretation of the zoning ordinance may be made to the Board of Appeals in the following manner:
1. The person, firm, or agent thereof making the appeal shall file in writing to the building inspector a letter stating what the specific appeal is and the reasons for said appeal.
 2. The building inspector submits the written appeal, along with all papers constituting the record from which the action appealed was taken, to the Zoning Board of Appeals.
- B. **HOW MAY APPEAL.** Appeals to the Board of Appeals may be taken by any person aggrieved for by an officer, department, board, agency, or bureau of the township, county, or state.
- C. **FEE FOR APPEAL.** Fee prescribed by the Township Board shall be submitted to the building inspector at the time of filing the letter of appeals. The appeals fee shall immediately be placed in the Township General Fund.
- D. **EFFECT OF APPEAL; RESTRAINING ORDER.** An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Board of Appeals after the notice of appeals shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the circuit court, on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- E. **HEARING BY THE BOARD OF APPEALS.** When a request for appeals has been filed in proper form with the Board of Appeals, the secretary, or Township Clerk shall immediately place the said request for appeal upon the calendar for a public hearing and cause notice to be given as provided in Section 3.07.B, provided that if the request does not involve a specific parcel of property, notice need only be published as provided in 3.07.B.a. and given to the person making the request as provided in Subsection 3.07.B.d.
- F. **REPRESENTATION AT HEARING.** Upon the hearing, any party or parties may appear in person or agent or by attorney.

G. DECISION OF THE BOARD OF APPEALS AND APPEALS TO THE CIRCUIT COURT. The

Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the building inspector from whom the appeal is taken. The Board of Appeals decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case and the signatures of each member of the Board of Appeals affixed thereon. Any persons having an interest affected by such resolution shall have the right to appeal to the Circuit Court on questions of law and fact. An appeal from a decision of the Zoning Board of Appeals shall be filed within whichever of the following deadlines comes first:

1. Thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the Zoning Board of Appeals, if there is no chairperson.
2. Twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision.

ARTICLE 4

AMENDMENT PROCEDURE

SECTION 4.01. INITIATING AMENDMENTS AND FEES.

The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment. Except for the Township Board or the Planning Commission, the petitioner or petitioners requesting an amendment shall at the time of application pay the fee in accordance with the requirements specified in Section 2.05, no part of which shall be returnable to the petitioner.

SECTION 4.02. AMENDMENT PROCEDURE.

The procedure for making amendments to this Ordinance shall be as follows:

- A. Amendments or supplements to the zoning ordinance may be made from time to time in the same manner provided in the Act for the enactment of the original ordinance. Before submitting its recommendations for a proposed zoning ordinance to the Township Board, the Planning Commission shall hold at least one (1) public hearing. Notice of the time and place of the public hearing shall be given in the same manner as required under Section 103(1) of the Michigan Zoning Enabling Act, 2006 PA 110, as amended (MCL 500. 3101 et seq.) for the initial adoption of a zoning ordinance or Section 202 of the Act for any other subsequent zoning text or map amendments.
- B. Notice of the time and place of the public hearing 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 airport manager of each airport, that registers its name and mailing address with the clerk of the legislative body for the purpose of receiving the notice of public hearing.
- C. The notices required under this Section shall include the places and times at which the proposed text and any maps of the zoning ordinance may be examined.

SECTION 4.03. CONFORMANCE TO COURT DECREE.

Any amendment for purpose of conforming a provision thereof to decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendment published without referring the same to any other board or agency.

ARTICLE 5

GENERAL PROVISION

SECTION 5.01. ESTABLISHMENT OF DISTRICTS.

The Township is hereby divided into the following zoning districts as shown on the official map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be part of this Ordinance:

AA - AGRICULTURAL DISTRICT

RA - LOW DENSITY RESIDENTIAL DISTRICT

HS - HIGHWAY SERVICE COMMERCIAL DISTRICT

LI - LIGHT INDUSTRIAL DISTRICT

OC - OPEN SPACE WATER BODY CONSERVATION DISTRICT

SECTION 5.02. PROVISION FOR OFFICIAL ZONING MAP.

These districts, so established, are bounded and defined as shown on the map entitled:

"ZONING DISTRICT MAP OF CLARENDON TOWNSHIP"

adopted by the Township Board, and which, with all notations, references, and other information appearing thereon, is hereby declared a part of this Ordinance and of the same force and effect as if the districts shown thereon were fully set forth by metes and bounds therein.

SECTION 5.03. CHANGES TO OFFICIAL ZONING MAP.

If, in accordance with the procedures of this Ordinance and of the Michigan Zoning Enabling Act, 2006 PA 110, as amended, (MCL 125.3101, et seq.) a change is made in a zoning district boundary, such change shall be made by the Zoning Administrator or Deputy Zoning Administrator, or, in their absence the Building Inspector promptly after the ordinance authorizing such change shall have been adopted and published by the Township Board. No change of any other nature shall be made unless authorized by the Planning Commission.

SECTION 5.04. AUTHORITY OF OFFICIAL ZONING MAP.

Regardless of the existence of purported copies of the zoning map which may from time to time be made or published, the official zoning map shall be located in the office of the Zoning Administrator. In the absence of the Zoning Administrator, the Building Inspector shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the Township.

SECTION 5.05. REPLACEMENT OF OFFICIAL ZONING MAP.

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the Township Board may by ordinance adopt a new official zoning map and may correct drafting or other errors or omissions on the prior official zoning map, but no such correction shall have the effect of amending the zoning ordinance or the prior official zoning map. The new official zoning map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words:

"This is to certify that this is the official zoning map referred to in the zoning ordinance of Clarendon Township," adopted on _____.

SECTION 5.06. INTERPRETATION OF ZONING DISTRICTS.

Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, street, alley, railroad, or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, bounding a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of a city, village, or township shall be construed as following such line.
- D. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- E. A boundary indicated as following the centerline of a stream, river, canal, lake, or other body of water shall be construed as following such centerline.

F. A boundary indicated as parallel or an extension of a feature indicated in paragraphs a through e above shall be so construed.

G. A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.

SECTION 5.07. APPLICATION OF REGULATIONS.

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land or buildings, dwellings, and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have power in passing upon appeals to vary or modify any rules, regulations, or provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured, and substantial justice done.

ARTICLE 6

SUPPLEMENTAL REGULATIONS

SECTION 6.01. PURPOSE.

There are certain conditions concerning land uses that warrant specific regulations and standards in addition to the requirements of the zoning districts in which they are located. The following regulation of buildings and structures and land and the uses thereof are applicable to all zoning districts regardless of classification unless specifically limited hereafter in this Article.

SECTION 6.02. ACCESSORY BUILDING.

- A. Where an accessory building is attached to the side or front of principal building, such accessory building shall be considered part of the principal building for purposes of determining required yard dimensions. But if such accessory building is attached to the rear of the principal building in such a manner that it is completely to the rear of all portions of said building it may be considered a detached accessory building for purposes of determining required rear yard dimensions.
- B. No detached accessory building shall be located nearer to a side lot line than the permitted distance for the principal building on the same lot unless such accessory building shall be completely to the rear of all portions of the principal building, in which case it may be located no nearer than five (5) feet to any side lot line.
- C. No detached accessory building shall be located nearer than five (5) feet to any rear lot line, except that when such accessory building shall be a garage which is entered at right angles to any alley, it shall be located no nearer than twelve (12) feet to said rear lot line.
- D. No accessory building shall project into any front yard setback.
- E. No accessory building shall occupy more than thirty (30) per cent of the area of any yard.
- F. Where a corner lot adjoins a side boundary of a lot in any residential district, no accessory building shall be located nearer to the side street lot line than the side yard setback of the principal building on said lot.

SECTION 6.03. LOT-BUILDING RELATIONSHIP.

Hereafter, every building erected, altered, or moved shall be located on a lot of record as defined herein, except in the case of an approved multiple dwelling development. There shall be no more than one (1) principal building and its permitted accessory structures located on each lot in a residential district.

SECTION 6.04. ACCESSORY BUILDING AS DWELLING.

No accessory building on the same lot as a principal building shall be used for dwelling purposes.

SECTION 6.05. BASEMENT AS DWELLING.

No basement structure shall be used for occupancy unless a completed story is situated immediately above the basement structure and that the story is used as a dwelling.

SECTION 6.06. REQUIRED WATER SUPPLY AND SANITARY SEWAGE FACILITIES.

No structure for human occupancy or use shall hereafter be erected, altered, or moved or used or occupied unless it shall be provided with a safe, sanitary and potable water supply and a safe effective means of collection, treatment and disposal of wastes as certified in writing by the Calhoun County Health Department. In addition to the requirements established by the Calhoun County Health Department, the following site development and use requirement shall apply:

- A. No structure for human occupancy or use shall hereafter be erected, altered, or moved unless it shall be provided with a safe, sanitary and potable water supply and a safe effective means of collection, treatment and disposal of wastes.
- B. No drain field for a septic tank system shall be located nearer than one hundred fifty (150) feet from the normal high water line of any surface body of water nor located in an area where the ground surface is less than four (4) feet above the normal high water table level.

SECTION 6.07. GREENBELT BUFFER.

Prior to commencement of construction of any structure or building in a commercial district or industrial district where such property abuts, adjoins, or is adjacent to a residential zone, a greenbelt shall be established. However, where permitted elsewhere in this Ordinance, an opaque wall or fence may be built in lieu of a greenbelt. A greenbelt minimum width of fifty (50) feet, shall be completed within six (6) months from the date of final inspection and shall thereafter be maintained, so as not to create a nuisance with, but not limited to, any combination of the following plant materials: grass, evergreens, deciduous trees, shrubs and bushes.

SECTION 6.08. ACCESS TO A STREET.

Any lot of record prior to the effective date of this Ordinance without any frontage on a public street or way shall not be occupied except where access to a public street or way is provided by a public or private easement or other right-of-way no less than twenty (20) feet in width. Public access to commercial, industrial or recreational uses shall not be designed so as to pass through residential neighborhoods. A private road which serves more than one separately held parcel, more than one dwelling unit, or more than one commercial or industrial activity shall be constructed to Calhoun County Road Commission standards. Provided that such road remains private, hard surfacing will not be required.

SECTION 6.09. VISIBILITY AT INTERSECTIONS.

No fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be higher than three (3) feet above street grade or any corner lot or parcel within the triangular area formed by the intersecting street right-of-way line at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way lines. This provision shall apply in all residential, commercial, and industrial zoning districts.

SECTION 6.10. STREET CLOSURES.

Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

SECTION 6.11. HEIGHT REGULATIONS.

The height requirements established by this Ordinance shall apply in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance: spires, belfries, penthouses, and domes not used for human occupancy, chimneys, ventilators, sky-lights, water tanks, bulkheads, utility poles, power lines, radio, television broadcasting, and receiving antennae, silos, parapets, and other necessary mechanical appurtenances, provided their location shall conform where applicable to the requirements of the federal communications commission, the civil aeronautics administration, and other public authorities having jurisdiction.

SECTION 6.12. FENCES, WALLS, AND SCREENS.

Within the limits of a side or front yard space of a lot within a residential district, no fence, wall, other than necessary retaining wall, or other screening structure shall be higher than five (5) feet. No such fence or wall located within a rear yard shall exceed eight (8) feet in height.

SECTION 6.13. SHORELINE EXCAVATION AND DREDGING.

No persons shall alter, change, transform, or otherwise vary the edge, bank, or shore of any lake, river, or stream except in conformance with the following:

- A. As provided in the Inland Lakes and Streams Act, part 301 of the Natural Resources and Environmental Protection Act (MCL 324.30101 et seq.), as amended, and in accordance with the requirements of the Michigan Department of Natural Resources.
- B. If any edge, bank or shore of any lake, river, or stream is proposed to be altered in any way by any person, such person shall submit to the Planning Commission all data, exhibits, and information as required by the department of natural resources.

SECTION 6.14. ESSENTIAL SERVICES.

For purposes of this Ordinance, the following provisions shall apply:

- A. Following the construction, erection or placing of essential services on or under the surface of the land, the surface of the land shall be restored as nearly as possible to the condition as it existed prior to the construction or erection of such essential service structures; provided, however, that this regulation shall in no way prevent the landscaping of the surface of such land in accordance with the permit issued for the construction or erection of the essential service structures in such a manner so as to improve the surface of the land over the condition thereof as it existed prior to such construction or erection.
- B. Essential services shall be exempt from all area requirements in the agricultural, industrial, and open space water body conservation district.

SECTION 6.15. SWIMMING POOLS.

All swimming pools shall conform to the requirements of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230 (MCL 125.1501), as amended and any codes promulgated pursuant thereto.

SECTION 6.16. SINGLE FAMILY MOBILE HOMES.

In addition to the requirements established by the Calhoun County Health Department, the following site development requirements shall apply:

- A. Each mobile home site shall be provided with a stand consisting of a solid concrete pad not less than four (4) inches thick, and not less the length and width of the mobile home that will use this site. This pad will be so constructed, graded and placed to be durable and adequate for the support of the maximum anticipated load during all seasons.
- B. Each mobile home shall be supported on uniform jacks or blocks. In addition each mobile home shall have tie downs or anchors securing both ends and sides.
- C. Alternative pad and support mechanisms may be approved by the Planning Commission upon request if accompanied by sketches or other documentation.
- D. Uniform skirting of each mobile home base shall be required, within thirty (30) days after initial placement, such skirting shall be of twenty-six (26) gauge noncorrosive metal or aluminum or material of equal strength and so constructed and attached to this mobile home so as to deter and prevent entry of rodents and insects.

SECTION 6.17. CONTINUED CONFORMANCE WITH REGULATIONS.

The maintenance of yards, open spaces, lot areas, height, and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.

SECTION 6.18. TEMPORARY BUILDINGS OR OFFICES.

Temporary buildings or offices used during construction of a principal building or use shall be on site only during the period of time that a valid building permit is in place and is active.

ARTICLE 7

NONCONFORMING BUILDING AND USES

SECTION 7.01. NONCONFORMING USES OF LAND.

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the forms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased to occupy a larger area, nor moved while or in part to any other portion of the lot or parcel occupied at the effective date or adoption or amendment of this Ordinance.
- B. Any nonconforming use of land abandoned for a period of more than ninety (90) days shall subsequently conform to the requirements of this Ordinance.

SECTION 7.02. NONCONFORMING USES OF BUILDINGS.

Where a lawful building exist at the effective date of this Ordinance, or amendment thereto, that could not be built under this Ordinance by reason of its location on the lot, lot coverage height, yard, or other characteristics, such structure may be continued, subject to the following:

- A. Any structure existing at the effective date of this Ordinance devoted to a use not permitted by this Ordinance in the district in which it is located shall not be altered, enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. When a nonconforming use of a building is vacated or abandoned for six (6) consecutive months, the building shall not be used thereafter except in conformance with the regulations of the district in which it is located.

SECTION 7.03. NONCONFORMING BUILDINGS.

Where a lawful structure exists at the effective date of adoption or amending of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity.

- B. All lots of record at the effective date of this Ordinance shall be exempt from Sections 11.04 (a) and 12.04 (a).
- C. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved, provided that mobile homes may be replaced with similar units.
- D. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. Such repairs shall be initiated within ninety (90) days.

SECTION 7.04. ILLEGAL NONCONFORMING USES AND BUILDINGS.

Those alleged nonconforming uses of land, uses of buildings and buildings which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance, or any amendment thereto, shall be declared illegal nonconforming uses of land, non-conforming uses of buildings and nonconforming buildings, and shall be discontinued upon written notification from the building inspector.

SECTION 7.05. VIOLATION REMOVAL.

A nonconforming structure that was erected, converted or structurally altered in violation of the provisions of the ordinance which this Ordinance continues shall not be validated by the adoption of this Ordinance and such violations may be ordered removed or corrected by the building inspector at any time.

ARTICLE 8

SIGN REGULATIONS

SECTION 8.01. GENERAL SIGN REGULATIONS.

No sign shall be erected at any location, where by reason of the position, size, shape, color, movement, or illumination, it may interfere with, obstruct the view of, be confused with any authorized traffic sign, signal or devise so as to interfere with, mislead, or confuse traffic. Consideration of traffic visibility and injurious effects on adjacent properties is essential. All signs shall be designed, constructed, and maintained so as not to change the essential character of such area. When determined necessary upon recommendation from the Planning Commission, the Township Board shall require the applicant to post a bond for compliance with the Township Clerk; the amount of said bond to be determined by the Township Board to insure that all provisions of this Ordinance are complied with.

SECTION 8.02. OUTDOOR ADVERTISING SIGNS.

Outdoor advertising signs located along an interstate or state primary highway shall be regulated by the provisions specified in Act 106, of Public Acts of 1972 (MCL 252.301 et seq.), as amended.

ARTICLE 9

PARKING AND LOADING REQUIREMENTS

SECTION 9.01. GENERAL OFF-STREET PARKING REQUIREMENTS.

- A. In all districts, except agricultural, there shall be provided at the time any building is erected, or uses established, enlarged, or increased in capacity, off street parking spaces for automobiles.
- B. No parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for purpose of complying with the provisions of this Ordinance shall be relinquished or reduced in any manner below the requirements established by this Ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this Ordinance and the distance requirements as specified in Section 9.01(D).
- C. Plans and specifications showing required off-street parking spaces including the means of access and interior circulation shall be submitted to the zoning administrator for review at the time of application for a building permit.
- D. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single family and two family dwellings. This distance specified shall be measured from the nearest point of the lot occupied by the building or use that such facility is required to serve.

SECTION 9.02. DESIGN REQUIREMENTS OF OFF-STREET PARKING AREAS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

- A. Each off-street parking space for automobiles shall not be less than two hundred (200) square feet in area, exclusive of access drives and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such arc as to reasonably allow an unobstructed flow of vehicles. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space.
- B. Off-street parking facilities for trucks at restaurants, service stations and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and sixty-five (65) feet in length.
- C. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:

1. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact parking strip exists as a parking barrier along the property line.
 2. Off-street parking areas shall be paved or blacktopped and drained so as to prevent drainage onto abutting properties.
 3. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining premises and streets.
 4. Any off-street parking area providing spaces for five (5) or more vehicles shall be effectively lighted and screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
 5. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall apply to off-street parking areas of one or two family dwellings.
 6. Combined parking facilities are allowed where two or more uses occur on one property or when a building(s) on one property contain two or more uses provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for the various uses and computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.
- D. Business involving the repair, service, sale, or display of vehicles is prohibited in areas used for parking or loading.
- E. Off-street loading/unloading requirements for commercial and industrial districts involving the receipt or distribution by vehicle, the uses having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading/unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional wading or unloading space, the size of such loading or unloading space subject to the provisions of this Ordinance.

ARTICLE 10

CONDITIONAL USES

SECTION 10.01. PURPOSE.

The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into districts, each of which is permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which may be necessary or desirable to allow certain locations in certain districts but which, on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the Township. Such uses on account of their peculiar location need or the nature of the service offered may be established in a district in which they cannot be reasonably allowed as a permitted use.

Where uses are not specifically listed within any district yet are consistent with a specific use generally defined within the zoning ordinance, the zoning administrator may process the request for such use as a conditional use within the district in which the generally defined use is listed. The zoning administrator may also request such interpretation from the Zoning Board of Appeals if the applicant does not agree with such determination. The approval of such use shall be subject to the general standards for all conditional use and any specific conditions imposed for that generally defined use or as needed to bring compatibility between the proposed use and surrounding land use and zoning.

SECTION 10.02. AUTHORITY TO GRANT PERMITS.

The Township Board, with recommendation from the Township Planning Commission, shall have the authority to grant conditional use permits, including the authority to require such conditions of design and operation, safeguards, and time limitations as it may determine for all conditional uses specified in the various district provisions of this Ordinance.

SECTION 10.03. APPLICATIONS AND FEE.

Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Township Board by filling in the official conditional use permit application form, submitting site plans as described in Section 10.04, and depositing a fee in accordance with the requirements of Section 2.05. An application for a conditional use permit shall contain the applicant's name and address in full, a notarized statement that the applicant is the owner involved or is acting on the owner's behalf, and the address of the property involved.

SECTION 10.04. DATA EXHIBITS AND INFORMATION REQUIRED IN APPLICATION.

An application for a conditional use permit shall be accompanied by a detailed site plan to be reviewed by the Township Planning Commission and Township Board prior to the granting of the permit. The request for site plan review shall be made by filing with the Township Zoning Administrator the following:

- A. Fee. A review fee, the schedule of which shall be determined by the Township Board upon the depth of review and the possible need for professional assistance.
- B. Site plan. Three (3) prints of the site plan shall be submitted to the Township. Each print shall contain the following data:
 - 1. It shall be of a scale not greater than one (1) inch does not equal twenty (20) feet or less than one (1) inch equals two hundred (200) feet and of such accuracy that the Planning Commission and Township Board can readily interpret the plan.
 - 2. It shall show an appropriate legend, north arrow, scale, etc.
 - 3. A small vicinity map shall be included showing the location of the site in relation to the surrounding street system.
 - 4. It shall identify the site by lot lines corresponding to the legal description of the property.
 - 5. It shall show general topography and drainage and natural features as woodlots, streams, rivers, ponds, etc.
 - 6. It shall show existing man made features on and within one hundred (100) feet of the site such as buildings, structures, power lines, pipelines, or utility easements.
 - 7. It shall show the location, proposed floor area and grade of proposed buildings, their relation to one another and to other existing structures on the site. This shall include height and square footage dimensions.
 - 8. It shall show the proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation patterns within and adjacent to the site. This shall also include the location, size, and number of parking spaces or unloading areas for non-single family residential uses.
 - 9. It shall show the proposed location, use, and size of open spaces and the location of landscaping, screening, fencing, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. Any other information deemed necessary by the Township to adequately assess the impact of the development.

- C. Prior to review by the Township Board, the zoning administrator shall submit the completed application and site plan to the Planning Commission for review and action following a public hearing as required under Section 10.05. The applicant shall receive a written notice stating the date, time, and place that the application will be reviewed.
- D. Upon approval of the site plan and the granting of the conditional use permit, the applicant must develop the subject property in complete conformity with the approved plan unless approved by the Township Board following submission of an amended site plan.

SECTION 10.05. PUBLIC HEARING.

Upon receipt of the application and supporting material as required by this Ordinance, the Township Planning Commission shall provide notice of the request for conditional use as specified herein. The notice shall indicate that a public hearing on the conditional land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for a conditional land use regardless of whether the property or occupant is located in the Township.

The notice shall also be published in a newspaper of general circulation in the Township at least one time and 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 three hundred (300) feet of the property in question, and to the occupants of all structures within three hundred (300) feet of the subject property regardless of whether the property or structure is located in the Township. The notice shall be given not less than fifteen (15) days before the date the date of the hearing. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one 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 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 required to post the notice at the primary entrance to the structure. The notice shall:

- A. Describe the nature of the conditional land use request.
- B. Indicate the property which is the subject of the conditional land use 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.
- C. State when and where the conditional land use request will be considered.

- D. Indicate when and where written comments will be received concerning the request.
- E. Indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for a conditional use regardless of whether the property or occupant is located in the zoning district.

At the initiative of the Planning Commission or upon the request of the applicant, a real property owner whose real property is assessed within three hundred (300) feet of the property, or the occupant of a structure located within three hundred (300) feet of the property, a public hearing shall be held before a discretionary decision is made on the conditional land use request.

SECTION 10.06. REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS.

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that use on the proposed site, lot, or parcel:

- A. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services, such as highways, streets, police, and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public cost for public facilities and services.
- F. The land use or activity shall be consistent with the public health, safety and welfare of the Township.
- G. The property will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare, or odors.

SECTION 10.07. COMPLIANCE BOND.

To ensure compliance with this Ordinance and any conditions imposed under this Ordinance, the Township may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements be deposited with the clerk of the Township to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The local Township may not require the deposit of the performance guarantee until it is prepared to issue the permit. The Township shall establish procedures by which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements shall be made as work progresses.

SECTION 10.07A. CONDITIONS, LIMITATIONS, REQUIREMENTS AND SAFEGUARDS.

The Township Board may impose reasonable conditions with the approval of a conditional use. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic wellbeing, 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.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

SECTION 10.07.B. CONTINUED VALIDITY OF PERMIT: REVOCATION.

- A. The issuance of a conditional use permit by the Township Board shall entitle the owner to continue to operate the conditional use so long as he remains in compliance with the terms and conditions of this Ordinance and the terms, conditions, limitations, requirements, and safeguards set forth in the conditional use permit, if such a conditional use permit is granted, does expressly grant to the Township, for the enforcement of this Ordinance, the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of this Ordinance or of the terms of the conditional use permit.

- B. In the event the owner or occupant of the property for which a conditional use permit has been issued, shall violate any provision of this Ordinance or any term, condition, limitation, regulation or safeguard contained in the conditional use permit, the conditional use permit shall be and become null and void and the owner or occupant shall be deemed to be in violation of this Ordinance and the Township may proceed to enforce the provisions in this Ordinance and the terms, conditions, limitations, and safeguards of the conditional use permit as provided in this Ordinance. In addition to all other remedies provided herein, in the event that such conditional use permit shall be and become null and void, the compliance bond, if any, given by the owner under the provisions of this Ordinance shall be forfeited.
- C. In the event the owner or occupant of the property for which a conditional use permit has been issued, shall cease to use the land for the use the permit has been granted for a period of ninety (90) consecutive days or more, or shall cease to use the building(s) for the use the permit has been granted for a period of six consecutive months or more, a revocation hearing shall be scheduled.
1. **Revocation hearing.** The zoning administrator shall notify the owner or occupant of the property by certified letter or personal service of the intent of the Township to revoke a conditional use permit. Service shall be made at least ten (10) days prior to the hearing. The Planning Commission shall accept oral or written testimony from any interested party. If it is the determination of the Planning Commission that the permit be revoked, a recommendation shall be made to the Township Board.
 2. **Township Board action.** The Township Board shall review the recommendation of the Planning Commission and, if satisfied that the conditional use has been discontinued for the period referred to, may revoke the conditional use permit.

SECTION 10.08. JUNKYARDS.

In addition to and as an integral part of development, the following provisions shall apply:

- A. Junkyards shall be established and maintained in accordance with applicable state of Michigan statutes.

- B. It is recognized by this Ordinance that the location in the open of such materials included in this Ordinance definition of "junkyard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, an opaque fence or wall at least seven (7) feet in height, and not less in height than the materials located on the lot on which a junkyard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and access ways through said fence or wall shall be of solid, unpaired material. In no event shall any materials included in this Ordinance's definition of "junkyard" be located on the lot on which a junkyard shall be operated in the area between the lines of said lot and the opaque fence or wall located on said lot. In addition to the foregoing requirements, the Planning Commission may require a greenbelt in accordance with the provisions of Article 6.
- C. All traffic ingress shall be on major streets, and there shall be not more than one (1) entrance way to the lot on which a junkyard shall be operated from each public road on which said lot abuts.
- D. On the lot on which a junkyard shall be operated, all roads, driveways, parking lots, and loading and unloading areas within any yard shall be paved or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by windborne dust.
- E.
1. All dismantling shall take place on a concrete slab.
 2. The slab shall be above grade from ground level, sealed from groundwater, surrounded by a sill. The slab must drain to a crock sump.
 3. There shall be a containment tank above ground for fluids and containment dikes beneath tanks.
 4. All dismantling shall take place with a completely enclosed building.
 5. There shall be hazardous materials pickup and a log available for inspection by the zoning administrator or his/her designee. There shall be a separate log for personal on-site use of hazardous materials available for inspection by the zoning administrator or his/her designee.
 6. There shall be a surety bond provided, with the amount to be set by the Planning Commission or Township Board.
 7. Any "crusher" operation must be during the hours of 8 a.m. to 5 p.m. Monday through Friday with no holiday operations.
 8. There shall be no stacking of cars prior to crushing or dismantling.
 9. There shall be multiple entrances with aisles wide enough to accommodate access by the appropriate emergency vehicles.

10. No aisles shall dead end into another aisle, fence or building.

SECTION 10.09. GROUP CHILD CARE HOMES.

- A. Applications shall adhere to the definitions for group child care homes, limited residential care and full residential care facilities under Section 16.02. In addition, the application shall indicate the status of any county, state or federal licensing or certifications required or approved. Should licensing of such facilities be revoked, the Township may also seek revocation of the conditional use permit.
- B. The applicant shall include information related to:
 1. The number of children, adults or residents residing or being cared for in the facility.
 2. The number of resident and nonresident employees providing care services.
 3. The hours of operation and the contact person for the facility.
- C. The applicant shall provide a preliminary site plan identifying access and parking areas. Where the facility abuts a single-family residence, appropriate screening, either in the form of landscaping, fencing or both, shall be provided. Expanded needs of lighting, trash collection, and similar impacts shall be minimized and controlled onsite.
- D. In addition, and as to group child care homes, such homes shall be issued a conditional use permit, if the group child care home meets all of the following standards:
 1. Is located not closer than 1,500 feet to any of the following:
 - a. Another licensed group child care home.
 - b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 - c. 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.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 2. Has appropriate fencing for the safety of the children in the group child care home as determined by the Township.

3. Maintains the property consistent with the visible characteristics of the neighborhood.
4. Does not exceed sixteen (16) hours of operation during a 24-hour period. The Township may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.
5. Meets regulations, if any, governing signs used by a group child care home to identify itself.
6. Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his or her employees.

SECTION 10.10. MOBILE HOME PARK.

- A. A mobile home park and buildings, structures, or parts thereof may be erected or used in any district except on agricultural, commercial, or industrial districts.
- B. No mobile home park shall be developed and constructed unless a public hearing is held prior to approval of a specified site and overall site plan. The preliminary site and development plans of new mobile home parks or additions to existing parks shall be submitted to the Township Planning Commission. The following information shall be shown on the development plan or submitted in writing with it:
 1. The name of the proposed mobile home park.
 2. Name, addresses, and telephone numbers of the developer or his representative.
 3. Location of the mobile home park, giving the section number, township, and range, and the name of the township and county.
 4. No mobile can be set within the Township that was manufactured longer than ten (10) years prior to application.
 5. A map of the entire area scheduled for development, if the proposed development is a portion of a larger holding intended for subsequent development.
 6. Allocation map showing the relationship of the proposed development and adjacent tracts.
 7. The present land use and existing zoning of the proposed development and adjacent tracts.
 8. Interior streets, streets, street names, right-of-way, and roadway widths.
 9. All lot lines and open spaces with dimensions shown.

10. Topographic contours shall be shown on the plan at five (5) foot intervals where slope is greater than ten (10) percent and two (2) foot intervals where the slope is ten (10) percent or less.
11. Delineation of all improvements required in this Section.

C. Permitted accessory use and requirements there of:

1. Accessory buildings or structures under park management supervision shall be used only as office space, storage, laundry facilities, recreation facilities, garage storage or other necessary services for park residents' use only. No accessory building or structure shall exceed two (2) stories, and shall meet the requirements of other applicable codes and ordinances.
2. A mobile home may be displayed and offered for sale, provided that the mobile home is on a permanent pad within the mobile park.
3. One (1) identification sign, approved in conjunction with the final site plan approval of the mobile home park. In no case shall such sign be larger than sixty (60) square feet in surface area nor have any neither moving parts nor stand higher than ten (10) feet from the ground to top of the sign. Such sign shall be no closer to the public right-of-way line than thirty (30) feet.
4. No more than one (1) entry and one (1) exit sign at each drive onto the public right-of-way, approved in conjunction with the final site plan approval of the mobile home park. In no case shall such sign be larger than two (2) square feet in surface area and have any moving parts nor stand higher than five (5) feet from ground to top of the sign.
5. Not more than one (1) local street sign at a local intersection of such park which identifies the local street by name, the sign approved in conjunction with the final site plan.

D. Periodic Inspection:

The Township Building Inspector, police and fire departments or other agents authorized by the Township Board are granted the power and authority to enter upon the premises of any such park at any time for the purpose of determining and/or enforcing any provision or provisions of this or any other township ordinance applicable to the conduct and operation of mobile home parks.

E. Required Development Standards:

1. The land area of a mobile home park shall not be less than fifteen (15) acres.
2. Mobile home sites shall be at least five thousand (5,000) square feet in area.
3. Each mobile home within such park shall contain a flush toilet, sleeping accommodations, tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external systems.

4. Each mobile home site shall have side yards with each yard having a width of not less than fifteen (15) feet and the aggregate width of both said yards not less than forty (40) feet.
5. Each mobile home site shall have front and rear yards with each such yard not less than ten (10) feet in width and the aggregate width of both said yards not less than thirty (30) feet.
6. For the purpose of this Section, yard width shall be determined by measurement from the mobile home face (side) to its mobile home site boundary which, every point shall not be less than the minimum width herein provided. Open patios, carports, and individual storage facilities shall be disregarded in determining yard widths. Enclosed all weather patios shall be included in determining yard width. The front yard is that yard which runs from the hitch end of the mobile home to the nearest site line. The rear yard is at the opposite end of the mobile home and side yards are at right angles to the front and rear ends.
7. From all pads, the following minimum distances shall be maintained:
 - a. Fifty (50) feet to the boundary of such park which is not a public street.
 - b. One hundred (100) feet to the right-of-way of any public street or highway.
 - c. Fifteen (15) feet to any collector street of such park (a parking bay, local drive, or central parking drive is not a collector street). A park collector street is that road-way which carries traffic from local park streets, drives and parking areas to public street(s) outside the park.
 - d. Eight (8) feet to any common walkway or local drive of such park.
 - e. Fifty (50) feet to any parking area signed for general parking in such park (general parking defines parking bays for other than park residents).
 - f. Fifty (50) feet to any service building in such park.
8. Mobile home shall not be permitted to occupy single or multiple sites if either its length or width causes it to occupy the space required by park setback dimensions.
9. Each mobile home site shall be provided with a stand consisting of a solid concrete pad not less than four (4) inches thick and not less than the length and width of the mobile home that will be used this site. This pad will be so constructed, grade, and placed to be durable and adequate for the support of the maximum anticipated load during all seasons.
10. Each mobile home shall be supported on uniform jacks or blocks. In addition, each mobile home shall have tie downs or anchors securing both ends and sides.

11. Alternative pad and support mechanisms (in lieu of items 9 and 10) may be approved by the Planning Commission upon request, if accompanied by sketches or other documentation.
12. An all-weather hard surfaced outdoor patio area of not less than one hundred eighty (180) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior space of a mobile home.
13. Storage of goods and articles underneath any mobile home or out of doors at any mobile home site shall be prohibited.
14. Uniform skirting of each mobile home base shall be required within thirty (30) days after initial placement. Such skirting shall be of twenty-six (26) gauge non-corrosive metal, aluminum, or material of equal strength and so constructed and attached to this mobile home so as to deter and prevent entry of rodents and insects.
15. Canopies and awnings may be attached to any mobile home and may be enclosed and used for recreation or sun room purposes. When enclosed for living purposes, such shall be considered as a part of the mobile home and a permit required, issued by the Township Building Inspector, before such enclosure can be used for living purposes.
16. On-site outdoor laundry space of adequate area and suitable location shall be provided if park is not furnished with indoor dryers. Where outdoor drying space is required or desired, individual clothes drying facilities on each site of the collapsible umbrella type of hanging apparatus shall be allowed, with park management providing a concrete imbedded socket at side.
17. All mobile homes within such parks shall be suitable connected to common sewer and water services provided at each mobile home site.
 - a. All sanitary sewage facilities, including plumbing connections to each mobile home site, shall be constructed so that all facilities and lines are protected from freezing from bumping or creating any type of nuisance or health hazard. Sewage facilities shall be of such capacity to adequately serve all users of park at peak periods. Running water from a state tested and approved supply, designed for a minimum flow of two hundred (200) gallons per day per mobile home site shall be piped to each mobile home.
 - b. Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home park as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park.

18. Disposal of garbage and trash, all garbage and trash containers shall be placed in a conveniently located similarly designed enclosed structures the removal of trash shall take place not less than once a week. Individual incinerators shall be prohibited. The method used for such removal shall be approved by the state and inspected periodically by the Calhoun County Health Department.
19. Every mobile home shall be equipped at all times with fire extinguishing equipment in good working order of such type and size so as to satisfy regulations of the state fire marshal and the township, city, and/or village fire departments.
20. All electric, telephone, and other lines from supply poles outside the park or other sources to each mobile home site shall be underground.
21. Any common fuel oil and/or gas storage shall be centrally located in underground tanks, at a distance away from any mobile home sites as it is found to be safe. All fuel lines leading to park and to mobile home sites shall be underground and so designed as to conform to the Township Building Code and any state code that is found to be applicable. When separate meters are installed, each shall be located in a uniform manner the use of individual fuel oil or propane gas storage tanks to supply each mobile home separately is prohibited.
22. A buffer of trees and shrubs not less than twenty (20) feet in depth shall be located and maintained along all boundaries of such park excepting at established entrance and exists serving such park. When necessary for health, safety, and welfare, a fence shall be required to separate the park from an adjacent property.
23. Any and all plantings in the park shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant material shall be replaced within a reasonable period of time but not longer than one growing season.
24. A recreation space of at least three hundred (300) square feet of land per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no further than five hundred (500) feet from any mobile home site served. Streets, sidewalks, parking areas, and accessory buildings are not to be included as recreation space in computing the necessary area.
25. All roads, driveways, motor vehicle parking spaces shall be paved and constructed as to handle all anticipated park loads, and adequately drained and lighted for safety and ease of movement of pedestrians and vehicles. All roads and driveways shall have curbs and gutters.

26. Two (2) automobile parking spaces shall be provided within one hundred fifty (150) feet of each mobile home site. In such park there shall be provided additional parking spaces in number not less than the number of mobile home sites within such park for central storage of all non-passenger type of vehicles including trucks rated over three-quarter (3/4) ton capacity and trailers. Said parking area shall not be closer than fifty (50) feet to any mobile home when such storage is allowed in the mobile home park. Each parking space shall have a minimum width of ten (10) feet and twenty (20) feet in length.

27. One (1) visitor parking space shall be provided for every two (2) mobile home sites and said parking shall be within three hundred (300) feet of the mobile home sites it is intended to serve.

28. Minimum widths of roadways (curb face to curb face) shall be as follows:

- a. Motor vehicle parking (1);
- b. Traffic use (2);
- c. Minimum pavement width (curb face to curb face) (3):

- (1) Parking prohibited.
- (2) Two (2) way roads.
- (3) Twenty-two (22) feet.

- 1 Parallel parking one (1) side only.
- 2 One (1) way roads.
- 3 Twenty-two (22) feet.

- 1 Parking prohibited.
- 2 One (1) way roads.
- 3 Twenty-two (22) feet.

- 1 Parallel parking two (2) sides.
- 2 One (1) way roads.
- 3 Twenty-nine (29) feet.

- 1 Parallel parking two (2) sides.
- 2 Two (2) way roads.
- 3 Forty (40) feet.

29. When a cul-de-sac drive is provided, the radius of such roadway loop should be a minimum of seventy-five (75) feet, curb face to curb face, with the drive length a maximum of three hundred (300) feet.
30. Walkways shall not be less than four (4) feet in width excepting that walkways designed for common use of not than three (3) mobile home sites shall be not less than three (3) feet in width. Walkways shall be constructed with materials approved by the Planning Commission.
31. When exterior television antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas.
32. Park owners and management are required to maintain the physical and natural facilities and features of the park in a neat, orderly, and safe manner.

F. Unique character design:

1. Purpose of interest in the event an applicant of a site plan approval desires unique flexibility in a mobile home park design that can be obtained from a unique character of development and still conform to the purpose and interest of this Ordinance even though the proposal does not comply with all provisions, one may apply for such by stating so on the site plan applications. Qualifications for such unique character design shall be determined by the Township Planning Commission upon review of the preliminary sketch plan.
2. Park standards shall be in accordance with the provisions under "required development standards," except for the following:
 - a. An added degree of flexibility may be granted in the placement and inter-relationship of mobile home sites within the mobile home park.
 - b. A gross density of not more than eight (8) mobile home sites per any single acre within the park shall be maintained.
 - c. No site shall be less than five thousand (5,000) square feet, with the five thousand (5,000) square feet general standard being used for recreation purposes.

3. An added degree of flexibility may be granted in the yard dimension of a mobile home site in the following manner:
 - a. There shall be unobstructed open spaces of at least fifteen (15) feet between the side or end of adjacent mobile homes for the full length of the mobile home, and at least ten (10) feet of unobstructed open space between the ends of the mobile homes.
 - b. No window of any mobile home shall open onto any other mobile home face unless such dimension between mobile homes is at least fifteen (15) feet.
 - c. No main doorway of any mobile home shall open onto another mobile home main doorway unless such dimension between mobile homes is at least thirty (30) feet.

G. Permits:

Application for the installation or construction of a mobile home park shall be accompanied by deposit in accordance with the requirements specified in Section 2.05, to defray the expense of hearings, publications, and reports by engineers and other experts in assistance to the Township Board in its consideration of said application. The issuance of permit shall entitle a proprietor to continue to operate a mobile home park so long as he remains in compliance with the regulatory ordinances of the Township and the State of Michigan. The permit under the terms of this Ordinance does by application for such a permit expressly grant to the Township Board enforcement of this Ordinance and the power and authority to enter upon the premises of such mobile home park at any time for the purpose of inspection and enforcement of this or any other township ordinances applicable to the conduct and operation of mobile home parks. The applicant will be refunded the unexpended portion of the deposit within ninety (90) days of the final decision of the Township Board.

- H. Revocation of permits in the event a mobile home park shall violate any of the regulations of the ordinance or any other township ordinances applicable to the conduct and operation of a mobile home park, he shall be ordered to show cause before the Township Board at an open public meeting why his permit shall not be revoked, and if it shall appear that the proprietor has violated any of the provisions of the Township applicable to the conduct and operation of a mobile home park, his permit shall be revoked and he shall cease to operate, or a civil penalty of not to exceed one hundred dollars (\$100.00) per day for each day of violation will be imposed.

SECTION 10.11. SANITARY LAND FILL.

Provided that such use shall be permitted as a conditional use only in the AA – Agricultural District, such use shall conform to all State of Michigan and county health department regulations of such use, and the permit for such use shall be subject to annual renewal.

SECTION 10.12. DEVELOPMENT OF NATURAL RESOURCES.

Including extraction of sand, gravel, fill dirt, topsoil, gas, and oil, provided that such activity shall be permitted as a conditional use only in the AA - Agricultural, RA - Low Density Residential, and OC - Open Space Water Body Conservation Districts and shall comply with the following provisions:

- A. Pits and quarries shall be completely enclosed by a fence four (4) or more feet in height for safety of the general public. Said fence shall be placed no closer than ten (10) feet to the outside perimeter of the pit or quarry. Said fence shall conform to the minimum setback requirements of the district in which it is located.
- B. No slope shall exceed an angle with the horizontal of more than thirty (30) degrees for the first twelve (12) feet along the horizontal, after which the slope shall not exceed an angle with the horizontal or more than forty-five (45) degrees.
- C. All areas so used shall be rehabilitated progressively as they are worked out or abandoned to a condition entirely free from hazards and blending with the surrounding natural grounds. All slopes and banks shall be reasonably graded to prevent excessive erosion.
- D. The Planning Commission, upon recommendation from the county road commission, shall establish routes of ingress and egress for truck movement in order to minimize the wear on public roads and to prevent hazards to traffic. All interior roadways shall be chemically treated to reduce dust.

SECTION 10.13. CAMPS AND LODGES.

Including private and semi-private camps and lodges for active and passive recreation uses, provided that such activity shall be permitted as a conditional use only in the AA - Agricultural, RA - Low Density Residential, and OC - Open Space and Water Body Conservation Districts, and shall comply with the following provisions:

- A. No commercial activity shall be conducted on the premises, except as an accessory use.
- B. Such use shall be located on a site of not less than one (1) acre in size.

- C. Building shall not exceed thirty (30) feet in height and shall be located no nearer to any property line than forty (40) feet yards may be utilized for parking that such parking shall not be closer than (10) feet to any side or rear property line, nor twenty (20) feet to any street or highway right-of-way line.
- D. Parking areas located adjacent to any residential or institutional use shall be screened from such use by an approved fence or masonry wall of not less than four (4) feet nor greater than eight (8) feet in height. In lieu of a separate fence or masonry wall, an evergreen hedge that effectively screens the parking area from adjacent properties may be planted and maintained at a height of not less than four (4) feet.

SECTION 10.13. AGRA BUSINESSES.

- A. Provided that such be permitted as a conditional use only in the AA - Agricultural District.
- B. An AGRA business is a building, structure, lot, parcel, or part thereof which provide services, goods, storage, transportation, or other activities directly related to the production of agricultural commodities. An AGRA business may include, but is not limited to:
 - 1. Farm machinery, sales, service, rental, and repair.
 - 2. Grain elevators for storage, drying and sales.
 - 3. Bulk feed and fertilizer outlets and distribution centers.
 - 4. Seed dealership outlets and distribution centers.
 - 5. Grain and livestock trucking and cartage facilities.
 - 6. Auctions for livestock.
 - 7. Dairy products production and processing operations.
 - 8. Slaughter houses.

SECTION 10.14. ESSENTIAL SERVICE BUILDING.

In every zoning district, except industrial, the following essential service buildings shall be required to have a conditional use permit prior to their construction:

- A. High voltage transmission towers, transformer substation, pumping stations, communications relay stations, gas and steam regulating valves and stations, and buildings of similar function. No building shall be used for residential purposes.
- B. An opaque fence or greenbelt may be required by the Township Board when deemed necessary for the

protection and preservation of the character of the surrounding neighborhood and adjacent land.

SECTION 10.15. HIGH DENSITY ANIMAL FEEDING OPERATION.

The development of high density animal feeding operation is subject to the following interpretation and conditions:

- A. Animals are confined and or maintained for a total of forty-five (45) days or more in any twelve (12) month period.
- B. The operation meets or exceeds the feeding and confinement of one thousand (1,000) or more animal units defined as follows:
 - 1. One (1) slaughter or feeder cattle.
 - 2. Seven-tenths (.7) mature dairy cattle, whether milked or dry cows.
 - 3. Two and five-tenths (2.5) swine, each weighing fifty-five (55) pounds or more.
 - 4. Five-tenths (.5) horses.
 - 5. Ten (10.0) sheep, lambs, or goats.
 - 6. Fifty-five (55) turkeys.
 - 7. One hundred (100) laying hens or broilers (if the facility has a continuous overflow watering system).
 - 8. Thirty (30) laying hens or broilers (if the facility has a liquid manure handing system).
 - 9. Five (5) ducks.
- C. The confinement and feeding of animals complies with federal, state, and local regulations, with any former violations by the owner or operator documented at the time of application.
- D. A sustained ground cover (crops, vegetation, forage, or post harvest residue) cannot be maintained during the normal growing season over that portion of the lot or facility where the animals are housed or confined.
- E. Two or more contiguous animal feeding operation are deemed to be a single animal feeding operation if they are under common ownership, operation, or share a common area or system for waste disposal.
- F. The operation must utilize accepted animal waste (manures, bedding, flush waters, or other by-products) management practices which reduce pollutants to levels compatible with federal state and local regulations.

G. An application for conditional use permit for high density animal feeding operation shall include, in addition to a site plan, the following information:

1. A description of the types and total number of animal units to be confined on the site.
2. A detailed plans for the handling, storage, treatment, and disposal of animal waste, including the timetable for implementation of the plan and the location of any waste application.
3. A detailed plan for controlling noise, dust, and odors, including a timetable for implementation of the plan.
4. A description of the design, installation, and operation of all facilities and equipment required to monitor groundwater, soil, or air contamination as required by federal, state, or local regulating agencies. In addition, copies of reports or results of test shall be submitted to the Township upon receipt by the owner/operator.

H. The operation shall meet setback and location standards for High Density Animal Feeding Operations established by the State of Michigan GAAMPS for Site Selection and Odor Control for New and Expanding Livestock Facilities.

ARTICLE 11

AA - AGRICULTURAL DISTRICT

SECTION 11.01. PURPOSE.

The purpose of this district is to protect and stabilize the essential character of agricultural areas within the Township, and to insure proper maintenance of conditions for healthful and economically productive agricultural activities by preserving those areas which are predominately agricultural in nature, and which are most appropriate for present and future agricultural developments. The requirements of this district are designed so as not to impede necessary urban expansion, but to prevent unwarranted premature urban development from encroaching upon legitimate agricultural areas, thus disrupting the agricultural resources, environment and economy, including the tax base. It is essential that development in areas which are predominately agricultural be based on sound principles which realize the importance of such activities to the economy and welfare of the Township.

SECTION 11.02. PERMITTED USES.

The following buildings and structures and uses or parcels, lots, buildings, and structures are permitted in this district:

- A. One or two family dwellings.
- B. Single family mobile homes as specified in Article 6.
- C. A parcel may be used for general and specialized farming and agricultural activities, including, but not limited to, the raising or growing of crops, livestock, poultry and other farm animals, products, and foodstuffs and any building or structure may be located thereon and used for the day to day operation of such activities for the quartering, storage, or preservation of said crops, livestock, poultry or other animals, products, and foodstuffs raised on said lot or said structure.
- D. A parcel may be used and building or structure located thereon for a riding academy or stable for the raising or keeping of cattle, hogs, ponies, goats, or other similar livestock whether for profit or pleasure upon a lot having an area not less than five (5) acres and a width not less than three hundred (300) feet, provided that the following requirements are met:
 - Building and fenced enclosures used for the quartering of said animals shall be located a minimum distance of one hundred (100) feet from the principal dwelling located on said parcel and principal dwellings on adjacent properties.
- E. Public and private conservation area and structure for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.

- F. A parcel may be used for the growing, stripping, and removal there from of sod provided that said lot or portion thereof shall be seeded after stripping by fall of the year in which it was stripped so as to reduce the actual or potential for erosion by water or wind.
- G. Home occupations. Customary home occupations such as hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, home occupations involving instruction in a craft or fine art within the residence, professional offices for not more than one (1) physician, surgeon, dentist, attorney, architect, engineer, or similar professional practitioner provided that such home occupation shall satisfy the following conditions:
 - 1. The non-residential use shall be only incidental to the primary residential use of the property.
 - 2. The home occupation shall be limited to the principal structure only and utilize no more than thirty (30) percent of the floor area.
 - 3. There shall be no more than one (1) employee other than members of the immediate family residing of the premises.
 - 4. There shall be no external evidence of such occupation except a small announcement sign as specified herein.
 - 5. No home occupation shall be permitted which is injurious to the general character of the agricultural district and which creates a hazardous or unhealthy condition.
 - 6. For the purposes of this provision, principal and accessory farm operations shall not be considered home occupations.
- H. Storage of not more than two (2) non-residential type recreational vehicles provided that such units shall be completely within the side and rear yards.
- I. A sign only in accordance with the regulations specified in Article 8.
- J. An accessory use, building, or structure.
- K. Essential service structures, except as provided in Section 10.15.

SECTION 11.03. CONDITIONAL USES.

The following buildings and structures and uses of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a conditional use permit as provided in Article 10.

- A. Development of natural resources, Section 10.12.
- B. Public and private park camping grounds, golf course, golf driving range, clubs, and hunting lodge.
- C. Community and governmental buildings.
- D. Sanitary land fill site.
- E. Public and private nursery, primary and secondary schools, and business school, college, and university.
- F. Hospital, nursing home, sanitarium, medical and food processing research laboratories.
- G. A church, synagogue, cathedral, mosque, temple, or other building used for public worship or a cemetery.
- H. Temporary building or trailer office.
- I. Roadside stand, provided all of the nursery stock or other agricultural products are raised on the premises where situated on the vicinity area of the same township.
- J. Veterinarian, animal clinic, or kennels.
- K. Commercial radio or television stations or transmitter occupying a site of no less than ten (10) acres.
- L. AGRA-business.
- M. Public and private recreation areas, such as forest preserve, game refuge, recreation park and reservations, and similar public and private use of low-intensity use.
- N. Temporary permit in agricultural district for a single-family mobile home not otherwise satisfying the requirements of Section 16.02(24) upon the following conditions:
 - 1. As a dwelling for an employee and his family who is hired as an employee for a commercial farming operation.
 - 2. As a dwelling in close proximity to an established dwelling in order to provide care for a relative or friend needing constant attention from the family due to age or illness:
 - a. Such mobile home meets all other requirements of this district.

- b. Such mobile home must be connected to an adequate water supply and sewage disposal system meeting the requirements of the Calhoun County Health Department.
 - c. All conditional use permits for such mobile homes will be issued by the Township Board for a period not to exceed one (1) year. Requests for renewals must be made through the Township Zoning Administrator at least thirty (30) days prior to the expiration date of the permit in force.
 - d. If such mobile home is not being used for the purpose for which the permit was issued, the permit will immediately terminate.
 - e. No mobile home can be set within the township that was manufactured longer than ten (10) years prior to application.
3. High density animal feeding operation, as described in Section 10.16.

SECTION 11.04. REGULATIONS.

The following regulations shall apply in all AA-agricultural districts:

- A. Lot area. No building or structure shall be established on any lot less than two (2) acre in area.
- B. Lot width. The minimum lot width shall be two hundred fifty (250) feet.
- C. Lot coverage. The maximum lot coverage shall not exceed fifteen (15) percent.
- D. Minimum floor area. The minimum first floor area shall not be less than nine hundred (900) square feet, unless in the case of a two story dwelling, the minimum first floor area shall not be less than eight hundred (800) square feet.

E. Yard and setback requirements:

1. Front yard. Not less than sixty (60) feet from the right-of-way line. No building hereafter erected or located shall project beyond the average setback line of all dwellings within three hundred (300) feet of each side of the proposed structure, if forty (40) percent or more of all dwellings existing prior to the adoption of this Ordinance located within three hundred (300) feet on each side of the proposed structure were constructed having a greater or lesser setback than specified.
2. Side yard. Least width of either yard shall not be less than fifty (50) feet; except in the case of a corner lot where the side yard on the road or street shall not be less than fifty (50) feet.
3. Rear yard. Not less than fifty (50) feet.
4. The above requirements shall apply to every lot, building, or structure.

F. Height. The following height requirements shall apply in this district:

1. For dwellings and non-frame buildings and structures. No dwelling or non-farm building or structure shall exceed a height of three (3) stories or forty (40) feet.

G. Required off-street parking, as required in Article 9.

ARTICLE 12

RA-LOW DENSITY RESIDENTIAL DISTRICT

SECTION 12.01. PURPOSE.

The purpose of this district is to provide areas for outlying residential development on lots of sufficient size to accommodate the safe and healthful, with on-site water supply and liquid waste water disposal, since these areas will likely remain unserved by public water-sewer services for an extended period of time. It is the purpose of this district to protect and stabilize the essential characteristics of these areas, in order to promote and encourage suitable environments for low density family life until such time as it may be in the public interest to promote development of greater intensity requiring higher levels of public services and utilities.

SECTION 12.02. PERMITTED USES.

The following building and structures, and uses of parcels, lots, buildings, and structures are permitted in this district:

- A. One or two family dwellings.
- B. General and specialized farming and agricultural activities, including the raising or growing of crops and other farm products and foodstuffs, but not including the raising of any livestock, poultry, or other farm animals, provided that the following conditions are satisfied:
 - 1. The lot or parcel of land upon which these activities are conducted is less than ten (10) acres in area.
 - 2. No storage of manure or other odor or duty producing materials or activities shall be permitted.
 - 3. All farm buildings other than dwellings shall be located a minimum of ninety (90) feet from an adjacent property line.
- C. A lot may be used for the raising or growing of plants, trees, shrubs, and nursery stock.
- D. A sign, only in accordance with the regulations specified in Article 8.
- E. Essential service structures as provided in Section 10.15.

- F. State licensed residential facilities other than adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

SECTION 12.03. CONDITIONAL USES.

The following buildings and structures and uses of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a conditional use permit as provided in Article 10:

- A. Golf course, which may include a golf driving range, country club, public swimming pool, swimming and recreation club, public and private park, and playground.
- B. Churches and public buildings.
- C. Public and private nursery and primary and secondary school.
- D. A home occupations as prescribed by Section 11.02(G).
- E. Temporary buildings or trailer offices.
- F. Roadside stands for the display and sale of products raised on the lot, parcel, provided that off-street parking and access to such parking shall be provided in accordance with the provisions of Article 9 and no hazardous traffic conditions shall result from such activity, such buildings and structures shall be located in conformance with all minimum yard requirements, and no more than one (1) such roadside stand shall be permitted on each lot or parcel.
- G. Mobile home park as described in Article 10.
- H. Temporary permit in low density residential district:
 - 1. Single-family mobile home not otherwise satisfying the requirements of Section 16.02(24) (section defining dwelling single-family) for use as a temporary dwelling during construction of a house upon the following conditions, such mobile home meets all other requirements of this district.
 - 2. Such mobile home must be connected to an adequate water supply and sewage disposal system meeting the requirements of the Calhoun County.
 - 3. All conditional use permits for such mobile homes will be issued by the Township Board for a period not to exceed one (1) year requests for renewals must be made through the Township Zoning Administrator at least thirty (30) days prior to the expiration date of the permit in force.

4. If such mobile home is not being used for the purpose for which the permit was issued. The permit will immediately terminate. The owner will be allowed sixty (60) days in which to remove the mobile home from the premises.
 5. No mobile home can be set within the Township that was manufactured longer than ten (10) years prior to application.
- I. A group child care home shall be issued a conditional use permit if the group child care home meets all of the following standards:
1. Is located not closer than fifteen hundred (1,500) feet to any of the following:
 - a. Another licensed group child care home.
 - b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 - c. 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.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 2. Has appropriate fencing for the safety of the children in the group child care home as determined by the Township.
 3. Maintains the property consistent with the visible characteristics of the neighborhood.
 4. Does not exceed 16 hours of operation during a 24-hour period. The Township may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.
 5. Meets regulations, if any, governing signs used by a group child care home to identify itself.
 6. Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his or her employees.

SECTION 12.04. REGULATIONS.

The following regulations shall apply in all RA-low density residential districts:

- A. No building or structure shall be established in this district on any lot less than thirty thousand (30,000) square feet.
- B. The minimum lot width shall be one hundred fifty (150) feet.
- C. The maximum lot coverage will not exceed twenty (20) percent.
- D. Minimum first floor area. The minimum first floor area shall not be less than nine hundred (900) square feet, unless in the case of a two story dwelling the minimum first floor area shall be not less than eight hundred (800) square feet.
- E. Yard requirements:
 - 1. Front yard, not less than fifty (50) feet.
 - 2. Side yard, least width of either yard shall not be less than thirty (30) feet.
 - 3. Rear yard, not less than fifty (50) feet, except when rear yard abuts a water body, then not less than one hundred fifty (150) feet.
 - 4. The above requirements shall apply to every lot, building, or structure.
- F. Height requirements:
 - 5. For buildings and structures, no building and structure shall exceed a height of two and a half (2 1/2) stories or thirty-five (35) feet.
 - 6. For detached accessory building, no detached accessory building shall exceed a height of twenty-five (25) feet.
- G. Required off-street parking, as required in Article 9.

ARTICLE 13

HS-HIGHWAY SERVICE COMMERCIAL DISTRICT

SECTION 13.01. PURPOSE.

This district is established for the accommodation of those various retail, service, and terminal activities which cater primarily to the traveling public. The provisions of this district are designed to permit and encourage the development of service centers which are typically located along major highways, near the intersections of major routes, and adjacent to highway interchanges and which provide the necessary goods and services for the private and commercial traffic along such routes and at the same time to discourage the dispersion of such activities on individual sites throughout the Township. These areas will typically not be served by public water service utilities. Thus, large lot areas and yards will be required in order to provide for onsite water and sewerage facilities, to maintain the open character of such areas, to keep interference with through traffic at a minimum, and to allow for increased future traffic volumes and possible future expansion of such routes.

SECTION 13.02. PERMITTED USES.

The following buildings and structures and uses of parcels, lots, buildings, and structures are permitted in this district:

- A. Retail establishments selling principally new merchandise or foodstuffs.
- B. Personal and business services.
- C. Drive-in and automobile oriented establishments similar in character to drive-in restaurants, cafes, and banks, but not including auto-washes and drive-in theaters.
- D. Food and garden stores, nursery stock sales, and greenhouses.
- E. Gasoline service stations provided that the following requirements are met:
 - 1. All activities, except those required to be performed at the service island, shall be conducted entirely within an enclosed principal building.
 - 2. No outdoor storage of wrecked or partially dismantled vehicles or parts thereof shall be performed. In addition, all vehicles parked on such premises shall have current year license plates.

3. No installations except permitted walls, fences, and lighting structures shall be permitted nearer than twenty-five (25) feet to the front property line.
4. No more than two (2) driveway approaches shall be permitted directly from a major street, nor more than one (1) such approach from a minor residential street, each of which shall not exceed twenty-five (25) feet in width at the street line, nor be closer to one another than twenty-five (25) feet. Driveway approaches shall be located as far from the street intersections as practicable, but in no case be located less than fifty (50) feet.
5. The operation of such use shall not create a hazardous or otherwise objectionable traffic condition.
6. No such use shall be located within fifty (50) feet of any residential district, unless separated from by a public street or alley or an approved fence or masonry wall of not less than four (4) feet or greater than six (6) feet in height.
7. Not more than two (2) gasoline service stations shall be established in the highway interchange service district.
8. Signs, only in accordance with the regulations in Article 8.

F. Motels, provided that:

1. Minimum lot area of one (1) acre with a minimum lot width of one hundred and fifty (150) feet shall be required.
2. A minimum of fifteen hundred (1,500) square feet of lot area shall be required for each guest unit.
3. All buildings, including accessory buildings, shall not occupy more than twenty-five (25) per cent of the total lot area.

G. Sales, rental, service, and repair of motor vehicles, farm machinery, and marine vehicles provided that:

1. All service and repair activity shall be carried on completely within an enclosed building.
2. An outdoor display area can be utilized with the boundaries of the display area to be set by the Township Planning Commission.

H. Passenger terminals.

I. Wholesale businesses, provided no manufacturing, assembling, processing, or fabrication of goods shall be permitted.

J. Publicly owned and operated buildings.

K. Essential service structures, except as provided in Section 10.15.

SECTION 13.03. USES SPECIFICALLY PROHIBITED IN THIS DISTRICT.

A. Any type of manufacturing activity.

1. No building shall be erected in this district unless prior approval of the proposed water supply and waste disposal systems have been approved in writing by the county health department. A favorable report from the county health department shall be forwarded to the building inspector prior to the issuance of a building permit.

SECTION 13.04. CONDITIONAL USES.

The following buildings and structures, and uses of parcels, lots, and structures are permitted subject to obtaining a conditional use permit as provided in Article 10:

A. Commercial recreation facilities. Bowling alleys, theaters, dance halls, skating rinks, miniature golf courses, trampolines, or similar public amusement facilities.

SECTION 13.05. INDOOR SERVICES.

All commercial and service activities shall be conducted entirely within an enclosed building, except as otherwise provided herein.

SECTION 13.06. REGULATIONS.

The following regulations shall apply in all HS-highway service commercial districts:

- A. Lot area. In this district every building hereafter constructed or structurally altered shall be located on a lot of not less than thirty thousand (30,000) square feet in area.
- B. Lot width. All interior and corner lots shall have a minimum width of one hundred fifty (150) feet along the street upon which such lot principally fronts.
- C. Lot coverage. All buildings, including accessory buildings, shall not cover more than twenty-five (25) percent of the total lot area, except as otherwise specified herein.

D. Yard and setback requirements:

1. Front yard, not less than forty (40) feet.
2. Side yard, the minimum side yard on each side of a building shall be twenty-five (25) feet. Street side yards shall comply with the minimum front yard dimensions.
3. Rear yard, not less than thirty (30) feet.
4. Side and rear yards may be used for parking, provided that a fence or masonry wall of not less than four (4) feet nor greater than eight (8) feet shall be constructed on the perimeter of such parking area.

E. Height. No building or structure shall exceed twenty-five (25) feet in height, unless each required yard (front, sides, and rear) is increased one (1) foot for each additional one (1) foot in height above twenty-five (25) feet.

F. Lighting. All lighting shall be accomplished in a manner such that no illumination source is visible beyond the property lines of the lot upon which it may be located.

G. Vehicular approach. No establishment in the HS-Highway Service Commercial District shall have more than two (2) driveways, each of which shall not exceed twenty-five (25) feet in width, except as otherwise provided herein. No driveway shall be closer than fifty (50) feet from an intersection.

H. Off-street parking. As required in Article 9.

ARTICLE 14

OC - OPEN SPACE AND WATER BODY CONSERVATION DISTRICT

SECTION 14.01. PURPOSE.

It is recognized by this Ordinance that the principal use of certain open areas within the Township is and ought to be the development, management and utilization of the natural resource base possessed by these areas. In order that this value may be maintained and this use encouraged, this Ordinance has established, based upon a well-considered plan, a zoning district designed to regulate the location of buildings and structures and the use of parcels and lots in order to protect the natural resources, natural habitats of wildlife, waterways and water bodies, agricultural capabilities, public and private recreation areas, and the public health, safety, and welfare by reducing the hardships and burdens imposed upon the people of the Township by the wanton destruction of resources, the improper and wasteful use of open land, wooded areas, and periodic flooding and overflow of creeks and streams. In addition, this district will help protect human life, prevent or minimize material losses, and reduce the cost to public of rescue and relief efforts occasioned by unwise occupancy or construction of buildings in areas subject to periodic inundation, such areas being shown as flood plain by soil types as compiled by the U.S. Soil Conservation Service.

SECTION 14.02. PERMITTED USES.

The following buildings and structures and uses of parcels, lots, buildings, and structures are permitted in this district:

- A. Public and private conservation areas for the development, protection, and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- B. A lot may be used for general and specialized farming and agricultural activities, including the raising or growing of crops, livestock, poultry, and other farm animals, products, and foodstuffs and provided that any lot that is kept as idle cropland shall be so treated as to prevent soil erosion by wind or water.
- C. A lot may be used for the raising or growing of plants, shrubs, and nursery stock.
- D. A sign, only in accordance with regulations specified in Article 8.
- E. Essential service structures except as provided in Section 10.15.

SECTION 14.03. CONDITIONAL USES.

The following buildings and structures and uses of parcels, lots, buildings, and structures are permitted in this district, subject to obtaining a conditional use permit as provided in Article 10.

- A. Public or private forest preserve, game refuge, golf course, park, camping grounds, playground, or other recreation purpose.
- B. The growing, stripping, and removal of sod, provided that said lot or portion thereof shall be seeded after stripping by fall of the same year in which it was stripped as to reduce the actual or potential erosion of soil by water or wind.
- C. Country clubhouse, swimming pool, bath house, and the sale of food, beverages, and recreation equipment which is incidental and accessory to a recreation use.
- D. Landfills.
- E. All buildings and structures accessory and incidental to permitted uses in this district.
- F. Development of natural resources as provided in Section 10.11.
- G. Single family dwelling.

SECTION 14.04. REGULATIONS.

The following regulations shall apply in all OS-open space water body conservation districts:

- A. Lot area. No building or structure shall be established on any lot less than five (5) acres in area.
- B. Lot width. The minimum lot width shall be three hundred (300) feet.
- C. Lot coverage. The maximum lot coverage shall not exceed ten (10) percent.
- D. Yard setback requirements:
 - 1. Front yard. Not less than sixty (60) feet from the right-of-way line.
 - 2. Side yard. Least width of either side yards shall not be less than thirty (30) feet, except in the case of a corner lot where the side yard on the road or street side shall not be less than sixty (60) feet.
 - 3. Rear yard. Not less than fifty (50) feet.

4. The above requirements shall apply to every lot, building, or structure.
- E. Height. The following height requirements shall apply in this district for all buildings and structures, no building or structure shall exceed three (3) stories or forty (40) feet.
- F. Required off-street parking. As required in Article 9.
- G. Preservation of environmental quality. As required in Article 6 and in a flood plain as indicated by soil types, the construction or location of bridges, outdoor equipment, bleachers, and similar outdoor equipment or appurtenances, storage of materials and equipment is prohibited, unless such elements would not cause any significant obstruction to the flow, or reduction in the impoundment capacity of the flood plain.

ARTICLE 15

LI-LIGHT INDUSTRIAL DISTRICT

SECTION 15.01. PURPOSE.

This district is composed of those areas of the Township whose principal use is or ought to be light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, and other harmful or obnoxious matter. This district has been located within the Township to permit the development of these uses, to protect adjacent agricultural, residential, and commercial areas against the encroachment of incompatible uses and to lesson congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district have been excluded.

SECTION 15.02. PERMITTED USES.

The following buildings and structures and uses of parcels, lots, buildings, and structures are permitted in this district:

- A. Research oriented and light industrial park use.
- B. Assembly of merchandise such as electrical appliances, electronic or precision instruments, and articles of similar nature.
- C. Packaging of previously prepared materials, but not including the bailing of discards, old iron, or other metal, wood lumber, glass, paper, rags, cloth, or other similar materials.
- D. Printing, lithographic, blueprinting, and similar uses.
- E. Wholesale warehousing and material distribution centers, provided all products and materials are enclosed within a building.

- F. Light manufacturing industrial use which by nature of the materials, equipment, and process utilized are to a considerable extent clean, quiet, and free from objectionable or dangerous nuisance or hazards, including any of the following goods and materials, drugs, jewelry, musical instruments sporting goods, glass products, small household appliances, electronic products, baked and dairy products, frozen food lockers, advertising displays, tents and awnings, brushes and brooms, cameras and photographic equipment and supplies, wearing apparel, leather products, and luggage, but not including tanning products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, rubber, shell, or yarn.
- G. An accessory use, building or structure.
- H. A sign only in accordance with regulations in Article 8.
- I. Essential service structures and buildings.

SECTION 15.03. CONDITIONAL USES.

The following buildings and structures and uses of parcels, lots, buildings, and structures are permitted subject to a conditional use permit as provided in Article 10.

- A. Restaurants and cafeteria facilities for employees.
- B. Bus, truck, taxi, and rail terminals.
- C. Open air display areas for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items, and nursery stock or the rental of manufactured products or equipment, small tools, pneumatic tired two-wheeled and four-wheeled utility trailers, such as household equipment, pneumatic transit cement mixers, wheelbarrows, rollers, and similar products or equipment.
- D. Temporary building or trailer office.
- E. Junkyards.

SECTION 15.04. REGULATIONS.

The following regulations shall apply in all LI-light industrial districts:

- A. **Lot area.** No building or structure shall be established on any lot less than one (1) acre in area, except where a lot is served with a central water supply system and a central sanitary sewerage system, in which case there shall be provided a minimum lot area of twenty thousand (20,000) square feet.

- B. **Lot width.** The minimum lot width for lots served with a public water supply system and a public sanitary sewage system shall be eighty (80) feet. Where a lot is not so served, the minimum lot width shall be one hundred fifty (150) feet.
- C. **Lot coverage.** The maximum lot coverage shall not exceed twenty-five (25) percent.
- D. **Yard requirements.**
1. Front yard. Not less than eighty-five (85) feet.
 2. Side yard. Least width of either side yard shall not be less than twenty (20) feet, except in the case of a corner lot or parcel where the side yard on the road or street shall not be less than thirty-five (35) feet.
 3. Rear yard. Not less than thirty-five (35) feet.
 4. The above requirements shall apply to every lot, building, or structure.
- E. **Height.** Except as is otherwise provided in this Ordinance, no building or structure should exceed a height of forty-five (45) feet.
- F. **Required off-street parking.** As required in Article 9.

ARTICLE 16

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 16.01. RULES APPLYING TO TEXT.

The following rules of construction apply to text of this Ordinance.

- A. The word “shall” is always mandatory and not discretionary.
- B. The word “may” is permissive.
- C. Words used in the present tense shall include the future, words used in the singular number shall include the plural, and the plural, the singular, unless the context clearly indicates the contrary.
- D. The word “building” includes the word “structure.”
- E. A “building” or “structure” includes any part thereof.
- F. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
- G. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

SECTION 16.02. DEFINITIONS.

For the purposes of this Ordinance, the following terms and words are defined as follows:

1. **Accessory building.** A subordinate building, the use of which is clearly incidental to that of the principle building or to the use of the land and which is attached securely to a masonry foundation or similar permanent footings.
2. **Accessory use.** A use subordinate to the principle use on a lot and used for the purpose clearly incidental to those of the main use.
3. **Agricultural.** Includes purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.
4. **Alley.** A public or legally established private thoroughfare, other than a street, which affords a secondary means of abutting property and not more than twenty (20) feet wide.

5. **Alterations.** Any change, addition, or modification in construction, any change in the structural members of a building, such as walls or partitions, columns, beams, or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed.”
6. **Animated signs.** Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.
7. **Area, net site.** The total area within the property lines of a project, excluding external streets.
8. **Automobile or trailer sales area.** Any space used for display, sale, or rental of motor vehicles or trailers in new or used and operable condition.
9. **Automotive repair; general repair.** Engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair, overall painting and undercoating of automobiles when carried on in a completely enclosed room or building.
10. **Basement.** That portion of a building which is below the first story and the ceiling of which is less than five (5) feet above the surrounding ground elevation at all points.
11. **Billboard.** Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. This definition does not include any bulletin boards used to display official court or public office notices.
12. **Building.** Any structure, either temporary or permanent, erected on site, including a mobile home or mobile-structure above or below ground, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents and awnings.
13. **Building coverage.** That percentage of the plot or lot area covered by the building area.
14. **Building height.** The vertical distance measured from the established sidewalk grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roof. Where a building is set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building, provided such average elevation shall not exceed the established sidewalk grade at the center of the front of the building by more than one (1) inch for each front foot that the building sets back from the front line.
15. **Building permit.** A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.
16. **Church.** A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

17. **Club or lodge, private.** A non-profit association of persons who are bona fide members paying annual or periodic dues which owns, hires, or leases a building or portion therein, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members at a meeting. It shall be permissible to serve food and meats on such premises, provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some other common objective by the organization and further provided that such sale of the alcoholic beverage is in compliance with the applicable federal, state, and municipal laws.
18. **Conditional use.** A use which is subject to approval by the Township Board. A conditional use may be granted when specified by this Ordinance and for those uses not specifically mentioned. A permitted conditional use is not to be a non-conforming use.
19. **Curtilage.** An unoccupied open space, other than a yard, on the same lot with a building which is bounded on two (2) or more sides by the walls of such building.
20. **Curtilage, outer.** A curtilage enclosed on not more than three (3) sides by exterior walls of a building or by external walls and lot lines on which walls are allowable with one side or end open to a street, driveway, alley, or yard.
21. **District.** A portion of the incorporated part of the Township within which certain regulations and requirements or various combinations thereof apply under the provision of this Ordinance.
22. **Drive-in.** An establishment of the "drive-in" type is one which accommodates the patrons while remaining in their automobiles in an off-street parking area accessory to the business from which the occupants may receive a service or obtain a product which may be used or consumed on the same premises.
23. **Dwelling unit.** A building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
24. **Dwelling unit, one family. "Dwelling. Single-family."** A building containing not more than one (1) dwelling unit designed for residential use complying with the following standards:
 - a. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.

- b. It has a minimum width across any front. Side or rear elevation of twenty (20) feet and complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of PA 230 of 1972, as amended, including minimum heights for habitable rooms. 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 Michigan State Construction Code, then and in that event, such federal or state standard or regulation shall apply.
- c. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code, shall have a wall of the same perimeter dimensions of the dwelling, and be constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event the dwelling is a mobile home as defined herein, such dwelling shall, in addition thereto, 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.
- d. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism under carriage or chassis.
- e. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- f. The dwelling contains a storage capacity area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.

- g. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity with either a roof over-hang of not less than six (6) inches on all sides or alternatively with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling, has not less than two (2) exterior doors with the second one being in either the rear or side of the dwelling, and contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator 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 zoning administrator'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 within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of the lots situated within said area; or, where said area is not so developed, by the character, design, and appearance of one or more residential dwellings located outside of mobile home 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 contains no additions, rooms, or other areas which are not constructed with similar quality and workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- i. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and 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 the applicable Michigan State Construction Code provisions and requirements.

25. **Dwelling unit, two family.** A building containing not more than two (2) separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 16.02(24).
26. **Dwelling, multi-family.** A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 16.02(24).
27. **Essential services.** The phrase "essential services" means the erection, construction and alteration of maintenance by public utilities or municipal department or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessory in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety, or general welfare.
28. **Family.** One person, or group of two or more persons living together who may or may not be interrelated by bonds of consanguinity, marriage, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a common and a single set of culinary facilities. The person thus constituting a family may also include foster children, and domestic servants. This definition does not include the occupants of a rooming or boarding house as a family unit.
29. **Farm.** All of the contiguous neighboring or associated land operated as a single unit on which benefited agriculture is carried on directly by the owner/operator, manager, or tenant farmer, by his own labor or with the assistance of members of his household or hired employees, provided however, that land be considered a farm hereunder shall include a continuous parcel of ten (10) acres or more in area.
30. **Flood plain.** That portion of land adjacent to a water body or water course which is subject to periodic inundation.
31. **Floor area.** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The "floor area" of a building shall include the area of any floor when more than one-half (1/2) of the room height is above the established curb level or above the finished lot grade level where curb levels have not been established. The "floor area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouses, attic spaces having headroom of seven (7) feet, six (6) inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area."

32. **Frontage.** All the property fronting one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary measured along the street frontage of the side of the street which it intercepts.
33. **Garage, commercial.** Any garage, other than a private garage, available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipment of automobiles or other motor vehicles.
34. **Garage, private.** An accessory building not over one (1) story or fifteen (15) feet in height used for parking or storage of vehicles as may be required in connection with the permitted use of the principal building.
35. **Gasoline service station.** Any building or premises used for the dispensation, sale, or offering for sale at retail of any motor fuels, oils, or lubricants. When the dispensing sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.
36. **Grade.** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building, if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
37. **Greenbelt buffer.** A strip or parcel of land privately restricted or publicly dedicated as open space located between land uses for the purpose of protecting the character of adjacent residential or other uses. Said greenbelt buffer shall include, but not be limited to, the following materials: open space with maintained grass cover, evergreens, deciduous trees, shrubs, and bushes.
38. **Group child care home (also “Family child care home”).** These terms shall have the meaning ascribed to them in Section 1 of 1973 PA 116, MCL 722.111, and only apply to the bona fide private residence of the operator of the family or group child care home.
39. **High density animal feeding operation.** An animal feeding operation that houses or confines animals whose number total one thousand (1,000) or more animal units, as defined in Section 10.16.
40. **Highway.** See “street major.”
41. **Home occupation.** An occupation that is traditionally or customarily carried on in the home, including the giving of instruction in a craft or fine art within the residence, provided:
- a. That such occupation is incidental to the residential use in the extent that not more than thirty (30) percent of usable floor area of the principal building or not more than five hundred (500) square feet of an accessory building shall be occupied by such occupation.

- b. That no article or service be sold or offered for sale on the premises, except as is produced by such occupations.
 - c. That such occupation shall not require equipment or machinery not customarily located in residential areas.
 - d. That there be no more than one (1) employee, other than members of the resident family.
42. **Hospital.** An institution providing health services primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such facilities, central services facilities, and staff offices.
43. **Hotel, motel.** A building containing primarily rooming units with the number of dwelling units being not greater than ten (10) percent of the total number of rooming units and with the exception of the unit occupied by the management staff used only for the accommodation of transients.
44. **Junkyard.** Any land or building where waste, used or second hand, materials are bought and sold, exchanged, stored, baled, parked, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junkyard" includes automobile wrecking yards and includes any area of more than fifty (50) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.
45. **Living space.** That area within a structure intended, designed, erected, or used for human occupancy; that is, the sum of the gross horizontal area of the floor in question of the building used for occupancy, measured from the exterior faces of the exterior walls, from the centerlines of walls separating two (2) buildings, from the center lines of interior walls, excluding porches, garages, and breezeways not usable year around.
46. **Lot.** A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) principal building, together with its accessory buildings, and providing the open spaces, parking, and loading spaces required by this Ordinance. Said parcel of land may consist of one (1) or more lots of record according to any recorded plat, but for the purpose of this Ordinance shall be deemed one (1) parcel or lot, if title to the property is held under one (1) deed.
47. **Lot, corner.** A lot where the interior angle of two (2) adjacent sides at the intersection of the two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve at the two points where the lot lines meet the curve or the straight street line extended from an interior angle of less than one hundred thirty-five (135) degrees.
48. **Lot, interior.** Any lot, other than a corner lot.

49. **Lot lines.** The lines bounding a lot defined herein:
- l. **Front lot lines.** In the case of an interior lot, the line separating said lot from the street, in the case of a corner lot or double frontage lot, the line separating said lot from that street which is designated as the front street in the plot and request for zoning compliance permit. In the case of lots bordering on a lake, river, or canal, the established water or shore line shall be designated as the rear of such lots.
 - m. **Rear lot lines.** The lot line opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
 - n. **Side lot lines.** Any lot lines other than the front lot lines or the rear lot lines.
50. **Lot area.** The total horizontal area within the lot lines of a lot.
51. **Lot coverage.** That part of percent of the lot occupied by buildings or structures, including accessory buildings or structures.
52. **Lot depth.** The horizontal distance between the front and rear lot lines measured along the median between the side lot lines.
53. **Lot of record.** A lot or parcel existing prior to the adoption of this Ordinance and recorded in office of the county register of deeds. For the purposes of this Ordinance, land contracts and purchase options not recorded in the county register of deeds office but dated and executed prior to the effective date of this Ordinance shall also constitute a lot of record.
54. **Lot width.** The horizontal distance between the side lot lines measured at the two points where the building line or setback intersects the side lot lines.
55. **Master plan.** The statement of policy by the Township Planning Commission relative to the agreed upon desirable physical pattern of future community development consisting of a series of maps, charts, and written materials representing in summary how the community should grow in order to bring about the very best community living conditions.
56. **Mobile home.** A vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be, attached to the ground or another structure or to a utility system on the same premises for more than thirty (30) consecutive days.

57. **Mobile home park.** Any subdivision, however designated, that is occupied or designated for occupancy by more than one (1) mobile home which conforms to the provisions of the Mobile Home Commission Act, 1987 PA 96, as amended (MCL 125.2301, et seq.).
58. **Modular housing unit.** A unit constructed solely within the factory in various sized modules which are then transported by flatbed or other means to the site where they are assembled on permanent foundations, to form single family dwellings which are either attached (in rows or clusters), stacked or detached.
59. **Non-conforming building.** A building, or portion thereof, existing at the effective date of this Ordinance or amendments thereto and which does not conform to the provisions of the ordinance nor to the use regulations of the district which it is located.
60. **Non-conforming use.** A use which lawfully occupied a building or land at the time of this Ordinance or amendments thereto became effective which does not conform to the use regulations of the district in which it is located.
61. **Nursing or convalescent home.** A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing for hire.
62. **Off-street parking lot.** A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) automobiles.
63. **Open space.** Any space suitable for recreation, gardens, or household service activities, such as clothes drying. Such open space must be at least seventy-five (75) percent open to the sky free of automotive traffic, parking, and undue hazard and readily accessible by all those for whom it is required.
64. **Parking space.** A land area of not less than ten (10) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public street or alley.
65. **Principal use.** The main use to which the premises are devoted and the main purpose for which the premises exist.
66. **Public park.** Any park, playground, beach, outdoor swimming pool, or parkway within the jurisdiction and control of a governmental agency authorized by state statutes to own and maintain parks.

67. **Public sewer system.** A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures, including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof for the purpose of collection, conveying, transporting, treating, or otherwise handling sanitary sewage or industrial liquid wastes of such a nature as to be capable of adversely affecting the public health, operated and maintained by the general public.
68. **Public utility.** Any person, firm, or corporation, municipal department, board, or commission duly authorized to furnish and furnishing under state or municipal regulations to the public gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.
69. **Recreational area, private.** All lands and structures which are owned and operated by private individuals, a business or corporation which are predominately intended to accommodate recreational vehicles and provide for outdoor recreation activities.
70. **Recreational vehicle.** A small mobile unit principally designed for recreation pastime, such a motor homes, camper trailers, pick-up campers, pop-up campers, pop-up tent, trailers, and similar camping type vehicles or trailers.
71. **Retail and rental store.** Any building or structure in which goods, wares, or merchandise are sold or rented to the ultimate consumer for direct consumption or use and not for resale.
72. **Right-of-way.** A street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles.
73. **Roadside stand.** A permanent structure which is used seasonally for the sale of produce. The use of a roadside stand shall not constitute a commercial district.
74. **Rooming house.** A building, or part thereof, other than a hotel, where sleeping accommodations are provided for hire and meals may be regularly furnished.
75. **Rooming unit.** Any room or group of rooms forming a single habitable unit used for living and sleeping which does not contain cooking or eating facilities.
76. **Sanitary landfill.** A method of disposing of refuse on land without creating nuisances or hazards to public health or safety by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover at the conclusion of each day's operation or at more frequent intervals as necessary and maintained in accordance with the provisions of Act 641 of Public Acts of 1978, as amended.

77. **Setback.** The minimum horizontal distance between the street, rear, or side lines of the lot and the front, rear, or side lines of the building. When two or more lots under one ownership are used, the exterior property lines so grouped shall be used in determining offsets.
78. **School.** A building used for the purpose of elementary or secondary education which meets all requirements of compulsory laws of the State of Michigan and not providing residential accommodations.
79. **Shopping center.** A group of commercial establishments, planned, developed, owned, and managed as a unit with off-street parking provided on the property and related in its location, size, and type of shops to the trade area which the unit served.
80. **Signs.** Any words, numbers, figures, devices, or trademarks by which anything is made known, other than billboards, such as are used to show an individual firm, professional business, and are visible from the exterior of the structure.
81. **State licensed residential facility.** A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under twenty-four (24) hour supervision or care.
82. **Story.** That part of a building, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.
83. **Street.** A thoroughfare which affords the principal means of access to abutting property.
84. **Street major.** A public way, the principal use of which is to provide an arterial route for through traffic and as its secondary use the provision of access to abutting properties.
85. **Street minor.** A public way, the principal use of which is to give access to abutting properties.
86. **Structure.** Anything constructed or erected, the use of which required location on the ground or attached to something having location on the ground.
87. **Structure alteration.** The erection, strengthening, removal, or other change of the supporting elements of a building, such as footings, bearing walls, beams, columns, and the like.
88. **Swimming pool.** Any artificially constructed, portable, or non-portable pool capable of being used for swimming or bathing having a depth of three (3) feet or more at any point.

89. **Undevelopable land.** Land which has soil types of a high water condition which presents severe limitations on septic tank and tile fields.
90. **Usable floor area.** The area for the purpose of computing parking and off-street loading and unloading space, is that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise or utilities shall be excluded from this computation of "usable floor area." Measurement of floor area shall be sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.
91. **Use.** The purpose for which land or premises of a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.
92. **Variance.** A modification of the literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provisions would cause practical difficulties owing to circumstances unique to the individual property on which the variance is sought.
93. **Yard.** An open space on the same lot with the main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.
- o. Front yard: a yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
 - p. Rear yard: a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and nearest line of the main building.
 - q. Side yard: a yard between the main building and the side lot line extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.
94. **Zoning district.** (See district).

Section 2. Repeal. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Severability of Invalid Provisions. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 4. Savings Clause. A prosecution which is pending on the effective date of this Ordinance and which arose from a violation of an ordinance repealed by this Ordinance, or a prosecution which is started within one (1) year after the effective date of this Ordinance arising from a violation of an ordinance repealed by this Ordinance and which was committed prior to the effective date of this Ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

Section 5. Effective Date. This Ordinance shall take effect seven (7) days after the date of publication pursuant to MCL 125.3401, which publication shall take place within fifteen (15) days from the date of adoption and shall be in a local newspaper of general circulation. Publication of a summary the regulatory effect of this Ordinance in compliance with MCL 125.3401 shall constitute publication of the ordinance.

This Ordinance is hereby declared to have been passed and adopted by the Clarendon Township, County of Calhoun, State of Michigan, at a regularly scheduled meeting thereof duly called and held on this day of _____, 2018.

Steve R. Schrock, Supervisor

ATTEST:

Sharla Vincent, Township Clerk

Prepared by:
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