

# **Zoning Ordinance**

**Ordinance No. 43**

**Effective Date: February 1, 2014**

**Freedom Township  
Washtenaw County, Michigan**



# **ACKNOWLEDGMENTS**

## **TOWNSHIP BOARD OF TRUSTEES**

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## **ARTICLE 1.0 ADMINISTRATION AND ENFORCEMENT**

### **Section 1.01 Title of this Ordinance.**

This Ordinance shall be known and may be cited as the Freedom Township Zoning Ordinance, and shall be referred to herein as "this Ordinance."

### **Section 1.02 Enabling Authority.**

This Ordinance has been prepared for and adopted by the Township Board of Freedom Township under the authority of the Michigan Zoning Enabling Act, following compliance with all procedures required by this Act.

### **Section 1.03 Intent and Purposes of this Ordinance.**

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and structures, and for all other purposes described in Section 201 of the Michigan Zoning Enabling Act. This Ordinance is based on the Township's Master Plan, and is intended to carry out the objectives of the plan. This Ordinance has further been established for the purposes of:

1. Promoting and protecting the public health, safety, and general welfare;
2. Protecting the character and stability of agricultural, residential, commercial, and industrial areas of the Township; and promoting the orderly and beneficial development of such areas;
3. Regulating the intensity of land use; and determining lot areas and open spaces necessary to surround buildings to provide adequate light and air;
4. Lessening and minimizing congestion and conflicts on public roads and highways;
5. Providing for the needs of agriculture, recreation, residences, limited commerce, and limited industry in future growth;
6. Providing adequate light, air, privacy and convenience of access to property, and promoting healthful surroundings for family life in residential and rural areas;
7. Fixing reasonable standards to which structures and other site improvements shall conform, and prohibiting uses or structures that are incompatible with the character of development or the uses or structures permitted in specific districts;
8. Protecting against fire, explosion, noxious fumes, odors, heat, dust, smoke, light pollution, glare, noise, vibration, radioactivity, and other nuisances and hazards;
9. Preventing the overcrowding of land and undue concentration of buildings so far as is possible and appropriate in each zoning district by regulating the use, height, location, and bulk of buildings in relation to the surrounding land; and
10. Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses.

## Section 1.04 Scope.

The standards and regulations of this Ordinance shall apply to all land, structures, uses, and land development projects established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established, changed or commenced, nor any structure constructed, altered, or extended, except in compliance with this Ordinance.

1. **Minimum requirements.** The provisions of this Ordinance shall be held to be the minimum required for promoting and protecting the public health, safety, and general welfare, and shall be uniform for each class of land, buildings, structures, or uses throughout each zoning district. Wherever the requirements of this Ordinance are at variance with the requirements of any other adopted rules, regulations, or ordinances, the most restrictive or those imposing the higher standards shall govern.
2. **Relationship to other ordinances or agreements.** This Ordinance is not intended to repeal or annul any ordinance, rule, regulation or permit previously adopted, issued, or entered into and not in conflict with this Ordinance.
3. **Unlawful uses, structures, and other site improvements.** A use, structure or other site improvement not lawfully existing prior to adoption of this Ordinance shall not be made lawful by adoption of this Ordinance.
4. **Vested right.** Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. Such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation, protection or promotion of the public health, safety, convenience, comfort or general welfare.

## Section 1.05 Compliance Required.

No structure, site or part thereof shall be constructed, altered or maintained and no use of any structure or land shall be established, maintained, altered or expanded except in conformity with this Ordinance.

## Section 1.06 Authority, Duties, and Responsibilities.

The purpose of this Section is to set forth the specific duties, responsibilities, and scope of authority of the boards, commissions, and officials charged with administering, implementing, and enforcing the provisions of this Ordinance, as follows:

### A. Township Board Authority and Responsibilities.

The Township Board shall have the ultimate responsibility for administrative oversight and enforcement of this Ordinance, and shall further have the following responsibilities and authority pursuant to this Ordinance:

1. **Adoption of this Ordinance and any amendments.** In accordance with the intent and purpose of this Ordinance, and the authority conferred by the

Michigan Zoning Enabling Act, the Township Board shall have the authority to adopt this Ordinance and Official Zoning Map, as well as any subsequent amendments considered in accordance with Article 18.0 (Amendments).

2. **Approval of planned unit development (PUD) projects.** Township Board approval shall be required for establishment of planned unit developments, in accordance with Article 14.0 (Planned Unit Development District).
3. **Setting of fees.** The Township Board shall have the authority to set fees for all application reviews required under this Ordinance to defray costs and expenses incurred in processing such applications.
4. **Appointment, oversight, and removal of zoning officials.** The Township Board shall appoint a Zoning Administrator and any other ordinance enforcement officials deemed necessary to act as the officer(s) for the proper administration and enforcement of this Ordinance.
  - a. The duties and responsibilities of the Zoning Administrator may be vested in one (1) person, divided among two (2) or more persons or delegated to designated Township consultants as the Township Board may determine.
  - b. The Zoning Administrator and any other zoning enforcement officials shall be appointed by the Township Board for such term, rate of compensation, and employment terms and conditions as the Board shall determine.
  - c. The Township Board may remove the Zoning Administrator and any other zoning enforcement official from office in accordance with such employment terms and conditions as the Board shall determine.

**B. Planning Commission Authority and Responsibilities.**

The Planning Commission shall have the following responsibilities and duties pursuant to this Ordinance.

1. **Zoning Commission authority.** All powers, duties, and responsibilities for a zoning commission as provided by the Michigan Zoning Enabling Act are hereby transferred to the Freedom Township Planning Commission.
2. **Formulation of Zoning Ordinance.** The Planning Commission shall be responsible for formulation of the Zoning Ordinance and Official Zoning Map, review of rezoning petitions or other amendments to the Zoning Ordinance text or Official Zoning Map, holding hearings on a proposed Zoning Ordinance, rezoning petition, or other text or Map amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Township Board.
3. **Site plan and conditional use approval.** The Planning Commission shall be responsible for review and action on applications for site plan approval per Article 15.0 (Site Plan Review); and for holding hearings, review, and action on applications for conditional use approval per Article 16.0 (Conditional Uses).

4. **Planned unit development (PUD) review and recommendation.** The Planning Commission shall be responsible for holding hearings, review, and making recommendations to the Township Board regarding establishment of special districts per Article 14.0 (Planned Unit Development District).
5. **Formulation of a Master Plan.** The Planning Commission is hereby designated as the commission specified in the Michigan Planning Enabling Act, and shall perform the planning duties of said commission as provided in the statute, including preparation of the Township's Master Plan.
6. **Report on the operation of the Zoning Ordinance.** The Planning Commission shall periodically oversee the preparation of a report to the Township Board on the Zoning Ordinance, including any recommendations as to the enactment of amendments or supplements to the Ordinance.
7. **Review of other matters referred by The Township Board.** The Planning Commission shall be responsible for review and making recommendations to the Township Board for action on subdivision plats, land division applications, and other matters referred by the Township Board.

**C. Zoning Board of Appeals Authority and Responsibilities.**

The Zoning Board of Appeals shall have the authority and responsibilities as specified in Article 17.0 (Zoning Board of Appeals), including hearing appeals of administrative decisions and requests for variances from Ordinance requirements, and making determinations related to nonconforming uses and interpretation of this Ordinance and the Official Zoning Map.

**D. Township Clerk Authority and Responsibilities.**

The Township Clerk or duly authorized agent(s) shall have the following responsibilities under this Ordinance:

1. Ensure that all notices required by these regulations are published and distributed in accordance with this Ordinance and the Michigan Zoning Enabling Act, and ensure that a record is kept of such notices.
2. Maintain official records and file all official minutes and documents in an orderly fashion.
3. Perform other related duties required to administer these regulations.

**E. Zoning Administrator and Ordinance Enforcement Officer Duties and Responsibilities.**

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator, and any other ordinance enforcement officials as designated and authorized by the Township Board. The Township Board shall appoint the Zoning Administrator and Ordinance Enforcement Officer, and shall set the specific scope of responsibilities for each position. In general, these positions shall have the following duties and responsibilities:

1. The Zoning Administrator shall interpret all provisions of this Ordinance in such a way as to preserve and promote the character of the zoning district in question,



and carry out the intent and purposes of this Ordinance and the Township's Master Plan. Such interpretations shall be subject to appeal to the Zoning Board of Appeals by an aggrieved party in accordance with Section 17.06 (Interpretations).

2. The Zoning Administrator and Ordinance Enforcement Officer shall administer and enforce this Ordinance precisely as written, and shall not modify, vary or ignore the terms of this Ordinance nor grant exceptions to the actual meaning of any clause, order or regulation.
3. The Zoning Administrator shall have the authority to receive applications for and issue certificates of zoning compliance in compliance with the provisions of this Ordinance.
  - a. It shall be unlawful for the Zoning Administrator to approve any plan, issue any certificate of zoning compliance, or grant any other approval authorized under this Ordinance except in conformance to all applicable provisions of this Ordinance.
  - b. The Zoning Administrator shall not refuse to approve a certificate of zoning compliance upon determination that the applicant has complied with all conditions imposed by this Ordinance, despite any violations of private contracts, covenants or agreements that may result from work performed or improvements made under the approved permit or certificate.
  - c. The Zoning Administrator or Ordinance Enforcement Officer shall issue necessary notices or orders to ensure compliance with these provisions.
4. The Zoning Administrator or Ordinance Enforcement Officer shall make all inspections required by this Ordinance, and all inspections necessary to enforce this Ordinance. The Zoning Administrator or Ordinance Enforcement Officer may engage the assistance of other Township officials, legal counsel, the Township Planner, and other designated consultants in making such inspections. The Zoning Administrator or Ordinance Enforcement Officer may engage other experts as needed, subject to Township Board approval.
5. The Zoning Administrator or Ordinance Enforcement Officer shall be responsible for making periodic inspection of the Township for the purpose of identifying violations of this Ordinance, and shall have the authority to initiate investigations into alleged violations of these regulations, investigate complaints of Ordinance violations, issue warnings and citations, and make inspections of buildings or premises necessary to carry out the enforcement of this Ordinance.
  - a. If the Zoning Administrator or Ordinance Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he or she shall promptly notify the person(s) responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
  - b. The Zoning Administrator or Ordinance Enforcement Officer shall order the discontinuance of unlawful uses of land or structures, removal of unlawful structures or alterations, discontinuance of work performed in

violation of this Ordinance, and shall take such action(s) authorized by this Ordinance to ensure compliance with or prevent violation of Ordinance provisions.

6. The Zoning Administrator and Ordinance Enforcement Officer shall keep official records of applications received, certificates issued, fees collected, reports of inspections, and notices and orders issued.
7. The Zoning Administrator and Ordinance Enforcement Officer shall each submit to the Township Board an annual report or a report issued at more frequent intervals, as requested by the Township Board, in which a summary of the activities of the office is presented.
8. The Zoning Administrator shall provide citizens and public officials with information relative to these regulations and related matters, and shall assist applicants in completing appropriate forms and following zoning approval procedures.

**F. Township Planner Responsibilities.**

The Township may employ a Township Planner, who may be a member of Township staff; or a person, firm or organization retained on a consulting basis. In addition to specific responsibilities outlined elsewhere in these regulations and upon request from the Township Board, Planning Commission or other authorized Township body or official, the Township Planner may fulfill following responsibilities:

1. Prepare and administer such plans and ordinances as are appropriate for the Township and its environs, within the scope of applicable Township ordinances and state statutes.
2. Advise and assist the Township Board, Planning Commission, Zoning Board of Appeals, and other authorized Township bodies or officials; and be responsible for carrying out the directives of the Planning Commission.
3. Provide citizens and public officials with information relative to these regulations and related matters.
4. Review applications for zoning or development approval, administrative appeals, variances, and take any action required under these regulations.
5. At the request of the Planning Commission or Township Board, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the Township
6. Prepare and facilitate regular training workshops and/or educational materials for Township officials, boards, and commissions on planning and zoning topics.
7. Perform other related duties, as authorized, to administer these regulations.

**Section 1.07 Certificates of Zoning Compliance.**

No structure or site shall be used erected, moved, enlarged, altered or demolished until the owner or occupant has applied for and obtained a certificate of zoning compliance (or zoning

permit) from the Township. No certificate of zoning compliance shall be issued to erect, move, enlarge, substantially alter, or demolish a structure or site unless the request is in conformance with the provisions of this Ordinance.

It shall be unlawful to use or occupy or permit the use or occupancy of any structure or premises or part thereof created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator. Failure to obtain a certificate of zoning permit shall be a violation of this Ordinance subject to the provisions of Section 1.13 (Violations and Penalties). Review and approval of certificates of zoning compliance shall be subject to the following:

**A. Application.**

Applications for certificates of zoning compliance shall be made to the Zoning Administrator. Each application shall include a site plan as required in Section 1.07J (Site Plan or Plot Plan), and all information necessary to determine zoning compliance.

1. Application for a certificate of zoning compliance may be made by the owner or the lessee of the structure or lot, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work or operation.
2. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or qualified person making the application that the proposed work or operation is authorized by the owner in fee and that the applicant is authorized to make such application. Full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

**B. Where Building Permit is Required.**

All plans to be submitted to the Building Inspector for a building permit under the State Construction Code shall first be submitted for review and approval by the Zoning Administrator with respect to the requirements of this Ordinance. No building permit shall be issued unless a certificate of zoning compliance has been issued by the Zoning Administrator for the same development and is in effect.

**C. Where Building Permit is Not Required.**

In all cases in which a certificate of occupancy is required but a building permit is not required, the certificate of occupancy shall not be issued unless a certificate of zoning compliance has been issued by the Zoning Administrator and is in effect.

**D. Nonconformities.**

A certificate of zoning compliance shall not be issued for any use or structure unless said use or structure and the lot on which it is situated meet all requirements of this Ordinance.

1. If one (1) or more nonconformities exist, all of which are legal nonconformities, a certificate of zoning compliance shall be issued for the use or structure and the lot on which such use or structure is situated. In such a case, the certificate of zoning compliance shall clearly list each verified legal nonconformity.
2. If one (1) or more unlawful uses, structures or other site improvements are determined to exist, a certificate of zoning compliance shall not be issued for any

use or structure or the lot on which such unlawful uses, structures or other site improvements are situated.

**E. Amendments.**

Subject to the limitations of Section 1.07G (Abandonment of Application), amendments to a certificate of zoning compliance application or plan regulated by this Section may be filed any time before completion of work for which the certificate of zoning compliance was approved, and before a certificate of occupancy is issued. Such amendments shall be deemed a part of the original application and shall be filed therewith. The Zoning Administrator shall keep a written record of approved amendments to an application.

**F. Approval or Denial.**

The Zoning Administrator shall examine or cause to be examined all applications for a certificate of zoning compliance and amendments thereto.

1. If the application or plans do not conform to all of the requirements of this Ordinance, the Zoning Administrator shall reject the application in writing, stating the reasons therefore, within 15 calendar days of filing.
2. If the application or plans do so conform, the Zoning Administrator shall issue a certificate of zoning compliance within 15 calendar days of filing. The Zoning Administrator shall attach his or her signature to every certificate, or may authorize a subordinate to affix such signature. The Zoning Administrator shall stamp or endorse all sets of corrected and approved plans submitted with such application as "Approved."

**G. Abandonment of Application.**

An application for a certificate of zoning compliance shall be deemed to have been abandoned 365 calendar days after the date of filing, unless such application shall have been diligently pursued, or a building permit shall have been issued, or a certificate of occupancy shall have been issued for a use not requiring a building permit.

1. The Zoning Administrator may, for reasonable cause, grant one (1) or more extensions of time for additional periods not exceeding 90 calendar days each.
2. Any certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of 365 calendar days after time of commencing work.

**H. Revocation of Certificate.**

If any false statement or misrepresentation of fact is made in the application or on the plans on which the certificate was based, the Zoning Administrator may revoke the certificate of zoning compliance.

**I. Conditions.**

Issuance of a certificate of zoning compliance shall be subject to the following:

1. No certificate shall be issued until the required fees have been paid;
2. All work or use(s) shall conform to the approved application and plans for which the certificate has been issued, and any approved amendments thereto; and

3. All work or use(s) shall conform to the approved final site plan, if a final site plan is required under this Ordinance.

**J. Site Plan or Plot Plan.**

An application for a certificate of zoning compliance shall conform to any approved site plan required under this Ordinance. The Zoning Administrator may require that a copy of the approved final site plan be submitted with the certificate of zoning compliance application. If a site plan is not required under this Ordinance, two (2) copies of a plot plan, drawn to scale and containing the following information, shall be submitted:

1. Scale, date, and north point.
2. Location, shape, and dimension of the lot.
3. Dimensioned location, outline, and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures.
4. A clear and complete description of existing and intended uses of all structures, existing or proposed.
5. Additional information required by the Zoning Administrator to determine compliance with this Ordinance, including but not limited to a parcel survey.

**K. Inspections.**

Per Section 1.06 (Authority, Duties, and Responsibilities), shall be the duty of the Zoning Administrator to inspect work performed under an approved certificate to verify Ordinance compliance. It shall be the duty of the holder of every certificate of zoning compliance to notify the Township when the work subject to the certificate is ready for inspection. Upon determination that the work has not been completed in conformance with this Ordinance, the Zoning Administrator shall take action in accordance with Section 1.13 (Violations and Penalties) to correct the violation.

**Section 1.08 Building Permits.**

Issuance of a building permit under the State Construction Code shall not exempt a building permit holder from compliance with the requirements of this Ordinance. Any building permit required in accordance with the State Construction Code shall be in addition to any certificate(s) of zoning compliance required under this Ordinance. No building permit shall be issued for the erection, alteration, moving, or repair of any structure or part thereof that does not comply with all provisions of this Ordinance and all other Township ordinances, nor shall such a permit be issued unless a certificate of zoning compliance has been issued therefore by the Zoning Administrator and is in effect.

**Section 1.09 Certificates of Occupancy.**

It shall be unlawful to use or occupy or permit the use or occupancy of any structure or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Building Authority.

**A. General Requirements.**

A certificate of occupancy shall not be issued until the Zoning Administrator confirmed compliance with all provisions of this Ordinance by signature or in writing to the Building Authority. A certificate of occupancy shall not be issued for any structure or part thereof, or for use of land, which does not comply with all provisions of this Ordinance. Failure to obtain a certificate of occupancy and a written verification of zoning compliance when required shall be a violation of this Ordinance and shall be punishable in accordance with Section 1.13 (Violations and Penalties).

The Zoning Administrator shall review each application for a certificate of occupancy to verify that the structure complies with all regulations of this Ordinance. The Building Authority shall review such applications for compliance with the State Construction Code and any adopted property maintenance code.

**B. Application.**

Application for certificate of occupancy shall be made in writing to the Building Authority in accordance with the State Construction Code.

**C. Certificates of Occupancy Required Under Building Code.**

Certificates of occupancy as required by the State Construction Code for new buildings or structures or parts thereof, or for alterations or repairs to existing buildings or structures, shall also constitute certificate of occupancy as required by this Ordinance, provided such certificates include written verification of zoning compliance from the Zoning Administrator.

**Section 1.10 Records.**

The Zoning Administrator shall, in cooperation with the Township Clerk, maintain records of all certificates and permits issued under this Ordinance, which shall be open for public inspection.

**Section 1.11 Fees and Performance Guarantees.**

The Township Board shall establish a fee schedule by resolution to defray fixed costs and variable expenses incurred by the Township to perform functions required under this Ordinance. In accordance with the Township's adopted fee schedule, the Township Board, Zoning Board of Appeals, Planning Commission, and Zoning Administrator may also require an applicant to deposit funds with the Township to defray anticipated variable costs and expenses incurred by the Township. No action shall be taken on any application or appeal until all applicable fees and escrow deposits have been accepted by the Township Treasurer.

**A. Application Fees for Fixed Costs and Expenses.**

Fixed costs and expenses for the processing of permits and applications for zoning, use, development or other approvals may be assessed as application fees, either as a nominal charge or based on a cost analysis. If based on cost analysis, the sums charged shall be periodically reviewed to ensure that cumulative charges reasonably reflect actual expenses and costs incurred by the Township.

1. Application fees are non-refundable, but may be waived by the Township Board for good cause.

2. The amount of the application fee shall be established by resolution of the Township Board.

**B. Escrow Deposits for Variable Costs and Expenses.**

The applicant may be required to deposit funds to defray anticipated variable costs and expenses incurred by the Township where professional input, study or review is desired before a final decision is made. Such escrow deposits may be used to pay professional expenses of community planners, engineers, attorneys, and other professionals whose expertise the Township values to provide guidance on the proposed application.

1. The funds shall be managed by the Township Clerk, and shall be deposited before the cost or expense is incurred.
  - a. The funds will not be deposited in an interest bearing account.
  - b. The applicant shall be regularly invoiced. The invoice shall show the date, sums credited and debited, and the manner in which the debit was computed, where appropriate.
  - c. Costs incurred to manage the account may be debited to the account.
2. Upon request by the applicant, the Township shall provide copies of any written reports and statements of expenses for the professional services rendered.
3. The Township shall provide written notice and a request for an additional escrow deposit to the applicant if at any time the sums on deposit appear insufficient to cover anticipated costs and expenses.
  - a. The applicant shall promptly deposit additional funds in accordance with the written request from the Township.
  - b. If additional funds are not promptly deposited, the Township shall issue a stop work order, cease review or table action on the application, deny zoning permits or certificates of zoning compliance associated with the application, or take no further action to process the project.
4. Sums remaining in the account when the project is completed shall be promptly returned to the applicant.

**C. Performance Guarantees.**

To ensure compliance with this Ordinance and faithful completion of required improvements, the Township Board, Planning Commission or Zoning Administrator may require that the applicant deposit with the Township Treasurer a financial guarantee, in a form satisfactory to the Township, to cover the cost of all improvements required as a condition of such approval. Such guarantees shall be deposited prior to the start of work or issuance of any zoning permits or certificates of zoning compliance, and shall be subject to the following:

1. The amount of the performance guarantee shall be established based on an estimate of the cost of completing of all required improvements prepared by the applicant and accepted by the Planning Commission.

2. The form of the deposit shall be cash, certified check, bond, irrevocable bank letter of credit from a bank with offices in southeastern Michigan, or other surety acceptable to the Township Board.
3. Performance guarantees shall continue until the Planning Commission has verified that the conditions for release of the guarantee have been met.

### **Section 1.12 Compliance with Plans and Applications.**

Certificates of zoning compliance, building permits, and certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator and Building Authority authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and shall be punishable as provided for in Section 1.13 (Violations and Penalties).

### **Section 1.13 Violations and Penalties.**

The standards and requirements of this Ordinance reflect obligations to the community at large. It shall be the duty of the property owner and all persons having responsibility for the establishment of any use or the construction, alteration or demolition of any structure or site to verify that such work is not in violation of this Ordinance. Persons having responsibility for work in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

#### **A. Violation.**

Failure to comply with any of the provisions of this Ordinance, or provisions of permits or certificates granted in accordance with this Ordinance shall constitute a violation subject to issuance of a municipal civil infraction or misdemeanor citation and other measures allowed by law.

1. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
2. For purposes of this Section, the term "subsequent offense" shall mean a violation of the provisions of this Ordinance committed by the same person within 365 calendar days of a previous violation of the same provision for which the person admitted responsibility or was found responsible by the court.
3. Each day that a violation is permitted to exist shall constitute a separate offense. Offenses committed on subsequent days within a period of seven (7) calendar days following the issuance of a citation for a first offense shall all be considered separate first offenses.

#### **B. Correction Period and Stop Work Orders.**

All violations shall be corrected within 30 days following the receipt of an order to correct from the Zoning Administrator or other ordinance enforcement official as designated and authorized by the Township Board. The Zoning Administrator or other ordinance enforcement official may:



1. Grant an extension of up to 180 days upon determining that the additional time is necessary for correction.
2. Require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.
3. Issue may issue a stop work order to halt all construction activities or usage pending the resolution of the alleged violation.

If the violation is not corrected within the time period specified by the Zoning Administrator or other ordinance enforcement official, or a stop work order is disregarded, the Zoning Administrator or other ordinance enforcement official shall notify the Township Board and request that appropriate legal action be taken by the Township Attorney to resolve the violation.

### C. Penalties and Remedies.

A firm, corporation, person or persons, or anyone acting on behalf of said person, persons, firm or corporation who violates the provisions of this Ordinance by failing to comply with any of its provisions and requirements, including without limitation, violations of conditions and safeguards established in connection with variances, approved site plans, permits, certificates, or other authorizations under this Ordinance shall be subject to any or all of the following penalties and remedies:

1. **Violation as misdemeanor.** A violator shall be guilty of a misdemeanor and upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 90 calendar days, or both, and in addition, shall pay all costs and expenses involved in the case, including cost of prosecution. Each day a violation continues shall be considered a separate offense. The imposition of such fines or sentences shall not exempt the violator from compliance with this Ordinance.
2. **Violation as civil infraction.** The violator shall be responsible for a civil infraction for which the court may impose a civil fine of not less than \$100.00 nor no more than \$10,000.00 per day of violation plus all costs, direct or indirect, which the Township has incurred in connection with the violation, including the Township's attorney fees. The imposition of any such fine shall not exempt the violator from compliance with this Ordinance.
3. **Injunctive relief.** The Township may commence civil suit seeking injunction, specific performance, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance.
  - a. In the event the Township commences civil suit pursuant to this Section and it is determined that a violation has occurred, in addition to any other remedies to which the Township shall be entitled, it shall also be entitled to recover from the violator its actual attorney fees and costs incurred in enforcing provisions of this Ordinance.
  - b. A petition for injunctive relief shall in no way relieve the violator of any and all criminal or civil liability associated with the violation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, any other actions by the Township against the violator.

4. **Choice of remedy.** The decision to charge a violator with a misdemeanor or a civil infraction or to seek injunctive relief to enjoin violations of the Ordinance or any combination of these remedies shall be at the sole discretion of the Township.

**D. Public Nuisance Per Se.**

Any structure which is erected, altered, or converted, or any use of any structure or lot which is established or altered in violation of any of the provisions of this Ordinance is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

## **Section 1.14 Public Hearing Procedures.**

A reasonable time and place shall be established for any public hearing required by or held under provisions of this Ordinance. A public hearing date, time, and location may be set by the Township Clerk or other designated Township official, or by the body charged with conducting the hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act and the following:

**A. Public Notice.**

Notice of the public hearing shall be required in accordance with the following:

1. **Minimum notice contents.** The notice shall include the time and place of the hearing, the name of the body charged with conducting the hearing, a summary of the subject and purpose of the hearing, and a listing of the methods by which questions can be addressed and comments provided to the body charged with conducting the hearing.
2. **Address of the property.** The notice shall indicate the property that is the subject of the request, and shall include a listing of all existing street addresses for the subject property.
  - a. Street addresses do not need to be created and listed if no such addresses currently exist for the subject property. If there are no street addresses, other means of property identification may be used.
  - b. For any group of eleven (11) or more adjacent lots or parcels proposed for rezoning, individual addresses shall not be required to be listed on the notice.
3. **Posting and publication.** The notice shall be posted at the location where the hearing will be held and published once in a newspaper of general circulation in the Township.
4. **Notification of the applicant and property owner.** The notice shall be sent by mail or personal delivery to the applicant and owner(s) of property for which a review is being considered.
5. **Delivery of public notices.** The notice shall be sent by mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the subject property, and to all occupants of structures within 300

feet of the boundary of the subject property, regardless of whether the property or occupant is located in the zoning jurisdiction.

- a. If the name of the occupant is not known, the term "occupant" may be used in making notification.
  - b. Delivery of such notices shall not be required for amendments to or interpretations of the text of this Ordinance, appeals of administrative decisions, and any group of eleven (11) or more adjacent lots or parcels proposed for rezoning.
  - c. Such notices need not be given to more than one (1) occupant of a building, except as follows:
    - (1) If a building contains more than one (1) dwelling unit owned or leased by different persons, one (1) occupant of each unit shall be given notice.
    - (2) If a building contains more than four (4) dwelling units owned or leased by different persons, notice may be given to the building owner or manager with a request to post the notice at the primary building entrance.
  - d. For any proposed amendment to the zoning map within 300 feet of the boundary of any adjacent municipality, written notice of the public hearing shall be sent by regular U.S. mail to the Clerk or the zoning or planning agency of said municipality.
  - e. If the notice is delivered by mail, an affidavit of mailing shall be filed with the body charged with conducting the hearing.
6. **Timing of notice posting, publication, and mailing.** The notice shall be posted, published, and mailed or personally delivered in accordance with the requirements of this Section not less than 15 days before the hearing date when the application will be considered.

**B. Discretionary Notice.**

The Township may, at its discretion, also post notice of a public hearing at other public-accessible locations, such as community bulletin boards or the Internet. The Township Board may also establish a policy to consistently send such notices by mail to persons located more than 300 feet from the boundary of the property in question, provided that the applicant shall not be required to pay for the additional mailing expenses.

**C. Pre-Hearing Examination.**

Upon reasonable request, any person may examine the application and all other documents on file with the Township pertaining to the subject and purpose of the hearing. Any person shall be entitled to copies of such application and documents upon reasonable request and payment of fees as established by the Township Board to cover the cost of making such copies.

**D. Right to Submit Written Statements.**

Any person may submit written comments about the subject and purpose of the hearing prior to a hearing, or following such hearing within such time as the hearing body may allow. Such statements shall be made a part of the public record of the hearing.

**E. Timeframe for Hearings.**

The public hearing shall be scheduled for a date not more than 180 calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless a shorter time period is required by a provision of this Ordinance or a further time is agreed upon by the parties concerned.

**F. Rights of All Persons.**

Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.

**G. Adjournment.**

The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time, and place for the purpose of accumulating further evidence or information, or for such other reasons that the body finds to be sufficient. No additional public notice is required beyond that already given for the original hearing.

**H Governance.**

All other matters pertaining to the conduct of hearings shall be governed by applicable provisions of this Ordinance, and the rules and procedures adopted by the body conducting the hearing.

## ARTICLE 2.0 ZONING DISTRICTS

### SECTION 2.100 PURPOSE OF DISTRICTS

#### Section 2.101 Zoning Districts.

For the purpose of this Ordinance, Freedom Township is hereby divided into districts as follows:

| Type of District   | Zoning District Name               | Symbol |
|--------------------|------------------------------------|--------|
| <b>Rural</b>       | Agricultural-Resource District     | AR     |
| <b>Residential</b> | Rural Residential District         | R-2    |
|                    | Manufactured Housing Park District | R-6    |
| <b>Business</b>    | Lake District                      | LK     |
|                    | Convenience Commercial             | C-1    |
|                    | Special Commercial                 | C-2    |
|                    | Industrial-Research                | I-1    |
| <b>Other</b>       | Public/Semi-Public Services        | PSP    |

#### Section 2.102 Agriculture-Resource (AR) District.

The Agricultural-Resource (AR) District is hereby established to conserve the rural character, agricultural uses, farmlands and operating farmsteads, and natural resource areas and fragile lands of the Township in accordance with the Township’s Master Plan. This district is composed of a mixture of agricultural lands, other tilled lands, woodlands, wetlands, pastures, and open fields or scrublands; with farmsteads and low density single family residences occurring along predominantly gravel roads. A limited amount of non-farm housing shall be allowed in this district. However, it should be noted that the primary intended use of this AR District is agricultural activities, so that there may be odors, dust, exterior lighting, and noise associated with these activities that are not compatible with residences. Care should be taken to minimize conflicting land uses.

It is recognized that the public health and welfare of the citizens of the Township, Washtenaw County, the State of Michigan, and the United States of America are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. This AR District is intended to ensure that land areas within the Township that are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses that would hinder agricultural practices and irretrievably deplete agricultural lands.

It is further recognized that certain value-added services and agricultural-support uses are necessary to support local agricultural activities and the rural economy of the Township. Accordingly, it is the intent of this District to promote agricultural and recreational uses as an important component of the local economy, and to allow for a limited range of agriculture- and recreation-oriented tourism, educational, and limited commercial uses directly related to the agri-business operations, subject to standards designed to minimize impacts on the Township’s rural character.

This AR District has the following additional purposes and objectives:

1. Protect areas of the Township for agricultural production, distribution and accessory uses, and discourage the encroachment of land uses incompatible with active agricultural and recreational uses into rural areas of the Township.
2. Encourage long-term investment in improvements needed to maintain and expand agricultural production and promote a profitable agricultural economy in the Township.
3. Minimize cost of providing services to rural areas, and minimize excessive and unnecessary public expenditures caused by scattered demand for urban and suburban levels of public services in rural areas of the Township.
4. Protect prime farmland from speculative increases in land values, and minimize loss of prime farmland and fragmentation of rural land by division into small parcels.
5. Minimize conflicts between agricultural activities and residences.
6. Reduce the amount of land consumed in rural areas for non-agricultural use, and prevent intrusion of uses that are incompatible with the agricultural, open space or natural features preservation objectives of this District.

### **Section 2.103 Rural Residential (R-2) District.**

The Rural Residential (R-2) District is hereby established to provide areas for rural non-farm residences on lots of sufficient size to permit use of on-site, private septic tanks and drainfields for wastewater disposal; and the use of on-site, private wells for potable water. The intent of this R-2 District is to provide for an environment of predominantly single-family detached dwellings, along with other associated uses and facilities that serve residents in the district.

The R-2 District is intended to be used in those parts of the Township planned for rural residential uses where soils are suitable for septic tanks, drainfields, and wells; and where publicly owned and operated sanitary sewerage and public water supply systems are not planned to be extended. The R-2 District is designed to preserve a distinctly rural residential character, and to protect wooded areas, wetlands, wildlife habitats, and similar areas that may be endangered or destroyed by higher intensity uses or development.

### **Section 2.104 Manufactured Housing Park (R-6) District.**

The Manufactured Housing Park (R-6) District is hereby established to provide for the location and regulation of manufactured housing parks (formerly known as "mobile home parks"), as defined by the Mobile Home Commission Act, P.A. 96 of 1987 (as amended), and the Manufactured Housing Commission General Rules. It is intended that manufactured housing parks be provided with necessary community services and other associated uses and facilities that serve the residents in the district in a setting that provides a high quality of life for residents. In accordance with the purpose of this district, manufactured housing parks shall be located in areas where they will be compatible with adjacent land uses.

The regulations and rules established by the Mobile Home Commission Act (P.A. 96 of 1987, as amended) and the Manufactured Housing Commission govern all manufactured housing parks.

Where regulations in this Ordinance exceed the state law or general rules, they are intended to promote the health, safety and welfare of Township residents, and to ensure that manufactured housing parks are developed and maintained in a manner equivalent to the standards established by this Ordinance for comparable residential developments in the Township.

The R-6 District is intended for areas designated in the Master Plan for manufactured housing park development, and which are served adequately by essential public facilities and services (such as access streets, police and fire protection, and public water, sanitary sewer, and storm drainage facilities). Dwellings in this district shall be considered and regulated as urban dwelling units, which deserve and require locations, services, and facilities similar to any other single-family and multiple-family dwelling units built at urban densities. Uses in the R-6 District shall be located near roads with adequate planned capacity to accommodate the traffic volumes typically generated by higher density development, and shall be served by appropriate utilities and services. Development in the R-6 District shall be subject to appropriate standards to ensure sufficient light, air, and privacy for all uses, prevent congestion on public roads, reduce hazards to life and property, provide basic amenities, and ensure compatibility with abutting districts and uses.

### **Section 2.105 Lake (LK) District.**

The Lake (LK) District is hereby established to encourage and permit mixed uses with a rural hamlet scale and character in the Fredonia area of the Township. Uses permitted in this district are intended to be local and neighborhood in scale and intensity, compatible with neighboring residences, and oriented towards pedestrians. The LK District is intended to encourage retention of historic buildings and existing residential structures, either in residential use or in conversion to other permitted uses, and to ensure that remodeled or new structures are consistent in design, orientation, and location with a rural hamlet character.

It is the intent of this district to permit a mixture of local commercial, office, community, and residential uses in a manner compatible with a rural hamlet character. The setting of buildings and location of non-residential uses shall respect the character of this area and be consistent with the Township's Master Plan. Permitted uses shall be compatible with and supportive of each other and of a unified architectural character and historic intent. Parking areas and automobile-oriented facilities shall not dominate the appearance of buildings and sites.

It is recognized that sites and structures within the Lake District may be of historic value, and that when a site or structure is to be utilized under the regulations of this district that the following standards also be maintained:

1. That every reasonable effort be made to provide a compatible use for a property which requires minimal alteration of the structure or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment will not be destroyed.

### **Section 2.106 Convenience Commercial (C-1) District.**

The Convenience Commercial (C-1) District is hereby established as a business district to provide suitable locations for retail, service, and office enterprises that serve a localized market area. Goods and services to be provided by establishments in the C-1 District are intended to

meet the day-to-day needs of Township residents for convenience and durable goods, food, shopping, and related goods and services. The C-1 District is also intended to provide suitable locations for medical, professional, administrative, and executive offices; and personal, business, and professional service establishments.

Building owners in the C-1 District are encouraged to provide retail or personal service uses at the street level, and to orient buildings with display windows and public entrances facing the road right-of-way. Building sizes for permitted uses may be limited to promote appropriately scaled business development in the district.

Uses that would create hazards, loud noises, vibration, smoke, glare, heavy traffic or late hours of operation are prohibited. Unless otherwise specified, automotive-related services and other uses that would typically interfere with the continuity of retail frontage, hinder pedestrian circulation and disrupt the functioning of this district shall also be prohibited.

The C-1 District is intended to encourage consolidation of business establishments, particularly as neighborhood shopping centers. Consolidations other than shopping centers are also encouraged with the intent of avoiding strip commercial development, lessening traffic congestion by reducing the number of commercial driveways opening onto major roads, and improving the safety and convenience of consumers. Establishments permitted in the C-1 District may be located on arterial or collector roads.

### **Section 2.107 Special Commercial (C-2) District.**

The Special Commercial (C-2) District is hereby established as a business district to provide sites for more diversified business types which would often be incompatible with the intended character of the C-1 District, and which are oriented to serving the needs of "passer-by" traffic within the Township and surrounding region. The C-2 District is further intended to provide opportunities for automobile-related businesses, uses that generate large traffic volumes or require substantial off-street parking facilities, and other uses that require adequate separation distance from residential and institutional uses.

Because of the types of uses permitted in the C-2 District, detailed attention shall be focused on providing adequate buffering from adjacent uses, site layout, building orientation, and access. Accordingly, the C-2 District should be located near major roads or state highways to prevent potential nuisances and use conflicts.

### **Section 2.108 Industrial-Research (I-1) District.**

The Industrial-Research (I-1) District is hereby established as a business district to permit certain operations and facilities of an office, research, laboratory, warehousing, wholesaling, and light manufacturing character to locate in planned areas of the Township where such uses will not have a detrimental impact on surrounding uses and districts. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive, and radioactive hazards, and other harmful or obnoxious matter. The district is also intended for operations which store materials, supplies, products, equipment, and refuse predominantly within buildings; outdoor storage is not intended to be permitted as the predominant use of any parcel in this district. Reasonable regulations and limitations on permitted industrial uses of a more intensive character to minimize any adverse effects on other areas of the Township.



It is further intended that the I-1 District provide specific use and site development standards designed to promote the creation of high quality facilities. The I-1 District has been located within the Township to permit the development of these industrial and research uses, to protect adjacent agricultural, residential, and commercial areas against the encroachment of incompatible uses, and to minimize congestion on public roads and highways. To these ends, uses that would interfere with the purpose of this district have been excluded.

**Section 2.109 Public/Semi-Public Services (PSP) District.**

The Public/Semi-Public Services (PSP) District is hereby established to accommodate dedicated areas of open space, government buildings and uses, institutional and recreational uses, and similar uses of a public service or institutional character.

## **SECTION 2.200 GENERAL STANDARDS**

### **Section 2.201 Principal Uses and Conditional Uses.**

In all districts, no structure or land shall be used or occupied, except in conformance with Article 4.0 (Land Use Table), and as otherwise provided for in this Ordinance. Conditional uses may be permitted in accordance with Article 4.0 (Land Use Table), subject to a public hearing and approval by the Planning Commission in accordance with Article 16.0 (Conditional Uses).

### **Section 2.202 Prohibited Uses.**

Uses not listed in Article 4.0 (Land Use Table) as a permitted use in a particular zoning district or otherwise determined by the Zoning Board of Appeals to be similar to a permitted use per Section 17.08 (Interpretations) shall be prohibited in the district. Land uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances shall be prohibited in any zoning district.

### **Section 2.203 Design and Development Requirements.**

All uses shall comply with any applicable requirements of Article 5.0 (Use Standards), and all other applicable provisions of this Ordinance and other applicable regulations and standards. No structure shall be erected, reconstructed, altered or enlarged and no permits or certificates of occupancy shall be issued except in conformance with this Ordinance and other applicable regulations and standards.

### **Section 2.204 District Boundaries.**

The boundaries of zoning districts, unless otherwise shown on the Official Zoning Map, shall be lot or parcel lines, municipal boundaries, and the centerlines of road, railroad or other dedicated rights-of-way.

#### **A. Zoning of Rights-of-Way.**

Road, railroad, and other dedicated rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as land immediately abutting upon the right-of-way. Where the centerline of a right-of-way serves as a district boundary, the zoning of the right-of-way, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting land up to the centerline.

#### **B. Zoning of Vacated Areas.**

Any road, railroad or other dedicated right-of-way or other public way or portion thereof within the Township not otherwise classified within the boundaries of a zoning district on the Official Zoning Map shall, upon vacation, automatically be classified in the same zoning district as the land(s) to which it attaches.

### **Section 2.205 Official Zoning Map.**

For the purpose of this Ordinance, the zoning districts as provided herein are bounded and defined as shown on a map entitled "Official Zoning Map of Freedom Township." The Official Zoning Map, and all explanatory matters thereon, are hereby made a part of this Ordinance.

**A. Identification of Official Zoning Map.**

The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, under the following or equivalent words: "This is to certify that this is the Official Zoning Map referred to in the Freedom Township Zoning Ordinance" together with the effective date of the ordinance by which the map was adopted by the Township Board.

**B. Changes to Official Zoning Map.**

If, in accordance with the procedures of this Ordinance and the Michigan Zoning Enabling Act, a change is made in a zoning district or boundary, such change shall be entered onto the Official Zoning Map by the Township Clerk promptly after the ordinance authorizing such change shall have been adopted and published with an entry on the Official Zoning Map stating the date of the Township Board action, and a brief description of the change. The entry shall be signed by the Township Supervisor and attested by the Township Clerk.

1. Any change in corporate boundaries within the Township shall be entered on the Official Zoning Map by the Township Supervisor with his or her signature and date, and attested by the Township Clerk.
2. No change of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformance with the procedures set forth herein. Any other change of whatever kind by any person or persons shall be considered a violation of this Ordinance.

**C. Authority of Official Zoning Map.**

Regardless of the existence of purported copies of the Official Zoning Map that, from time to time, may be made or published, the Official Zoning Map shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, or structure in Freedom Township. The Official Zoning Map shall be located in the office of the Township Clerk at the Township Hall, and shall be open to public inspection.

**D. Replacement of Official Zoning Map.**

If the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature and the number of changes made thereto, the Township Board may by ordinance adopt a new Official Zoning Map that shall supersede the prior zoning map. The new Official Zoning Map may correct drafting or other errors or omissions on the Official Zoning Map, but such corrections shall not have the effect of amending the Zoning Ordinance or the prior Official Zoning Map.

1. The replacement map shall be identified by signature of the Township Clerk, attested by the Township Supervisor, and bear the seal of Freedom Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Freedom Township, adopted on [date] which replaces and supersedes the Official Zoning Map adopted on [date]."
2. Unless the prior Official Zoning Map has been lost or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

**E. Rules for Interpretation.**

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall govern:

1. A boundary indicated as approximately following the a road centerline shall be construed as following such centerline as it exists on the ground.
2. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
3. A boundary indicated as approximately following a municipal boundary of a city, village, or township shall be construed as following such line.
4. A boundary indicated as following a railroad or trail right-of-way shall be construed as being located midway in the right-of-way of said railroad.
5. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline shall be construed as following the shoreline existing at the time the interpretation is made.
6. A boundary indicated as following the centerline of a stream or river, canal, lake, or other body of water shall be construed as following such centerline existing at the time the interpretation is made.
7. A boundary indicated as parallel to, or as an extension of features described in this subsection, shall be so construed.
8. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.
9. In circumstances not otherwise addressed, or where an existing physical or natural feature is at variance with that shown on the Official Zoning Map, the Zoning Board of Appeals shall interpret the location of the district boundary.
10. Where a district boundary divides a lot that is in single ownership at the time of adoption of this Ordinance, the Zoning Board of Appeals may permit an extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed 50 feet beyond the district line into the remaining portion of the lot.

## ARTICLE 3.0 DIMENSIONAL STANDARDS

### Section 3.101 Table of Dimensional Standards by District.

| Standards  |  | Districts                 |           |               |               |               |          |          |               | Additional Provisions |               |
|--|--|---------------------------|-----------|---------------|---------------|---------------|----------|----------|---------------|-----------------------|---------------|
|  |  | AR                        | R-2       | R-6           | LK            | C-1           | C-2      | I-1      | PSP           |                       |               |
| <b>Maximum Building Height</b> (feet)  | Feet                                       | 35                        | 35        | 25            | 35            | 35            | 35       | 45       | 35            | Section 3.201         |               |
|  | Stories                                    | 2.5                       | 2.5       | 2.0           | 2.5           | 2.0           | 2.0      | 2.0      | 2.0           |                       |               |
| <b>Lot Standards</b> (per unit)  | <b>Minimum Width</b> (feet)                | 300                       | 150       | 500           | 100           | 100           | 150      | 150      | 100           | Section 3.202         |               |
|  | <b>Minimum Area</b> (acres or square-feet) | 10.0 acres                | 3.0 acres | 22,000 sq.ft. | 10,000 sq.ft. | 10,000 sq.ft. | 1.0 acre | 1.0 acre | 10,000 sq.ft. |                       |               |
| <b>Yard / Setback Standards</b> (feet)   | <b>Front Yard</b>                          | <b>Minimum</b>            | 50        | 50            | 50            | 20            | 35       | 35       | 50            | 35                    | Section 3.203 |
|  |  | <b>Maximum</b>            |           |               |               | 35            |          |          |               |                       |               |
|  | <b>Side Yard</b>                           | <b>Minimum, Each Side</b> | 30        | 10            | 30            | 10            | 10       | 10       | 20            | 10                    | Section 3.204 |
|  | <b>Minimum Rear Yard</b>                   |                           | 50        | 35            | 50            | 35            | 35       | 35       | 35            | 35                    |               |
| <b>Minimum Separation Between Principal Buildings</b> (feet)                   |  |                           | 20        | 10            |               | 20            | 20       | 20       |               |                       |               |
| <b>Maximum Floor Area Ratio (FAR)</b>  |  | 0.10                      | 0.10      |               | 0.60          | 0.60          | 0.60     | 0.60     | 0.60          |                       |               |
| <b>Maximum Ground Floor Coverage (GFC)</b>                                     |  | 10%                       | 10%       | 30%           | 30%           | 30%           | 30%      | 30%      | 30%           |                       |               |
| <b>Minimum Gross Floor Area of a Principal Detached Dwelling</b> (square-feet) |  | 1,000                     | 1,000     | 1,000         | 1,000         |               |          |          |               |                       |               |
| <b>Maximum Net Dwelling Unit Density</b> (units per acre)                      |  | 1.0                       | 1.0       | 6.0           |               |               |          |          |               | Section 3.202         |               |

| Type of District   | Zoning District Name                 | Symbol |
|--------------------|--------------------------------------|--------|
| <b>Rural</b>       | Agricultural-Resource District       | AR     |
| <b>Residential</b> | Rural Residential District           | R-2    |
|                    | Manufactured Housing Park District   | R-6    |
| <b>Business</b>    | Lake District                        | LK     |
|                    | Convenience Commercial District      | C-1    |
|                    | Special Commercial District          | C-2    |
|                    | Industrial-Research District         | I-1    |
| <b>Other</b>       | Public/Semi-Public Services District | PSP    |

**SECTION 3.200  
SUPPLEMENTAL PROVISIONS AND EXCEPTIONS****Section 3.201 Height Exceptions.**

Exceptions to the maximum height standards set forth in this Article shall be permitted, as follows:

1. **Farm structures.** The height of farm buildings, as defined in Section 19.03 (Definitions) shall be exempt from the requirements of this Ordinance where otherwise regulated by the Right to Farm Act.
2. **Wireless communication towers.** Wireless communication towers and antennae shall be subject to the maximum height standards of Section 10.19 (Wireless Communication Facilities).
3. **Wind energy conversion systems (WECS).** Wind energy conversion systems (WECS) shall be subject to the maximum height standards of Section 10.06 (Wind Energy Conversion Systems).
4. **Institutional uses.** The maximum height of buildings and appurtenances occupied or intended to be occupied by institutional uses, as defined in Section 19.03 (Definitions) shall be subject to the provisions of Section 3.101 (Table of Dimensional Standards by District) and Section 5.305 (Institutional Uses).
5. **Limited exceptions.** Chimneys, elevator towers, stage scenery lofts, mechanical equipment, and similar structures shall not be included in calculating the height of a principal building, provided that the total area covered by such structures shall not exceed twenty percent (20%) of the roof area of the building.

**Section 3.202 Lot and Dwelling Unit Density Standards.**

The following standards and exceptions to the lot and dwelling unit density provisions set forth in this Article shall apply to all lots in the Township, as follows:

**A. AR District Sliding Scale Land Division - Schedule of Density Table.**

The number of lot splits from existing legal parcels allowed within the AR (Agricultural-Resource) District are depicted within the chart below. For the purposes of this regulation, all parcels legally existing prior to 1988 when this provision was initially adopted into the Freedom Township Zoning Ordinance shall be considered parent parcels under the current Zoning Ordinance.

1. Review and approval of such lots splits shall also conform to the procedures and requirements of Article 9.0 (Acreage Parcel Division).
2. When the number of parcel splits have taken place according to the chart below, no additional splits shall be permitted. Parcels within the AR District may only be split in accordance with the following:

| <b>AR District Sliding Scale Land Division<br/>Schedule of Density Table</b> |  |
|--|--|
| <b>Area of Lots of Record</b>  | <b>Maximum Number of<br/>Additional Lots Permitted</b> |
| Up to 9.99 acres   | 0  |
| 10.0 acres to 40.0 acres   | 1  |
| 40.01 to 80.0 acres  | 2  |
| 80.01 to 120.0 acres   | 3  |
| 120.01 to 160.0 acres  | 4  |
| 160.01 to 200.0 acres  | 5  |
| 200.01 to 240.0 acres  | 6  |
| 240.01 to 280.0 acres  | 7  |
| 280.01 to 320.0 acres  | 8  |
| More than 320.0 acres  | 9  |

**B. Residential Density Calculations.**

The following shall be excluded from the total acreage used in calculating the net density of dwelling units in a Rural Residential or Residential zoning district or any special district that includes RESIDENTIAL USES:

1. Existing rights-of-way and easements;
2. Rights-of-way and easements of proposed public and private roads serving the development;
3. Steep slopes, as defined in Section 19.03 (Definitions); and
4. Floodplains, wetlands, bodies of water, watercourses, and drainageways.

**C. Maximum Residential Density.**

The maximum net density of any residential development subject to development plan or subdivision plat approval in accordance with Article 15.0 (Site Plan Review), Article 8.0 (Condominium Regulations), or the Land Division Act and any Township subdivision regulations shall not exceed the maximum net dwelling unit density for the zoning district, as specified in Section 3.101 (Table of Dimensional Standards by District). The maximum net residential density for any planned unit development project shall be subject to the standards of Article 14.0 (Planned Unit Development District).

**D. Minimum Lot Area for Rural Residential Dwellings.**

The minimum lot area for residential dwellings in any Rural District or Residential District not served by a municipal sanitary sewerage system and a municipal water system shall be not less than one (1) acre, and shall satisfy all applicable Washtenaw County Environmental Health Division requirements for use of private septic systems.



**Section 3.203 Yard Standards.**

The following additional provisions apply to the yard and setback requirements of this Article:

**A. Front Yard Standards.**

Any required front yard area shall be used primarily for recreational and ornamental purposes, unless otherwise permitted by this Ordinance. No permanent structures and improvements shall be maintained within the required front yard, except for porches, fences, permitted signs, landscaping, pedestrian and vehicle access ways, and similar structures and improvements otherwise permitted by this Ordinance.

**B. Corner Lots and Double Frontage Lots.**

Structures on corner lots shall comply with the minimum front yard setback requirements from all street rights-of-way, except as may otherwise be required by this Ordinance. Such lots shall be deemed to have two (2) front yards for purposes of this Ordinance. Where a block of double frontage lots exists, one (1) street may be designated by the Zoning Administrator as the front street for all lots in the block. Otherwise, both frontages shall be considered front yards for purposes of this Ordinance.

**C. Maximum Setback.**

The purposes of the maximum front yard setback (also known as a "build-to line") for the commercial zoning districts are to minimize the need for excessive signage by maximizing the visibility of permitted commercial buildings; and to minimize visual and other impacts on the rural character of the Township from large expanses of parking. All new buildings constructed after the effective date of this Ordinance shall comply with the maximum setback requirements of this Article.

**D. Transition Buffer.**

For a land use in any of the following use groups [as defined in Article 4.0 (Land Use Table)] subject to site plan approval per Article 15.0 (Site Plan Review) and as otherwise required by this Ordinance, a transition buffer shall be provided in accordance with this subsection (see "Transition Buffers and Landscape Strips" illustration):

| <b>Transition Buffer Standards</b>        |   |                                       |
|---|---|---------------------------------------|
| <b>Use Group</b>                          | <b>Abutting Zoning District or Use Group</b>                                      | <b>Minimum Transition Strip Width</b> |
| OFFICE, SERVICE, AND COMMUNITY USES       | RURAL USES,<br>RESIDENTIAL USES,<br>Rural Districts, and<br>Residential Districts | 10 feet                               |
| COMMERCIAL USES                           |   | 20 feet                               |
| INDUSTRIAL, RESEARCH, AND LABORATORY USES |   | 40 feet                               |

1. Use groups shall be as defined in Article 4.0 (Land Use Table).
2. The minimum required transition buffer for uses in the Lake (LK) District shall be equal to fifty percent (50%) of the width otherwise required by this subsection.

3. The transition buffer shall be provided along every lot line, except front lot lines, which is contiguous to or across the street from a lot in such district
4. No road, driveway, parking area, sidewalk or similar improvement shall be located in the transition buffer area, except to cross in a more or less perpendicular direction for the purpose of providing access to the property from an adjacent street right-of-way.
5. The transition buffer and adjacent side yard setback area shall be improved with screening elements and plantings in accordance with Section 10.10 (Screening and Land Use Buffers). In addition to the transition buffer, the Planning Commission may require a fence to control the blowing of debris onto adjacent property.
6. All required building and yard setbacks for the lot shall be measured from the near boundary of a transition buffer that abuts or overlaps a lot boundary (see "Transition Buffers and Landscape Strips" illustration),. The transition buffer area shall not be included in the area used in calculating lot coverage or floor area ratio.

**E. Landscaping Strip.**

For any use subject to site plan approval per Article 15.0 (Site Plan Review) and as otherwise required by this Ordinance, a landscape strip at least 20 feet wide shall be provided along and adjacent to the front property line, along all street frontages, and shall extend across the entire width of the lot, subject to the following (see "Transition Buffer and Landscape Strips" illustration):

1. No road, driveway, parking area, sidewalk or similar improvement shall be located in this strip, except to cross in a more or less perpendicular direction for the purpose of providing access to the property from an adjacent street right-of-way.
2. The landscape strip may overlap the required front yard setback area for the zoning district.
3. The landscape strip and required front yard setback area shall be improved with greenbelt buffer plantings in accordance with Section 10.10 (Screening and Land Use Buffers).
4. Where RESIDENTIAL USES are proposed adjacent to a road right-of-way, the landscape strip shall not be part of any individual lot, but rather shall be part of the common land area for the development.

**Section 3.204 Permitted Yard Encroachments.**

Architectural features, chimneys, and other building projections and attached structures shall be considered part of the primary building for purposes of determining yard and setback requirements. Limited projections into certain required yards shall be permitted as follows:

| <b>Projection</b>   | <b>Yard</b>   | <b>Restrictions</b>  |
|---|---|--|
| Air conditioners, transformers, generators, and similar types of ground-mounted equipment | Rear, Side  | Not permitted in any required front yard. Units located within any required side yard shall be screened by a privacy fence.  |
| Access drives and sidewalks   | All   | None   |
| Egress window wells   | All   | May project up to three (3) feet into any required yard  |
| Flagpoles   | All   | Flagpoles shall be set back a minimum of 20 feet from all lot boundaries and road rights-of-way  |
| Handicapped access ramps  | All   | None   |
| Hydrants, laundry drying equipment, mailboxes, trellises, gardens, and plant materials    | All   | None   |
| Propane tanks   | Rear, Side  | Not permitted in any required front yard. Units located within any required rear yard shall be screened by a privacy fence. No unit shall be located within ten (10) feet of an adjacent lot boundary or building. |
| Accessory structures  | See Section 6.01 (Accessory Structures and Uses)              |  |
| Fences  | See Section 6.09 (Fences and Walls)                           |  |
| Swimming pools  | See Section 6.10 (Swimming Pools)                             |  |
| Signs   | See Article 12.0 (Signs)                                      |  |
| Off-street parking lots   | See Article 11.0 (Off-Street Parking and Loading Regulations) |  |

**Section 3.205 Compliance with Dimensional Standards.**

New lots created, new structures erected, and alterations to existing structures after the effective date of adoption or amendment of this Ordinance shall comply with all applicable dimensional standards of this Ordinance.

1. No structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and area regulations of the district in which the structure is located.
2. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance.
3. Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located.
4. Existing yard setbacks shall not be reduced below the minimum requirements of this Ordinance.

**Section 3.206 Number of Principal Dwellings per Lot.**

Except where otherwise authorized by this Ordinance, not more than one (1) principal, non-farm single-family dwelling shall be located on a lot, nor shall a single-family dwelling be located on the same lot with any other principal building or use. For single-family condominium developments, not more than one (1) principal detached dwelling shall be placed on each condominium lot, as defined in Section 19.03 (Definitions).

**Section 3.207 Frontage and Access Required.**

No dwelling shall be built on any lot that does not abut and have direct frontage on an approved public road or private road with an established road right-of-way.

1. Indirect access via a private access easement shall not be sufficient to satisfy this requirement.
2. Access via an approved private road that has been constructed, and maintained in accordance with the applicable private road design and construction standards or ordinances of the Township shall be sufficient to satisfy this requirement.
3. Every structure erected or relocated after the effective date of adoption or amendment of this Ordinance shall be so located on the lot as to provide safe and convenient access for emergency vehicles and any required off-street parking and loading areas.

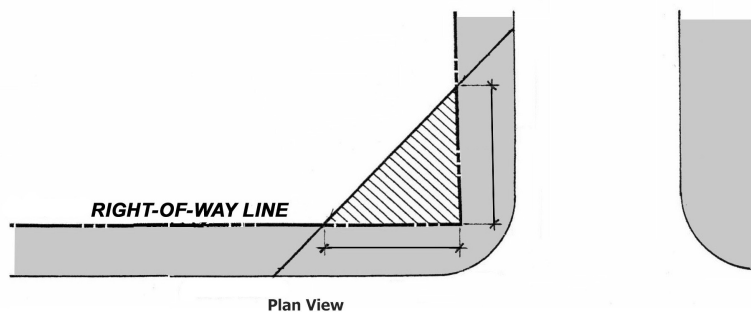
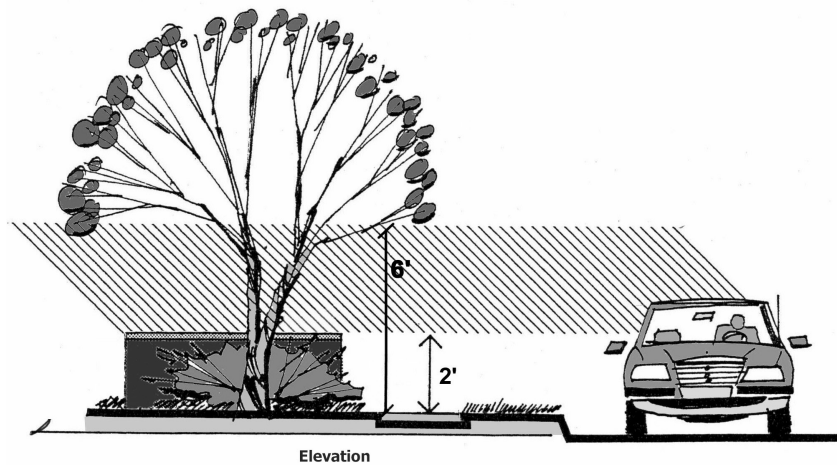
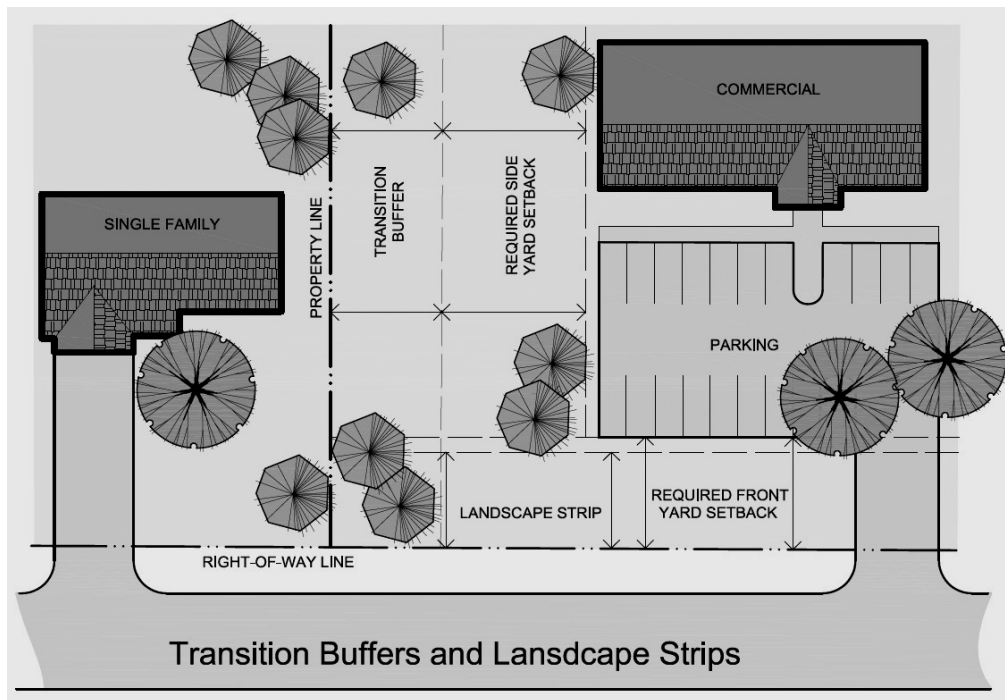
**Section 3.208 Corner Clearance Areas.**

On a corner lot in any zoning district, no fence, wall, hedge, structure, sign, screening element, planting or other obstruction to visibility shall be permitted between two (2) feet and six (6) feet above the existing centerline road grade within a triangular area formed by the intersection of two (2) road right-of-way lines connected by a diagonal across the interior of such lines at the following distances from the point of intersection:

| <b>Corner Clearance Areas</b>  |  |
|--|--|
| <b>Type of Road Intersection</b>   | <b>Minimum Corner Clearance Distance along Rights-of-Way</b> |
| Any intersection with a paved county primary road,                                       | 25 feet  |
| Any intersection of local or private roads, and any intersection of unpaved county roads | 15 feet  |

Trees shall be permitted within a corner clearance area, provided that limbs and foliage are trimmed so that they do not obstruct visibility or otherwise create a traffic hazard.

### ILLUSTRATIONS



### Corner Clearance Area



## ARTICLE 4.0 LAND USE TABLE

### Section 4.01 Key Designations in Table of Uses.

| SYMBOL   | KEY   |                 |
|----------|---|-----------------|
| <b>P</b> | Permitted Uses<br>in the Zoning<br>District | Principal Use   |
| <b>C</b> |   | Conditional Use |
| <b>A</b> |   | Accessory Use   |
| [Blank]  | Prohibited Use in the District              |                 |

### Section 4.02 Table of Permitted Uses by District.

The uses of land in the following table have been organized, for ease of use and convenience, into use groups based upon certain characteristics that the grouped uses may share. These use groups are described below:

1. **RURAL USES.** These uses primarily involve the keeping, breeding or use of animals; production or distribution of produce and farm-related products; and associated uses of a rural character or intensity.
2. **RESIDENTIAL USES.** These uses primarily involve housing of various types and densities, and associated uses typically found in a residential neighborhood.
3. **OFFICE, SERVICE, AND COMMUNITY USES.** Community uses are public-owned or operated uses; uses of a not-for-profit nature; uses that involve benefits or services generally provided to a significant portion of the population; or uses that serve as focal or gathering points for the community. Office or service uses are private-owned or operated uses; or uses of a for-profit nature, such as personal service establishments, medical and professional offices, workshops and studios, and similar associated uses.
4. **COMMERCIAL USES.** These are uses of a generally for-profit nature, and may include retail sales, food service, entertainment, repair services and similar associated uses.
5. **INDUSTRIAL, RESEARCH, AND LABORATORY USES.** These are uses of a light manufacturing, research, warehousing or wholesaling character; or that involve compounding, processing, packaging, assembly, storage or treatment of materials.
6. **OTHER USES.** These are uses that, because of unusual character, intensity or nuisance factors, do not fit well into the preceding use groups.

| Type of District   | Zoning District Name                 | Symbol |
|--------------------|--------------------------------------|--------|
| <b>Rural</b>       | Agricultural-Resource District       | AR     |
| <b>Residential</b> | Rural Residential District           | R-2    |
|                    | Manufactured Housing Park District   | R-6    |
| <b>Business</b>    | Lake District                        | LK     |
|                    | Convenience Commercial District      | C-1    |
|                    | Special Commercial District          | C-2    |
|                    | Industrial-Research District         | I-1    |
| <b>Other</b>       | Public/Semi-Public Services District | PSP    |



**Section 4.02 Table of Permitted Uses by District.**

| SYMBOL  | KEY                                   |                 | DISTRICTS |     |     |    |     |     |     | USE STANDARDS |               |
|---|---------------------------------------|-----------------|-----------|-----|-----|----|-----|-----|-----|---------------|---------------|
|   | P                                     | Principal Use   | AR        | R-2 | R-6 | LK | C-1 | C-2 | I-1 |               | PSP           |
| C   | Permitted Uses in the Zoning District | Conditional Use |           |     |     |    |     |     |     |               |               |
| A   |                                       | Accessory Use   |           |     |     |    |     |     |     |               |               |
| [Blank]   | Prohibited Use in the Zoning District |                 |           |     |     |    |     |     |     |               |               |
| USES  |                                       |                 | AR        | R-2 | R-6 | LK | C-1 | C-2 | I-1 | PSP           |               |
| <b>RURAL USES</b>   |                                       |                 |           |     |     |    |     |     |     |               |               |
| Agricultural Service Establishments   |                                       |                 | C         |     |     |    |     |     | P   |               | Section 5.102 |
| Bulk Feed, Grain, and Fertilizer Supply Outlet  |                                       |                 | C         |     |     |    | C   |     | C   |               | Section 5.102 |
| Conservation Area or Open Space, Forest or Wetland Preserve, Game or Wildlife Refuge, or Greenway |                                       |                 | P         | P   | P   | P  | P   | P   | P   | P             |               |
| Farms   |                                       |                 | P         | P   | P   | P  | P   | P   | P   | P             |               |
| Farm-Based Tourism or Entertainment Activities  |                                       |                 | P         |     |     |    |     |     |     |               | Section 5.101 |
| Farm Implement Sales or Repair  |                                       |                 | C         |     |     |    | C   |     | P   |               | Section 5.102 |
| Farm Market   |                                       |                 | C         |     |     |    | P   |     |     | P             | Section 5.102 |
| Farm Products Direct Marketing Business (including U-Pick)  |                                       |                 | P         | P   | P   | P  | P   | P   | P   | P             | Section 5.103 |
| Greenhouse, Residential   |                                       |                 | P         | A   | A   | A  |     |     |     | P             | Section 6.01  |
| Greenhouse, Agricultural  |                                       |                 | P         | A   | A   | A  | P   | A   | A   | A             | Section 5.104 |
| Hunting Preserve  |                                       |                 | C         |     |     |    |     |     |     | C             |               |
| Keeping of Livestock or Bees, Non-Farm  |                                       |                 | P         | P   |     |    |     |     |     |               | Section 5.105 |
| Kennel  |                                       |                 | C         | C   |     |    |     |     |     |               | Section 5.106 |
| Livestock Auction Yard  |                                       |                 | C         |     |     |    |     |     |     |               |               |
| Nursery   |                                       |                 | C         |     |     | C  | C   | C   | C   |               | Section 5.107 |
| Ponds for Irrigation, Farming, Landscaping, Recreation, or Similar Purposes                       |                                       |                 | A         | A   |     | C  | A   | A   | A   |               |               |
| Private Equestrian Riding Arena or Stable   |                                       |                 | P         |     |     | P  |     |     |     |               | Section 5.108 |
| Public or Commercial Equestrian Riding Stable   |                                       |                 | C         |     |     | C  |     |     |     | C             | Section 5.109 |
| Roadside Stand  |                                       |                 | A         | A   | A   | A  | A   | A   | A   | A             | Section 5.110 |
| Tree Farm   |                                       |                 | P         | A   | A   | A  | P   | A   | A   | A             |               |

**Section 4.02 Table of Permitted Uses by District.**

| SYMBOL   | KEY                                   |                 | DISTRICTS |     |     |    |     |     |     | USE STANDARDS |               |
|--|---------------------------------------|-----------------|-----------|-----|-----|----|-----|-----|-----|---------------|---------------|
|  | Permitted Uses in the Zoning District | Principal Use   |           |     |     |    |     |     |     |               |               |
|  |                                       | Conditional Use |           |     |     |    |     |     |     |               |               |
|  |                                       | Accessory Use   |           |     |     |    |     |     |     |               |               |
| [Blank]  | Prohibited Use in the Zoning District |                 |           |     |     |    |     |     |     |               |               |
| USES   |                                       |                 | AR        | R-2 | R-6 | LK | C-1 | C-2 | I-1 | PSP           |               |
| <b>RURAL USES (continued)</b>  |                                       |                 |           |     |     |    |     |     |     |               |               |
| Veterinary Clinic  |                                       |                 | C         |     |     |    | C   | C   |     |               | Section 5.111 |
| <b>RESIDENTIAL USES</b>  |                                       |                 |           |     |     |    |     |     |     |               |               |
| Accessory Dwelling (guesthouse, or caretaker/manager/security residence)                   |                                       |                 | A         | A   | A   | A  | A   | A   | A   |               | Section 5.201 |
| Adult Foster Care Family Home or Small Group Home  |                                       |                 | P         | P   | P   |    |     |     |     |               |               |
| Adult Foster Care Large Group Home   |                                       |                 | C         | C   | C   |    |     |     |     |               | Section 5.303 |
| Bed and Breakfast Inn  |                                       |                 | C         | C   | C   | P  |     |     |     |               | Section 5.202 |
| Child Day Care Home, Family  |                                       |                 | P         | P   | P   | P  |     |     |     |               |               |
| Child Day Care Home, Group   |                                       |                 | C         | C   | C   | C  |     |     |     |               | Section 5.303 |
| Child Foster Family Home or Family Group Home  |                                       |                 | P         | P   | P   | P  |     |     |     |               |               |
| Elderly and Senior Housing – Independent   |                                       |                 |           |     |     |    | P   |     |     |               | Section 5.206 |
| Elderly Housing – Assisted Living Facilities   |                                       |                 |           |     |     |    | P   |     |     |               | Section 5.206 |
| Elderly Housing – Dependent, Nursing or Convalescent Care                                  |                                       |                 |           |     |     |    | P   |     |     |               | Section 5.206 |
| Farm Labor Housing   |                                       |                 | C         |     |     |    |     |     |     |               | Section 5.203 |
| Home Occupations Listed in Section 5.204   |                                       |                 | A         | A   | A   | A  |     |     |     |               | Section 5.204 |
| Home Occupations Not Listed in Section 5.204   |                                       |                 | C         | C   | C   | C  |     |     |     |               | Section 5.204 |
| Manufactured Housing Parks   |                                       |                 |           |     | P   |    |     |     |     |               | Section 5.205 |
| Multiple-Family Housing, Townhouses, Stacked Flats, and Two-Family (Duplex) Dwellings      |                                       |                 |           |     | C   |    | P   |     |     |               | Section 5.206 |
| Single Family Dwellings, Detached  |                                       |                 | P         | P   | P   | P  |     |     |     |               | Section 5.207 |
| State-Licensed and Other Managed Residential Facilities Not Otherwise Listed in this Table |                                       |                 |           |     | C   |    |     |     |     |               |               |

**Section 4.02 Table of Permitted Uses by District.**

| SYMBOL   | KEY                                   |                                       | DISTRICTS       |     |     |    |     |     |     | USE STANDARDS |               |
|--|---------------------------------------|---------------------------------------|-----------------|-----|-----|----|-----|-----|-----|---------------|---------------|
|  | P                                     | Permitted Uses in the Zoning District |                 |     |     |    |     |     |     |               | Principal Use |
|  | C                                     |                                       | Conditional Use |     |     |    |     |     |     |               |               |
|  | A                                     |                                       | Accessory Use   |     |     |    |     |     |     |               |               |
| [Blank]  | Prohibited Use in the Zoning District |                                       |                 |     |     |    |     |     |     |               |               |
| USES   |                                       |                                       | AR              | R-2 | R-6 | LK | C-1 | C-2 | I-1 | PSP           |               |
| <b>OFFICE, SERVICE, AND COMMUNITY USES</b>   |                                       |                                       |                 |     |     |    |     |     |     |               |               |
| Barber Shop, Beauty Salon, or Nail Care  |                                       |                                       |                 |     |     |    | P   | P   |     |               |               |
| Cemetery   |                                       |                                       | C               |     |     |    |     |     |     | P             | Section 5.302 |
| Copy Center or Business Support Center   |                                       |                                       |                 |     |     |    | P   | P   | A   |               | Section 5.301 |
| Day Care Center – Child or Adult   |                                       |                                       |                 |     |     | C  | P   |     |     | P             |               |
| Fire, Police, and Ambulance Stations   |                                       |                                       | C               | C   | C   | C  | P   | P   | P   | P             |               |
| Funeral Parlor or Mortuary   |                                       |                                       |                 |     |     |    | C   | C   |     |               | Section 5.304 |
| Government Offices   |                                       |                                       |                 |     |     |    | P   | P   |     | P             |               |
| Health Club or Fitness Center  |                                       |                                       |                 |     | A   | P  | P   | P   | A   | A             | Section 5.301 |
| Hospital or Urgent Care Center   |                                       |                                       |                 |     |     |    | P   | P   |     |               |               |
| Institutional Uses (churches, schools, civic clubs, libraries, auditoriums)  |                                       |                                       |                 |     |     | C  | C   |     |     | P             | Section 5.305 |
| Landscaping and Maintenance Operations   |                                       |                                       |                 |     |     |    | C   | C   | P   |               | Section 5.306 |
| Medical, Osteopathic, Chiropractic, Optical or Dental Office, Clinic or Laboratory; Massage Therapist or Physical Therapy Facility |                                       |                                       |                 |     |     | P  | P   | P   |     |               | Section 5.310 |
| Offices for Business, Professional, Service, or Administrative Uses  |                                       |                                       |                 |     |     | P  | P   | P   | P   |               |               |
| Offices of a Plumber, Electrician, or Similar Skilled Trades Contractor  |                                       |                                       |                 |     |     |    | C   | C   | P   |               |               |
| Public Transportation Facility (bus station, taxi stand, etc.)   |                                       |                                       |                 |     |     | P  |     |     |     | P             |               |
| Public Utility and Essential Service Uses  |                                       |                                       | P               | P   | P   | P  | P   | P   | P   | P             |               |
| Recreational Facilities – Private Membership or Restricted Access  |                                       |                                       |                 | C   | C   |    |     |     |     | P             | Section 5.307 |
| Recreational Facilities – Publicly-Owned or Unrestricted Access  |                                       |                                       |                 | P   | P   |    |     |     |     | P             |               |
| Recreational Vehicle Parks and Campgrounds   |                                       |                                       | C               |     |     |    |     |     |     | P             | Section 5.308 |

**Section 4.02 Table of Permitted Uses by District.**

| SYMBOL   | KEY                                   |                                       | DISTRICTS       |     |     |    |     |     |     |     | USE STANDARDS |
|--|---------------------------------------|---------------------------------------|-----------------|-----|-----|----|-----|-----|-----|-----|---------------|
|  | P                                     | Permitted Uses in the Zoning District |                 |     |     |    |     |     |     |     |               |
|  | C                                     |                                       | Conditional Use |     |     |    |     |     |     |     |               |
|  | A                                     |                                       | Accessory Use   |     |     |    |     |     |     |     |               |
| [Blank]  | Prohibited Use in the Zoning District |                                       |                 |     |     |    |     |     |     |     |               |
| USES   |                                       |                                       | AR              | R-2 | R-6 | LK | C-1 | C-2 | I-1 | PSP |               |
| <b>OFFICE, SERVICE, AND COMMUNITY USES (continued)</b>   |                                       |                                       |                 |     |     |    |     |     |     |     |               |
| Snowplow Businesses  |                                       |                                       | P               |     |     |    |     |     | P   |     | Section 5.309 |
| Sportsman's Clubs and Ranges   |                                       |                                       | C               |     |     |    |     |     |     |     | Section 5.312 |
| Tattoo Parlor or Body Piercing Salon   |                                       |                                       |                 |     |     |    | C   | C   |     |     |               |
| Workshops and Studios for Art, Photography, Crafts, Tailoring, and Similar Activities  |                                       |                                       | A               |     |     | C  | P   | P   | A   |     | Section 5.311 |
| Workshops for Small Equipment and Small Engine Repair  |                                       |                                       | A               |     |     |    | P   | P   | A   |     | Section 5.311 |
| <b>COMMERCIAL USES</b>   |                                       |                                       |                 |     |     |    |     |     |     |     |               |
| Amusement Center, Indoor   |                                       |                                       |                 |     |     |    | P   | P   |     |     | Section 5.402 |
| Amusement Center, Outdoor  |                                       |                                       |                 |     |     |    | C   | C   |     |     | Section 5.402 |
| Antique Sales and Repair   |                                       |                                       | C               |     |     | P  | P   | P   |     |     |               |
| Bakeries   |                                       |                                       |                 |     |     |    | P   | P   | P   |     | Section 5.403 |
| Bank, Credit Union or Similar Financial Institution  |                                       |                                       |                 |     |     |    | P   | P   |     |     | Section 5.406 |
| Big Box COMMERCIAL USES and Shopping Centers   |                                       |                                       |                 |     |     |    | C   | C   |     |     | Section 5.404 |
| Boating Sales or Service Facility  |                                       |                                       |                 |     |     |    | C   | P   |     |     | Section 5.410 |
| Car Wash   |                                       |                                       |                 |     |     |    | C   | C   |     |     | Section 5.405 |
| COMMERCIAL USES Not Otherwise Listed in this Table   |                                       |                                       |                 |     |     |    | C   | C   |     |     |               |
| Convenience Store, Party Store, or Package Liquor Store  |                                       |                                       |                 |     |     |    | P   | P   |     |     |               |
| Dealership Showroom for Sale or Rental of Recreational Vehicles, Motor Vehicles, Construction Machinery, or Similar Durable Goods, Indoor Only |                                       |                                       |                 |     |     |    | C   | P   |     |     |               |
| Drive-In or Drive-Through Facility   |                                       |                                       |                 |     |     |    | C   | P   |     |     | Section 5.406 |
| Grocery Store, Supermarket, or Specialty Food Market   |                                       |                                       |                 |     |     |    | P   | P   |     |     | Section 5.404 |

**Section 4.02 Table of Permitted Uses by District.**

| SYMBOL   | KEY                                   |                                       | DISTRICTS       |     |     |    |     |     |     |     | USE STANDARDS                  |
|--|---------------------------------------|---------------------------------------|-----------------|-----|-----|----|-----|-----|-----|-----|--------------------------------|
|  | P                                     | Permitted Uses in the Zoning District |                 |     |     |    |     |     |     |     |                                |
|  | C                                     |                                       | Conditional Use |     |     |    |     |     |     |     |                                |
|  | A                                     |                                       | Accessory Use   |     |     |    |     |     |     |     |                                |
| [Blank]  | Prohibited Use in the Zoning District |                                       |                 |     |     |    |     |     |     |     |                                |
| USES   |                                       |                                       | AR              | R-2 | R-6 | LK | C-1 | C-2 | I-1 | PSP |                                |
| <b>COMMERCIAL USES (continued)</b>   |                                       |                                       |                 |     |     |    |     |     |     |     |                                |
| Hardware, Home and Garden Supply, or Building Supply Stores                            |                                       |                                       |                 |     |     |    | P   | P   |     |     | Section 5.404                  |
| Hotel or Inn   |                                       |                                       |                 |     |     |    | P   | P   |     |     |                                |
| Laundromat or Dry Cleaners   |                                       |                                       |                 |     |     |    | C   | C   |     |     |                                |
| Manufactured Housing Sales   |                                       |                                       |                 |     | C   |    |     | P   |     |     | Section 5.410                  |
| Marina or Boat Launch Facility   |                                       |                                       | C               |     |     |    |     |     |     | P   |                                |
| Motion Picture Cinema, Indoor  |                                       |                                       |                 |     |     |    | P   | P   |     |     | Section 5.407                  |
| Motion Picture Cinema, Outdoor   |                                       |                                       |                 |     |     |    | C   | C   |     |     | Section 5.407                  |
| Motor Vehicle Fueling Station  |                                       |                                       |                 |     |     |    | C   | C   | A   |     | Section 5.408                  |
| Motor Vehicle Repair Station   |                                       |                                       |                 |     |     |    | C   | C   | C   |     | Section 5.408                  |
| Motor Vehicle Service Center   |                                       |                                       |                 |     |     |    | C   | P   | A   |     | Section 5.408                  |
| Open Air Business, Outdoor Display Area or Garden Center                               |                                       |                                       |                 |     |     |    | C   | P   |     |     | Section 5.410                  |
| Outdoor Café or Eating Area  |                                       |                                       |                 |     |     |    | P   | P   |     |     | Section 5.409                  |
| Pharmacies, Drugstores and Medical Supply Stores                                       |                                       |                                       |                 |     |     |    | P   | P   |     |     | Section 5.406                  |
| Recording or Broadcasting Studios  |                                       |                                       |                 |     |     |    | C   | C   |     |     |                                |
| Restaurants, Cafes, Delicatessens, Coffee Shops, and Other Food Service Establishments |                                       |                                       |                 |     |     |    | P   | P   |     |     | Section 5.406<br>Section 5.409 |
| Retail Stores  |                                       |                                       |                 |     |     |    | P   | P   |     |     |                                |
| Showroom for Display or Sales of Products Created On-Site                              |                                       |                                       |                 |     |     |    | P   | P   | A   |     | Section 5.401                  |
| Tavern, Pub, Brewpub, Cocktail Lounge or Night Club                                    |                                       |                                       |                 |     |     |    | C   | C   |     |     |                                |

**Section 4.02 Table of Permitted Uses by District.**

| SYMBOL  | KEY                                   |                                       | DISTRICTS       |     |     |    |     |     |     | USE STANDARDS |               |
|---|---------------------------------------|---------------------------------------|-----------------|-----|-----|----|-----|-----|-----|---------------|---------------|
|   | P                                     | Permitted Uses in the Zoning District |                 |     |     |    |     |     |     |               | Principal Use |
|   | C                                     |                                       | Conditional Use |     |     |    |     |     |     |               |               |
|   | A                                     |                                       | Accessory Use   |     |     |    |     |     |     |               |               |
| [Blank]   | Prohibited Use in the Zoning District |                                       |                 |     |     |    |     |     |     |               |               |
| USES  |                                       |                                       | AR              | R-2 | R-6 | LK | C-1 | C-2 | I-1 | PSP           |               |
| <b>INDUSTRIAL, RESEARCH, AND LABORATORY USES</b>  |                                       |                                       |                 |     |     |    |     |     |     |               |               |
| Blacksmithing, Furniture or Cabinet Repair or Manufacture, Woodworking Shops, and Similar Uses  |                                       |                                       | C               |     |     |    | A   | A   | P   |               | Section 5.501 |
| Bottling Plant or Packaging Operation   |                                       |                                       |                 |     |     |    |     |     | P   |               |               |
| Contractor's Establishment and Equipment Storage Yard   |                                       |                                       |                 |     |     |    |     |     | P   |               | Section 5.504 |
| Crematorium   |                                       |                                       |                 |     |     |    |     |     | C   |               | Section 5.502 |
| Distribution Facilities and Truck Terminals   |                                       |                                       |                 |     |     |    |     |     | C   |               |               |
| Dry Cleaning or Laundry – Central Cleaning/Processing Plant   |                                       |                                       |                 |     |     |    |     |     | C   |               | Section 5.502 |
| Feed or Flour Mills, Smoking, Curing or Packing Plants, Slaughterhouse, Rendering Plant, or Similar Food and Farm Product Processing Uses   |                                       |                                       |                 |     |     |    |     |     | C   |               | Section 5.502 |
| Fabrication or Assembly of Motor Vehicles, Recreational Vehicles, Boats, Trailers, Bicycles, Electronic Components and Equipment, Manufactured or Modular Housing, and Similar Products |                                       |                                       |                 |     |     |    |     |     | C   |               |               |
| Hazardous Materials Storage   |                                       |                                       |                 |     |     |    |     |     | C   |               | Section 5.502 |
| Intensive Industrial Operations Not Otherwise Listed in this Table  |                                       |                                       |                 |     |     |    |     |     | C   |               | Section 5.502 |
| Junkyards and Material Recovery Facilities  |                                       |                                       |                 |     |     |    |     |     | C   |               | Section 5.503 |
| Machine, Welding, and Sheet Metal Shops, and Stone Carving  |                                       |                                       |                 |     |     |    |     |     | P   |               |               |
| Manufacture, Compounding, Processing, Packaging, or Treatment of Pharmaceuticals, Toiletries, and Hardware; and Manufacture of Products from Any Materials                              |                                       |                                       |                 |     |     |    |     |     | C   |               | Section 5.502 |
| Outdoor Storage of Boats or Recreational Vehicles   |                                       |                                       | C               |     |     |    | C   | C   | C   |               | Section 5.504 |

**Section 4.02 Table of Permitted Uses by District.**

| SYMBOL  | KEY                                   |                                       | DISTRICTS       |     |     |    |     |     |     | USE STANDARDS |               |
|---|---------------------------------------|---------------------------------------|-----------------|-----|-----|----|-----|-----|-----|---------------|---------------|
|   | P                                     | Permitted Uses in the Zoning District |                 |     |     |    |     |     |     |               | Principal Use |
|   | C                                     |                                       | Conditional Use |     |     |    |     |     |     |               |               |
|   | A                                     |                                       | Accessory Use   |     |     |    |     |     |     |               |               |
| [Blank]   | Prohibited Use in the Zoning District |                                       |                 |     |     |    |     |     |     |               |               |
| USES  |                                       |                                       | AR              | R-2 | R-6 | LK | C-1 | C-2 | I-1 | PSP           |               |
| <b>INDUSTRIAL, RESEARCH, AND LABORATORY USES (continued)</b>                                      |                                       |                                       |                 |     |     |    |     |     |     |               |               |
| Outdoor Storage Yard for Motor Vehicles, Construction or Farming Machinery or Manufactured Houses |                                       |                                       |                 |     |     |    |     |     | C   |               | Section 5.504 |
| Research and Development Facilities and Laboratories, Agricultural                                |                                       |                                       | C               |     |     |    | C   | C   | C   |               |               |
| Research and Development Facilities and Laboratories, Non-Agricultural                            |                                       |                                       |                 |     |     |    | C   | C   | C   |               |               |
| Self-Storage Warehouses   |                                       |                                       |                 |     |     |    |     | C   | C   |               | Section 5.505 |
| Warehouses  |                                       |                                       |                 |     |     |    |     | A   | P   |               |               |
| <b>OTHER USES</b>   |                                       |                                       |                 |     |     |    |     |     |     |               |               |
| Adult Entertainment Uses and Sexually-Oriented Businesses   |                                       |                                       |                 |     |     |    |     | P   |     |               | Section 5.603 |
| Aircraft Landing Strips   |                                       |                                       | C               |     |     |    |     |     |     | P             | Section 5.601 |
| Composting Facility   |                                       |                                       | C               |     |     |    |     |     | C   | C             | Section 5.602 |
| Controlled Uses   |                                       |                                       |                 |     |     |    |     | P   |     |               | Section 5.603 |
| Concrete or Asphalt Batch or Mixing Plants  |                                       |                                       |                 |     |     |    |     |     | C   |               |               |
| Extraction Operations, Sand and Gravel Pits   |                                       |                                       | C               |     |     |    |     |     |     |               | Section 5.604 |
| Private Off-Road Courses  |                                       |                                       | C               |     |     |    |     |     |     |               | Section 5.605 |
| Racetracks  |                                       |                                       |                 |     |     |    |     |     |     | C             | Section 5.606 |
| Recycling Collection Facility   |                                       |                                       |                 |     |     |    |     |     | C   | P             |               |
| Stormwater Management Impoundments, Created Wetlands, Drainageways, and Similar Improvements      |                                       |                                       | P               | P   | P   | P  | P   | P   | P   | P             |               |
| Temporary Structures for Construction Purposes  |                                       |                                       | P               | P   | P   | P  | P   | P   | P   | P             | Section 3.29  |
| Topsoil Removal or Stockpiling  |                                       |                                       | A               |     |     |    | A   | A   | A   | A             | Section 5.607 |

**Section 4.02 Table of Permitted Uses by District.**

| SYMBOL  | KEY                                   |                                       | DISTRICTS |     |     |    |     |     |     | USE STANDARDS |                 |
|---|---------------------------------------|---------------------------------------|-----------|-----|-----|----|-----|-----|-----|---------------|-----------------|
|   | P                                     | Permitted Uses in the Zoning District |           |     |     |    |     |     |     |               | Principal Use   |
|   | C                                     |                                       |           |     |     |    |     |     |     |               | Conditional Use |
|   | A                                     |                                       |           |     |     |    |     |     |     |               | Accessory Use   |
| [Blank]   | Prohibited Use in the Zoning District |                                       |           |     |     |    |     |     |     |               |                 |
| USES  |                                       |                                       | AR        | R-2 | R-6 | LK | C-1 | C-2 | I-1 | PSP           |                 |
| <b>OTHER USES (continued)</b>   |                                       |                                       |           |     |     |    |     |     |     |               |                 |
| Utility Transmission and Distribution Lines within Existing Easements |                                       |                                       | P         | P   | P   | P  | P   | P   | P   | P             | Section 5.608   |
| Utility Transmission and Distribution Lines not in Existing Easements |                                       |                                       | C         | C   | C   | C  | C   | C   | C   | C             | Section 5.608   |
| Volatile Bio-Fuel Production Facilities, Large                        |                                       |                                       | S         |     |     |    |     |     |     |               | Section 5.609   |
| Volatile Bio-Fuel Production Facilities, Small                        |                                       |                                       | P         |     |     |    |     |     |     |               | Section 5.609   |



## **ARTICLE 5.0 USE STANDARDS**

### **Section 5.001 Intent.**

Each use listed in this Article, whether permitted by right or subject to approval of a Conditional Use Permit, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the zoning district in which the use is located. The standards of this Article are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the Township as a whole.

### **Section 5.002 Scope of Regulations.**

Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Section 6.17 (Performance Standards). Conformance with these standards shall be subject to site plan approval, where required per this Article or Article 15.0 (Site Plan Review).

### **Section 5.003 Organization.**

For the purposes of clarity and ease of use, the provisions of this Article have been organized into the following divisions:

#### **SECTION 5.100 RURAL USES**

#### **SECTION 5.200 RESIDENTIAL USES**

#### **SECTION 5.300 OFFICE, SERVICE, AND COMMUNITY USES**

#### **SECTION 5.400 COMMERCIAL USES**

#### **SECTION 5.500 INDUSTRIAL, RESEARCH, AND LABORATORY USES**

#### **SECTION 5.600 OTHER USES**



## SECTION 5.100 RURAL USES

### Section 5.101 Farm-Based Tourism Activities.

Farms providing tourism-oriented facilities or activities for promotion of agriculture, rural lifestyle or farm product sales shall be subject to the following:

#### A. Use Standards.

Land uses permitted under this Section shall be consistent with the definitions of "farm-based tourism activities" per Section 2.03 (Definitions), and shall be limited to the following:

1. Agricultural festivals and events.
2. Farm-based seasonal recreational attractions, such as a petting farm or play area, corn mazes or hayrides.
3. Winery or cider mill.
4. Farm-based educational center.
5. Similar facilities and activities, as accepted by the Planning Commission.

#### B. Additional Standards.

The following additional standards shall apply to all farm-based tourism-oriented facilities or activities and farm markets:

1. Facilities for such activities shall have direct access to one (1) or more paved or gravel public through roads. Primary access via a local subdivision street, private road, or dead-end road shall not satisfy this requirement.
2. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 15.0 (Site Plan Review). Such plan shall show the intended use and location of all structures, growing areas, parking facilities, necessary sanitary facilities, roads and drives to be utilized by the public, pedestrian circulation, location of service areas for various facilities, any proposed exterior lighting for the event or activity, and transition plantings or screening devices.
3. Screening shall be provided per Section 10.10D (Methods of Screening) where an off-site abutting dwelling is occupied within 200 feet of such facilities or activities. Crop growing areas of a depth of not less than 300 feet may be permitted to satisfy this requirement.
4. No part of an event or activity shall intrude into any road right-of-way.
5. Noise levels shall not exceed 65 decibels at any lot boundary or right-of-way.
6. The hours of operation of any outdoor facilities shall be subject to Planning Commission approval.

### **Section 5.102 Farm Markets and Agricultural Services.**

Farm markets, agricultural service establishments, farm implement sales or repair, bulk feed and fertilizer supply outlets, and similar uses shall be subject to the following:

1. Such uses shall conform to all parking, loading, screening, and other site development standards that apply to retail stores, and shall be subject to site plan approval per Article 15.0 (Site Plan Review).
2. A minimum of fifty percent (50%) of the produce or products offered for sale in a permitted farm market shall be grown or produced on land in Michigan, or made from produce grown or material produced on land in Michigan.
3. Any outdoor storage areas shall be adequately screened and covered in compliance with Section 5.504 (Outdoor Storage, General).
4. All signs shall comply with the requirements of Article 12.0 (Sign Regulations).

### **Section 5.103 Farm Products Direct Marketing Businesses.**

Farm products direct marketing businesses listed in Article 4.0 (Land Use Table) as an accessory use shall only be permitted in the zoning district accessory to an active farm operation. Such businesses shall include "you-pick" commercial agricultural operations, direct sales to area businesses, restaurants, and retail stores, Internet-based sales of farm products, and similar businesses.

### **Section 5.104 Greenhouse.**

This Section shall not apply to a residential greenhouse structure accessory to a single-family dwelling. Such residential greenhouses shall conform to all requirements of Section 6.01 (Accessory Structures and Uses). The following shall apply to all other greenhouses:

1. Retail sales of greenhouse products shall be permitted as an accessory use, subject to site plan approval per Article 15.0 (Site Plan Review) and compliance with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.
2. Storage, sales, and display areas shall comply with the minimum setback requirements for the zoning district in which the establishment is located.
3. Plant growing areas shall be located outside of all road rights-of-way and corner clearance areas as defined in Section 3.208 (Corner Clearance Areas).
4. The storage of loose materials shall be contained and covered to prevent it from blowing onto adjacent properties and from access by animals.
5. Where greenhouses and tree farms are listed in Article 4.0 (Land Use Table) as a permitted accessory use, such uses shall be accessory to an active farm operation.

### **Section 5.105 Keeping of Livestock or Bees, Non-Farm.**

Non-farm beekeeping or raising and keeping of a limited number of poultry, rabbits, cows, sheep, goats, llamas and similar domesticated livestock shall be subject to the following:

1. Non-farm raising and keeping of such animals shall be clearly incidental to the principal use of the property as a single-family dwelling, and shall be prohibited within any subdivision plat or site condominium development.
2. The non-farm raising and keeping of bees shall require a minimum lot area of one (1) acre.
3. The non-farm raising and keeping of poultry, rabbits, pygmy goats and similar small livestock for food, wool, pelts, or other farm products shall require a minimum lot area of three (3) acres.
4. The raising and keeping of horses, cows, sheep, goats, llamas and similar domesticated livestock shall require a minimum lot width of 250 feet, and a minimum lot area of six (6) acres for the first two (2) animals.
  - a. One (1) additional acre shall be required for each additional animal for lots of less than ten (10) acres.
  - b. The number of livestock on lots ten (10) acres and larger shall conform to Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.
5. Structures for keeping such livestock or bees shall be set back a minimum of 60 feet from all lot boundaries, and 100 feet from any dwelling. All outdoor pens, corrals, pastures, and paddocks shall be located outside of the required yard setback areas for the zoning district.
6. All facilities shall be so constructed and maintained that odor, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining premises.

This Section shall not apply to apiaries or keeping of animals part of an active farm operation maintained in conformance with the Right to Farm Act and Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.

### **Section 5.106 Kennel.**

Kennels, animal shelters, animal day care operations, similar animal care facilities, and any other building, lot or premises with a population of or capacity to receive five (5) or more dogs over six (6) months in age shall be subject to the following:

1. For small kennel facilities with a population of or capacity to receive up to 12 dogs over six (6) months in age, minor site plan approval shall be required per Article 15.0 (Site Plan Review). All other kennels shall be subject to review and approval of a preliminary and a final site plan.
2. Kennels shall have a minimum lot area of ten (10) acres.

3. Structures or pens where animals are kept, outdoor runs, and exercise areas shall be set back a minimum of 300 feet from road rights-of-way, and 100 feet from side and rear lot boundaries. Such facilities shall not be located in any required yard setback areas, and shall be screened in accordance with Section 10.10D (Methods of Screening).
4. The facility shall be so constructed and maintained that odors, dust, noise, light, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
5. Animals shall be adequately housed, fenced, and maintained so as not to be or become a public or private nuisance. All animals shall be enclosed within a building at night.
6. The kennel shall be established and maintained in accordance with applicable sanitation regulations.
7. All outdoor animal pens shall be enclosed with a six (6) foot high safety fence. Animal pen surfaces shall be of concrete pitched to contain and drain run-off from cleaning to a septic tank or other County approved system.

### **Section 5.107 Nursery.**

Nursery operations, as defined in Section 19.03 (Definitions), shall be subject to the following:

1. Retail sales of unprocessed/prepared nursery products raised on the premises shall be permitted as an accessory use on the site, subject to site plan approval per Article 15.0 (Site Plan Review) and compliance with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.
2. Any building or structure located on a parcel used for such purpose shall be secondary and incidental for such raising or growing of such products and may be used only for the storage of equipment and materials necessary for such raising or growing on such site or on parcels under the same ownership used for the same purpose.
3. Dump trucks and trailers, bulldozers, backhoes, and similar types of heavy equipment shall not be permitted accessory to a nursery operation. Tree spades and other equipment necessary for the nursery operation shall be used only in accordance with the requirements of this Section.
4. Landscape supply yards and/or contracting facilities, and storage yards shall not be allowed as part of a nursery operation.
5. Any operation exceeding the limitations of this Section shall be subject to Special Use Permit approval as a landscape operation per Section 5.306 (Landscape and Maintenance Operations).

### **Section 5.108 Private Riding Arenas and Stables.**

All non-commercial or not-for-profit stables and facilities for the private rearing, schooling and housing of horses, mules, ponies and similar equine riding animals shall be subject to the following:

1. A dwelling in a principal building for the property owner or operator of the private stable shall be located on the same or an adjoining lot.
2. The lot area shall not be less than ten (10) contiguous acres under single ownership.
3. All stable and arena buildings, corrals, and similar structures shall be set back a minimum of 50 feet from all lot boundaries.
4. Such facilities or areas shall not be located within any required front yard setback, and shall be located no closer to any road rights-of-way than rear building line of any dwelling on the subject lot.
5. A fenced area for pasturing, exercising or riding such animals may extend to the front, rear or side lot lines. All such animals shall be kept confined within a fenced area when not being ridden, under harness, or when not in their stable and arena building, corral or similar structure.
6. The facility shall be constructed and maintained in accordance with the Right to Farm Act and Generally Accepted Agricultural Management Practices (GAAMPS) from the Michigan Department of Agriculture, so that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
7. There shall be no commercial activity, other than incidental sales not unusual for a residential use.
8. Approval of a certificate of zoning compliance shall be required per Section 1.07 (Certificates of Zoning Compliance). No formal site plan shall be necessary unless otherwise required by this Ordinance.

### **Section 5.109 Public or Commercial Riding Stables.**

Public or commercial riding stables and academies for the rearing, schooling and housing of horses, mules, ponies and similar equine riding animals available or intended for use by the public or for hire on a per diem, hourly or weekly basis shall be subject to the following:

1. The minimum gross lot area shall be 20 acres.
2. The applicant shall provide a written statement of the number of horses and ponies which will be accommodated, the nature and duration of any equestrian events which will be held, the planned or agreed use of any other properties for riding or pasturing, and any agreements or arrangements with any equestrian clubs, groups or organizations for facility use.
3. All stable and arena buildings, corrals, and similar structures shall be set back a minimum of 50 feet from all lot boundaries.

4. Fenced areas for pasturing, exercising or riding such animals may extend to the front, rear or side lot lines. All such animals shall be kept confined within a fenced area when not being ridden, under harness, or when not in their stable and arena building, corral or similar structure.
5. The facility shall be constructed and maintained in accordance with the Right to Farm Act and Generally Accepted Agricultural Management Practices (GAAMPS) of the Michigan Department of Agriculture, so that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
6. Parking for patrons and employees shall be provided in compliance with Article 11.0 (Off-Street Parking, Loading, and Access).
7. Such uses shall be subject to site plan approval per Article 15.0 (Site Plan Review).

### **Section 5.110 Roadside Stands.**

Roadside stands up to 250 square feet in gross floor area shall be permitted accessory to any RURAL USES, subject to the following:

1. Suitable trash containers shall be placed on the premises for public use.
2. Roadside stand structure(s) shall be set back outside of all road rights-of-way, and shall be removed from the roadside location during seasons when not in use.
3. Any roadside stand shall have at least five (5) off-street parking spaces, which need not be paved with asphalt or concrete. Parking spaces shall be located outside of road rights-of-way.
4. All signs used in connection with the use shall be temporary, and shall comply with the requirements of Article 12.0 (Sign Regulations). Such signs shall be removed when the stand is not in use.
5. Any roadside stand exceeding the limitations of this Section shall be subject to conditional use permit approval as a farm-based tourism facility per Section 5.101 (Farm-Based Tourism Activities).

### **Section 5.111 Veterinary Clinics.**

Veterinary clinics shall comply with the following:

1. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 15.0 (Site Plan Review).
2. All activities shall be conducted within a completely enclosed building, except that an outdoor exercise area shall be permitted, subject to the following:
  - a. Such areas shall be enclosed by a six (6) foot high safety fence.



- b. Such exercise areas shall not be located in any required yard setback areas, and shall be set back a minimum of 50 feet from road rights-of-way, side and rear lot boundaries, and any watercourse.
  - c. Such areas shall be screened in accordance with Section 10.10D (Methods of Screening).
3. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
4. Keeping of animals for overnight care shall be limited to the interior of the principal building. Treatment of non-domesticated animals shall be permitted.
5. Operation shall include proper control of animal waste, odor, and noise.



**SECTION 5.200  
RESIDENTIAL USES**

**Section 5.201 Accessory Dwelling.**

It is the intent of this Section to permit accessory dwellings within principal single-family dwellings in the Rural Districts and Residential Districts for the purposes of providing a variety of housing options in the Township; accommodating the desire of some senior citizens, family groups, and other persons with special needs for private housing close to relatives; and providing additional housing accessory to RURAL USES. It is further the intent of this Section to permit dwellings accessory to certain non-residential land uses in the Business Districts, subject to specific standards designed to preserve the intended character of the zoning district.

The standards of this Section are designed to prevent the undesirable proliferation of multiple-family buildings in rural and single-family residential areas of the Township, and to preserve the character and appearance of commercial buildings that include an accessory dwelling unit. Accessory dwellings shall be subject to the following standards:

**A. Accessory to a Farm Operation.**

One (1) accessory dwelling unit may be permitted accessory to an active farming or agricultural operation on the same lot with a principal dwelling in the Rural Districts, as allowed and provided for in Article 4.0 (Land Use Table), and subject to the following:

- 1. The accessory dwelling may be located within the principal dwelling, or may be located in a separate residential building on the same lot. All buildings shall conform to the requirements of Article 3.0 (Dimensional Standards).
- 2. Use of the accessory dwelling shall be limited to an on-site herdsman, farm operations manager, caretaker or similar employee of the farming or agricultural operation and immediate family members or dependents.
- 3. Parking shall be provided for the accessory dwelling per Article 11.0 (Off-Street Parking and Loading Regulations).

**B. Accessory to Single-Family Dwellings.**

The following shall apply to dwelling units accessory to single-family dwellings in the Rural Districts and Residential Districts:

- 1. A maximum of one (1) accessory dwelling unit shall be permitted per principal dwelling.
- 2. Sufficient land area shall be available for the principal dwelling and accessory dwelling unit to each conform to the minimum lot area requirements for the zoning district, as specified in Article 3.0 (Dimensional Standards).
- 3. All accessory dwelling units shall be located entirely within the principal building. Accessory dwelling units shall be prohibited in any detached accessory structures.
- 4. The exterior of the principal building shall remain unchanged, so that it does not give the appearance of being divided into separate units.

5. Accessory dwelling units shall have a minimum gross floor area of 300 square-feet, and shall not occupy more than twenty five percent (25%) of the principal building's gross floor area.
6. Accessory dwelling units shall be clearly secondary to the use of the dwelling as a residence. The principal building shall be the primary and permanent legal residence of the property owner(s), and shall occupy a minimum of 1,200 square feet of gross floor area in the principal building.

**C. Accessory to Non-Residential Uses.**

The following shall apply to dwelling units accessory to non-residential uses as permitted by this Ordinance:

1. Accessory dwelling units shall be located within the principal building.
2. Accessory dwelling units shall have separate kitchen, bath, and toilet facilities and a private entrance. Where there is more than one (1) accessory dwelling unit in a building, such entrances may be provided from a common hallway.

**D. Approval Required.**

Construction or expansion of an accessory dwelling unit shall be subject to site plan approval per Article 15.0 (Site Plan Review). The site plan application shall include submittal of floor plans, building elevation drawings, and a plot plan of the lot to verify compliance with this Ordinance. For dwellings served by privately owned well or septic facilities, proof of adequate system capacity shall be provided to the Township.

## **Section 5.202 Bed and Breakfast Inn.**

Bed and breakfast inns shall comply with the following:

**A. Approval.**

Bed and breakfast inns shall be subject to site plan approval per Article 15.0 (Site Plan Review). The site plan application shall include floor plans with the dimensions and floor areas of all rooms and areas to be used by guests (sleeping rooms, bathrooms, dining areas, etc.), and the locations of required exits, emergency exit routes, tornado protection locations, smoke detectors, and carbon monoxide detectors.

Final approval of any conditional use permit or site plan for a bed and breakfast inn shall not become effective and the bed and breakfast inn shall not be operated for business until all required state and county licenses and permits have been issued. The operator shall provide the Township with copies of such licenses and permits, and written evidence of inspection and compliance with applicable codes and regulations, as part of any application for approval, and at any time upon request by the Zoning Administrator.

**B. General Regulations.**

A bed and breakfast inn shall be permitted only in a single-family detached dwelling unit that is the principal dwelling unit on the property.

1. A dwelling unit containing a bed and breakfast operation shall be the principal residence of the operator and the operator shall live in the principal dwelling unit during the time that the bed and breakfast operation is active.
2. A dwelling unit containing a bed and breakfast inn shall comply with State of Michigan regulations for bed and breakfast operations, the State Construction Code, applicable fire safety regulations, and other applicable regulations. The dwelling shall be regularly maintained so as to remain in compliance with all applicable state laws, codes, and regulations.

**C. Specifications.**

The principal dwelling for a bed and breakfast inn shall have a minimum floor area of 1,500 square feet, excluding basement and garage floor areas.

1. Not more than six (6) bedrooms shall be provided for bed and breakfast operations in any one single-family detached dwelling.
  - a. If the applicant cannot comply with the off-street parking requirements of this Section and Ordinance, the number of permitted rooms shall be reduced to that number which is served by available off-street parking.
  - b. The Planning Commission may also reduce the number of permitted rooms upon determination that the use of the site for off-street parking to meet the requirements of the Section would adversely affect the residential character of the site or impact abutting RESIDENTIAL USES.
2. Lavatories, toilets, and bathing facilities shall be available within the principal structure to all persons using the bed and breakfast operation in that structure.
  - a. At least one (1) bathroom containing a lavatory, toilet, and bathtub or shower shall be provided for each two (2) sleeping rooms.
  - b. Bathrooms required under this subsection for guests shall be in addition to the facilities utilized by the resident family. Sharing of bathrooms between guests and the resident family shall not be permitted.
3. No kitchen or other food preparation area or facilities shall be provided in or available to the rooms in a bed and breakfast inn. Cooking facilities in a dwelling containing a bed and breakfast inn shall be limited to the residential kitchen.

**D. Scope of Operation.**

No retail sales or other COMMERCIAL USES shall be permitted, except incidental sales associated with the bed and breakfast operation.

1. Full breakfasts or continental breakfasts may be served to registered guests only. No other meals shall be provided to such guests.
2. Service of alcoholic beverages in a bed and breakfast inn shall be prohibited.

3. Bed and breakfast facilities shall not be used for receptions, weddings, and similar celebrations and parties, other than private events for members of the resident's immediate family.
4. The maximum length of stay for any occupant of a bed and breakfast inn shall be 14 days in any period of 90 consecutive days.

**E. Signs, Parking, and Exterior Appearance.**

A single-family detached dwelling unit containing a bed and breakfast inn shall have no outside appearance of the presence of the operation, except as permitted by this Section.

1. In addition to signs permitted for the principal dwelling per Article 12.0 (Sign Regulations), one (1) externally-illuminated ground sign not more than sixteen (16) square feet in area and six (6) feet in height shall be permitted for the bed and breakfast inn.
2. A minimum of one (1) off-street parking space shall be provided per sleeping room in a bed and breakfast inn; in addition to spaces required for the dwelling unit per Article 11.0 (Off-Street Parking and Loading Regulations). Parking for the bed and breakfast inn shall not be located in any required front yard, and stacking of more than two (2) vehicles in a driveway shall be prohibited.

**F. Inspection and Certificate of Occupancy.**

Any approved conditional use permit for a bed and breakfast inn shall not become effective and a bed and breakfast inn shall not be operated for business until the premises has been inspected by the Township's Building Authority and a certificate of occupancy has been issued with a finding of no safety violations.

**Section 5.203 Farm Labor Housing.**

Single-family dwelling units for temporary housing for workers and their families during the season in which they are employed in the planting, harvesting, or processing of crops or other essential but temporary agriculturally related employment associated with an active farm operation shall comply with the following:

1. Construction, expansion, and alteration of farm labor housing shall be subject to site plan approval per Article 15.0 (Site Plan Review).
2. All structures for farm labor housing shall comply with the standards of Article 3.0 (Dimensional Standards) for the zoning district, and all provisions of state laws regulating farm labor or migrant labor housing. The following additional required setbacks shall apply to farm labor housing:
  - a. Such housing shall be set back a minimum of 100 feet from all side and rear property lines and 75 feet from road rights-of-way.
  - b. Such housing shall be set back a minimum of 150 feet from any off-site single-family dwelling located on a separate parcel of property and owned by another individual or entity.

- c. Legal nonconforming farm labor housing may be expanded or enlarged, provided such expansion or enlargement does not increase the nonconformity with respect to required setback distances.
3. The number of permitted farm labor housing units associated with a farm operation shall be subject to Planning Commission approval as part of the conditional use permit.
4. The occupants shall be employed for farm labor by the farm operation owner at least fifty percent (50%) of the time while they occupy the housing.
5. Farm labor housing shall comply with the Michigan Public Health Code (P.A. 368 of 1978, as amended), including any related state or county rules and regulations. Such housing shall comply with the State Construction Code and other codes and standards that apply to the type of construction. Proof of all required outside agency permits and approvals for construction, expansion or alteration of farm labor housing shall be provided to the Township.

### **Section 5.204 Home Occupations.**

Home occupations shall be subject to the following:

#### **A. Use Standards.**

Home occupations shall conform to the following requirements:

1. The home occupation shall qualify for and receive all applicable local, state, and federal licenses, certificate, and permits.
2. Home occupations shall be limited to single-family detached dwellings, and to other owner-occupied dwellings. The home occupation shall be conducted only within the dwelling or within an accessory structure on the parcel.
3. No persons other than members of the family residing on the premises shall be engaged in the home occupation.
4. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.
  - a. The total floor area used by the home occupation, whether the home occupation is conducted within the dwelling unit or within an accessory building on the same lot, shall not exceed twenty percent (20%) of the floor area of the dwelling unit.
  - b. There shall be no change in the appearance of the structure or premises, or other visible evidence of the home occupation. External and internal alterations not customary for a single-family dwelling shall be prohibited.
5. Traffic generated by a home occupation shall not be greater in volume than that normally expected within the neighborhood.

6. Parking spaces for the home occupation shall not be located in any required yard setback area, and shall be subject to the standards of Article 11.0 (Off-Street Parking and Loading Regulations).
7. No signs shall be permitted for the home occupation, other than a nameplate as permitted for a dwelling per Article 12.0 (Sign Regulations).
8. No article shall be sold on the premises except that which is prepared on-site or provided as incidental to the service or profession conducted therein.
9. Exterior display and storage of equipment or materials associated with or resulting from a home occupation shall be prohibited.
10. Customer or client visits, and deliveries associated with the home occupation shall be limited to between the hours of 7:00 a.m. and 8:00 p.m.

**B. Permitted Home Occupations.**

The following uses shall be permitted as home occupations:

1. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons, and similar occupations.
2. Personal services, including beauty and barbershops (one-chair operations only) and animal grooming (provided there is no overnight keeping of animals).
3. Home office for a massage therapist, subject to the standards of Section 5.309 (Therapeutic Massage).
4. Music, dance, arts and crafts classes, and private tutoring and instruction for a maximum of five (5) pupils at any given time.
5. Studios and workshops for artists, sculptors, musicians, and photographers; and for weaving, lapidary, jewelry making, cabinetry, woodworking, weaving, sewing, tailoring and similar crafts.
6. Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.
7. A yard or garage sale for household or personal items of the principal residents of the dwelling shall be permitted as a temporary home occupation, provided that such activities shall not exceed 15 days per calendar year.
8. Restoration of classic or antique motor vehicles, boats, and similar equipment, provided that such activities do not violate Section 5.204C (Prohibited Uses).
9. Any home occupation not specifically listed may be approved as a home occupation by the Planning Commission with a conditional use permit, subject to the provisions of this Section and Article 16.0 (Conditional Uses).



**C. Prohibited Uses.**

The following uses are expressly prohibited as a home occupation:

1. Motor vehicle and recreational vehicle repair, body and paint shops, welding shops, and storage or dismantling yards.
2. Kennels and veterinary clinics.
3. Medical or dental clinics.
4. Retail sales of merchandise, and eating or drinking establishments.
5. Mortuary and funeral homes.
6. Controlled uses and sexually oriented businesses.
7. Any use or process that creates noise, vibration, glare, fumes, odor, electrical interference, or similar nuisances to persons off the premises; or any use involving electrical equipment processes that create visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises.
8. Any use involving outdoor display or storage of materials, goods, supplies, or equipment; or the use of machinery, equipment or facilities not commonly incidental or accessory to a residential dwelling.
9. Any use that would potentially create or exacerbate any hazard of fire, explosion, or radioactivity.
10. Uses similar to the above listed uses, or any use which would, in the determination of the Planning Commission, result in nuisance factors as defined by this Ordinance.

**D. Inspection and Enforcement.**

All home occupations may be subject to inspection by the Zoning Administrator to verify compliance with this Section and Ordinance. Failure to comply with this Section and Ordinance may result in Township action to seek closure of the home occupation, and such other penalties as provided for in this Ordinance.

**Section 5.205 Manufactured Housing Parks.**

Manufactured housing parks shall be subject to all the rules and requirements of the Mobile Home Commission Act (P.A. 96 of 1987, as amended), the Manufactured Housing Commission General Rules, and the following minimum requirements:

**A. General Regulations.**

1. Each dwelling unit within a manufactured housing park shall contain a complete bathroom, including flush toilet; kitchen facilities; sleeping accommodations; and plumbing and electrical connections. Travel trailers and other recreation vehicles shall not be occupied in a manufactured housing park.

2. Uniform skirting of each dwelling unit within a manufactured housing park shall be required. Such skirting shall be of 26 gauge solid sheet metal, aluminum or other non-corrosive metal or of a material of equal strength and so constructed and attached to the dwelling unit so as to deter and prevent entry of rodents and insects. Such skirting must be in place within 30 days after the dwelling unit is set on the manufactured housing park dwelling site. Skirting may be waived if the stand is recessed below the grade level or the adjacent ground, provided that the area between the recessed stand and the faces of the dwelling unit is tightly sealed against water, rodents and insects.
3. Storage of goods and articles underneath any dwelling unit or out-of-doors at any manufactured housing park dwelling site shall be prohibited.
4. Canopies and awnings may be attached to any dwelling unit and may be enclosed, subject to manufactured housing park site regulations, herein. When enclosed, such shall be considered a structure and part of the dwelling unit and building and occupancy permits issued by the Zoning Administrator shall be required.
5. On-site outdoor laundry space of adequate area and suitable location, shall be provided if the park is not furnished with indoor dryers. Where required individual clothes drying facilities shall be provided on each site by the park management.
6. All garbage and trash shall be stored in containers and said containers shall be placed in a conveniently located and aesthetically designed enclosed structure(s). Incinerators shall be prohibited. Garbage and trash removal shall be made at least once per week.
7. Every manufactured housing park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size and number and so located within the park to satisfy regulations of the State Fire Marshall and the Township Fire Chief.
8. The management shall furnish a paved space suitable for washing cars, with adequate drains and running water, of ten by twenty (10x20) feet in area for each 50 manufactured housing park dwelling sites in the park. The wash area shall be screened from view from manufactured housing park dwelling sites and properties adjacent to the manufactured housing park.
9. Dealer sales of manufactured housing units and equipment, repair business for manufactured housing units, and similar commercial sales and services shall be prohibited in a manufactured housing park. The park management or a park tenant may sell a manufactured housing unit that is located on a manufactured housing park dwelling site and which was previously occupied by a resident of the park.
10. A manufactured housing park shall not limit occupancy to certain makes of manufactured housing units and shall not restrict occupancy to those manufactured housing units that might be sold by the management company. A manufactured housing unit shall be permitted occupancy of a site in a manufactured housing park if it meets the standards and regulations of this

ordinance, and the State Construction Code, as amended. A manufactured housing park may have minimum size requirements for such dwelling units.

11. Entry fees shall be prohibited.
12. All structures and utilities to be constructed, altered, or repaired in a manufactured housing park shall comply with all applicable codes of Freedom Township and the State of Michigan, including building, electrical, plumbing, liquefied petroleum gases and similar codes, and shall require permits issued therefore by the appropriate offices. All structures and improvements to be constructed or made under the State Construction Code shall have a building permit issued therefore by Freedom Township's Building Inspector. Such structures or improvements shall not be occupied until a certificate of occupancy is issued therefore by the Building Inspector.
13. Essential community facilities and services for the proposed manufactured housing parks, such as shopping centers, schools, recreation areas and police and fire protection shall be reasonably accessible to the park. A manufactured housing park shall have public sanitary sewer and water supply systems.
14. The site and surrounding area shall be suitable for residential use. It shall not be subject to hazards such as insect or rodent infestation, objectionable smoke, and noxious odors. unusual noise, subsidence, or the probability of flooding or erosion. The soil, groundwater level, drainage, rock formations, and topography shall not create hazards to the property or to the health and safety of occupants.
15. All land in a manufactured housing park shall comprise a single parcel. Public streets, except extensions of local and collector streets proposed as part of the manufactured housing park site plan, shall not bisect or divide a manufactured housing park.
16. A manufactured housing park shall not be occupied unless at least 60 dwelling sites are available for occupancy at the time of opening of the park.
17. The minimum lot size of a manufactured housing park shall be 20 acres.

**B. Manufactured Housing Park Site Regulations.**

The following regulations shall apply to each manufactured housing park dwelling site in a manufactured housing park.

1. Each site for a single-wide or expandable dwelling unit shall have a minimum area of 5,000 square feet and shall have a minimum width of 50 feet. Each site for double-wide dwelling units shall have a minimum area of 7,200 square feet and a minimum width of 60 feet. Corner sites shall be ten (10) feet wider than as required in this Section. The site area shall be computed on the basis of the site lines as shown on the site plan, exclusive of rights-of-way, drives, and common areas and facilities. Not more than two parking spaces shall be included in the site area. Site width shall be measured along the rear line of the required front yard, provided that the width of the site at the front site line shall not be less than 25 feet.

2. For a single-wide and expandable dwelling unit the minimum front yard shall be ten (10) feet, the minimum rear yard shall be five (5) feet, and the sum of the front and rear yards shall not be less than 30 feet. The minimum side yard shall be three (3) feet, except that the minimum side yard shall be ten (10) feet for a dwelling face with a door. For a double-wide dwelling and the minimum front and rear yards shall each be 25 feet and the minimum side yards shall each be five (5) feet. Corner side yards shall be 25 feet. The front yard shall be that yard which runs along and parallel to the access street line. The rear yard is at the end of the dwelling site opposite the front yard. Side yards run along and parallel to the side lines of the site, between the front and rear yards.
3. The ground floor coverage (GFC) of a dwelling site shall not exceed 16 percent and the floor area ratio (FAR) of a dwelling site shall not exceed 0.16. The calculation of GFC and FAR shall be based upon the area of the site, as described in this Section 5.205B (Manufactured Housing Park Site Regulations), and the total ground floor area of the dwelling unit, including any expandable unit and any other enclosed structure except a storage unit with a floor area of 80 square feet or less.
4. The following minimum distances shall be required between single-wide and expandable dwelling units, and between single-wide or expandable dwelling units and double-wide dwelling units.
  - a. When units are parallel to each other or when one unit is placed at an angle which is less than 30 degrees between the two adjacent faces, and when any part of a dwelling face overlays any part of any adjacent dwelling face, the following minimum distances shall be provided and maintained:

| <b>Relationship Between Adjacent Dwellings</b>  | <b>Separation Distances</b> |
|---|-----------------------------|
| front face to front face  | 40 feet                     |
| front face to back face   | 35 feet                     |
| back face to back face  | 20 feet                     |
| front or back face to end face  | 35 feet                     |
| end face to end face  | 15 feet                     |
| Provided that no parts of any dwelling unit shall be less than ten (10) feet from any part of any other dwelling. |                             |

- b. When dwelling units are placed at an angle to each other and overlap and the angle between the adjacent faces is 30 degrees or more, the minimum distances between adjacent faces shall be set forth in this Section 5.205B (Manufactured Housing Park Site Regulations), as measured along a straight line connecting the midpoints of the adjacent faces, provided that no part of a front, back, or end face shall be less than 25 feet from any front or back face of another dwelling unit and no part of an end shall be less than ten (10) feet from another end face.

- c. The minimum distances between double-wide dwelling units shall be provided by the yard requirements in this Section 5.205B (Manufactured Housing Park Site Regulations).
5. The following minimum distances shall be provided and maintained, as measured from the nearest part of any dwelling unit:
  - a. ten (10) feet to a transition or landscape strip.
  - b. 30 feet to a boundary of the manufactured housing park, which is not a public street right-of-way.
  - c. 50 feet to any service building or central storage area or building in the manufactured housing park.
  - d. eight (8) feet to any manufactured housing park walkway or sidewalk.
  - e. 50 feet to any parking lot in the manufactured housing park intended to provide parking for other than residents of the park.
6. All measurements set forth in this Section shall be made from the dwelling face. The dwelling face shall include the face of any expandable unit, the face of any enclosed structure that is attached to or otherwise made a functional part of the original dwelling unit, or the face of any other enclosed structure located on a dwelling site. An enclosed storage building with a floor area of 80 square feet or less shall not be included in such measurements, provided that such storage shall not be located in any required yard.
7. The yards and other distances, ground floor coverage, and floor area ratio shall not be violated at any time on any dwelling site.
8. Each dwelling site shall be provided with a poured concrete stand at least four (4) inches thick, and not less than eight (8) feet wide by 45 feet long, or two (2) ribbons of poured concrete at least four (4) inches thick, each not less than 36 inches wide and 45 feet long. Where concrete ribbons are used, the area between the ribbons shall be filled with a six (6) inch layer of crushed rock or equivalent material.
9. Each dwelling shall be supported on uniform masonry blocks or metallic devices supplied by the manufactured housing park.
10. An outdoor patio area of not less than 180 square feet shall be provided at each dwelling site conveniently located at the entrance of the dwelling and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable living space. The patio may be constructed of movable elements to permit adjustments to accommodate various locations, floor plans, and widths of dwelling units.
11. It shall be unlawful to park a dwelling so that any part of such dwelling will obstruct any roadway or walkway in a manufactured housing park.
12. It shall be unlawful to allow any dwelling to be occupied in a manufactured housing park unless the dwelling is situated on a manufactured housing park dwelling site.

13. All dwelling sites shall be marked on the ground by permanent flush stakes, markers, or other suitable means.

**C. Utilities.**

Each dwelling shall be suitably connected to sanitary sewer, water and other utility lines and such connections shall meet the following regulations:

1. A public water supply shall be provided to and within a manufactured housing park. The water lines and all appurtenances shall comply with all Freedom Township regulations and standards. The water supply shall be adequate for fire fighting purposes.
2. Public sanitary sewer lines shall be provided to and within a manufactured housing park. The lines and all appurtenances shall comply with all Freedom Township regulations and standards.
3. Each dwelling space shall be provided with at least a four (4) inch sanitary sewer connection. The sewer shall be closed when not connected to a dwelling and shall be capped so as to prevent any escape of odors. The sewer connection shall be water-tight and self draining and shall not exceed ten (10) feet in length above ground.
4. The plumbing connections to each dwelling site shall be constructed so that all lines are protected from freezing, from accidental bumping, or from creating any types of nuisance or health hazard.
5. All electrical lines to each dwelling site shall be underground. Separate meters shall be installed for each site. All cable television and telephone lines shall be underground. Overhead distribution lines for the manufactured housing park for electricity, telephone, and cable television may be permitted upon approval of the Planning Commission.
6. If an exterior television antenna installation is necessary, a master antenna shall be provided and service therefrom shall be extended to individual dwelling sites by underground lines. The master antenna shall be placed so as to not be a nuisance to park residents and surrounding areas.
7. An electrical service supplying 110 volts or 110/220 volts shall be provided for each dwelling space. The installation shall comply with all State and Township electrical regulations.
8. All fuel oil and liquefied gas supplies shall be stored in underground tanks at central locations at safe distances from any dwelling site. All fuel oil and gas shall be furnished to each dwelling site underground. All such tanks and lines shall meet all applicable codes. Individual fuel tanks to supply each dwelling site are prohibited.

**D. Access and Parking.**

Direct vehicular access by a paved public street shall be provided for a manufactured housing park. Such street shall function as a collector or arterial street and/or shall be classified as a collector or arterial street on the Freedom Township Master Plan.

1. All streets, driveways, motor vehicle parking spaces and walkways within the park shall be paved unless otherwise provided herein. All streets and walkways shall be adequately lighted for safety and ease of movement. All streets shall have curbs and gutters and adequate drainage facilities.
2. All public streets in a manufactured housing park shall meet the requirements of the Washtenaw County Road Commission (WCRC). All other streets shall meet the standards of Freedom Township.
3. Each manufactured housing park shall have at least one private or public collector street location within the park and connecting it with a public street. Dwelling sites shall not front onto or have access to a collector street or to any public street serving the park; access shall be obtained from site access streets. A collector street shall be a street that carries traffic from the site access streets in the park to the principal common areas and facilities of the park and to the public roads that provide access to the park.
4. All entrance streets for a park shall be designed as collector streets and shall have a minimum width of 37 feet, back of curb, for a minimum distance of 200 feet from the edge of pavement of the public street that provides access to the park. Tapering of pavement to a narrower width shall meet WCRC standards.
5. Private collector streets within a manufactured housing park shall provide for two-way traffic flow, shall have a minimum width of 27 feet measured from backs of curb, shall have no parking on the street, and shall have standard curb and gutter constructed according to WCRC standards.
6. Site access streets shall have standard curb and gutter and pavement constructed according to WCRC standards and shall meet the following minimum width requirements:

| <b>Parking</b>               | <b>Direction of Traffic Flow</b> | <b>Minimum Pavement Width<br/>(back-to-back of curb)</b> |
|------------------------------|----------------------------------|--|
| No parking                   | two-way                          | 24 feet  |
| No parking                   | one-way                          | 22 feet  |
| Parallel parking - one side  | two-way                          | 33 feet  |
| Parallel parking - one side  | one-way                          | 22 feet  |
| Parallel parking - two sides | two-way                          | 36 feet  |
| Parallel parking - two sides | one-way                          | not permitted  |

7. A one-way street shall not serve more than 30 manufactured housing park dwelling units. A site access street not more than 250 feet long and serving not more than 15 dwelling units may be reduced to a minimum pavement width of 22 feet and the curb and gutter requirements may be waived, if on-street parking is prohibited, if adequate turn-around area for fire trucks and other emergency vehicles is provided, and if adequate drainage is provided.
8. Cul-de-sac streets shall have a turn-around with a minimum outside radius of 50 feet, and shall have a maximum length of 300 feet.

9. Entrances and exits for a manufactured housing park from county or state highways shall have written approval of the highway authority having jurisdiction before a final site plan for all or any phase of the manufactured housing park shall be approved by the Planning Commission.
10. Two (2) automobile parking spaces shall be provided for each manufactured housing park dwelling site. Visitor parking spaces may be included within a total number of spaces so determined. At least one (1) required space shall be located on, or within 50 feet of each manufactured housing park dwelling site. The second space shall be located within 150 feet of each dwelling site. On-street parking may be permitted in place of required off-street parking provided that such parking shall not exceed one (1) space per dwelling site, and provided further, that such parking shall not be provided on any collector street in the park. Two (2) spaces may be located on a site and may be arranged in tandem.
11. Public sidewalks shall be provided on the street side of each dwelling site, except that such sidewalks may be waived by the Planning Commission if an adequate internal walks system is provided. All public sidewalks such as those along streets, those leading from street sidewalks to park service buildings and common areas, and major interior walkway systems not adjacent to streets shall be paved and shall be at least four (4) feet wide. Sidewalks used in common by one (1) to three (3) dwelling sites shall be at least three (3) feet wide.
12. Public sidewalks along private collector streets within the manufactured housing park shall be separated from the street by a landscaped margin at least ten (10) feet wide, measured from back to curb.
13. All public sidewalks shall be designed for use by bicycles, wheelchairs, and similar vehicles.

**E. Landscaping.**

1. A landscape strip at least 20 feet wide shall be located and continually maintained along all park borders not adjacent to public streets, and along the edge of any private collector street within the manufactured housing park. This strip shall consist of such plant materials as trees and shrubs to provide privacy for the manufactured housing park residents and to provide a transition area between manufactured housing park and the surrounding property. A fence may be required by the Planning Commission as part of the site plan approval to protect the manufactured housing park or adjacent residences from trespassing.
2. Common laundry-drying yards, trash collection stations, surface mounted transformers, and similar equipment and facilities shall be screened from view by plant materials or by man-made screens. Required landscape strips shall not be included in the calculation of required recreation area.
3. A landscape strip at least 50 feet wide shall be provided along any frontage that abuts a public street right-of-way existing or proposed on the Freedom Township Master Plan. The strip shall be landscaped with trees, shrubs, and ground cover.
4. Parking shall not be permitted in any required buffer strip.



5. Not less than ten (10) percent of the total land area of any manufactured housing park shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools and community buildings. Required landscaped strips, streets, parking areas, laundry areas, and storage areas shall not be included in calculating the required recreation area. Where only one recreation area is provided, it shall be in a central location conveniently accessible for all dwellings. No central recreation area shall be credited toward meeting these requirements unless it contains at least 30,000 square feet of land area. Recreation areas and facilities shall be so located, designed, and improved as to minimize traffic hazards to users and adverse effects on surrounding residential uses.

**F. Storage Areas.**

1. An outdoor storage area for boats, boat trailers, camping units, horse trailers, and similar equipment shall be provided within the manufactured housing park in an amount equal to at least 50 square feet per manufactured housing park space. The storage area shall be surfaced with gravel, asphalt, or similar substances and shall be screened from view with plant materials or man-made screening devices.
2. An outdoor storage area, either individual or common, for the personal use of manufactured housing park occupants shall be provided in an amount equal to at least 150 cubic feet per manufactured housing park space. Each storage facility shall have a concrete floor at least four (4) inches thick.

**G. Procedures and Permits.**

1. To construct a manufactured housing park or any facilities therein, a person shall:
  - a. present a site plan to be approved by the Planning Commission in accordance with Article 15.0 (Site Plan Review), and no variation from this plan may be made without approval of the Planning Commission through a site plan amendment;
  - b. obtain a construction permit from the State of Michigan as required by the Mobile Home Commission Act (P.A. 96 of 1987, as amended). A copy of such permit shall be given to the Township Zoning Administrator; and
  - c. obtain a building permit from Freedom Township's Building Inspector as required by the State Construction Code.
2. To inhabit, conduct, or operate a manufactured housing park, a person shall:
  - a. obtain written approval from the State of Michigan for the completed construction as required in the Mobile Home Commission Act (P.A. 96 of 1987, as amended); a copy of such approval shall be given to the Township Clerk:
  - b. obtain an annual license from the State of Michigan, as provided in the Mobile Home Commission Act (P.A. 96 of 1987, as amended); a copy of such license shall be given to the Township Zoning Administrator; and

- c. obtain a certificate of occupancy from Freedom Township's Building Inspector as required by the State Construction Code.

**H. Registration of Manufactured Housing Units.**

The manufactured housing park management shall establish and maintain an up-to-date register containing a record of all dwelling units located within the manufactured housing park. The register shall contain the following information:

1. The name and address of the owner of each dwelling unit;
2. The make, model, year and current license number of each model home, and the number of the site on which located;
3. The length, width, and total floor area of the dwelling unit;
4. The length, width, and area of the manufactured housing park dwelling site;
5. The state, territory, or country issuing such licenses; and
6. The date of arrival and departure of each dwelling unit.

The register shall be available for inspection by public officials. The record for each manufactured housing park dwelling unit shall not be destroyed for a period of one (1) year following the date of departure of the unit from the manufactured housing park.

**Section 5.206 Multiple-Family Housing.**

All multiple-family dwellings and developments (including two-family (duplex) dwellings, apartment buildings, townhouses, stacked flats, senior and independent elderly housing, nursing homes, assisted living facilities, and dependent elderly housing) shall comply with the following:

**A. General Standards.**

1. **Frontage, access and vehicle circulation.** Multiple family developments shall have direct vehicle access to a major road or primary road as classified in the master transportation plans for the Township, or county or state road authorities.
  - a. All interior roads, drives, and parking areas within a multi-family development shall be hard surfaced with asphalt, concrete or other paving materials approved by the Township. Roadway drainage shall be appropriately designed such that storm water from the roadway will not drain onto adjacent lots or across road rights-of-way.
  - b. Ingress-egress to parking facilities shall be arranged to minimize curb cuts directly onto the public road.
  - c. Such uses shall be screened from abutting single-family residential districts or uses in accordance with Section 10.10D (Methods of Screening).
2. **Pedestrian circulation.** Concrete sidewalks with a minimum width of five (5) feet shall be provided from all building entrances to adjacent parking areas, public sidewalks and recreation areas, along with barrier-free access ramps.

- 3. **Recreation areas.** Passive or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths, and other recreational elements consistent with the intended neighborhood character) shall be provided at a ratio of at least fifteen percent (15%) of the gross area of the development.
  - a. The minimum size of each area shall be 5,000 contiguous square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1).
  - b. Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.
  - c. Off-road parking areas, driveways, basins, ponds, and accessory uses or areas shall not be counted as required open space.
- 4. **Other requirements.** Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

**B. Senior Housing and Elderly Housing.**

The following additional standards shall apply to senior and independent elderly housing, nursing homes, assisted living facilities, and dependent elderly housing:

- 1. **State and federal regulations.** Such facilities shall be constructed and maintained in conformance with applicable local, state, and federal laws.
- 2. **Minimum floor area.** The average floor area for all senior and independent elderly housing units in each principal building shall average a minimum of 350 square feet, not including kitchen and sanitary facilities.
- 3. **Accessory uses.** Accessory retail, restaurant, office, and service uses may be permitted within the principal building(s) for the exclusive use of residents, employees and guests. No exterior signs are permitted for these accessory uses.
- 4. **Density.** The maximum dwelling unit density standards for the zoning district shall not apply to nursing homes, assisted living facilities, and dependent elderly housing. Such standards shall apply to senior and independent elderly housing, and other state-licensed and other managed residential facilities.

**Section 5.207 Single-Family Dwellings, Detached**

The intent of this Section is to ensure compliance of single-family detached dwellings on individual lots with all applicable Ordinance standards for the protection of the public health, safety, and welfare; and to ensure that new dwellings on individual lots are aesthetically compatible with existing single-family dwellings in the surrounding area. The standards of this Section are not intended to apply to dwellings located within a licensed and approved manufactured housing park in the R-6 (Manufactured Housing Park) District. New single-family detached dwellings and additions to existing dwellings constructed or installed on lots in the Township, without regard to the type of construction, shall be subject to the following:

1. The dwelling shall meet all applicable federal and state design, construction, and safety codes for the type of construction. The dwelling shall be placed on a permanent foundation wall meeting all requirements of the State Construction Code, subject to the following:
  - a. The dwelling shall be secured to the ground by an anchoring system that meets all State Construction Code and other applicable requirements before a Certificate of Occupancy is issued.
  - b. Wheels, tongue, hitch, or similar appurtenances attached to a manufactured dwelling shall be removed before anchoring the dwelling.
2. The dwelling shall be connected to approved potable water and sanitary sewerage facilities.
3. The dwelling shall have a minimum floor area, not including basement or attached garage floor area, of 1,000 square feet. Prior to any additions or expansions, the dwelling shall have a minimum width across all front, side, and rear elevations of 24 feet (see "Dwelling Elevations" illustration).
4. Access to the dwelling shall be provided by a minimum of two (2) exterior doors, either on the front and rear elevations, or the front and side elevations.
5. The single-family detached dwelling shall be aesthetically compatible in design and appearance with housing in the neighborhood and other single-family dwellings in Freedom Township. Compatibility shall be determined according to the following standards:
  - a. Exterior walls shall be finished with natural or simulated natural materials, common to single-family dwellings in the Township, such as but not limited to beveled siding, vertical siding, board and batten siding, or brick.
  - b. Roof designs and roof materials shall be similar to those commonly found on dwellings in the Township. The dwelling shall also have a roof drainage system which will collect, and concentrate the discharge of, roof drainage, and will avoid roof drainage along the sides of the dwelling.
6. A building permit shall be required for construction of the foundation wall, for placement of the single-family detached dwelling on the lot, and for any addition(s) to the dwelling. A building permit shall not be issued until a Certificate of Zoning Compliance has been issued in accordance with Section 1.07 (Certificates of Zoning Compliance).
7. Not more than one (1) single-family detached dwelling shall used as a dwelling on a lot. A single-family detached dwelling shall not be used as an accessory building in any residential district.

**SECTION 5.300  
OFFICE, SERVICE, AND COMMUNITY USES**

**Section 5.301 Accessory OFFICE, SERVICE, AND COMMUNITY USES.**

Where specific OFFICE, SERVICE, AND COMMUNITY USES are proposed accessory to another principal use in a zoning district, such uses shall be subject to the following restrictions, in addition to any other applicable use standards:

1. Such accessory OFFICE, SERVICE, AND COMMUNITY USES shall be incidental and subordinate to the principal use(s) of the site. Such accessory uses shall be located and maintained primarily for use by the occupants of the building or employees of the principal use(s), and not for the general public.
2. Such accessory uses shall be located in the building(s) containing the permitted principal use(s) that will be served. No signs for such accessory uses shall be permitted that are visible from a road right-of-way or adjacent lot.

**Section 5.302 Cemetery.**

Cemeteries and similar uses shall comply with all applicable federal, state and local laws and regulations, and shall be subject to the following:

1. The minimum gross lot area for any new cemetery shall be ten (10) acres.
2. All access shall be provided from a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
3. The cemetery shall be secured by a fence, and screened from abutting Residential Districts and existing RESIDENTIAL USES per Section 10.10D (Methods of Screening).
4. Crypts, mausoleums, and other buildings containing human remains, other than a subterranean grave, shall be set back a minimum of 100 feet from lot boundaries.
5. The location shall not disrupt the convenient provision of utilities to adjacent properties, nor disrupt the continuity of the public road system.
6. A caretaker's residence shall be permitted accessory to a cemetery, subject to the requirements of Section 5.201 (Accessory Dwelling).
7. Establishment, expansion, and alteration of a cemetery shall be subject to site plan approval per Article 15.0 (Site Plan Review). A maintenance plan shall be submitted with the application for site plan approval, which shall include the entity responsible for long-term maintenance of the cemetery, methods and anticipated funding sources for such maintenance, and details of the proposed landscape and lawn care maintenance program.

### **Section 5.303 Day Care and Large Group Home Facilities.**

The following regulations shall apply to group day care homes, day care centers, and adult foster care large group homes, except licensed group day-care homes that lawfully operated before March 30, 1989:

1. Construction, expansion, and alteration of such uses shall be subject to site plan approval per Article 15.0 (Site Plan Review).
2. In accordance with applicable state laws, such facilities shall be registered with or licensed by the State of Michigan.
3. Group day care homes shall be located a minimum of 1,500 feet from any of the following facilities, as measured along public or private road rights-of-way. The subsequent establishment of any of the facilities listed in this subsection shall not affect any approved Conditional Use Permit for a group day-care home:
  - a. Another licensed group day-care home.
  - b. A adult foster care small group home or large group home.
  - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people as licensed under the State public health code.
  - d. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
4. All outdoor play areas for group day care homes and day care centers shall be enclosed and secured by a fence not less than four (4) feet nor more than six (6) feet in height and capable of containing the children within the play area.
5. The group day care home or adult foster care large group home premises shall be maintained consistent with the visible character of single-family dwellings.
  - a. No signs shall be permitted for such uses, other than that permitted for a single-family dwelling in the zoning district.
  - b. A group day-care home shall not require the modification of the dwelling exterior or the location of playground equipment in the front yard.
6. The operation of a group day care home shall not exceed 16 hours during any 24-hour period. The Planning Commission may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
7. One (1) off-street parking space shall be provided per non-resident employee of the group day care home, in addition to required parking for the dwelling.
8. In accordance with Section 206 of the Michigan Zoning Enabling Act, the Planning Commission shall approve a Conditional Use Permit for a group day care home upon determination that the proposed use conforms to the requirements of this Section and Ordinance. The Planning Commission shall not impose additional conditions beyond those listed in this Section.

### **Section 5.304 Funeral Parlor or Mortuary.**

Funeral parlors and mortuaries shall be subject to the following standards [crematoriums are an INDUSTRIAL, RESEARCH, AND LABORATORY USE as permitted in Article 4.0 (Land Use Table)]:

1. **Assembly area.** An adequate assembly area shall be provided off-street for funeral processions and activities. All maneuvering areas shall be located within the site and may be incorporated into the required off-street parking. Road rights-of-way shall not be used for maneuvering or parking of vehicles.
2. **Screening.** The service and loading area shall be screened from adjacent Residential Districts and existing RESIDENTIAL USES per Section 10.10D (Methods of Screening).
3. **Caretaker's residence.** An accessory caretaker's residence shall be permitted, subject to the requirements of Section 5.201 (Accessory Dwelling).

### **Section 5.305 Institutional Uses.**

The following shall apply to all educational, social and religious institutions, public and private elementary and secondary schools, institutions of higher education, auditoriums, and other places of assembly defined as institutional uses in Section 19.03 (Definitions):

1. **Height.** The maximum height of the principal building containing an institutional use shall be subject to the following conditions and exceptions:
  - a. The building height shall be permitted to exceed maximum height requirements up to a maximum height equal to twice the permitted maximum height of the zoning district, provided that the minimum required front, side and rear yard setbacks shall be increased by one (1) foot for each foot of additional building height above the maximum.
  - b. The highest point of chimneys, stage towers of scenery lofts, church spires, cupolas, and domes may be erected to a height not exceeding one-hundred-fifty percent (150%) of the height of the building, provided that no such structure shall occupy more than twenty percent (20%) of the roof area of the building.
2. **Frontage and access.** Institutional uses shall have direct vehicle access to a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
3. **Traffic impacts.** A traffic impact study and proposed mitigation measures may be required by the Planning Commission for facilities that have a seating capacity of over 500 persons.

### **Section 5.306 Landscape and Maintenance Operations.**

Landscape maintenance and installation operations, and similar uses shall be subject to the following:

1. **Site plan approval.** Establishment, expansion or alteration of such businesses shall be subject to site plan approval per Article 15.0 (Site Plan Review).
2. **Outdoor storage.** Outside storage shall conform to the standards of Section 5.504 (Outside Storage, General).
3. **Screening.** The Planning Commission may require screening of storage building(s), outside storage areas, and business vehicle parking area(s) occupied or intended to be used by the business from road rights-of-way and abutting parcels per Section 10.10D (Methods of Screening).
4. **Parking.** Parking of vehicles shall be prohibited within road rights-of-way and any required yard setbacks. Parking for the business shall be subject to Article 11.0 (Off-Street Parking and Loading Regulations).
5. **Fuel storage.** On-site fuel storage and handling shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code (P.A. 207 of 1941, as amended).

### **Section 5.307 Private Recreational Facilities.**

Private parks and recreational facilities (including but not limited to private parks, country clubs, golf courses, golf driving ranges, and other privately-owned recreational facilities shall be subject to the following:

#### **A. General Requirements.**

The following general standards shall apply to all private recreational facilities:

1. Construction, expansion, and alteration of private recreational facilities shall be subject to site plan approval per Article 15.0 (Site Plan Review).
2. Structures associated with such uses shall be located at least 250 feet from a lot line or any adjacent residence or Residential District.
3. Such uses shall have direct vehicle access to a major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities.
4. Activities associated with such operations that are conducted out-of-doors or that would create significant or undue disturbance to adjacent uses shall be limited to hours of operation that shall not exceed 7:00 a.m. to 10:00 p.m.
5. The Planning Commission may require the applicant to submit an impact assessment of the proposed use to determine potential impacts on surrounding properties and uses, and proposed mitigation measures.



**B. Golf Course and Driving Range Regulations.**

The following minimum acreage and road frontage requirements shall apply to all golf courses and driving ranges, in addition to the general standards above:

| Type of Course       | Minimum Lot Area (acres) | Minimum Road Frontage (feet) |
|----------------------|--------------------------|------------------------------|
| Nine (9) hole, Par 3 | 20                       | 330                          |
| Nine (9) hole        | 80                       | 660                          |
| 18 hole              | 140                      | 1,320                        |

1. The course shall be designed and maintained to prevent golf balls or other course activities from encroaching on abutting lots or uses. The use of netting or similar materials to contain errant golf balls within the site shall be prohibited, except where the Planning Commission determines that it would be compatible with surrounding uses.
2. The site plan shall include illustration of expected ball trajectories and dispersion patterns along fairways and for driving ranges located within 500 feet of a building, parking lot, lot boundary or road right-of-way.

**Section 5.308 Recreational Vehicle Parks and Campgrounds.**

Recreational vehicle parks and campgrounds shall be subject to the following:

1. **Lot area.** Minimum site area shall be ten (10) acres.
2. **Screening and security.** The Planning Commission may require a fence up to six (6) feet in height around the perimeter of the site, and may require screening from road rights-of-way and abutting residential uses in accordance with Section 10.10D (Methods of Screening).
3. **Setbacks.** Structures and areas designated for camping shall be located a minimum of 100 feet from all lot boundaries. The storage of vehicles not set up for occupancy shall be located a minimum of 200 feet from all lot boundaries, and shall be screened per Section 10.10D (Methods of Screening).
4. **Access.** Recreational vehicle parks shall have direct vehicle access to a major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities.
5. **Parking.** The site shall include adequate vehicle access and parking facilities. All parking for campgrounds and recreational vehicle parks shall be set back a minimum of 40 feet from any Residential Districts.
6. **Temporary residency.** Campgrounds and recreational vehicle parks shall be for seasonal recreation use only, with the exception of any resident manager(s) or caretaker(s).

7. **Impact on surrounding uses.** The location, layout, design, or operation of campgrounds and recreational vehicle parks shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby lots. Such uses shall not generate excessive noise, odors, dust, or other impacts that impair the continued use and enjoyment of adjacent lots.
8. **Accessory retail facilities.** Limited retail uses shall be permitted accessory to a campground or recreational vehicle park, provided that such uses are designed to serve only campground or park patrons.

### **Section 5.309 Snowplow Businesses.**

Where permitted in the Rural Districts, snowplowing and removal businesses shall be accessory to a principal farm operation or single-family dwelling on the same parcel, and shall be subject to the following requirements:

1. The minimum lot area for such uses shall be five (5) acres.
2. The character or appearance of the dwelling shall not change. The total floor area of the dwelling used for the business shall not exceed twenty percent (20%) of the dwelling's total floor area. Employees of the business not residing on the parcel shall work primarily off-site. The business shall not generate vehicular traffic above that normally associated with similar agricultural operations in the Rural Districts.
3. Such businesses may occupy all or part of any accessory buildings on the parcel that conform to the minimum required yard setbacks for the zoning district, subject to Planning Commission approval.
4. The Planning Commission may limit hours of operation for the business to minimize impacts on adjacent residents and uses.
5. A maximum of two (2) commercial trucks or similar vehicles may be parked outside. All other vehicles and equipment associated with the business shall be stored within a completely enclosed building.

### **Section 5.310 Therapeutic Massage.**

All massage therapy clinics and massage therapists working in the Township shall be licensed where such licenses are available, and shall be certified members of the American Massage and Therapy Association, International Myomassethics Federation, or equivalent national certification accepted by the Zoning Administrator. Proof of such licenses or certifications shall be provided to the Township. All activities that meet the definition of a controlled use or sexually oriented business shall be prohibited.

### Section 5.311 Workshops or Studios.

Workshops, studios, showrooms or offices of photographers, skilled trades, decorators, artists, upholsterers, tailors, taxidermists and similar businesses; or for repair and service of bicycles, electronics, small appliances, furniture, shoes, and similar items shall be subject to the following standards by zoning district:

1. **Industrial-Research District.** In the I-1 (Industrial-Research) District, showrooms or sales and display areas for sales of products or services at retail on the premises shall be limited to no more than ten percent (10%) of the usable floor area occupied by the use.
2. **Commercial Districts.** In the C-1 (Convenience Commercial), C-2 (Special Commercial), and LK (Lake) Districts, showrooms or sales and display areas for sales of products or services at retail on the premises shall occupy a minimum of fifty percent (50%) of the usable floor area occupied by the use, and shall include the street level façade.

### Section 5.312 Sportsman's Clubs and Ranges.

The following standards shall apply to all indoor and outdoor sportsman's clubs, shooting ranges, and similar uses:

1. Such facilities shall be located on a parcel of land not less than ten (10) acres in gross lot area.
2. Such facilities shall be secured by perimeter fencing with a minimum height of six (6) feet, and posted through both symbol and written statement so as to inform the public of the nature of the facility at frequent intervals not to be greater than 50 feet apart.
3. Design and operation of such facilities shall conform to current National Rifle Association specifications and practices and applicable state and federal laws.
4. Indoor firearms ranges shall be insulated with sound dampening materials, and shall be set back a minimum of 500 feet from all lot boundaries. Outdoor firearms ranges shall be surrounded by berms or other suitable containment and noise dampening measures, and set back a minimum of 1,500 feet from all lot boundaries. All facilities shall be designed to contain projectiles within the site, and to minimize noise impacts on surrounding properties and uses.
5. Construction, expansion, and alteration of private recreational facilities shall be subject to site plan approval per Article 15.0 (Site Plan Review).
6. Structures associated with such uses shall be located at least 250 feet from a lot line or any adjacent residence or Residential District.
7. Such uses shall have direct vehicle access to a major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities.

8. Activities associated with such operations that are conducted out-of-doors or that would create significant or undue disturbance to adjacent uses shall be limited to hours of operation that shall not exceed 7:00 a.m. to 10:00 p.m.
9. The Planning Commission may require the applicant to submit an impact assessment of the proposed use to determine potential impacts on surrounding properties and uses, and proposed mitigation measures.

## SECTION 5.400 COMMERCIAL USES

### Section 5.401 Accessory Commercial Uses.

Where specific COMMERCIAL USES are permitted as an accessory use in a zoning district, such uses shall be subject to the following, in addition to any other applicable use standards:

1. Such accessory COMMERCIAL USES shall be incidental and subordinate to the principal use(s) of the site. Such accessory uses shall be located and maintained primarily for use by the occupants of the building or employees of the principal use(s), and not for the general public.
2. Such accessory uses shall be located in the building(s) containing the permitted principal use(s) that will be served. No signs for such businesses shall be permitted that are visible from a road right-of-way or adjacent lot.
3. Not more than ten percent (10%) of the usable floor area of each principal building shall be occupied by any accessory COMMERCIAL USES.

### Section 5.402 Amusement Center.

Amusement centers that provide space for patrons to engage in the playing of mechanical amusement devices, recreational games, and similar recreational activities of a commercial character shall be subject to the following:

1. All amusement centers shall have direct vehicle access to a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. Outdoor amusement centers also shall be subject to the standards of Section 5.410 (Outdoor Sales and Display Areas).

### Section 5.403 Bakeries.

Bakeries shall be subject to the following standards by zoning district:

1. **Industrial-Research District.** In the I-1 (Industrial-Research) District, the principal use of the premises shall be for the preparation and manufacturing of bakery products to be distributed and sold at off-site locations. Any area(s) for sales of products prepared on the premises shall be limited to no more than ten percent (10%) of the usable floor area occupied by the principal use.
2. **Commercial Districts.** In the C-1 (Convenience Commercial) and C-2 (Special Commercial) Districts, the principal use of the premises shall be the preparation and on-site retail sales of bakery products. Distribution of products to off-site locations shall be permitted as an accessory use, provided that such activities remain incidental and subordinate to the principal use of the premises.

## Section 5.404 Big Box COMMERCIAL USES.

"Big-Box" stores, supermarkets, and wholesales stores, multi-tenant shopping centers, and similar COMMERCIAL USES with more than 50,000 square-feet of total gross floor area in a single building footprint) shall be subject to the following:

1. **Access and circulation.** Vehicular circulation patterns shall be designed to eliminate potential conflicts between traffic generated by the site, and traffic and adjacent streets and streets, and the number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.
  - a. Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
  - b. A traffic impact study and proposed mitigation measures shall be required.
2. **Outlots.** The site design, circulation, parking layout and building architecture of any outlots shall be complementary to and fully integrated with the design of the overall site. Separate curb cuts for any outlots shall be prohibited, except where determined to be necessary by the Planning Commission.
3. **Screening.** Screening shall be required from adjacent Rural Districts, Residential Districts, and existing RESIDENTIAL USES per Section 10.10D (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.
4. **Pedestrian connectivity.** Building entrances, sidewalks, and outlots shall be arranged and designed to allow for convenient and safe pedestrian access and connectivity through the site. A minimum six (6) foot wide concrete sidewalk shall be provided through the parking areas to all public entrances in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping.

## Section 5.405 Car Washes.

Automobile, truck, and recreational vehicle wash facilities shall be subject to the following:

### A. Use Standards.

1. All washing facilities shall be completely within an enclosed-building, and exit lanes shall be designed to prevent runoff from impacting adjacent properties or road rights-of-way.
2. Steam used in the cleaning process shall be contained within an enclosed building.
3. Vacuuming facilities shall be prohibited within the front yard, and shall be set back a minimum of 100 feet from any Residential Uses. The hours of operation of any vehicle wash facility shall be subject to Planning Commission approval.

4. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
5. The hours of operation car wash shall be subject to Planning Commission approval.

**B. Ingress/Egress.**

1. Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. Driveways serving a wash facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads.
3. Road rights-of-way shall not be used for maneuvering or parking by vehicles to be serviced by the car wash.
4. To minimize traffic conflicts and road icing caused by runoff from vehicles, sufficient space shall be provided on the lot so that vehicles do not exit the wash building directly into the road right-of-way.
5. All maneuvering areas and stacking lanes shall be located within the car wash lot.

**C. Screening.**

Screening shall be required from adjacent Rural Districts, Residential Districts, and existing RESIDENTIAL USES per Section 10.10D (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.

**Section 5.406 Drive-in or Drive-through Facilities.**

Drive-in and drive-through lanes, facilities or establishments shall be subject to the following:

1. Adequate on-site stacking space for vehicles shall be provided for each drive-in window so that vehicles will not interfere with vehicular circulation or parking maneuvers on the site, will not interfere with access to or egress from the site, and will not cause standing of vehicles in a public right-of-way.
  - a. Access to and egress from the site shall not interfere with peak-hour traffic flow on the street serving the property.
  - b. Projected peak-hour traffic volumes that will be generated by the proposed drive-in or drive-through service shall not cause undue congestion during the peak hour of the street serving the site.
2. Such facilities shall be set back a minimum of 100 feet from abutting RESIDENTIAL USES. Screening shall be required from adjacent Rural Districts, Residential Districts, and existing RESIDENTIAL USES per Section 10.10D (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.

3. Driveways serving a drive-in or drive-through facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads. No more than one (1) driveway shall be permitted per road frontage.
4. A bypass lane or similar means of exiting or avoiding the drive-through facility shall be provided, subject to Planning Commission approval.
5. Devices for the transmission of voices shall be directed and designed to prevent transmitted sound from being audible beyond the lot boundaries.
6. Sales of alcoholic beverages through any drive-through or drive-in service window or facility shall be prohibited.
7. Menu boards may be installed and maintained for the drive-through facility in addition to other permitted signs per Article 12.0 (Sign Regulations), subject to the following:
  - a. Such signs shall be located on the interior of the lot, and shall be shielded to minimize visibility from road rights-of-way and abutting lots. The total sign area of all permitted menu boards shall not exceed 48 square feet.
  - b. The location, size, and manner of illumination shall not create or exacerbate a traffic or pedestrian hazard, or impair vehicular or pedestrian traffic flow.

### **Section 5.407 Motion Picture Cinema.**

Indoor or outdoor motion picture cinemas shall be subject to the following:

#### **A. General Requirements.**

All indoor or outdoor motion picture cinemas shall conform to the following standards:

1. **Screening.** Screening shall be required from adjacent Rural Districts, Residential Districts, and existing RESIDENTIAL USES per Section 10.10D (Methods of Screening).
2. **Access.** Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
3. **Traffic impacts.** A traffic impact study and proposed mitigation measures may be required by the Planning Commission for facilities that have a seating capacity of over 500 persons.

#### **B. Additional Outdoor Cinema Requirements.**

All outdoor cinemas and drive-in theaters shall conform to the following:

1. A drive-in theater shall not be located adjacent to any Residential Districts.



2. All traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements between the site and the public road(s).
3. All points of entrance or exit for vehicles shall be located no closer than 500 feet from the intersection of any two (2) road rights-of-way.
4. Adequate stacking lanes shall be provided so that vehicles waiting to enter the theater will not occupy driving lanes, parking lanes, or road rights-of-way.
5. The facility shall be fully enclosed by a solid screen fence or wall at least six (6) feet high. Strips of metal, plastic, or other materials inserted into wire fences shall not constitute a solid, screen-type fence and shall not be permitted as a substitute for this requirement. Fences or walls shall be set back at least 100 feet from any road rights-of-way or front lot boundary.
6. Signs or other advertising material shall not be placed on any fences or walls in a manner visible from adjacent lots and road rights-of-way.
7. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.

### **Section 5.408 Motor Vehicle Service Centers, Repair Stations, and Fueling Stations.**

Motor vehicle service centers, repair stations, and fueling stations shall be subject to the following:

#### **A. Use Standards.**

1. Motor vehicle service centers, repair stations, and fueling stations shall be located on a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. The minimum lot area for such uses shall be one (1) acre, and the minimum lot width for such uses shall be 175 feet.
3. Sales, display or rental of motor vehicles shall be prohibited, except where the service center or repair station is accessory to a permitted dealership showroom or outdoor dealership sales lot.
4. Hydraulic hoist, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure(s), and all auto repair activities shall take place within a completely enclosed structure(s).
5. Open service bays and overhead doors shall not face towards any adjacent Residential Districts and RESIDENTIAL USES.
6. Display of temporary signs shall be prohibited where such signs are attached to the pump island canopy, light poles or similar structures.

7. Outdoor sales or display areas shall limited to areas identified on an approved final site plan, and shall conform to the requirements of Section 5.410 (Outdoor Sales and Display Areas).
8. Required parking shall be calculated separately for each use, including any accessory convenience store or other permitted COMMERCIAL USES. Such calculations shall be based upon the floor area occupied by each use.

**B. Pollution Prevention.**

In addition to the requirements contained in Article 15.0 (Site Plan Review), the final site plan shall contain provisions for ventilation and the dispersion and removal of fumes, for the removal of hazardous chemicals and fluids, and for the containment of accidental spills and leaks of hazardous chemicals and fluids, including a detailed description of the oil and grit separator or other measures to be used to control and contain run-off.

1. There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building.
2. The entire area used for vehicle service shall be paved.
3. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of odors.

**C. Fueling Station Pump Islands.**

In addition to the requirements contained in Article 15.0 (Site Plan Review), the preliminary site plan shall illustrate the height, proposed clearance, materials, and design for all pump island canopy structures (see "Pump Island Canopy Lighting" illustration).

1. The pump island canopy shall be architecturally and aesthetically compatible with the principal building and the surrounding area, as determined by the Planning Commission.
2. All lighting fixtures under the canopy shall be fully recessed into the canopy structure. The Planning Commission may permit a maximum intensity of 20.0 footcandles for lighting under the canopy as part of site plan approval, provided that site lighting is otherwise in compliance with Section 10.08 (Exterior Lighting).
3. Pump islands shall be so arranged that ample space is available for motor vehicles that are required to wait.
4. The location of gasoline storage and sales shall be reviewed by the Township Fire Department for compliance with the National Fire Prevention Code.

**D. Vehicle Access.**

Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives or traffic generated by other buildings or uses.

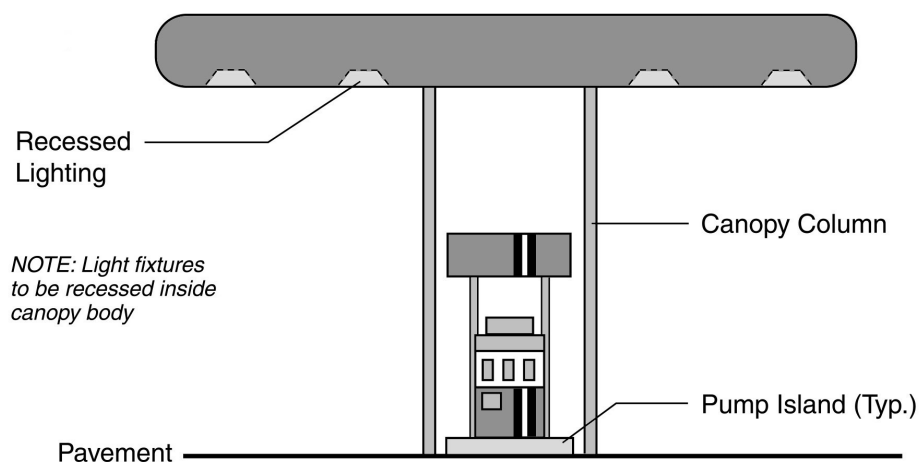
1. Sidewalks shall be separated from vehicular circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by a curb.
2. The maximum widths of any driveway at the right-of-way line shall be 30 feet, and the interior angle of the driveway between the street curb line and the lot line shall be not less than 60 degrees.
3. The distance of any driveway from any property line shall be at least 20 feet, measured at the tangent points of the drive edge and the street curb return.
4. The distance between curb cuts shall be no less than 40 feet, measured between the tangent points of the drive edges and the street curb returns. On corner lots or where the facility has frontage on more than one (1) road right-of-way, not more than one (1) driveway shall be permitted per road frontage.

**E. Incidental Outdoor Storage.**

Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more than 30 calendar days, and then only for the purpose of temporary storage pending transfer to a junk yard or other premises for permanent disposition or disposal.

1. Outdoor storage of trash or other materials, including new or discarded vehicle parts, shall comply with the provisions of Section 6.02 (Storage of Materials).
2. Such storage shall not occur in front of the front building line.
3. Such inoperative vehicles shall not be sold or advertised for sale on the premises.
4. Outdoor storage shall be prohibited accessory to a motor vehicle fueling station, unless separate approval has been granted for a vehicle repair use.

**ILLUSTRATION**



**Pump Island Canopy Lighting**

### **Section 5.409 Outdoor Cafés and Eating Areas.**

Outdoor seating and/or service when associated with a restaurant shall be subject to required approvals from the Washtenaw County Environmental Health Division and the following:

1. The site plan shall indicate the area for and location of all outdoor seating. No such seating shall be located in a required yard.
2. Parking shall be provided for seating in an outdoor seating area per Article 11.0 (Off-Street Parking and Loading Regulations).
3. The outdoor café shall be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required.
4. Exterior lighting for the outdoor café shall not constitute a nuisance or hazard to adjoining lots and uses.
5. Broadcasting of music or any other amplified sound shall be prohibited.
6. Signs shall not be permitted beyond those allowed for the principal use.

### **Section 5.410 Outdoor Sales or Display Areas.**

Open air businesses and outdoor sales or display areas for sales or rentals of motor vehicles, recreational vehicles, building supplies, equipment, boats, merchandise or similar items shall be subject to the following:

1. **Location.** The location of all sales activity and the display of all merchandise shall be maintained in the area specified on an approved final site plan. No sales activity or display of merchandise shall be permitted in any road right-of-way or required yard setback.
2. **Setbacks.** Outdoor sales or display areas shall be set back a minimum of ten (10) feet from any parking area, driveway or access drive. No outdoor sales area shall be located within 50 feet of any Residential Districts and existing RESIDENTIAL USES.
3. **Broadcasting devices prohibited.** Devices for the broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.
4. **Hours of operation.** Where the use abuts any Residential Districts, the maximum hours of operation shall be limited to between the hours of 9:00 a.m. and 9:00 p.m., Monday through Friday; and between 10:00 a.m. and 6:00 p.m. on Saturday and Sunday.
5. **Exterior lighting and signs.** Exterior lighting shall conform to the standards of Section 10.08 (Exterior Lighting). Additional signs shall not be permitted beyond those permitted for the principal use.

6. **Pedestrian access.** The proposed activity shall be located and designed so as to ensure safe pedestrian access.
7. **Grading, surfacing, and drainage.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to effectively dispose of or retain stormwater runoff.
8. **Screening.** Such sales or display area shall be screened from adjacent Rural Districts, Residential Districts in accordance with Section 10.10D (Methods of Screening).



**SECTION 5.500  
INDUSTRIAL, RESEARCH, AND LABORATORY USES**

**Section 5.501 Accessory INDUSTRIAL, RESEARCH, AND LABORATORY USES.**

Where specific INDUSTRIAL, RESEARCH, AND LABORATORY USES are permitted as an accessory use in a zoning district, such uses shall be subject to the following, in addition to any other applicable use standards:

1. Such accessory INDUSTRIAL, RESEARCH, AND LABORATORY USES shall be located and maintained so as to be incidental and subordinate to the principal use(s) on the site. Accessory warehouse space shall be limited to exclusive use by the principal use(s) on the site.
2. Such accessory uses shall be located in the building(s) containing the permitted principal use(s) that will be served. No signs for such businesses shall be permitted that are visible from a road right-of-way or adjacent lot.
3. Not more than twenty five percent (25%) of the usable floor area of each principal building shall be occupied by any accessory INDUSTRIAL, RESEARCH, AND LABORATORY USES.

**Section 5.502 Intensive Industrial Operations.**

Intensive industrial operations shall be subject to the following:

**A. General Standards.**

Such uses shall comply with all standards of this Ordinance, the Township's utility and sewer ordinances, and all standards established by the U.S. Environmental Protection Agency, U.S. Department of Agriculture, Michigan Department of Environmental Quality, Michigan State Police, Washtenaw County Environmental Health Division, and other agencies with jurisdiction.

**B. Impact Assessment.**

The applicant shall submit an impact assessment with any plan submitted for review, which shall describe the expected impacts associated with the use and any mitigation measures to be employed. The assessment shall include the following minimum information and documentation:

1. Negative short-term and long-term impacts, including duration and frequency of such impacts, and measures proposed to mitigate such impacts:
  - a. Water, noise, light, and air pollution associated with the proposed use.
  - b. Effect of the proposed use on public utilities.
  - c. Displacement of people and other land uses by the proposed use.
  - d. Alteration of the character of the area by the proposed use.
  - e. Effect of the proposed use on the Township's tax base and adjacent property values.

- f. Impact of the proposed use on traffic.
2. Description of all planned or potential discharges of any type of wastewater to a storm sewer, drain, river, stream, wetland, other surface water body or into the groundwater.
3. Description of storage area for any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
4. Description of any transportation, on-site treatment, cleaning of equipment, and storage or disposal of hazardous waste or related containers.
5. Description of all secondary containment measures, including design, construction materials and specifications, and security measures.
6. Description of the process for maintaining and recording of all shipping manifests.

All mitigation measures shall be subject to Planning Commission approval. The Planning Commission may impose conditions on the proposed use to the extent that the Commission determines are necessary to minimize any adverse impact of the facility on nearby properties, in addition to the conditions of approval specified in Article 16.0 (Conditional Uses).

**C. Development Standards.**

Intensive industrial operations shall not be located within 500 feet of any Residential Districts. Such uses shall be screened from all road rights-of-way and abutting uses in accordance with Section 10.10D (Methods of Screening).

**Section 5.503 Junkyards and Material Recovery Facilities.**

Junkyards, salvage yards, outdoor vehicle storage, vehicle dismantling or recycling facilities, and similar material recovery facilities shall conform to all applicable federal, state, county, and local laws and regulations and the following:

**A. Access and Truck Routes.**

Such facilities shall be located on a paved primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.

1. Such facilities shall not be located on property contiguous to or across a road right-of-way from the boundary of any Rural Districts or Residential Districts.
2. Travel routes within the Township for trucks entering and leaving the facility shall be shown on a map submitted with the site plan required by Article 15.0 (Site Plan Review).
3. Truck travel routes shall not pass through residential areas, unless such routes follow paved primary roads.



4. All drives, parking areas, and loading/unloading areas shall be paved, watered, or treated so as to limit nuisances caused by windborne dust on neighboring properties and on public roads.
5. There shall not be more than one (1) entranceway from each public road that adjoins the facility.

**B. Proximity to Residential Districts and Uses.**

The facility, when established and located within 1,000 feet of any Residential Districts or existing RESIDENTIAL USES, as measured on a straight line distance, shall not be open for business and shall not be operated at any time other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and between 7:00 a.m. and 12:00 noon on Saturdays. Such facilities shall not be open for business or otherwise operate on Sundays and legal holidays.

**C. Enclosures and Screening.**

The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 10.10D (Methods of Screening) and the following:

1. The facility shall be enclosed within a solid wall at least six (6) feet and no more than eight (8) feet in height, which shall not be located within the required yard setbacks. The Planning Commission may approve the substitution of a solid fence for all or part of a required wall, upon determination that a fence would be more appropriate for the abutting uses, topography or drainage patterns, preservation of natural features, or other circumstances. Such walls and/or fences shall be subject to the following:
  - a. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited.
  - b. Gates shall also be made of solid, opaque material.
  - c. The fence or wall height shall be measured from grade at each fencepost or at ten (10) foot intervals in the case of a wall.
2. Automobiles, trucks, and other vehicles or junk materials shall not be stored in piles or stacked higher than the top of the fence or wall surrounding the facility.
3. All exterior storage of recyclable or recoverable materials, other than large vehicle components, shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized. No storage containers or enclosures, excluding truck trailers, shall be visible above the height of the fence or wall.

**D. Additional Requirements.**

1. Stored vehicles and materials shall be stored in organized rows with open intervals at least 20 feet wide between rows for purposes of fire protection access and visitor safety.

2. Burning shall be prohibited except within an enclosed incinerator, and only if the burning operation and incinerator are approved by the Township Fire Chief or other designated fire official, the Township Building Inspector, and the Washtenaw County Environmental Health Division.
3. All flammable liquids shall be drained immediately from automobiles and other vehicles brought to the facility. Such liquids shall be stored in containers approved by the Township Fire Chief or other designated fire official, and promptly disposed of in accordance with applicable federal, state, county, and local regulations.
4. The site shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. The site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis. The site shall be secured from unauthorized entry and removal of materials when attendants are not present.
5. Power driven processing, dismantling, and wrecking operations may be restricted or prohibited by the Planning Commission to minimize impacts of such operations on neighboring properties. Processing operations shall be limited to baling, crushing, compacting, grinding, shredding, and sorting of source-related recyclable materials.
6. Noise levels shall not exceed 60 dBA as measured at the property line of the nearest Residential Districts and existing RESIDENTIAL USES, and otherwise shall not exceed 70 dBA. No dust, fumes, smoke, vibration, or odor above ambient levels shall be detectable on neighboring properties. To achieve this end, the Planning Commission may require odor-control devices or facilities.
7. Space shall be provided on-site for the anticipated peak load of customers to circulate, park, and deposit materials. If the facility is open to the public, space shall be provided for a minimum of ten (10) customers or the peak load, whichever is higher.
8. Any containers provided for after-hours donations of recyclable materials at a material processing facility shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.
  - a. Donation areas shall be kept free of litter and any other undesirable materials.
  - b. The containers shall be clearly marked to identify the type of material that may be deposited.
  - c. The facility shall display a notice stating that no material shall be left outside the containers.
9. Signs or other advertising materials shall not be placed on any fences or walls.

### **Section 5.504 Outdoor Storage, General.**

Outdoor storage, where expressly permitted accessory to certain land uses by provisions of this Article, shall be subject to the following:

1. The storage area shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height located outside of all required yard setbacks. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited, and gates shall also be made of solid, opaque material.
2. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 10.10D (Methods of Screening). A landscape strip shall be provided along the road right-of-way, and the remaining required yard areas shall be landscaped and maintained in good condition.
3. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent dispersal by the wind.
4. Any outside storage area shall be paved or surfaced with a gravel or similar hard surface material, and shall include an approved stormwater management system.
5. Outdoor storage of materials within any yard setback areas or above the height of the required wall or fence shall be prohibited.
6. Storage or disposal of used oil or other petrochemicals, junk vehicles, garbage, or similar materials to be dismantled or recycled shall be prohibited.

### **Section 5.505 Self-Storage Warehouses.**

The following regulations shall apply to self-storage warehouses:

1. The minimum lot area for self-storage-warehouses shall be two (2) acres, and the minimum lot width shall be 200 feet.
2. Such facilities shall be located on a paved primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
3. A front yard setback of no less than 50 feet shall be maintained in landscaped open space. Side yard setbacks shall be no less than 25 feet and rear yard setbacks shall be no less than 40 feet. The minimum distance between self-storage buildings shall be 25 feet.
4. All areas intended for vehicular travel shall be paved with asphalt or concrete, as approved by the Planning Commission.
5. Site development shall be compatible with the surrounding area, and the following:
  - a. Exterior façade walls of all storage units shall be of decorative masonry construction.

- b. The self-storage warehouse buildings shall be visually screened from all road rights-of-way and abutting uses in accordance with Section 10.10D (Methods of Screening).
6. Self-storage-warehouse establishments shall be limited to storage of household goods and non-hazardous commercial goods. Storage of recreational vehicles and recreational equipment may be permitted as an accessory use, subject to the following:
  - a. Such storage shall be incidental to the main use of enclosed storage.
  - b. Outdoor storage of such vehicles and equipment shall be located to the rear of the lot, and completely screened from road rights-of-way and abutting uses in accordance with Section 10.10D (Methods of Screening).
  - c. All such recreational vehicle and equipment storage must be operable and licensed to operate on the highways of the State of Michigan.
7. A caretaker's residence may be provided within the principal building as an accessory dwelling in accordance with Section 5.201 (Accessory Dwelling).

## SECTION 5.600 OTHER USES

### Section 5.601 Aircraft Landing Strips.

Private aircraft landing strips, hangars, and related facilities shall comply with the following:

1. The aircraft landing strip site and design shall comply with the standards established by the FAA and the Michigan Department of Aeronautics concerning obstruction to air navigation.
2. All required "clear zones" (as defined by the FAA) shall be owned by the aircraft landing strip owner, or set aside as permanent open space by a recorded conservation easement.
3. The number of permitted runways shall not exceed a maximum of two (2).
4. Sufficient parking shall be provided for aircraft storage areas, offices and other uses associated with the landing strip.
5. An emergency access road shall be provided and maintained to the landing strip for access by fire and emergency vehicles constructed of either asphalt, concrete, or compacted gravel.
6. The plans for such facilities shall be subject to approval by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics, where required by these agencies. Use of the landing strip shall be limited to aircraft classified as airplane design group (ADG) Group 1 and 2 by federal standards.

### Section 5.602 Composting Centers.

This Section shall not apply to composting of common household materials generated by RURAL USES or RESIDENTIAL USES on an individual parcel in the Rural Districts. The following regulations shall apply to operations designed for commercial composting of organic materials and/or conversion of sewage or sludge into usable or saleable products:

#### A. Site Plan Requirements for Composting Facilities.

Establishment, expansion, and alteration of a composting facility shall be subject to site plan approval. In addition to the requirements of Article 15.0 (Site Plan Review), the following information shall be included on a site plan for a composting facility:

1. Access route traffic patterns as well as on-site traffic patterns.
2. A detailed maintenance plan for all outdoor areas where compost materials are received, processed, cured or stored; and impacts on public road rights-of-way. The maintenance plan shall include the following minimum provisions:
  - a. Methods and practices by which the tracking of mud or compost materials from composting areas into public road rights-of-way will be minimized.

- b. Location(s) of truck cleaning areas, and methods of cleaning trucks to prevent the occurrence of nuisances resulting from the tracking of mud or compost materials.
  - c. An on-site traffic control pattern, including a bypass road around the truck cleaning area if applicable.
  - d. Method for removing soil, dust, and/or compost materials attributable to the composting operations from public roads within 1,500 feet of the composting area entrance and exits.
3. Written documentation of an operation plan addressing the following:
- a. Method of receiving, sorting, and handling composting materials on-site.
  - b. Methods of controlling fugitive dust, noxious odors, noise, vibration, light, and blowing debris.
  - c. Expected frequency of turning and removal of composted materials, and measures to be taken should anaerobic conditions arise.
  - d. Expected frequency for of composting windrows.
  - e. Hours of operation and a description of daily cleanup procedures.
  - f. Measures to be taken should surface or groundwater contamination take place.
  - g. The capacity of the composting facility in terms of cubic yards, and the maximum amount of compost material to be accepted annually.
4. A closure plan shall be submitted with the application, which shall detail the final end use of the property should use of the facility be discontinued for more than 365 consecutive days. The plan shall include a clean up and restoration plan and cost estimate; a description of how and where the existing surface debris will be disposed; and a re-use plan for the final disposition of the land.

**B. Size and Location.**

Composting facilities shall have a minimum lot area of 20 acres, and shall not be allowed in any 100-year floodplain, groundwater recharge area, or regulated wetland.

**C. Ground and Surface Water Quality.**

To ensure that ground or surface waters are not contaminated, such facilities shall be subject to the following:

1. The surface and ground waters at a composting facility shall comply with the water quality requirements of applicable state and federal laws.
2. Monitoring wells shall be installed by the owner, operator or lessee on site prior to construction of the composting facility. The location of such wells shall be determined on a site-by-site basis, subject to review and approval by a

professional acceptable to the Township. All review costs shall be assumed by owner/operator or lessee.

- a. Sampling of groundwater monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a two (2) year period after operations cease for compliance with applicable state and federal laws. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by owner/operator or lessee.
  - b. Should test wells reveal violation of the water quality requirements of applicable state and federal laws, the petitioner shall be required to install a groundwater remediation system. The system shall be subject to review and approval by a professional acceptable to the Township. All costs shall be assumed by owner/operator or lessee.
3. If any stream or swale is present on the site, it shall be buffered by a 100 foot open space setback measured from the outer edge of the floodplain or all alluvial soils to ensure that the stream is adequately protected from pollution.
  4. Surface water monitoring shall also be required to assess the adequacy of leachate containment and runoff control, and for compliance with applicable state and federal laws. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by the owner/operator or lessee.
  5. Documentation of the analysis for all ground and surface water monitoring events shall be submitted to the Township within 60 days after completion.
  6. Discharge of water from an on-site stormwater retention basin shall only be reintroduced into the compost pile, directed into a publicly-owned and operated sanitary sewerage system, or transported and disposed of off-site by a liquid industrial waste hauler. Discharges into the Township's sanitary sewerage system shall comply with the Township's utility and sewer ordinances.

**D. Anaerobic Conditions Prohibited.**

Compost materials shall not be accepted on site in an anaerobic condition. Such facilities shall be closed when anaerobic conditions arise, with operations limited to correcting the condition. Determination of anaerobic conditions may be made by the Zoning Administrator, Washtenaw County, or authorized consultant.

If anaerobic conditions arise more than two (2) times during any 30 calendar day period, the Planning Commission may rescind approval of any conditional use permit or require closure of the facility for up to 60 calendar days. After two (2) such closures within one (1) calendar year, the Planning Commission may take action to rescind approval of any conditional use permit and require closure of the facility permanently.

**E. Screening and Separation Standards.**

To ensure proper buffering of the composting facility from nearby land uses that may be adversely affected by the facility, the following requirements shall apply:

1. No composting facility shall be constructed or expanded within 1,000 feet of any Residential Districts.
2. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 10.10D (Methods of Screening).

**F. Fugitive Dust, Noxious Odors, Noise, Vibration, Light, and Blowing Debris.**

The operation of a composting facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, and welfare.

1. All composting facilities shall be designed, constructed and operated so that fugitive dust, noxious odors, noise, vibration, light, and blowing debris are controlled and do not cause off-site problems or nuisances.
2. Failure to meet minimum performance standards or maintain the site in compliance with the approved plans shall be considered a use violation of this Ordinance, subject to all applicable penalties

**G. Compost Storage.**

The height of compost material shall not exceed eight (8) feet, and storage of any material, other than compost, shall not be allowed on-site. No sludge of any kind shall be stored or deposited on composting facility property.

**H. Right of Entry and Inspection.**

All composting areas are subject to inspection by the Zoning Administrator, Township Planner, Township Engineer or other designated Township agent during regular business hours. The designated Township agent shall be empowered to collect and examine samples as deemed necessary to perform such inspections, and to take photographic, videotape, or other representation of conditions in the composting facility. No person shall hinder, obstruct, delay, resist, or prevent any inspection made or any sample collected and examined.

**Section 5.603 Controlled Uses.**

It is hereby recognized by the Township Board that controlled uses, as defined in this Ordinance, have serious and inherent objectionable operational characteristics, particularly when several such uses are concentrated under certain circumstances. These include specific impacts on local economic development and land use planning, such as lost business opportunities, increased costs for police and ordinance enforcement services in the neighborhood of such uses, and significant financial costs associated with mitigation and removal of such blighting influences.

Controlled uses are hereby recognized as an impediment to stable growth and development and full implementation of the Township Master Plan. Such uses create or exacerbate disruptive and deleterious conditions that impact adjacent properties; especially when constructed in proximity to other controlled uses, Residential Districts, and public and other institutional uses. Special regulation of these uses is necessary to minimize adverse impacts on the public health, safety, and welfare of persons and property; and to ensure that such impacts will not cause or contribute to blighting conditions or downgrading of property values in the Township.



Accordingly, it is the intent and purpose of Freedom Township to adopt reasonable regulations for controlled uses. Operation or expansion of any controlled use, whether conducted as a separate business activity or in conjunction with another use, shall conform to the following:

**A. Controlled Uses Defined.**

The following uses are defined as "controlled uses" for the purposes of this Ordinance:

1. Adult regulated uses and sexually-oriented business, as defined in Section 19.03 (Definitions);
2. Pawnshop or collateral loan and/or exchange establishment; and
3. Specially designated distributor's establishment or specially designated merchant's establishment, as licensed by the Michigan Liquor Control Commission.
4. Sales of hydroponics equipment and indoor growing paraphernalia as the principal use of a building or premises. This Section shall not apply to retail sales or wholesale suppliers for which sales of such equipment is an incidental component of the overall business operation.

**B. Controlled Use Permit Application.**

Any person with a legal interest in a lot zoned for such uses may apply for a Controlled Use Permit. Application shall be made by filing all completed forms and the required review fee and escrow deposit with the Township Clerk. If the applicant is not the fee simple owner of the property, the applicant shall submit a statement signed by all of the owners consenting to the application for a Controlled Use Permit. Submittal of a detailed site plan shall be required for establishment, expansion or alteration of a controlled use in accordance with Article 15.0 (Site Plan Review). The Township Clerk, upon receipt of all application materials, shall forward the materials to the Planning Commission, Township Planner, and other designated consultants.

**C. Planning Commission Action.**

The Planning Commission shall study the application and, within 180 calendar days after receipt of a complete and accurate application, shall approve, approve with conditions, or reject the application.

1. If the applicant has submitted a written request with the application for a Controlled Use Permit to waive one (1) or more requirements of Section 5.603E (Restrictions on Location), then the Planning Commission shall hold a public hearing on the request in accordance with Section 1.14 (Public Hearings). Public notice signage requirements for a Controlled Use Permit application that includes a waiver request shall be the same as required for a Conditional Use Permit under this Ordinance.
2. Planning Commission action on any request to waive one (1) or more requirements of Section 5.603E (Restrictions on Location) shall be in accordance with the standards of Section 5.603F (Waiver of Restrictions on Location).
3. Prior to the granting of approval for the establishment of any controlled use, the Planning Commission may impose any such conditions or limitations upon the

establishment, location, construction, maintenance, or operation of the controlled use as in its judgment may be necessary for the protection of the public interest.

4. The Planning Commission may require the applicant to submit a performance guarantee to the Township per Section 1.11C (Performance Guarantees) to ensure that such conditions will be fulfilled.

**D. Restrictions on Use.**

The following use restrictions shall apply to controlled uses:

1. All controlled uses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-tenant buildings shall not constitute a freestanding building.
2. No adult use or sexually-oriented business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from any road right-of-way or from any property not regulated as an controlled use. This provision shall apply to any display, decoration, sign, window or other opening.

**E. Restrictions on Location.**

The following minimum separation distances shall be measured by a straight line between a point on the boundary of a zoning district listed below or a lot occupied by a use listed below nearest to the contemplated structure or contemplated location of the structure containing the controlled use:

1. No controlled use shall be located within 1,000 feet of any other controlled uses.
2. No controlled use shall be located within 1,000 feet of any institutional uses as defined in Section 19.03 (Definitions), child day care center, public park or playground.
3. No controlled use shall be located within 500 feet of the boundary of any Residential District or PUD (Planned Unit Development) District incorporating RESIDENTIAL USES.

**F. Waiver of Restrictions on Location.**

Upon written request from the applicant submitted with the application for a Controlled Use Permit, the Planning Commission may waive or reduce one (1) or more of the restrictions in Section 5.603E (Restrictions on Location), subject to the following:

1. No waivers shall be given to permit a controlled use to locate within 1,000 feet of any institutional uses, child day care center, public park or playground.
2. A public hearing shall be held per Section 1.14 (Public Hearings).
3. To waive or reduce one (1) or more of the restrictions in Section 5.603E (Restrictions on Location), the Planning Commission shall find that the following conditions exist:

- a. The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location, and the spirit and intent of the purpose of the spacing requirement will still be observed;
- b. The proposed use will not cause or exacerbate a deleterious impact upon adjacent areas through causing or encouraging blight, or disrupting normal development or use of land;
- c. The establishment of an additional controlled use at the proposed location will not be contrary to or interfere with implementation of the Master Plan or any related improvement program or plan; and
- d. All other applicable Township regulations and state or federal laws will be observed.

### **Section 5.604 Extraction Operations.**

All extraction operations shall be subject to the requirements of the Freedom Township Sand and Gravel Extraction Ordinance (Ord. No. 32).

### **Section 5.605 Private Off-Road Courses.**

Private recreational motocross or BMX courses and similar off-road courses shall be subject to the following:

1. Approval of a certificate of zoning compliance shall be required per Section 1.07 (Certificates of Zoning Compliance). No formal site plan shall be necessary unless otherwise required by this Ordinance.
2. The principal dwelling of the property owner for the subject parcel shall be located on the same or an adjoining parcel.
3. The lot area shall not be less than ten (10) contiguous acres under single ownership. All structures, improvements, and other elements of the course shall be set back a minimum of 50 feet from all lot boundaries and road rights-of-way, and 150 feet from dwellings on abutting parcels.
4. Grading for the course shall be kept to a minimum. Site grading that would change the general topography of the site or adversely impact drainage patterns or adjacent watercourses shall be prohibited.
5. There shall be no excessive noise, or obnoxious odors, or other nuisances caused by course activity. The hours of operation for such courses shall be limited to between the hours of 8:00 a.m. and 8:00 p.m. or dusk, whichever is earlier. No nighttime operations shall be permitted.
6. Use of the course shall be limited to the family and guests of the property owner. Such courses shall not be open to the general public, and shall not be available for public tournaments or for rent. There shall be no commercial activity, other than incidental sales not unusual for a residential use.

## Section 5.606 Racetracks.

Racetracks and similar facilities shall be subject to the following:

1. **Frontage and access.** Racetracks and similar facilities shall have direct vehicle access to a major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. **Accessory uses.** Retail, restaurant, office, and service uses may be permitted within a racetrack facility for exclusive use of patrons, employees, and guests.
3. **Screening.** The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 10.10D (Methods of Screening). The racetrack, grandstands, and service areas shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height.
4. **Setbacks.** All structures and racetrack facilities shall be set back a minimum of 300 feet from all lot boundaries and road rights-of-way, and a minimum of 1,000 feet from the boundary of Residential Districts and abutting RESIDENTIAL USES.
5. **Parking and loading.** All parking, loading and maneuvering space shall be contained within the site.
6. **Impact assessment.** The applicant shall submit an impact assessment describing the expected impacts associated with the use and proposed mitigation measures. At a minimum, the assessment shall address the following:
  - a. Anticipated levels and costs of necessary public services associated with the proposed racetrack use. Any additional public services not currently available shall be identified, along with proposed measures to secure such services.
  - b. Anticipated noise levels shall be provided at the lot boundaries and road rights-of-way, and any proposed noise mitigation measures.
  - c. Anticipated traffic impacts, including operational plans to ensure that traffic to and from the site does not adversely impact public roads, or the public health, safety or welfare.
  - d. Any other anticipated impacts of the proposed use.
7. **Hours of operation.** Such facilities shall be limited to operating hours between 8:00 a.m. and 8:00 p.m. or dusk, whichever is earlier. No nighttime, Sunday or national or state holiday operations shall be permitted.
8. **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the Township as the certificate holder and naming the Township, its past, present and future elected officials, representatives, employees, boards, commissions, agents, and designated consultants as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail thirty days written notice to the Township as certificate holder. The Township may require the applicant to supply a

\$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.

### **Section 5.607 Topsoil Removal or Stockpiling.**

The removal or temporary stockpiling of topsoil on a site under development in the Township shall comply with all applicable federal, state, and local laws, regulations, codes, and ordinances; and shall be subject to the following:

1. **Development sites and site plan approval.** Removal or temporary stockpiling of topsoil on a site under development shall be prohibited, except where a site plan has received final approval from the Township. Expiration of site plan approval shall also cause any zoning permit for removal or temporary stockpiling of topsoil to immediately expire.
2. **Certificate of Zoning Compliance.** Approval of a Certificate of Zoning Compliance per Section 1.07 (Certificates of Zoning Compliance) shall be required for removal or temporary stockpiling of topsoil from any site in the Township. The application shall include a plan showing areas of temporary topsoil stockpiling, proposed methods of containment, and proposed truck route(s) for any removal of topsoil from the site. Calculations of the volume of existing topsoil on the site, minimum volume required to support the planned use of the site, and any volume anticipated to be removed from the site shall also be provided.
3. **Setbacks.** Topsoil stockpiling areas shall comply with the minimum setback requirements for the district, and shall be set back a minimum of 100 feet from the boundary of any Residential Districts and abutting existing RESIDENTIAL USES.
4. **Access.** All truck access to the site for removal of topsoil shall be from a major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities. Removal of topsoil using local roads shall be prohibited.
5. **Containment and screening.** Stockpiled topsoil shall be contained to prevent blowing of materials or dust upon adjacent properties. Such stockpiled areas shall be screened from abutting road rights-of-way, Residential Districts and existing RESIDENTIAL USES per Section 10.10D (Methods of Screening).
6. **Limitation on removal.** Topsoil removal from the site shall be limited to the amount determined to be unnecessary for the planned use of the site, as demonstrated on a plan submitted for Certificate of Zoning Compliance approval.
7. **Prohibited activities.** Sales of stockpiled topsoil from the site and importation of topsoil to the site for stockpiling or sale shall be prohibited.

## **Section 5.608 Utility Transmission and Distribution Lines.**

The standards of this Section shall not apply to public utility companies constructing individual lateral service lines utilizing not more than three (3) poles. All other electricity transmission and distribution lines, gas and oil pipelines, and other utility structures, lines, and pipelines shall be subject to the following:

1. Storage of materials, equipment, vehicles, or supplies shall be prohibited on the premises, except as required during periods of maintenance and servicing.
2. No personnel shall be quartered or employed on the premises.
3. Structures or buildings shall be located, designed, constructed, and landscaped in conformance to the character of the surrounding area and zoning district.

## **Section 5.609 Volatile Biofuel Production.**

In accordance with Section 3513 of the Michigan Zoning Enabling Act, limited, farm-based production of certain biofuels shall conform to the following requirements:

### **A. General Standards.**

The following standards shall apply to all such facilities:

1. The biofuel production facility shall be accessory to and located on the same parcel as an active farm operation lawfully operating in the Township.
2. Biofuel production authorized by this Section shall be limited to a renewable fuel product, such as ethanol and bio-diesel, derived from recently living organisms or their metabolic byproducts. Farm-based production of methane or any fuel product from an anaerobic digester shall be prohibited.
3. No part of a biofuel production facility, including driveways and other site improvements, shall be located within any required yard setback area per Article 3.0 (Dimensional Standards). In addition, such facilities and improvements shall be set back a minimum of 100 feet from all lot boundaries and road rights-of-way.
4. Structures, facilities, and equipment used in the production or storage of biofuel shall comply with this Ordinance, other ordinances, and applicable state and federal laws and regulations.
5. Prior to the start of operation and upon any written request from the Township, the owner or operator of the biofuel production facility shall provide to the Zoning Administrator documentation of all necessary permits and approvals from the State of Michigan and other outside agencies with jurisdiction over any of the following:
  - a. Air pollution emissions;
  - b. Transportation of biofuel or another product or by-product of production;
  - c. Use or reuse of additional products resulting from biofuel production;

- d. Storage of raw materials, fuel or additional products used in or resulting from biofuel production; and
  - e. Verification that the facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production; or the capacity to dispose of additional products through land application, livestock consumption, sale or other lawful means.
  - f. Compliance with federal requirements associated with ethanol production of more than 10,000 proof gallons annually.
6. The operator of the facility shall keep a written record of the source(s) of the feedstock for the biofuel production facility, and the end users of the biofuel or another product or by-product produced by the biofuel production facility.
  7. The operator of a facility with an annual production capacity of not more than 100,000 gallons of biofuel operating as a permitted use in the zoning district (without special use permit approval) shall also provide an annual written report to the Zoning Administrator which demonstrates that:
    - a. At least seventy-five percent (75%) of the feedstock was produced on the farm where the biofuel production facility is located; and
    - b. At least seventy-five percent (75%) of the biofuel or another product or byproduct produced by the biofuel production facility is used on that farm.
    - c. Operation of a biofuel production facility with an annual production capacity of not more than 100,000 gallons that does not conform to the percentage limitations of this subsection shall be subject to conditional use permit approval in accordance with this Section and Ordinance.

**B. Additional Standards for Certain Facilities.**

In accordance with Section 3513 of the Michigan Zoning Enabling Act, the following additional standards shall apply only to large biofuel production facilities, which are facilities with an annual production capacity of more than 100,000 gallons of biofuel, and to any biofuel production facility subject to conditional use permit approval in accordance with this Section or Ordinance:

1. Large biofuel production facilities shall be limited to a maximum annual biofuel production capacity of not more than 500,000 gallons.
2. Any application for approval of a such a facility shall include all of the following, in addition to the other applicable requirements of this Ordinance:
  - a. A detailed description of the process to be used to produce the biofuel.
  - b. The number of gallons of biofuel anticipated to be produced annually.
  - c. An emergency access and fire protection plan, subject to review and recommendation by emergency response agencies serving the Township.

- d. Documentation of compliance with applicable requirements of this Ordinance, other ordinances, and state and federal laws and regulations.

**C. Limitations on Conditional Use Permit Review.**

In accordance with Section 3513 of the Michigan Zoning Enabling Act, Township review of any conditional use permit application for a biofuel production facility shall be modified as follows:

1. **60-day time limit for a public hearing.** For any conditional use permit application subject to the requirements of this Section, the Planning Commission shall hold a public hearing on the application in accordance with Section 1.14 (Public Hearing Procedures) within 60 calendar days after the filing date of a complete and accurate application.

The application shall be deemed to have been rejected as incomplete if no public hearing is held within this 60 calendar day period. An application deemed incomplete per this subsection may be resubmitted as a new application for the purpose of completing the review process. Such applications shall not be subject to the requirements of Section 16.08 (Re-Application).

2. **Limitation on conditions of approval.** The Planning Commission's authority to impose conditions on the approval of a biofuel production facility subject to this Section shall be limited to conditions necessary to verify that the facility conforms to all of the requirements of this Section.



## ARTICLE 6.0 GENERAL PROVISIONS

### Section 6.01 Accessory Structures and Uses.

The following shall apply to the construction, establishment or alteration of accessory structures and accessory uses in the Township:

#### A. Approval Required.

It shall be unlawful for any person to construct, establish or alter any accessory structure or accessory use upon any lot without having first obtained all necessary permits or approvals, including any required outside agency approvals and the following:

1. Accessory uses shall be permitted as listed in Article 4.0 (Land Use Table), or as similar to such listed uses, and only if such uses are clearly incidental to the permitted principal land uses. Other accessory uses, not listed, shall be permitted if customarily incidental to any permitted principal land uses.
2. Construction, alteration or relocation of structures accessory to RURAL USES, except agricultural structures as regulated by the Right to Farm Act, shall be subject to approval per Section 1.07 (Certificates of Zoning Compliance).
3. Construction, alteration or relocation of structures accessory to RESIDENTIAL USES and exceeding 100 square feet in floor area shall be subject to approval per Section 1.07 (Certificates of Zoning Compliance).
4. Construction, establishment or alteration of other accessory structures and accessory uses shall be subject to site plan approval, where required by Section 15.02 (Site Plan Approval Required).

#### B. General Standards.

All accessory structures, including agricultural accessory structures subject to the Right to Farm Act, shall conform to the applicable requirements of Article 3.0 (Dimensional Standards), and the following:

1. Accessory structures in any district shall only be used for permitted uses or activities customarily incidental to the permitted principal use(s) in the district.
2. No accessory structure shall be used prior to occupancy of the principal building or use, except as a construction facility for construction of the principal building.
3. Accessory structures shall not be located within a dedicated easement, road right-of-way or any required yard; or within five (5) feet of any other structure.
4. Accessory structures that are structurally attached to a principal building shall conform with all regulations of this Ordinance applicable to the principal building.

#### C. Agricultural Accessory Structures.

Agricultural accessory structures may be located in front of the front building line of any principal building on the lot, provided that such structures shall be set back a minimum

of 100 feet from all existing dwellings on adjoining lots and a minimum of 30 feet from all lot boundaries and road rights-of-way.

**D. Carports and Vehicle Shelters.**

The following additional standards shall apply to carports and vehicle shelters, including structures that are temporary in design or purpose:

1. Carports and vehicle shelters shall conform to all requirements of this Ordinance that apply to accessory structures. Carports and vehicle shelters constructed as permanent structures shall also conform to State Construction Code requirements.
2. Carports and vehicle shelters that are temporary in design or purpose shall be anchored and secured against high winds and severe storms, and shall not be electrified or climate-controlled.

**E. School Bus Stop Shelter.**

One (1) detached accessory structure of up to 100 square feet in area and twelve (12) feet in height shall be permitted within the required front yard for the purposes of providing temporary shelter at a school bus stop, provided that the structure is set back at least ten (10) feet from the side lot boundary and outside of the road right-of-way.

**Section 6.02 Storage of Materials.**

The following provisions shall apply to storage of materials in the Township:

1. Garbage, trash, and similar refuse to be stored outside a building in the R-6 (Manufactured Housing Park) District, and all Business Districts and Other Districts as specified in Article 4.0 (Land Use Table), shall be stored within approved containers located within an enclosure constructed of an opaque material, such as wood, concrete blocks or bricks, on at least three (3) sides. The fourth side may be open for access, or access may be provided by one (1) or more gates. The storage area shall have a concrete floor at least four (4) inches thick.
2. The location or storage of abandoned, discarded, unused, unusable or inoperative appliances, furniture, equipment or materials (not including inoperative vehicles or equipment and materials associated with an active farm or agricultural operation) shall be regulated as follows:
  - a. Incidental storage on any lot or parcel that is customarily accessory to a permitted land use in the zoning district shall be limited to within a completely enclosed structure. Such storage shall be for future transfer to other premises and shall not be for the purpose of hire or sale.
  - b. Other outdoor storage, as permitted per Article 5.0 (Use Standards), shall conform to Section 5.504 (Outdoor Storage, General).
  - c. Junkyards, salvage yards, outdoor vehicle storage, vehicle dismantling or recycling facilities, and similar material recovery facilities shall conform to Section 5.503 (Junkyards and Material Recovery Facilities).

### **Section 6.03 Relocated Structures.**

Any structure that is moved shall be treated the same as a new structure for purposes of compliance with setbacks and other dimensional standards of this Ordinance.

### **Section 6.04 Temporary Structures.**

No tent, cabin, garage, cellar, basement, or fixed or movable temporary structure may be erected, altered or moved upon or used in whole or in part, except in accordance with the following:

#### **A. Temporary Dwelling.**

If an existing dwelling is destroyed or is damaged by a natural or man-made event, such as fire, flood, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a temporary dwelling may be moved onto the lot for use during replacement or repair of the permanent dwelling. A temporary dwelling may also be permitted during the period of construction of a new principal dwelling on the same lot or parcel. Such temporary dwellings shall be subject to the following requirements:

1. The temporary dwelling shall conform to the applicable requirements of Article 3.0 (Dimensional Standards), and shall be subject to approval per Section 1.07 (Certificates of Zoning Compliance).
2. The temporary dwelling shall be connected to private water supply and sewage disposal systems approved by the Washtenaw County Environmental Health Division, or to public water supply and sewage disposal systems.
3. The temporary dwelling shall comply with all applicable Township and outside agency requirements regarding construction, anchoring, utilities, and placement on the site. Where a recreation vehicle is used for a temporary dwelling, the recreation vehicle shall be anchored to the ground in a manner approved by the Zoning Administrator.
4. The temporary dwelling will be occupied only during the period of replacement or repair of the permanent dwelling or construction of a new principal dwelling, with occupancy limited to the lot or parcel owner(s) and their family and dependents.
5. The Zoning Administrator shall establish a reasonable date for removal of the temporary dwelling, which shall not exceed:
  - a. Two (2) years from the date of destruction or damage to the existing principal dwelling, or in cases where the temporary dwelling is associated with construction of a new principal dwelling.
  - b. 30 calendar days after the date of occupancy of the principal dwelling, with the date of occupancy to be as listed on the certificate of occupancy.

One (1) extension of up to 365 calendar days may be granted by the Zoning Administrator upon written request and showing of good cause by the lot or parcel owner, provided that the construction, replacement or repair work has commenced and is proceeding to completion in accordance with an approved

building permit. The owner shall be responsible for removal of the temporary dwelling.

6. The lot or parcel owner shall deposit with the Township a minimum \$2,500.00 cash performance guarantee to ensure removal of the temporary dwelling. This guarantee may be reduced or waived by the Township Board for good cause shown, after written request by the lot or parcel owner.
7. The owner shall post a signed copy of the Certificate of Zoning Compliance for the temporary dwelling in a conspicuous place on the structure.
8. The Zoning Administrator shall notify the Township board and Planning Commission in writing of each temporary dwelling authorized under this Section.

**B. Temporary Construction Structures.**

Construction trailers or temporary structures necessary to facilitate construction on any site that is proceeding under a valid building permit shall be permitted and are exempt from Section 6.04C (Portable Structures). However, no such structure shall be on the construction site longer than 30 calendar days after completion of construction. Temporary construction structures shall conform to all applicable provisions of this Ordinance, and shall not be used as a sign for the use under construction.

**C. Portable Structures.**

Portable structures, such as a tent, canopy or portable container for packing and shipping of household goods, shall be permitted accessory to any RESIDENTIAL USES and may be placed within required yard setback areas or driveways. Such containers shall not be placed within any road rights-of-way or corner clearance areas per Section 3.208 (Corner Clearance Areas), and shall not be located on any premises for more than 60 days in a calendar year.

A general cargo trailer, bulk shipping container or similar structure designed and used for hauling or storing inventory, merchandise or equipment and not designed to be permanent, shall not be located on any premises for more than 180 days in a calendar year, unless as permitted per Section 6.04B (Temporary Construction Structures). Where permitted, portable structures shall be located in full conformance with the setback, dimensional and design requirements of this Ordinance.

**Section 6.05 Vehicle Repair in Rural and Residential Districts.**

Repair of a personal vehicle on a lot in the Rural or Residential Districts, or on any lot occupied by RESIDENTIAL USES, shall be considered an incidental residential use of the lot, provided that the vehicle is owned and operated by the lot owner or occupant. All other motor or recreational vehicle repair activity or parking of such vehicles in any zoning district shall conform to Article 4.0 (Land Use Table) and the applicable requirements of Section 5.204 (Home Occupations), Section 5.408 (Motor Vehicle Service Centers, Repair Stations, and Fueling Stations), and Article 11.0 (Off-Street Parking and Loading Regulations).

**Section 6.06 Completion Of Construction.**

Nothing in this Ordinance shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that completion of such construction is in accordance with the following:

- 1. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and not be of effect 365 calendar days following the effective date of adoption or amendment of this Ordinance, unless the Zoning Administrator has issued a certificate of zoning compliance for the actual construction of a new building.
- 2. Where a building permit has been issued in accordance with the law within 365 calendar days of such effective date and diligently pursued to completion, said structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further, may upon completion be occupied by the use for which it was originally designed, subject to the applicable provisions of Article 7.0 (Nonconformities).
- 3. Any basement, cellar, garage, or any incomplete structure without any occupancy permit in use as a dwelling on the effective date of adoption or amendment of this Ordinance shall not be used as a dwelling for more than 365 calendar days following said date, unless said structure has been completed in conformance with the regulations of the district in which it is located.

**Section 6.07 Property Maintenance.**

Each property owner shall be responsible for keeping their lot and buildings clean and free of any accumulation or infestation of filth, rubbish, garbage, vermin or other matter. Any hazardous places on a lot shall be fenced and secured.

**Section 6.08 Essential Services.**

Essential services shall be subject to federal, state, county, and local regulations. All essential service structures, uses, and storage yards shall conform to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such federal, state, county or local regulations.

**Section 6.09 Fences and Walls.**

As used in this Section, the term "fence" shall include "wall." Fences and similar enclosures in all zoning districts shall be subject to the following:

**A. Approval Required.**

It shall be unlawful for any person to construct or cause to be constructed a fence in the Township without having first obtained all necessary permits or approvals, as follows:

1. Construction, alteration or relocation of fences accessory to OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY USES, and OTHER USES shall be subject to approval per Article 15.0 (Site Plan Review).
2. Construction, alteration or relocation of fences accessory to RESIDENTIAL USES and exceeding ten (10) feet in length shall be subject to approval per Section 1.07 (Certificates of Zoning Compliance).
3. Construction, alteration or relocation of fences accessory to RURAL USES and exceeding ten (10) feet in length, except agricultural structures as regulated by the Right to Farm Act, shall be subject to approval per Section 1.07 (Certificates of Zoning Compliance). Farm fences accessory to RURAL USES shall be exempt from this requirement.

**B. General Standards.**

The following shall apply to fences in all zoning districts:

1. Fences shall comply with the unobstructed sight distance standards of Section 3.208 (Corner Clearance Zones).
2. Where one side of a fence has a more finished appearance, the side with the more finished appearance shall face the road or adjacent lots (see illustration).
3. It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or any materials capable of providing habitat for pests or vermin.
4. Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:
  - a. Barbed or electric wire fences shall be permitted accessory to permitted RURAL USES, public utility facilities, and essential service uses.
  - b. The Planning Commission may approve use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence where deemed necessary for security purposes or public safety.

**C. Location and Height.**

Fence height shall be measured from ground level adjacent to the highest point of the fence. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence post (see illustration).

1. In any zoning district, fences in any front yard area between the front building line and the road right-of-way shall not exceed four (4) feet in height and shall have at least fifty percent (50%) of their surface area open when viewed from the perpendicular.

2. In any zoning district, fences in a side or rear yard shall not exceed six (6) feet in height, except where otherwise permitted for specific non-residential land uses per Article 5.0 (Use Standards). Such fences shall not extend toward the front of the lot nearer than the required minimum front yard setback for the district.

**D. Maintenance.**

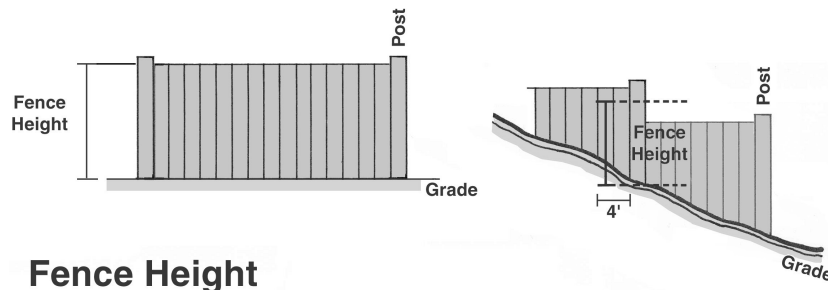
Fences shall be maintained by the property owner in good condition to not endanger life or property. Any fence determined by the Zoning Administrator to be a nuisance due to lack of maintenance or damaged condition shall be removed or repaired by the owner within 30 calendar days after receipt of a notice from the Zoning Administrator.

**E. Waterfront Lots.**

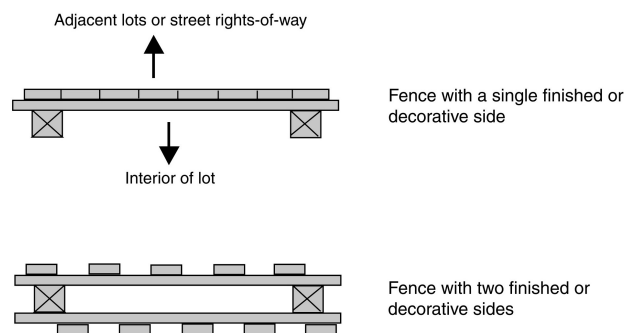
Fences over four (4) feet in height on waterfront lots in the Lake (LK) District shall be subject to the following additional standards:

1. Privacy fences and other fences that would block vision through the fence to an extent greater than fifty percent (50%) shall be prohibited within 25 feet of the ordinary high water mark of Pleasant Lake.
2. Ornamental fences, rail fences, chain-link fences, and similar types of fences that do not block vision through the fence to an extent greater than fifty percent (50%) shall be permitted in this area.
3. No fence shall be located within any general common element or other designated common area adjacent to the lake.

**ILLUSTRATIONS**



**Fence Height**



**Orientation of Finished Side - Top View**

## **Section 6.10 Swimming Pools.**

Temporary or permanent outdoor swimming pools with a diameter exceeding twelve (12) feet, a depth exceeding two (2) feet or a surface area exceeding 100 square feet shall conform to the requirements of Section 6.01 (Accessory Structures and Uses). To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured in accordance with the requirements of the Michigan Residential Code.

## **Section 6.11 Transient and Amusement Enterprises.**

Circuses, carnivals, other transient amusement enterprises, music festivals and similar temporary events and gatherings of people may be permitted in any zoning district, subject to Planning Commission approval. Such enterprises shall be permitted only after a Planning Commission finding that the location of such an activity will not adversely affect adjoining properties or adversely affect public health, safety, morals or general welfare. The Planning Commission may require posting of a performance guarantee per Section 1.11C (Performance Guarantees), in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and indemnify any adjoining landowners for any damage resulting from operation of such activity. Such damages shall be provable before a court of competent jurisdiction, and shall be payable through such court.

## **Section 6.12 Sale of Christmas Trees.**

Cutting of trees on individual lots for the purpose of Christmas tree sales and/or the sale of previously cut trees assembled on individual lots for sale shall be subject to the following:

1. Christmas trees may be sold in the Rural Districts, Business Districts except the Industrial-Research (I-1) District, and Public/Semi-Public Services (PSP) District.
2. Institutional Uses, as defined in Section 19.03 (Definitions), may sell Christmas trees on the same lot occupied by the institutional use in any zoning district. Christmas tree sales shall not otherwise be permitted in the Residential Districts or any Planned Unit Development (PUD) District occupied by RESIDENTIAL USES.
3. Unless Christmas tree sales are accessory to the principal use of the site, approval per Section 1.07 (Certificates of Zoning Compliance) shall be required to allow temporary use of the site for such sales.
4. Such use and occupancy shall be temporary and shall not adversely impact adjacent and surrounding properties.
5. Tree storage and display areas shall comply with the minimum setback requirements for the district in which the outdoor sale of trees is located.
6. All loading and parking areas shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent road rights-of-way. Such use and occupancy will not create a traffic hazard and congestion.
7. All trees, parts of trees, refuse or debris resulting from Christmas tree sales, and all signs, lights, poles, wires, and other materials and equipment shall be removed from the site not later than the 28th day of December of the year the site is so used in accordance with the requirements of this Section.



### **Section 6.13 Property Between the Lot Line and Road.**

The area between the lot line and edge of road pavement shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness and maintenance of the areas within the road right-of-way in front of their lot between their lot lines and the pavement edge.

### **Section 6.14 Voting Place.**

The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with any public election.

### **Section 6.15 Building Grades.**

All buildings shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. Yards shall be graded to prevent ponding of surface water, and to not increase the natural flow or runoff of surface water on to adjacent lots or road rights-of-way.

### **Section 6.16 Approval of Plats.**

All plats for new subdivisions shall conform to the standards of this Ordinance, the Township's subdivision regulations, other Township ordinances, and all applicable state statutes.

### **Section 6.17 Performance Standards.**

No lot, building, or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition that adversely impacts adjoining premises or the surrounding area. No site plan or other land use or development application shall be approved if it is not in conformity with the requirements of this Section. The regulations of this Section shall govern, except where a higher standard is imposed by an outside agency with jurisdiction. The standards of this Section shall not apply to RURAL USES subject to the Right to Farm Act.

#### **A. Surface Water Flow.**

No site plan review application and no proposal for division of land shall be approved if subsequent development within the required setbacks would result in identifiable disruption to the existing or natural flow of water within drainage ditches, natural water courses, or drains having a recorded easement.

#### **B. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion.**

Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Michigan Environmental Protection Act (P.A. 451 of 1994, as amended), or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means. These standards shall not apply to incidental residential or recreational activities, including but not limited to wood-burning stoves, campfires, gardening, landscaping, and yard maintenance.

**C. Odor.**

Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

**D. Glare and Heat.**

Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one (1.0) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

**E. Fire and Safety Hazards.**

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code (P.A. 207 of 1941, as amended).

**F. Sewage Wastes and Water Pollution.**

Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by federal state, county, and local regulatory agencies with jurisdiction.

**G. Gases.**

The escape of or emission of any gas that is injurious or destructive to life or property, or that is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Michigan Environmental Protection Act (Public Act 451 of 1994, as amended), federal clean air regulations, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels indicated in the following chart that is based on the National Ambient Air Quality Standards:

| <b>Gas</b>             | <b>Maximum Emissions Level</b> | <b>Sampling Period</b> |
|------------------------|--------------------------------|------------------------|
| Sulfur dioxide         | 0.14 ppm                       | 24 hours               |
| Hydrocarbons           | 0.24 ppm                       | 3 hours                |
| Photochemical oxidants | 0.12 ppm                       | 1 hours                |
| Nitrogen dioxide       | 0.05 ppm                       | Annual                 |
| Carbon monoxide        | 9.0 ppm                        | 8 hours                |
|                        | 35.0 ppm                       | 1 hours                |
| Lead                   | 1.5 µg/cubic meter             | 3 months               |

| Gas       | Maximum Emissions Level | Sampling Period |
|-----------|-------------------------|-----------------|
| Mercury   | 0.01 mg/cubic meter     | 10 hours        |
| Beryllium | 2.0 $\mu$ g/cubic meter | 8 hours         |
| Asbestos  | 0.5 fibers/cc           | 8 hours         |

**Notes Related to Table:**

- a. ppm = parts per million
- b.  $\mu$ g = micrograms
- c. mg = milligrams
- d. cc = cubic centimeters

**H. Electromagnetic Radiation and Radio Transmission.**

Electronic equipment required in an industrial, commercial or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.

**I. Radioactive Materials.**

Radioactive material wastes and emissions, including electromagnetic radiation, shall not exceed levels established by occupational and health standards and state and federal agencies that have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

**J. Procedures for Determining Compliance.**

In the event that the Township receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this Section, the following procedures shall be used to investigate, and if necessary, resolve the violation:

1. **Official investigation.** Upon receipt of evidence of possible violation, the Zoning Administrator or designated Township consultant shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards.

Upon initiation of an official investigation, the Zoning Administrator or designated Township consultant shall be empowered to require the facility owner or operator to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for legal action to terminate the use or deny or rescind permits required for continued use of the land.

Required data includes, but shall not be limited to plans of existing or proposed facilities, including buildings and equipment; a description of existing or proposed machinery, processes, and products; measurement of the amount or rate of emissions of materials purported to be in violation; and specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Section.

2. **Method and cost of determination.** The Zoning Administrator or designated Township consultant shall take measurements, investigate the matter, and make an objective determination about any violations. Where required measurements and investigation can be accurately made using equipment and personnel normally available to the Township without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and specialized equipment or instruments shall be secured to make the determination.

If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists then such costs shall be paid by the Township.

3. **Appropriate remedies.** If, after appropriate investigation, the Zoning Administrator or designated Township consultant determines that a violation does exist, written notice of the violation shall be provided to the owners or operators of the facility deemed responsible requesting that the violation be corrected within a specified time limit.
  - a. If the alleged violation is corrected within the specified time limit, the Zoning Administrator or designated Township consultant shall note "violation corrected" on the Township's copy of the notice, which shall be retained on file.
  - b. If there is no reply from the owner or operator within the specified time limits and the alleged violation is not corrected, then the Township shall take such action as may be warranted to correct the violation. in accordance with the regulations set forth in this Section.
  - c. If a reply is received within the specified time limit indicating that that more time is required to correct an alleged violation, the Township may grant an extension upon determining that the delay will not cause imminent peril to life, health, or property.
  - d. If a reply is received within the specified time limit which requests further review and technical analysis even though the alleged violations continue, then the Township may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.
4. **Costs and penalties incurred.** If expert findings indicate that violations do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations in addition to other applicable penalties under this Ordinance. Such costs shall be billed to those owners or operators of the use deemed responsible for the violation. If the bill is not paid within 30 calendar days, the Township may take necessary action to recover such costs, or may charge such costs against the property where the violation occurred.

### **Section 6.18 Barn Art.**

Decoration of the roof or walls of a historic barn or similar agricultural structure with artwork, designs or patterns, including design elements that recreate or mimic historic advertisements, shall not be considered a "sign" for purposes of this Ordinance, provided that:

1. The structure is used or has been used for agricultural purposes, and is a "historic resource" as defined in Section 19.03 (Definitions).
2. The decorated area of the structure is located outside of all required yard setback areas for the zoning district, per Article 3.0 (Dimensional Standards).
3. Materials used to create the artwork, design or pattern shall be limited to any combination of shingles, paint, wood or other more permanent architectural elements consistent with the age and architecture of the historic resource.

Banners, temporary and permanent building-mounted signs, and any artwork, design or pattern created using materials not consistent with the age and architecture of the historic resource shall be subject to the requirements of Article 12.0 (Sign Regulations).

### **Section 6.19 Roof-Mounted Solar Energy Conversion Systems.**

Roof-mounted solar energy conversion systems installed parallel to and directly adjacent to the roofline or integrated into the roof structure shall be considered an incidental part of the building for purposes of this Ordinance.

### **Section 6.20 Land Balancing and Alteration.**

Filling, dumping, removal, adjusting, or balancing of land or depositing of earth material, topsoil, gravel, rock or other materials on land in the Township shall be subject to the following:

#### **A. Filling Permit Required.**

A filling permit shall be required in any zoning district for any filling, dumping, removal, adjusting, or balancing of land whenever the material exceeds 300 cubic yards, the land involved is less than 500 feet from a lake or stream, or the activity is associated with a proposed development project subject to approval in accordance with this Ordinance or other applicable Township ordinances.

#### **B. Exemptions.**

The following activities shall be exempt from the requirements of this Section:

1. Extraction operations subject to the requirements of the Freedom Township Sand and Gravel Extraction Ordinance (Ord. No. 32).
2. Normal farming operations and other bona fide agricultural practices.
3. Common household gardening, general ground care of a residential character, and normal soil changes for basement or foundation construction.
4. Normal maintenance of existing roadways and driveways, such as grading.

5. Normal maintenance of existing land uses, such as equestrian tracks and arenas.
6. Normal maintenance of septic fields, wells or other requirements associated with Washtenaw County Department of Environmental Health permits and approvals.
7. Excavation for the purpose of construction of single-family dwellings that are not part of a platted subdivision or condominium.

**C. Required Conditions.**

The following conditions shall apply to all activities regulated by this Section:

1. The use of land for the storage, collection, or accumulation of used construction materials, or for the dumping or disposal of junk, offal, refuse, ash, garbage, rubbish, waste material, including construction materials such as asphalt or industrial by-products shall be prohibited in all zoning districts, unless otherwise permitted by state law, this Ordinance or other Township ordinances.
2. The excavation or continued existence of unprotected holes, pits or wells that constitute or are reasonably likely to constitute a danger to the public health, safety, and welfare shall be prohibited. This subsection shall not apply to excavations for which permits has been acquired under this Ordinance and other Township ordinances, provided such excavations are properly protected with fencing, guardrails, and warning signs.
3. Fill material shall be composed only of gravel, clay, natural rock, crushed or processed concrete, earth or topsoil.
4. Permitted filling or removal activities shall not encroach into or occur within any floodplain or floodway; and shall not adversely impact adjacent land uses, occupancy of abutting lands or the normal development of the subject land or adjacent lots.
5. Placement or removal of such material shall not impair, obstruct or divert any drain, watercourse, regulated wetland, or pre-existing drainage pattern of surfacewater from the subject land, adjacent land or the road right-of-way.
6. The applicant shall be responsible for securing all required outside agency permits and approvals for permitted filling or removal activities, and shall submit copies of such permits and approvals to the Township prior to commencement of any permitted work on the property.
7. A performance guarantee, sufficient to cover all expenses for completion of groundcover plantings and site restoration and maintenance shall be required in accordance with Section 1.11C (Performance Guarantees), prior to commencement of any permitted work on the property.

**D. Coordination with Development Plan Review.**

Where filling, dumping, removal, adjusting or balancing of land occurs as part of a development project subject to site plan approval per Article 15.0 (Site Plan Review), condominium development approval per Article 8.0 (Condominium Regulations), planned unit development approval per Article 14.0 (Planned Unit Development District) or

subdivision plat approval in accordance with the Land Division Act and Township subdivision regulations, review of the filling permit application shall be incorporated into and coordinated with the development plan or plat review process.

**E. Application Information.**

Application shall be made by filing at least eight (8) paper copies and two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application and drawing(s) with the Township Clerk, along with payment of required review fees and escrow deposits to the Township Treasurer. The application shall include the following information:

1. Name, address, telephone and facsimile numbers, and other contact information for the applicant and owners of record, along with proof of ownership.
2. The applicant's interest in the property, and if the applicant is not the property owner of record, a signed authorization of the owner(s) for the application.
3. Legal description, address, and tax parcel number of the property.
4. Written description of the nature of the proposed filling, dumping, removal, adjusting or balancing to be undertaken; the quantity, composition, and compaction qualities of any fill; and provisions for groundcover plantings and site restoration and maintenance, along with a cost estimate for such work.
5. A scaled and accurate survey drawing, correlated with the legal description and showing all areas to be filled or subject to removal; lot boundaries, required setbacks, and adjacent road rights-of-way; wetlands, drains, watercourses, floodplains, and floodways; other landmarks and topographical features; and all existing structures and other improvements.
6. Statement of intended land use following the completion of the filling or removal, and the expected time needed to complete such activities and restore the site.

**F. Review Procedure.**

The filling permit application shall be reviewed in accordance with following:

1. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to designated Township officials and the Township Planner for review and comment. The Planning Commission Chair may also request comments from other designated Township consultants, local agencies or departments with jurisdiction.
2. **Planning Commission action.** The Planning Commission shall review the application at a public meeting, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any local agencies or departments with jurisdiction. The Planning Commission is authorized to approve, approve subject to conditions, postpone action, or deny the application as follows:

- a. **Approval.** The filling permit application shall be approved by the Planning Commission upon determination that it is in compliance with the provisions of this Section and Ordinance.
  - b. **Approval subject to conditions.** The Planning Commission may approve the application subject to reasonable conditions intended to verify compliance with the applicable requirements of this Ordinance or other Township ordinances, or to ensure that the permitted fill or removal activities meet the requirements of any outside agencies with jurisdiction.
  - c. **Postponement.** Upon determination that the application is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
  - d. **Denial.** Upon determination that the application is not in compliance with the provisions of this Section or Ordinance, or would require extensive modifications to comply with said standards and regulations, the application shall be denied. A written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the application.
3. **Recording.** Planning Commission action on the application shall be recorded in the Planning Commission meeting minutes, stating the name of the applicant; address and tax identification number of the parcel; the findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval. The Secretary or Chair shall file one (1) copy of the written record with the Township Clerk for the permanent Township record, and shall forward one (1) copy to the applicant as evidence of the filling permit approval.



## ARTICLE 7.0 NONCONFORMITIES

### Section 7.01 Intent.

Certain single-family dwellings, lots of record, land uses, structures, and sites may exist within districts established by this Ordinance or amendments thereto which were lawful before this Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance and its amendments. Such nonconformities are hereby declared to be incompatible with permitted uses in the districts. This Article establishes specific standards and procedures for determining whether a land use is nonconforming or unlawful, and for determining whether a nonconforming use has ceased to occupy a particular site.

It is the intent of this Ordinance to permit such nonconformities to remain until they are discontinued or removed, but not to encourage their survival. Such nonconformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Nonconformities shall not be enlarged upon, expanded or extended, except under limited conditions as established by this Article.

#### A. Classification of Nonconformities.

Nonconformities shall be classified in one of the following categories:

1. Nonconforming single-family detached dwellings (Section 7.04);
2. Nonconforming lots of record (Section 7.05);
3. Nonconforming uses (Section 7.06);
4. Nonconforming structures (Section 7.07); and
5. Nonconforming sites (Section 7.08).

#### B. Establishment of Nonconformities.

To be considered a nonconformity under this Ordinance, the lot, use, site or structure must have been in compliance with the zoning requirements which were lawful when it was established, but must be, except for the provisions of this Article, prohibited, regulated, or restricted by the enactment of this Ordinance or subsequent amendments thereto. Nonconformities shall be established by one (1) of the following methods:

1. The nonconformity shall have been a legal nonconformity under the former zoning ordinance and continue to be designated as nonconforming under the provisions of this Ordinance or subsequent amendments thereto;
2. The nonconformity shall have been a legal conformity under the former zoning ordinance and made nonconforming by the provisions of this Ordinance or subsequent amendments thereto; or
3. The nonconformity shall have been created by a lawful public taking or actions pursuant to a court order having the same effect as a violation of this Ordinance.

## Section 7.02 Nonconforming Use Determinations.

This Section is intended to provide reasonable standards for determining whether a use is nonconforming, and whether a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land or structure in question. The Zoning Administrator shall be responsible for determining whether a use is conforming, nonconforming or unlawful in the zoning district where it is located, after consultation with the Township Planner. When there is a question or dispute about the status of a particular use, such determinations shall be made by the Zoning Board of Appeals, subject to the following:

### A. Standards for Determining that a Use is Nonconforming.

When there is a question or dispute about the status of a particular use, the Zoning Board of Appeals shall determine that a use is nonconforming upon finding that the following three (3) statements are true:

1. **The use does not conform to the purpose and use regulations of the district where it is located.**
2. **The use is in compliance with all other applicable federal, state, and local laws, ordinances, regulations and codes.**
3. **Evidence from a minimum of three (3) of the following sources demonstrates that the use was lawfully established prior to the effective date of adoption or amendment of this Ordinance:**
  - a. Local, county or state government files or records, including but not limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
  - b. Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number.
  - c. Utility records, including but not limited to providers of water, sewer, electric, natural gas or telecommunications service.
  - d. Dated advertising or other information published in a newspaper or magazine including but not limited to advertisements, articles, features or photographs that address the use of the land in question.
  - e. Dated aerial photos from the State of Michigan, Washtenaw County or other sources accepted by the Zoning Board of Appeals.
  - f. Other relevant information, including but not limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

### B. Standards for Determining that a Nonconforming Use has Ceased.

When there is a question or dispute about the status of a particular use, the Zoning Board of Appeals shall determine that a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land or structure in question upon finding that a minimum of three (3) of the following six (6) statements are true:

1. **Local, county or state government files or records show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
2. **Dated telephone directories or similar dated records that provide information about the occupants or uses located on a street by address or lot number show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to entries showing the address associated with the use as vacant or occupied by another use, or showing the telephone number associated with the use as disconnected or in use at another location.
3. **Utility records, including, but not limited to providers of water, sewer, electric, natural gas or telecommunications service, show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to records indicating that the address of the use is vacant or occupied by another use, the utility service associated with the use has been disconnected or the business, organization or individual associated with the use has moved to another location.
4. **Dated advertising or other information published in a newspaper or magazine show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to advertisements, articles, features or photographs that address the use of the land in question.
5. **Dated aerial photos from State of Michigan, Washtenaw County or other sources as accepted by the Zoning Board of Appeals show that the nonconforming use has ceased.**
6. **Other relevant information shows that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

### **Section 7.03 Unlawful Uses.**

Any use that is not a conforming use in the district where it is located, or determined to be a nonconforming use, shall be considered an unlawful use established in violation of this Ordinance.

### **Section 7.04 Nonconforming Single-Family Detached Dwellings.**

It is the intent of this Section to regulate the alteration and reconstruction of nonconforming single-family detached dwellings and customary accessory structures consistent with the intent and purposes of this Article and Ordinance, and in a manner that avoids unnecessary hardship for homeowners seeking mortgage financing or homeowner's insurance coverage for a nonconforming dwelling. Accordingly, the provisions of Section 7.06 (Nonconforming Uses) and Section 7.07 (Nonconforming Structures) shall not apply to such nonconforming dwellings and accessory structures as regulated under this Section.

Nonconforming single-family detached dwellings and customary accessory structures may be used, repaired, expanded, altered, or replaced if destroyed, subject to the following:

**A. Dwelling as a Nonconforming Use.**

An existing, lawfully established single-family dwelling and customary accessory structures located in a non-residential zoning district may be repaired, altered, or replaced if destroyed, provided that:

1. Such work shall conform to all applicable standards of this Ordinance as if the lot and use were located in the residential zoning district most similar in terms of the minimum lot width and area requirements to the size of the subject lot.
2. The use, dwelling, and accessory structures shall be maintained in conformance with all other applicable federal, state, and local laws, ordinances, and rules.

**B. Dwelling as a Nonconforming Structure.**

Where an existing, lawfully established single-family dwelling or customary accessory structure is a nonconforming structure with respect to the requirements of this Ordinance that apply to such structures, the following standards shall apply:

1. Structural alterations to a nonconforming single-family dwelling or customary accessory structure that decrease or do not affect the degree of nonconformity shall be permitted. Such structures may be expanded, provided that:
  - a. The addition shall conform to the dimensional standards and other requirements of the zoning district in which it is located.
  - b. With the alteration, all structures on the lot shall not exceed the maximum lot coverage for the district in which the lot is located.
2. All repairs and maintenance shall conform to the State Construction Code and all other applicable code requirements. A damaged structure shall be adequately secured, and shall be protected against further damage from the elements.
3. A nonconforming single-family dwelling and customary accessory structures may be reconstructed or replaced if destroyed, provided that:
  - a. Any replacement structure shall conform to the dimensional standards of the zoning district where it is located, except where, in the determination of the Zoning Administrator, existing site conditions would prevent reasonable conformance. In such cases, the dwelling or customary accessory structure may be reconstructed on the existing location.
  - b. Application for a building permit for reconstruction or replacement of a destroyed structure shall be made within 365 calendar days of the date of such damage, and all work shall be completed within the building permit approval period. Where pending insurance claims require an extension of time, the Zoning Administrator may grant one (1) extension of up to 365 calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.
  - c. A nonconforming structure moved within a lot or to another lot shall thereafter conform to the regulations of the district in which it is located.

4. If a nonconforming dwelling or customary accessory structure becomes physically unsafe or unlawful due to a lack of repairs or unsecured exposure to the elements, or is declared to be unsafe or unlawful by reason of physical condition under the State Construction Code or applicable fire or property maintenance codes, it shall not thereafter be restored, repaired or rebuilt except in conformity with all Ordinance requirements.

### **Section 7.05 Nonconforming Lots.**

A permitted principal structure and uses and customary accessory structures and uses may be erected or placed on any single, legally-established lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are applicable in the district, provided that yard dimensions and requirements other than these applying to area or width or both of the lot shall conform to the regulations for the district in which such lot is located. Variances to the yard requirements of this Ordinance shall be obtained only through action of the Zoning Board of Appeals.

If two or more lots or combination of lots and portions of lots, which are continuous and in single ownership, are of record at the time of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the land area involved shall be considered to be an undivided zoning lot for the purposes of this Ordinance. No portion of the zoning lot shall be used or sold in a manner that diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of the zoning lot be made that creates a lot with width or area less than the minimum requirements stated in this Ordinance.

### **Section 7.06 Nonconforming Uses.**

Single-family detached dwellings that are a nonconforming use in the zoning district shall be subject to the standards of Section 7.04 (Nonconforming Single-Family Detached Dwellings). All other nonconforming uses shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following:

#### **A. Cessation.**

A nonconforming use that ceases for a period of more than 365 calendar days or is superseded by a conforming use shall not be resumed. If a structure associated with a nonconforming use is removed, or damaged by any means to an extent that the repair cost exceeds the state equalized value of the property, the nonconformity shall be deemed removed. All subsequent uses shall conform to all Ordinance requirements. Section 7.02B (Standards for Determining that a Nonconforming Use has Ceased) shall apply when there is a question or dispute about the status of a particular use.

#### **B. Compliance with Other Applicable Standards.**

Nonconforming uses shall be maintained in compliance with all applicable federal, state, and local laws, ordinances, regulations and codes, other than the specific use regulations for the zoning district where the use is located.

1. The owner, operator or person having beneficial use of land or structures occupied by a nonconforming use shall be responsible for demonstrating compliance with this requirement.
2. Failure to do so, or failure to bring the use into compliance with current laws, ordinances, regulations and codes within 180 days of their effective date, shall constitute grounds for the Township to seek court approval to terminate or remove the use at the owner's expense.

**C. Expansion or Substitution of a Nonconforming Use.**

See Section 7.10 (Expansion and Substitution).

**Section 7.07 Nonconforming Structures.**

Single-family detached dwellings that are a nonconforming structure in the zoning district shall be subject to the standards of Section 7.04 (Nonconforming Single-Family Detached Dwellings). All other nonconforming structures shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following conditions:

**A. Expansion Restricted.**

A nonconforming structure may be altered in a manner that does not increase or intensify its nonconformity. Alterations to a nonconforming structure that would increase or intensify a nonconformity shall be subject to the requirements of Section 7.10 (Expansion and Substitution).

**B. Normal Repairs and Maintenance.**

Normal repair, maintenance or replacement of interior non-bearing walls, fixtures, wiring, plumbing or heating and cooling systems in nonconforming structures may be permitted in accordance with applicable code requirements, provided that:

1. Such improvements shall not result in an enlargement of the floor area or cubic area (volume) of the nonconforming structure; and
2. The cost of such improvements during any single calendar year period shall not exceed ten percent (10%) of the replacement cost of the structure at the time such work is proposed. This provision shall not prevent work required for compliance with provisions of the State Construction Code.

**C. Buildings under Construction.**

Nothing in this Article shall require a change in the plans, construction or designated use of any structure for which construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that such work shall be completed within 365 calendar days of the effective date.

**D. Damaged or Unsafe Structures.**

Reconstruction or restoration of a nonconforming structure damaged by any means to an extent that the expense of such reconstruction or restoration shall not exceed fifty percent (50%) of the structure's replacement cost at the time of such damage shall be permitted, subject to the following:

1. Application for a building permit for such reconstruction shall be made within 365 calendar days of the date of such damage, and all work shall be completed within the building permit approval period.
2. The lot and damaged structure shall be adequately secured from unauthorized access to the Zoning Administrator's satisfaction. The damaged structure shall be protected against further damage from the elements.
3. Where pending insurance claims require an extension of time, the Zoning Administrator may grant one (1) extension of up to 365 calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.
4. If a nonconforming structure becomes physically unsafe or unlawful due to a lack of repairs or unsecured exposure to the elements, or is declared to be unsafe or unlawful by reason of physical condition under the State Construction Code or applicable fire or property maintenance codes, it shall not thereafter be restored, repaired or rebuilt except in conformity with all Ordinance requirements.

Should any nonconforming structure or a portion thereof be damaged by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of such damage, it shall not be reconstructed except in conformity the regulations of the zoning district in which it is located.

### **Section 7.08 Nonconforming Sites.**

The purpose of this Section is to encourage improvements to existing sites in the Township that were developed before the site design standards of this Ordinance were established or amended. This Section establishes standards for prioritizing improvements to existing sites that are intended to gradually bring the site into compliance with current Ordinance standards. Nonconforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

1. A nonconforming site shall not be improved or modified in a manner that increases its nonconformity.
2. The proposed site improvements shall address public health, safety, and welfare by resolving public safety deficiencies and pedestrian/vehicle conflicts, and improving emergency access.
3. The proposed site improvements shall include at least three (3) of the following, as accepted by the Planning Commission:
  - a. Preservation of natural resources or historical site features.
  - b. Pedestrian access improvements.
  - c. Vehicular access and circulation improvements.
  - d. Building design or exterior facade improvements.
  - e. Off-street parking or loading improvements.

- f. Landscaping improvements.
  - g. Screening and buffering improvements.
  - h. Exterior lighting improvements.
  - i. Drainage and stormwater management improvements.
  - j. Clean up or restoration of a blighted site, removal of contaminated soil, or similar environmental improvements.
4. The scope of any additional site improvements requested by the Planning Commission shall be in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other improvements.
  5. A reasonable timeline for completion of site improvements to an existing nonconforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of this Ordinance.

### **Section 7.09 Nonconforming Extraction Operations.**

All extraction operations must meet the conditions described in the Township's Extraction Ordinance No. 32.

### **Section 7.10 Expansion and Substitution.**

Expansion of a nonconforming single-family detached dwellings shall be subject to the standards of Section 7.04 (Nonconforming Single-Family Detached Dwellings). Expansion or substitution of all other nonconforming uses and structures shall be subject to the following:

#### **A. Eligibility.**

Applications for approval under this Section shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which approval is sought, or by the owner's designated agent. Applications that are found by the Township Planner or the approving body to be incomplete or inaccurate shall be returned to the applicant without further consideration.

#### **A. Expansion or Substitution of a Nonconforming Use (Planning Commission).**

A nonconforming use may be may expanded, or a nonconforming use may be substituted for another nonconforming use, subject to Planning Commission approval in accordance with the following:

1. **Filing of application.** Application for approval of a nonconforming use substitution or expansion shall be made by filing at least eight (8) paper copies and two (2) digital copies, in a format compatible with Township systems, of a complete and accurate application form, required information, and required review fee and escrow deposit with the Township Clerk. The Clerk shall transmit a copy of the application materials to designated Township officials and consultants and the Planning Commission.



2. **Information required.** An application for approval of a nonconforming use substitution or expansion shall contain the following information:
  - a. Name, address, telephone and facsimile numbers, and other contact information for the applicant and owners of record, along with proof of ownership.
  - b. The applicant's interest in the property, and if the applicant is not the property owner of record, a signed authorization of the owner(s) for the application.
  - c. Legal description, address, and tax parcel number of the property.
  - d. A scaled and accurate survey drawing, correlated with the legal description and showing all existing structures, drives, and other improvements.
  - e. A detailed description of the existing use and proposed expansion or substitution. The Planning Commission may require documentation that the existing use is legally nonconforming per the standards of Section 7.02 (Nonconforming Use Determinations).
  - f. Where required by the Planning Commission or by Section 15.02 (Site Plan Approval Required), a site plan shall also be submitted for review.
3. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to designated Township officials and consultants for review and comment.
4. **Planning Commission review and public hearing.** Upon receipt of a complete and accurate application for approval from the Clerk, the Planning Commission shall undertake a study of the application. A public hearing shall be held on the application and notice shall be given in accordance with Section 1.14 (Public Hearing Procedures).
5. **Criteria for approval.** Subsequent to the public hearing, the Planning Commission shall review the application to the standards and findings required herein and the information provided at the public hearing. The Planning Commission may approve a nonconforming use substitution or expansion upon finding that the existing use and proposed expansion or substitution satisfy all of the following criteria for approval:
  - a. **Use standards.** The existing use and proposed expansion or substitution conform to the following:
    - (1) The nonconformity does not significantly depress the value of nearby properties.
    - (2) The use does not adversely impact the public health, safety, and welfare.
    - (3) The use does not adversely impact the purpose of the district where it is located.

- (4) No useful purpose would be served by the strict application of Ordinance requirements that apply to the nonconformity.
  - (5) In the case of a use substitution, the proposed nonconforming use is more appropriate than the existing nonconforming use in the zoning district in which it is located.
- b. **Signage.** The Planning Commission may require that signage associated with the use be brought into compliance with Article 12.0 (Sign Regulations).
  - c. **Building improvements.** The Planning Commission may approve an expansion of a nonconforming use that includes new construction, or expansion or structural alteration of the existing building(s) occupied by the use where such work conforms to applicable Ordinance requirements.
  - d. **Site improvements.** If the site is nonconforming with respect to applicable site design standards of this Ordinance, the proposed expansion and associated site improvements shall also conform to the requirements of Section 7.08 (Nonconforming Sites).
  - e. **Other conditions.** The Commission may attach conditions of approval to assure that the use does not become contrary to the purposes of this Article or Ordinance, or the public health, safety or welfare.

**B. Expansion of Nonconforming Structures (Zoning Board of Appeals).**

A nonconforming structure shall not be expanded or altered in a manner that increases or intensifies its nonconformity, except in accordance with Zoning Board of Appeals approval and the following requirements:

- 1. **Filing of application.** Application for approval to enlarge or expand a nonconforming structure shall be made by filing at least eight (8) paper copies and two (2) digital copies, in a format compatible with Township systems, of a complete and accurate application form, all information required by this Article and Article 17.0 (Zoning Board of Appeals), and the required review fee and escrow deposit with the Township Clerk. The Clerk shall transmit a copy of the application materials to designated Township officials and consultants and the Zoning Board of Appeals.
- 2. **Technical review.** Prior to Zoning Board of Appeals consideration, the application materials shall be distributed to designated Township officials and consultants for review and comment.
- 3. **Zoning Board of Appeals review and public hearing.** Upon receipt of a complete and accurate application for approval from the Clerk, the Zoning Board of Appeals shall undertake a study of the application. A public hearing shall be held on the application and notice shall be given in accordance with Section 1.14 (Public Hearing Procedures).
- 4. **Criteria for approval.** Subsequent to the public hearing, the Zoning Board of Appeals shall review the application to the standards and findings required herein and the information provided at the public hearing. The Zoning Board of Appeals may approve an expansion or alteration of a nonconforming structure upon

finding that the existing structure and proposed changes satisfy all of the following criteria for approval:

- a. The nonconformity results from noncompliance with zoning district regulations for minimum lot area, minimum lot width, required yards, off-street parking and loading requirements, or transition buffer or landscape strip requirements. A structure that is nonconforming because of floor area ratio (FAR), ground floor coverage (GFC) or height requirements shall not be permitted to expand in a way that would increase these nonconformities.
  - b. The existing and proposed uses of such structure(s) shall be permitted in the district in which they are located.
  - c. The proposed expansion or alteration shall conform to all applicable requirements of the zoning district in which the structure is located.
  - d. The Zoning Board of Appeals shall make the following findings of fact before approving such a request:
    - (1) Retention of the nonconforming structure is reasonably necessary for the proposed improvement, or that requiring removal of such structure would cause undue hardship;
    - (2) The improved nonconforming structure would not adversely affect the public health, safety, and welfare; and
    - (3) The proposed improvement is reasonably necessary for continuation of the use on the lot.
5. **Other conditions.** The Zoning Board of Appeals may attach conditions to the approval to assure that the proposed expansion or alteration of the nonconforming structure does not become contrary to the purpose of this Article and Ordinance; or to the public health, safety, and welfare.

### **Section 7.11 Change of Tenancy or Ownership.**

There may be a change of tenancy, ownership or management of any existing nonconformity.

### **Section 7.12 Cessation of Nonconformities by Township Action.**

The elimination of nonconforming structures and uses shall be considered to be for a public purpose and for a public use. The Township may acquire private property by purchase, condemnation, or other means for the removal of nonconforming uses. The cost of acquiring the private property may be paid from general funds or assessed to a special district, as provided in the Michigan Zoning Enabling Act. The Township Board may institute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with applicable Michigan statutes.



# ARTICLE 8.0 CONDOMINIUM REGULATIONS

## Section 8.01 Purpose.

The purpose of this Article is to regulate projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this Ordinance, all other applicable Township regulations, and the Condominium Act. Each condominium project shall be reviewed in a manner consistent with equivalent projects within the zoning district.

Pursuant to the authority conferred by the Condominium Act, condominium subdivision plans shall be regulated by this Ordinance as site condominiums, and shall be considered equivalent to a platted subdivision for the purposes of enforcing the Township’s site development standards. It is the intent of this Article to ensure that:

- 1. Single-family detached residential subdivision developments implemented under the provision of the Condominium Act shall be consistent with subdivision plats established in accordance with the Township’s subdivision regulations.
- 2. Review of condominium subdivision plans shall be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed as a conventional subdivision plat.
- 3. Condominium subdivisions are developed in compliance with all applicable standards of this Ordinance and design standards equivalent to those found in the Township’s subdivision regulations.

## Section 8.02 Scope.

The standards set forth in this Article shall be considered minimum requirements. Where the adopted Master Plan or other provisions of this Ordinance or other applicable state laws or Township ordinances require higher standards, such higher standards shall apply.

## Section 8.03 Types of Permitted Condominium Units.

The following types of condominium units shall be permitted under this Article, subject to conformance with all applicable standards of this Ordinance:

- 1. **Single-family detached units.** In the case of a condominium project in which the condominium units are intended for detached single-family residential purposes (site condominium), the condominium unit shall be considered a lot under this Ordinance.
- 2. **Attached residential or multiple-family residential units.** Condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units, or by conversion of existing multiple-family or attached units or an existing building into residential condominium units shall conform with all requirements of this Ordinance for multiple-family dwellings.

3. **Non-residential condominium units.** A non-residential condominium project consisting of either new building construction or the conversion of an existing building into individual condominium units shall conform to all requirements of this Ordinance for the zoning district and type of land use.

### **Section 8.04 Condominium Site Plan Requirements.**

Prior to recording of the Master Deed of the condominium project as required by Section 72 of the Condominium Act, each condominium project shall be subject to review and approval of preliminary and final condominium site plans by the Planning Commission. Pursuant to authority granted by Section 141 of the Condominium Act, review and approval of site plans for all condominium developments shall be subject to the procedures and standards of Article 15.0 (Site Plan Review), and the following:

**A. Preliminary Condominium Site Plan Requirements.**

A preliminary condominium site plan shall be filed for approval at the time the notice of proposed action is filed with the Township per Section 71 of the Condominium Act. The preliminary site plan shall include all information required for preliminary site plans per Section 15.07 (Required Site Plan Information).

**B. Final Condominium Site Plan Requirements.**

The final condominium site plan shall include all information required for final site plans per Section 15.07 (Required Site Plan Information), and all information required by the Condominium Act.

**C. Site Condominium Developments.**

In the case of a site condominium development that consists only of condominium lots and not buildings or other structures at the time of plan review, the location and dimensions of the condominium lots, building envelopes, and required yards shall be shown on the preliminary and final site plans. Principal buildings or detached dwellings on proposed condominium lots may be shown on the site plans, but shall not be required for site condominium development approval.

### **Section 8.05 Changes to an Approved Condominium.**

Amendments or revisions to any condominium document or the approved final condominium site plan (Exhibit B, as required by the Condominium Act) shall be subject to review and approval in accordance with Section 15.12 (Amendment and Revision). In the event that the condominium development is located in a Planned Unit Development (PUD) District, such changes shall be subject to Article 14.0 (Planned Unit Development District).

### **Section 8.06 Effect of Condominium Site Plan Approval.**

Approval of a final site plan by the Planning Commission authorizes issuance of a Certificate of Zoning Compliance; authorizes the property owner(s)/developer(s) to submit plans for detailed engineering review; and authorizes the execution of a Development Agreement between the Township and the property owner(s)/developer(s). Execution of the Development Agreement and engineering approval authorizes issuance of building permits, provided all other requirements have been met.

1. No site work or construction shall begin prior to engineering approval, execution and recording of the Development Agreement, and required pre-construction meeting(s).
2. If a building, structure or use to be placed on a condominium lot requires site plan approval per Section 15.02 (Site Plan Approval Required), a site plan for that structure or use shall be approved per Article 15.0 (Site Plan Review) before a building permit or certificate of zoning compliance may be issued.

### **Section 8.07 Condominium Site Plan Expiration.**

Expiration of preliminary and final condominium site plans shall be subject to the provisions of Section 15.08 (Expiration of Site Plan Approval). In the event that the condominium development is located in a Planned Unit Development (PUD) District, such changes shall be subject to the requirements of Article 14.0 (Planned Unit Development District).

### **Section 8.08 Rescinding Approval of a Condominium Site Plan.**

Condominium site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of approval. Such action shall be taken in accordance with the procedural requirements of Section 15.13 (Rescinding Site Plan Approval). In the event that the condominium development is located in a Planned Unit Development (PUD) District, such changes shall be subject to the procedural requirements of Article 14.0 (Planned Unit Development District).

### **Section 8.09 Density Regulations.**

For the purposes of this Ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located, as specified in Article 3.0 (Dimensional Standards). The dwelling unit density of the project shall be no greater than would be permitted if the parcel were subdivided and developed in accordance with the regulations of the zoning district in which it is located.

1. In the case of a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use, except as permitted in a Planned Unit Development (PUD).
2. Required setbacks for individual condominium units or buildings shall be measured from the perimeter of the condominium lot or road right-of-way to the nearest part of the structure or building envelope.
3. Where detached units are not located on individual lots ("zero lot line condominium dwellings"), the following standards shall apply:
  - a. The maximum residential dwelling unit density for a site condominium development consisting all or part of zero lot line condominium dwellings shall conform to the standards of Article 3.0 (Dimensional Standards) for the zoning district.

- b. Required yards shall be measured from:
  - (1) The building envelope boundaries to abutting road rights-of-way;
  - (2) Required perimeter setback lines from parcel boundaries;
  - (3) Required setback lines from wetlands and watercourses; and
  - (4) The near edge of drainage easements, general common elements, dedicated open space areas, and similar site elements.

In no case shall required yard setback areas for such dwellings overlap or encroach into areas reserved for such site elements.

- 4. Lot coverage and floor area ratio shall be calculated using the land area of the condominium lot.
- 5. Residential condominium developments shall conform to the dwelling unit density standards for the zoning district, per Article 3.0 (Dimensional Standards).

## **Section 8.10 Design and Development Standards.**

The following shall apply to all condominium units and developments in the Township:

### **A. Use Standards.**

Uses within a condominium project shall be regulated by standards of the zoning district where the project is located.

### **B. Condominium Unit or Site Condominium Lot.**

For purposes of this Article and Ordinance, each detached condominium unit or site condominium lot shall be considered the equivalent of a platted lot of record as defined in the Township's subdivision regulations. Such units or lots shall be located within a zoning district that permits the proposed use. Such units or lots shall conform to the requirements of this Ordinance for the zoning district, except for permitted outlots provided for an indicated and approved purpose.

- 1. Corner lots shall have extra width to permit appropriate building setback. Lots abutting a mid-block cross access pedestrian way or other right-of-way shall be treated as corner lots.
- 2. Residential lots shall not open or face directly onto lots occupied or intended to be occupied by OFFICE, SERVICE, AND COMMUNITY USES; COMMERCIAL USES; and INDUSTRIAL, RESEARCH, AND LABORATORY USES. Residential lots shall not open or face directly onto primary or collector roads as defined by the master transportation plans of the Township, or county or state road authorities. In such situations, residential lots shall be laid out in one of the following ways:
  - a. Lots may back onto the above features, and corner lots may abut such features. Such lots shall be separated therefrom by a minimum 50 foot wide transition buffer with screen plantings along the abutting property line(s). The transition buffer shall not be part of the residential lot, but shall be part of the common area for the condominium development.



The required transition buffer shall be part located outside of any road rights-of-way and utility easements.

- b. Lots may face onto a marginal access road.
  - c. Lots may face onto intersecting local roads with driveways opening onto the intersecting local roads.
  - d. Lots may be grouped around a cul-de-sac or loop road that opens onto a primary road or collector road.
3. **Lot frontage.** All lots shall abut, by their full frontage, on a public or private road. Lots extending through a block are prohibited except where they back directly onto primary or collector roads as defined by the master transportation plans of the Township, or county or state road authorities.
  4. **Lot lines.** Side lot lines shall generally be perpendicular to the right-of-way lines or radial to curved roads. All side and rear lot lines should be straight lines unless natural features or road curvature so prevent. The Planning Commission may approve lots that deviate from these requirements, upon determination that such deviations would result in better arrangement of lots.
  5. **Lots to be buildable.** The lot arrangement shall be such that in constructing a building in compliance with this Ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. The size, shape, and location of each lot shall have the following characteristics:
    - a. A suitable site for placing a house without excessive grading.
    - b. A usable area for outdoor living and other outdoor activities.
    - c. Adequate surface drainage away from the house site and outdoor living areas.
    - d. Reasonable driveway grades.
    - e. Minimal general site grading with retention of significant trees and other vegetation.
    - f. Minimal use of acute angles and odd, non-geometric shapes as part of the lot.
  6. **Non-residential lots.** Lots intended for uses other than residential shall be identified on the plan, and shall be specifically designed for such uses in accordance with provisions of this Ordinance.

### C. **Roads and Road Rights-of-Way.**

The proposed development shall provide logical extensions of existing or planned roads and roads in the Township, and shall provide suitable road connections to adjacent parcels, where applicable. Road and block layout and design shall be subject to the following standards:

1. **Layout.** Road layout shall conform to the Master Plan and the following:
  - a. Public and private roads in a condominium development shall be developed to the standards of the Washtenaw County Road Commission (WCRC). Limited deviations from specific standards may be authorized for private roads only as part of a Planned Unit Development (PUD) District condominium development.
  - b. The arrangement of roads in the development shall provide for the extension of an interconnected system of local and collector roads with adjacent developments where such extension is not precluded by topographic or other existing conditions.
    - (1) The layout shall also provide for proper projection of roads into adjoining properties not yet developed.
    - (2) The Planning Commission may require additional road connections to adjacent parcels above minimum applicable requirements, upon determination that such connections will improve the function or design of the development or reduce traffic impacts on the Township's primary road system.
  - c. The Planning Commission may require new collector roads or road extensions within or through a condominium development in accordance with the policies of the master transportation plans of the Township; or upon determination that such roads will improve the function or design of the development or reduce traffic impacts on the Township's primary road system.
  - d. Local roads shall be laid out so as to discourage their use by through traffic. This may be accomplished through the use of "T" or roundabout intersections, traffic calming devices, or similar design elements.
  - e. Roads shall be arranged in proper relation to topography so as to result in usable lots; safe roads and sidewalks; and reasonable road, driveway, and sidewalk grades.
  - f. All road construction shall be centered in the road right-of-way. Section line and quarter line roads shall be centered on these lines unless the Township Engineer or Washtenaw County Road Commission (WCRC) approves an exception.
2. **Rights-of-way.** Dedicated road rights-of-way shall be provided by the developer where necessary for new roads within the development, for changes to existing road rights-of-way mandated by the Township, or county or state road authorities with jurisdiction, and for the purposes of locating, installing, maintaining, and replacing of public utilities. Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the final condominium site plan.

3. **Drainage.** All roads shall be provided with facilities for adequate surface drainage. Storm drains shall be underground and only curb-type design shall be permitted. Exceptions may be made for condominium developments with a net dwelling density of less than one (1) unit per acre.
4. **Special treatment along primary roadways.** When a development abuts or contains a primary roadway, as defined in the master transportation plans of the Township, or county or state road authorities, the Planning Commission may require marginal access roads, a minimum 50 foot wide transition strip with screen plantings, or such other treatment as determined necessary for protection of residential properties, separation of through and local traffic, and preservation of the traffic-carrying capacity of the primary roadway(s).
5. **Marginal access roads.** Where marginal access roads are required, the proprietor shall dedicate property for the purpose of marginal access roads to the WCRC and shall be responsible for improving said roads according to County Road Commission standards. A landscaped median strip at least 20 feet wide shall be provided between a marginal access road and the adjacent road.
6. **Other required roads.** Where a development borders or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a road approximately parallel to and on one (1) or both sides of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
7. **Road names.** Road names shall be reviewed and accepted by the Township Assessor and outside agencies with jurisdiction. Roads shall have names, not merely numbers or letters. Roads shall not change direction by more than 90 degrees without a change in road name.
8. **Blocks.** Blocks generally shall be not less than 330 feet or more than 1,320 feet in length as measured from the centerlines of roads, subject to the following:
  - a. No block width shall be less than twice the normal lot depth except where lots back onto a major road, natural feature, or development boundary.
  - b. For blocks exceeding 660 feet in length, a cross access pedestrian way easement shall be provided through the block for the crossing of underground utilities and pedestrian traffic. A paved pedestrian path or sidewalk shall be provided within the easement.
  - c. Blocks intended for non-residential uses shall be especially designed for such purposes and in accordance with Zoning Ordinance provisions. In such cases, the above dimensions do not apply.

**D. Access.**

Pedestrian and vehicular access to residential lots in a condominium development shall conform to the following standards:

1. **Driveways.** Driveways and curb cuts shall conform to standards of the County Road Commission and the standards of all Township ordinances. The curb section of driveways and aprons shall be designed so that excessive breakover angle and vehicle dragging will be eliminated.
2. **Reserve strips.** Private reserve strips to control road access shall be prohibited.
3. **Non-motorized transportation facilities.** Sidewalks, pedestrian pathways, and other non-motorized transportation facilities shall be developed and placed in compliance with Michigan Department of Transportation (MDOT) and Township engineering standards, and the following:
  - a. Road rights-of-way shall be sufficient to provide for sidewalks on both sides of all internal public and private roads within a condominium development.
  - b. Roads within a condominium development leading directly to a school shall have sidewalks on both sides of the road. Other sidewalks shall be provided consistent with the Township Master Plan and in compliance with this Ordinance and other Township ordinances.
  - c. Logical connections to and extensions of sidewalks and pedestrian paths outside of the condominium project shall be provided, where applicable. Existing and proposed sidewalks within and along the perimeter of condominium developments shall be connected to existing public sidewalks on abutting parcels, and across road rights-of-way by crosswalks and barrier-free access ramps.
  - d. A pedestrian way shall be treated as an easement. Pedestrian ways and other non-motorized transportation facilities, other than sidewalks within road rights-of-way, shall be located within a minimum 20 foot wide access easement.

**E. Natural Features.**

All condominium developments shall conform to the natural features preservation requirements of this Ordinance and other applicable Township ordinances.

**F. Trees.**

Trees shall be provided in the margins of both sides of all condominium development roads, and shall be placed at the minimum rate of two (2) per single-family residential lot or at a maximum distance apart of 60 feet. The Planning Commission may also require the installation of trees according to the same distances in pedestrian ways.

1. These requirements may be relaxed by the Planning Commission if existing trees within the right-of-way or easement, or trees growing adjacent to the right-of-way or easement, satisfy the intent of this Ordinance.
2. Trees to be installed in the road margins or pedestrian ways shall be of a large deciduous type, and shall conform to the minimum requirements of this Ordinance. The Planning Commission may permit substitution of deciduous ornamental trees for some or all of the required street trees.

**G. Reservation of Public Use Areas.**

Where a proposed park, playground, open space, public school, library or other public use area shown in the Master Plan is located in whole or in part in a proposed development, such area(s) shall be shown on the final site plan for the development.

1. Such area or areas may be dedicated to the Township or other applicable public agency by the proprietor if the Township Board or other applicable public agency approves such dedication.
2. Such areas, if not dedicated, shall be reserved by the owner(s)/developer(s) for future purchase by the Township or other appropriate public agency.
  - a. The precise nature, location, and extent of the reservation shall be determined prior to final site plan approval by the Planning Commission.
  - b. The reservation shall be valid for a period of 545 calendar days from the date of Planning Commission approval of the final condominium site plan; or such longer period as might be agreed to in writing by the owner(s)/developer(s) as part of a Development Agreement.
    - (1) Unless during such period the Township or other public agency shall have entered into a contract to purchase the reserved area or instituted condemnation proceedings according to law to acquire the fee simple or a lesser interest in the reserved area, the right to develop the reserved area shall revert to the owner(s)/developer(s) at the end of the period.
    - (2) The reservation shall freeze the price per acre of the reserved area for such period at the average value per acre on the date when the plan was first filed with the Clerk.
    - (3) The plan shall include provisions for incorporating the reserved area into the overall development, if said reserved area reverts to the owner(s)/developer(s).
3. The Township Board may require, as part of a Development Agreement, that the owner(s)/developer(s) demonstrate that future maintenance and upkeep of such areas have been adequately provided for through a dedicated funding source, endowment, or other means acceptable to the Township.

**H. Exterior Lighting.**

Exterior lighting shall be arranged and downshielded to prevent glare or reflection, nuisance, inconvenience, or hazardous interference of any kind with adjacent roads or adjacent properties and uses. Streetlighting, where provided for as part of a condominium development, shall utilize underground wiring, and shall be downshielded and designed to minimize glare. Fixture standards shall meet the minimum specifications of the electric utility company serving that area of the proposed development.

**I. Stormwater Management Facilities.**

Developments shall provide for management of stormwater run-off from the developed site. New or expanded facilities shall be located so as to best conform to the layout of

existing facilities. Drainage improvements shall conform to the Township's engineering standards and Washtenaw County Water Resources Commissioner requirements.

1. The storm water drainage system shall be separate and independent of any sanitary sewer system. A copy of design computations shall be submitted with drainage plans.
2. Adequate provisions shall be made for proper drainage of stormwater runoff from individual lots. Drainage easements may be required to assure proper drainage. The Township may require that catch basins be provided in said easements, and may require that drainage tile be provided for easement drainage. The depth, grade, and outlet for said tile shall be subject to approval by the Township Engineer.
3. Where a development is traversed by a water course, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided, conforming substantially to the lines of such water course, and to the standards of the County Water Resources Commissioner. Wherever possible, drainage should be provided by an open channel with landscaped banks and adequate width for maximum potential flow. Existing drainage ways may be rechanneled, but such rechanneling shall not increase the rate or level of flow, or cause impoundment of water within the proposed subdivision, or on properties upstream or downstream there from. Exceptions may be made if such changes conform to an overall drainage plan for the drainage district.
4. Where topography or other conditions make inclusion of drainage facilities within road right-of-way impractical, perpetual unobstructed easements at least 20 feet in width for such drainage facilities shall be provided across property outside the road lines, and with satisfactory access to the road. Easements shall be indicated on the site plan. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities. Such easements shall be placed so as not to interfere with the use of lots.

If a proposed drainage system will carry water across private land outside the development, appropriate drainage rights shall be secured.

5. Low-lying lands along watercourses subject to flooding during storm periods, whether or not included in areas for dedication, shall be preserved and retained in a natural state as drainage ways. Such lands shall not be utilized in computing the area requirement of any lot.
6. All natural water drainage ways and impoundment areas shall be preserved at their natural gradient and shall not be filled or interfered with in any way, except as approved by the County Water Resources Commissioner or other state or county agencies with jurisdiction. If, in the judgment of the Water Resources Commissioner, a natural water drainage way or impoundment area should be reserved, a storm drainage easement acceptable to the Water Resources Commissioner shall be provided.
7. The developer may be required to carry away any spring or surface water that might exist either previous to, or as a result of, the development, by pipe or open ditch, in appropriate easements.

8. A culvert or other drainage facility in a proposed development shall be in accordance with County Water Resources Commissioner standards and be large enough to accommodate potential runoff from its entire upstream drainage area, whether that area is inside or outside the development. The design and size of the facility shall be reviewed and recommended for approval by the Township Engineer.
9. The effect of the development on existing downstream drainage facilities outside the development shall be reviewed by the developer with the County Water Resources Commissioner. Where it is anticipated that the additional run-off resulting from development will overload an existing downstream drainage facility during a 10 year or larger storm, the Planning Commission shall not approve the development until adequate provision has been made for resolving downstream drainage problems.
10. Stormwater basins may be required in order to control the discharge of storm water from a proposed development. Design criteria and engineering plans for basins shall be subject to approval by the Township Engineer.

**J. Potable Water and Sanitary Sewage or Septic Facilities.**

Each condominium unit shall be connected to approved potable water supply and sanitary sewage treatment and disposal systems in accordance with the requirements of this Ordinance and the following:

1. **Water supply facilities.** Water supply facilities shall be designed and located according to the applicable standards of the Township and any outside agencies with jurisdiction.
  - a. New or expanded facilities shall be located so as to best conform to the layout of existing facilities.
  - b. On-site services and private water systems shall be designed according to applicable standards of the Washtenaw County Environmental Health Division (WCEHD) and the Township.
2. **Sanitary sewage facilities.** Where publicly owned and operated sanitary sewage facilities are available, sewers shall be installed to serve each lot. All sanitary sewer facilities shall be designed and constructed in accordance with the applicable standards of the Township and any outside agencies with jurisdiction.
  - a. New or expanded facilities shall be located so as to best conform to the layout of existing facilities.
  - b. Each lot in a development served by publicly owned and operated sanitary sewers shall be connected to a sanitary sewer line before occupancy of that lot shall be permitted.
  - c. If sanitary sewage facilities are not available, minimum lot sizes shall conform to requirements of the WCEHD, and individual, on-site septic systems shall be subject to WCEHD approval. In no case shall the minimum lot size be less than that required by the zoning district.

- d. The use of private community wastewater systems, as defined in Section 19.03 (Definitions), shall be prohibited in condominium developments, except where approved by the Township as part of a Planned Unit Development (PUD) District.

**K. Gas, Wire, and Cable Utilities.**

All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout the development.

1. Overhead lines may be permitted upon approval of the Planning Commission at the time of preliminary site plan approval where it is determined that such lines will not impair the health, safety, general welfare, design, appearance, and/or character of the development, and only where such overhead lines are brought to the perimeter of the development.
2. This Section shall not be construed to prohibit the construction above ground of surface equipment associated with an underground distribution system, such as, but not limited to, surface-mounted transformers, power terminal pedestals, meters and meter boxes, concealed wires, streetlights, and light poles.
3. All facilities, including those for gas distribution, shall be installed in accordance with standards and specifications of the Michigan Public Service Commission. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for their review and approval before filing for final approval of the plan.
4. Utilities in road rights-of-way shall not conflict with other underground lines.

**L. Utility Easements.**

The developer shall dedicate all necessary utility easements to the Township or other agency or entity with jurisdiction for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and removing pipelines, mains, conduits, and other installations of a similar character; for the purpose of providing public utilities, including the conveyance of sewage and water, across, through, and under the property subject to said easement; and for excavating and refilling ditches and trenches necessary for the location of said structures.

1. All underground public utility installations that traverse publicly-owned property shall be protected by dedicated easements approved by the public utility.
2. Such easements shall be so located as not to interfere with the use of any lot or other part of the development.
3. The size of and restriction pertaining to such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines.

**Section 8.11 Manufactured Housing Park Condominium.**

Where a manufactured housing park development falls within the definition of manufactured housing park condominium project in the Condominium Act, said development shall be



developed in accordance with the Condominium Act and this Ordinance. All provisions of this Ordinance shall apply except for, or in addition to, the following:

1. All roads and driveways in the development shall conform to the standards set forth in Section 8.10C (Roads and Road Rights-of-Way). Direct vehicular access shall be prohibited from a residential lot to a collector road. Such access shall be provided by local residential roads within the development.
2. Collector road dimensions shall conform to WCRC specifications.
3. Each lot shall abut and have direct access to a public or private road.
4. Lots should be laid out so as to provide a variety of shapes and sizes and to prevent a monotonous character.
5. Sidewalks and pedestrian ways shall be provided in accordance with Section 8.10D (Access), except that sidewalks along roads may not be required when pedestrian ways provide acceptable alternative means of pedestrian movement.
6. All lots shall be connected to sanitary sewer and water systems approved by the Township. Such facilities shall meet the requirements of this Ordinance and all other applicable Township ordinances and regulations.
7. Fuel oil and gas storage tanks shall be located in an inconspicuous manner either by placing the tanks underground or by enclosing them with a screen of shrubbery. All fuel lines leading to the development and to dwelling sites shall be underground and so designed as to conform to the State Construction Code and any other applicable codes and ordinances.
8. When a master satellite, wireless Internet or similar centralized antenna is provided, all lines extended to individual lots shall be underground. Such master antennae shall be so placed as not to be a nuisance to development, residents or surrounding areas, and shall comply with the provisions of Section 11.38 (Wireless Communication Facilities).

## **Section 8.12 Non-Residential Condominium.**

Condominium developments consisting of OFFICE, SERVICE, AND COMMUNITY USES; COMMERCIAL USES; or INDUSTRIAL, RESEARCH, AND LABORATORY USES shall conform to the provisions of this Ordinance, except for the following modifications provided in this subsection:

1. **Roads.** Roads in a non-residential condominium development shall be paved, and designed and constructed to adequately handle truck traffic. Roads and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, where applicable, and the provision of truck loading and maneuvering areas, walks, and parking areas, so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.
2. **Driveways.** Entry drives for the development shall be located and designed so as not to create congestion or hazardous conditions on public roads serving the development. Driveways from parking and loading areas shall intersect roads at a distance from intersections that is large enough to permit safe and convenient maneuvering of vehicles.

3. **Blocks.** The block size standards of this Section shall not apply to non-residential condominium developments. Blocks shall be designed to meet the requirements of fire protection, snow removal, other service and emergency vehicles, and the specific needs of the uses that will occupy the development.
4. **Lots.** Lots shall have access from internal roads within the development, or from marginal access roads. Such lots shall not open directly onto primary roads or collector roads.
5. **Sidewalks.** Sidewalks and pedestrian ways shall be provided, except where the Planning Commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the development.
6. **Transition buffers.** Transition buffers shall be provided along the perimeter of a non-residential condominium development as required by this Ordinance. The Planning Commission may require provision of a fence, wall, or screen, if it determines such is necessary to protect the adjacent areas from litter, trespass, and other nuisances.
7. **Expansion.** Any intended or contemplated future expansion of the development should be shown on the preliminary and final site plans.

### **Section 8.13 Planned Unit Development (PUD) District Condominium Developments.**

Developments in a Planned Unit Development (PUD) District may be granted certain approved deviations from this Article in accordance with the requirements of Article 14.0 (Planned Unit Development District). Such deviations are intended to accommodate the site planning, engineering, and other requirements of large, comprehensive developments with associated uses, where it can be clearly demonstrated that good cause for such deviation(s) exists.

Such deviations may include, but are not limited to, time extensions, flexible schedules for installation of improvements, security requirements for improvements, reductions in minimum lot areas and dimensions, mixtures of residential densities and building types, mixtures of residential and nonresidential structures, and modifications in the design and development standards of this Article.

### **Section 8.14 Relocation and Subdivision of Lot Boundaries.**

The relocation of boundaries, subdivision of a condominium lot, and any other change in the dimensions of a condominium unit or site condominium lot, if permitted in the condominium documents, shall be considered an amendment to the condominium documents and condominium site plan. Relocation of condominium lot boundaries, as permitted in Section 48 of the Condominium Act, shall comply with the requirements of Article 3.0 (Dimensional Standards), and shall be subject to review as an amended condominium site plan per Article 15.0 (Site Plan Review).

Any property remaining after the formation of a new unit lot by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act, shall comply with the requirements of Article 3.0 (Dimensional Standards) or shall be placed into common

areas within the project. These requirements shall be made a part of the condominium bylaws and shall be recorded as part of the master deed.

### **Section 8.15 Monuments.**

Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

1. The Township Engineer may grant a delay in the setting of monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposit with the Township Treasurer cash, a certified check, or an irrevocable bank letter of credit running to the Township, whichever the developer selects, in an amount as determined from time to time by the Township Engineer.
2. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified.
3. If the developer defaults, the Township Board may employ a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

### **Section 8.16 Construction in a General Common Element.**

Any application for a building permit for construction to be located in a general common element shall include written authorization for the application by the Condominium Association.

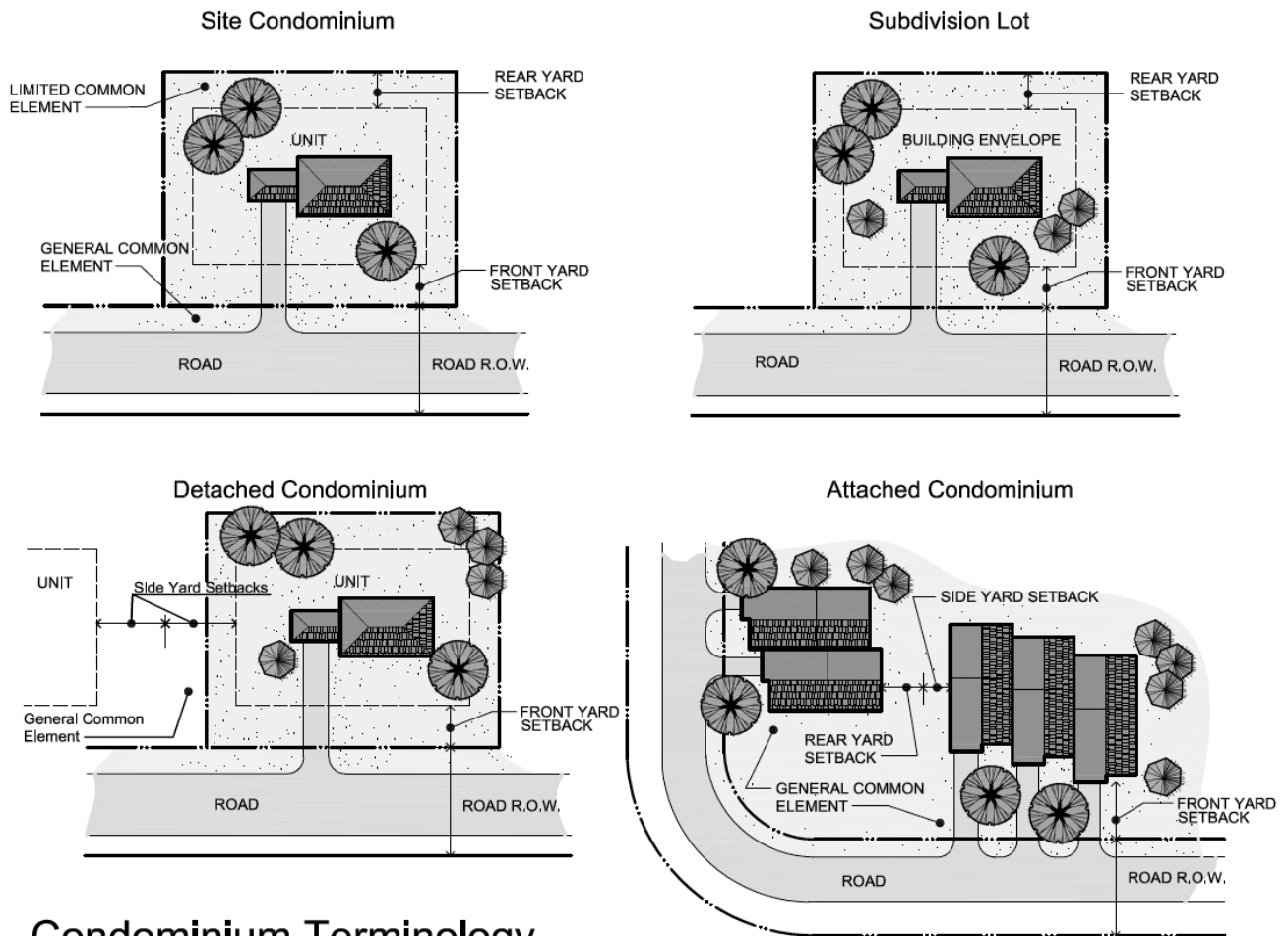
### **Section 8.17 Recording of Condominium Documents.**

The owner(s)/developer(s) shall record all condominium documents and exhibits with the Washtenaw County Register of Deeds office in a manner and format acceptable to the County.

1. It shall be the responsibility of the developer or proprietor of a condominium project to furnish the following items to the Township Clerk:
  - a. Paper and digital copies of the recorded Master Deed, Bylaws, and any other condominium documents, including Exhibit B, as required by the Condominium Act; and
  - b. The "as built" plans, sealed by a licensed professional engineer, landscape architect or similar certified professional, in digital and hardcopy formats acceptable to the Township Engineer.
2. The Zoning Administrator may withhold certificate of zoning compliance approval for any structure within the condominium project, if such documents have not been submitted within 10 days after written request from the Zoning Administrator to do so.

3. A final certificate of occupancy for any building in an approved condominium development shall not be issued until the Master Deed, Bylaws, and any other condominium documents, including Exhibit B, as required by the Condominium Act, have been recorded with the Washtenaw County Register of Deeds and the recorded document filed with the Township Clerk.

## ILLUSTRATIONS



## Condominium Terminology

# ARTICLE 9.0 ACREAGE PARCEL DIVISION

## Section 9.01 Purpose.

The purpose of this Article is to protect the public health, safety, and welfare of the Township by regulating and controlling the division, combination, and boundary adjustment of acreage parcels within the Township; establishing a formal procedure for enhancing land records and governing land divisions, combinations, and boundary adjustments; and ensuring compliance with the state Land Division Act and this Ordinance, including but not limited to lot dimension and area requirements.

## Section 9.02 Scope.

The standards set forth in this Article shall be considered minimum requirements and shall apply only to the division, combination, and boundary adjustment of acreage parcels, as defined in Section 19.03 (Definitions).

## Section 9.03 Approval Required.

Prior to the entry of any approved divisions, combinations or boundary adjustments on the Township records, the assignment of a tax identification number by the Township Assessor, and the issuance of any building permits or certificates of zoning compliance, division of or other alterations to acreage parcels located in the Township shall be subject to approval by the Planning Commission in accordance with the standards of this Article.

Any acreage parcel division, combination or boundary adjustment that has not been first approved by the Planning Commission shall not be considered to be valid under this Ordinance, and shall not be placed on the Township tax rolls as a separate and individual parcel of land and lot of record. The Township shall not issue building permits or certificates of zoning compliance for any acreage parcel divided or otherwise altered in violation of this Article.

## Section 9.04 Application Information.

Application for the division, combination or boundary adjustment of an acreage parcel located in Freedom Township shall be made by filing with the Township Clerk at least ten (10) paper copies and at least one (1) digital copy of a complete and accurate application form with all required supporting documents, and the required review fee. The application shall include the following minimum information:

1. **Owners.** The name of all owners of the acreage parcel or parcels and their signatures.
2. **Legal description and survey.** Legal descriptions and surveys prepared by a registered land surveyor or civil engineer of the existing parcel(s), and of the proposed parcels(s) which will remain after the planned division(s), combination(s) or boundary adjustment(s). The surveys shall include the following minimum information:

- a. North arrow, date, map scale, and location map;
  - b. Existing and proposed lot lines, gross and net lot areas, and dimensions;
  - c. Existing utilities and county drains within 50 feet of the lot(s) to be split;
  - d. Location and dimensions of existing and proposed easements and rights-of-way, lot numbers, roadways, and lot icons; and
  - e. Existing structures on the proposed lot(s), with setback distances from existing and proposed lot boundaries.
3. **Tax bill.** A copy of the most recent tax bill pertaining to the parcel.
  4. **Restrictions.** A copy of all existing and/or proposed restrictions or covenants that apply to the land.
  5. **Communications.** The name, address, and contact information for the person to whom all written or oral communications concerning the division are to be directed, along with the specific designation of the person acting as the agent for all the owners and a statement by the owner verifying whether a building permit has been obtained or applied for regarding the parcel.
  6. **Signature on application.** All owners whether they own the land before or after such division or other alteration shall sign the required application form. Where the proposed change will result in the combining of the remaining land, the owners of the land to be combined also shall sign the application form.

## Section 9.05 Approval Process.

Review of such applications shall be subject to the following:

### A. Verification of Application Completeness.

The Township Clerk shall forward copies of the application materials to the Zoning Administrator, Township Planner, and Planning Commission. The Zoning Administrator shall review the application and advise the Planning Commission as to the completeness of the application and supporting documents. The Zoning Administrator may also request review and comment from the Township Planner.

### B. Planning Commission Action.

Upon receipt of the complete and accurate application and any comments from the Zoning Administrator and/or Township Planner, the Planning Commission shall review the application materials to verify compliance with the requirements of this Article and Ordinance, including Section 9.06 (Standards for Approval).

1. The Planning Commission shall approve, approve with conditions, or deny an application for an acreage parcel division, combination or boundary adjustment under this Article within 45 calendar days following receipt of notice from the Zoning Administrator that the application is complete and accurate.

2. Planning Commission action on the application shall be recorded in the Planning Commission meeting minutes, stating the name and location of the parcel(s), land survey date(s), findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval.

**C. Conditions for Approval.**

In granting an application for an acreage parcel division, combination or boundary adjustment under this Article, the Planning Commission shall impose any conditions deemed necessary to achieve the objectives and standards of this Article and Ordinance, and the public health, safety, and welfare. Failure to comply with any such conditions shall be considered a violation of this Ordinance.

**D. Recording of Planning Commission Action.**

The Planning Commission shall advise the applicant in writing of its action on the application. A copy of the minutes of the meeting at which action was taken sent by first class mail may constitute the written notification. At least one (1) copy of the application documents shall be marked APPROVED or DENIED as appropriate, with the date that action was taken and a list of any conditions of approval, and shall be placed on file at the Township offices per State of Michigan retention guidelines.

## **Section 9.06 Standards for Approval.**

The Planning Commission shall approve the application upon determination that the proposed acreage parcel division, combination or boundary adjustment conforms to the following standards:

1. **Zoning compliance.** No application shall be approved unless the minimum requirements of this Ordinance are met with regard to each resulting lot, including:
  - a. The application and supporting documents are complete and accurate.
  - b. All requirements of this Article have been met, and the proposed division or other alteration(s) conform to the requirements of this Article and Ordinance.
  - c. All resulting lots and existing structures on such lots conform to Zoning Ordinance standards, including Article 3.0 (Dimensional Standards).
2. **Frontage.** All resulting lots shall front upon a public road, or an approved private road pursuant to the Township's Private Road Ordinance No. 12.
3. **Access.** No parcel shall be created unless accessibility is provided by either a public road, or an approved private road pursuant to the Township's Private Road Ordinance, and constructed on a permanent unobstructed easement.
  - a. A shared driveway serving two parcels may be allowed if constructed on a permanent, unobstructed easement in accordance with the Private Road Ordinance.

- b. Parcels may only be created prior to road construction on a private road approved pursuant to the Township's Private Road Ordinance.
4. **Parcel layout.** The size, shape, and orientation of the resulting parcel(s) shall be appropriate for the type of development and land use planned, as well as the applicable zoning district in which the parcel is located. The development, divisions, and access to remaining or abutting properties shall be taken in to consideration by the Township when reviewing a proposed parcel division.
5. **Utility easements.** No application shall be approved without adequate provisions made for utility easements. Where such utility easements are needed, written evidence of their existence or availability shall be submitted prior to approval.
6. **Compliance with the Land Division Act.** In no event shall approval be granted where the divisions, combinations or boundary adjustments are contrary to or in violation of the state Land Division Act.

### **Section 9.07 Re-Application.**

No acreage parcel division, combination or boundary adjustment application denied wholly or in part by the Planning Commission shall be resubmitted for a period of 365 calendar days from the date of denial, except on grounds of new evidence or changed conditions as accepted by the Zoning Administrator.

### **Section 9.08 Appeal.**

Administrative appeals of any Planning Commission decision on applications for an acreage parcel division, combination or boundary adjustment under this Article shall be made to the Zoning Board of Appeals in accordance with the provisions of Article 17.0 (Zoning Board of Appeals).

### **Section 9.09 Fees.**

The fee and escrow deposit required to be paid to the Township upon submission of an application for an acreage parcel division, combination or boundary adjustment under this Article shall be established by the Township Board of Trustees per Section 1.11 (Fees and Performance Guarantees).

### **Section 9.10 Exclusivity.**

No acreage parcel may be divided or otherwise altered in the Township except in accordance with the terms of this Article.

### **Section 9.11 No Effect on Dimensional Standards.**

Nothing in this Article shall alter or reduce the dimensional standards required per Article 3.0 (Dimensional Standards) of this Ordinance.



## **ARTICLE 10.0**

### **SUPPLEMENTARY DEVELOPMENT REGULATIONS**

#### **Section 10.01 Scope of Regulations.**

Unless otherwise specified in this Article, the standards of this Article shall apply to all development projects and parcels subject to certificate of zoning compliance approval per Section 1.07 (Certificates of Zoning Compliance), site plan approval per Article 15.0 (Site Plan Review), condominium site plan approval per Article 8.0 (Condominium Regulations), planned unit development approval per Article 14.0 (Planned Unit Development District), approval of any new or expanded private road in the Township, or subdivision plat approval in accordance with the Land Division Act and Township subdivision regulations).

#### **Section 10.02 Water Supply and Sanitary Sewerage Systems.**

Privately-owned and operated community wells and/or community sanitary sewage treatment systems may be accepted by the Township Board only as part of a Planned Unit Development (PUD) approval, after recommendation by the Planning Commission. Such facilities shall be prohibited in all zoning districts.

#### **Section 10.03 Reserved.**

#### **Section 10.04 Natural Resources Protection.**

This Section is intended to establish minimum regulations necessary to preserve natural resources on sites subject to development. The preservation of natural resources is essential to maintain the continued character and quality of life for current and future Township residents and visitors. Protection of the natural features of the Township will promote the general public health, safety and welfare, encourage the use of lands in accordance with their character and adaptability, protect the natural environment, and conserve natural resources and energy.

##### **A. Scope.**

The standards of this Section shall apply only to development projects and parcels subject to site plan approval per Article 15.0 (Site Plan Review), condominium site plan approval per Article 8.0 (Condominium Regulations), planned unit development approval per Article 14.0 (Planned Unit Development District), approval of any new or expanded private road in the Township, or subdivision plat approval in accordance with the Land Division Act and Township subdivision regulations.

##### **B. Watercourses and Wetlands.**

No person shall alter, obstruct, fill or otherwise vary the shoreline, area, course, water level or flow, vegetation or natural conditions of any lake, river, stream or other watercourse, wetland or drainage way, except in conformance with this Ordinance and the requirements of outside agencies with jurisdiction.

1. The following setbacks from wetlands and watercourses shall apply:
  - a. A minimum 50-foot open space setback shall be maintained from the ordinary high water mark of any lake, river, stream or other watercourse, provided that development shall be prohibited in the 100-year floodplain.

- b. A minimum 25-foot open space setback shall be maintained from the edge of any wetland, as defined in Section 19.03 (Definitions).
  - c. A minimum 25-foot open space setback shall be maintained from the boundary of any county drain easement, or a minimum of 50 feet from the centerline of any county drain without a dedicated easement.
2. Detention basins and similar stormwater management facilities may be constructed within a required setback, provided that appropriate replacement plantings are provided and maintained.

**C. Floodplains.**

Development shall be prohibited within the 100-year floodplain of any existing watercourse or wetland. It shall be the applicant's responsibility to delineate the 100-year floodplain boundaries. Where there is any uncertainty, contradiction, or conflict as to the location of the floodplain boundaries, the final determination of the boundaries shall be made by the Township Engineer or designated wetlands consultant after referral from the Planning Commission.

**D. Steep Slopes and Unusual Topographic Features.**

No development shall be permitted in areas where the soil is highly erodible, or in any area with existing steep slopes of twenty five percent (25%) or greater. Land areas with slopes of at least twelve percent (12%) but less than twenty five percent (25%) shall be subject to the following:

1. Where parcels containing such land areas abut rivers and streams, the integrity and profile of such slopes shall be maintained. Buildings may be built into such slopes, subject to compliance with applicable requirements of this Ordinance and the State Construction Code.
2. Cut and fill activities within existing and planned road rights-of-way, and for public utility and other public improvements, shall be limited to the minimum necessary to comply with the applicable engineering standards of the Township and outside agencies with jurisdiction. Retaining walls may be used to maximize preservation of existing slopes.

**E. Groundwater Recharge Areas.**

The following groundwater recharge area protection standards shall apply to all developments subject to this Section:

1. The development shall be designed to protect groundwater resources.
2. Stormwater management facilities shall be designed to retain the natural retention and storage capacity and function of any wetland, water body or watercourse.
3. Site plans shall delineate the location and extent of any contaminated soils or groundwater on the site or that may affect the proposed development.

4. The applicant shall demonstrate how the proposed site design and layout of uses on the development site will:
  - a. Preserve the groundwater recharge areas and the infiltration capacity of the soils;
  - b. Prevent polluted materials from infiltrating into groundwater;
  - c. Minimize impervious areas through site planning that makes most efficient use of paved, developed space and that maximizes open space areas; and
  - d. Manage stormwater runoff to maximize on-site infiltration and provide adequate pre-treatment and filtering of sediments and other impurities.
5. The Planning Commission may require the use of buffer zones to protect surface vegetation or the installation and use of such other techniques it deems necessary to mitigate or retain stormwater runoff.

**F. Woodlands and Landmark Trees.**

The following woodlands and landmark tree preservation and mitigation standards shall apply to all developments subject to this Section:

1. **Tree removal.** Except as otherwise provided in this Section, any development subject to this Section shall not:
  - a. Remove, transplant, damage, or destroy any tree or similar woody vegetation of any diameter at breast height (D.B.H.) in a woodland currently existing or that has existed on the subject site within the last five (5) years.
  - b. Remove, transplant, damage or destroy any tree or similar woody vegetation including individual deciduous trees of six (6) inch D.B.H. or larger and individual evergreen trees six (6) feet in height or higher, which are not located in a woodland.
  - c. Conduct any land clearing or grubbing activities within a woodland area.
2. **Tree removal and replacement requirements.** Except as provided elsewhere within this Section, the developer shall be subject to the following requirements:
  - a. Whenever the removal of individual deciduous trees of six (6) inch D.B.H. or larger or individual evergreen trees six (6) feet in height or higher is deemed necessary, such trees shall be replaced or relocated in accordance with this Section. If removed trees are to be replaced, the replacement trees may be used to satisfy preservation percentage requirements of this Section, but may not be used to satisfy the landscaping requirements of this Ordinance.
  - b. The development shall preserve and leave standing a minimum of

twenty-five percent (25%) of the total number of individual deciduous trees of six (6) inch D.B.H. or larger and individual evergreen trees six (6) feet in height or higher within the development site as currently existing or that have existed on the subject site within the last five (5) years. Preservation of dying or diseased trees as identified in the required plan information and tree removal evaluation, or invasive woody shrubs as identified in the invasive species information, shall not count towards this minimum tree preservation requirement.

- c. Upon determination that trees regulated by this Section have been removed within the past five (5) years, the Township Planner or designee shall use historical aerial photos and other available data to determine the number, characteristics, and extent of such trees. The Township Planner shall calculate the amount of additional tree mitigation required for such removed trees under this Section, which shall be subject to acceptance by the Planning Commission.
- d. No replacements shall be required for the following trees otherwise regulated by this Section, subject to documentation and verification as part of the required plan information and tree removal evaluation:
  - (1) Dying and diseased trees.
  - (2) Any of the following species of invasive woody shrubs:

| Common Name                                      | Species                    |
|--|----------------------------|
| Common (European) Buckthorn and Glossy Buckthorn | <i>Rhamnaceae family</i>   |
| Autumn Olive                                     | <i>Elaeagnus umbellata</i> |
| Honeysuckle                                      | <i>Lonicera tartarica</i>  |
| Multiflora Rose                                  | <i>Rosa multiflora</i>     |

- (3) Any of the following species of trees, except for individual trees regulated by this Section as landmark trees:

| Common Name  | Species                     |
|--------------|-----------------------------|
| Box Elder    | <i>Acer negundo</i>         |
| Silver Maple | <i>Acer saccharinum</i>     |
| Cottonwood   | <i>Populus deltoides</i>    |
| Cedar, Red   | <i>Juniperus virginiana</i> |

- e. Where a developer has submitted and obtained approval of a development, as required under this Section, such tree preservation designation, together with any additional terms and conditions attached to the approval, shall satisfy the requirements of this Section.

3. **Landmark tree standards.** A landmark tree, as regulated by this Section, shall be considered to be any tree that has a D.B.H. of 24 inches or greater, or that is of a type and D.B.H. equal to or greater than shown on the following list:

| <b>Landmark Tree Common Name</b> | <b>Landmark Tree Species</b>   | <b>Diameter at Breast Height (D.B.H.)</b> |
|----------------------------------|--------------------------------|---|
| Basswood                         | <i>Tilia americana</i>         | 18 inches                                 |
| Beech                            | <i>Fagus grandifolia</i>       | 18 inches                                 |
| Buckeye, Ohio                    | <i>Aesculus glabra</i>         | 18 inches                                 |
| Catalpa                          | <i>Catalpa spp.</i>            | 18 inches                                 |
| Cedar of Lebanon                 | <i>Cedrus spp.</i>             | 18 inches                                 |
| Cherry, Black                    | <i>Prunus serotina</i>         | 18 inches                                 |
| Elm, American                    | <i>Ulmus americana</i>         | 18 inches                                 |
| Fir                              | <i>Abies spp.</i>              | 18 inches                                 |
| Fir, Douglas                     | <i>Pseudotsuga menziesii</i>   | 18 inches                                 |
| Kentucky Coffee Tree             | <i>Gymnocladus dioicus</i>     | 18 inches                                 |
| Pine                             | <i>Pinus spp.</i>              | 18 inches                                 |
| Spruce                           | <i>Picea spp.</i>              | 18 inches                                 |
| Sycamore or London Plane         | <i>Platanus spp.</i>           | 18 inches                                 |
| Tulip-tree                       | <i>Liriodendron tulipifera</i> | 18 inches                                 |
| Walnut, Black                    | <i>Juglans nigra</i>           | 18 inches                                 |
| Hickory, various                 | <i>Carya spp.</i>              | 16 inches                                 |
| Locust, Honey                    | <i>Gleditsia triacanthos</i>   | 16 inches                                 |
| Maple                            | <i>Acer spp.</i>               | 16 inches                                 |
| Oak                              | <i>Quercus spp.</i>            | 16 inches                                 |
| American Chestnut                | <i>Castanea dentata</i>        | six (6) inches                            |

4. **Replacement ratio.** Removed trees shall be replaced in accordance with the following schedule:

| <b>Size of Removed Tree</b> | <b>Replacement Ratio</b><br>(number of replacement trees per removed tree) |
|-----------------------------|--|
| <b>Coniferous (height)</b>  |  |
| 6.0 to 15.0 feet            | one to one (1:1)   |
| 15.01 to 50.0 feet          | two to one (2:1)   |
| More than 50.0 feet         | four to one (4:1)  |
| Landmark coniferous tree    | one (1) tree per inch of removed tree D.B.H.                               |
| <b>Deciduous (D.B.H.)</b>   |  |
| 6.0 to 10.0 inches          | one to one (1:1)   |
| 10.01 to 18.0 inches        | two to one (2:1)   |
| More than 18.0 inches       | four to one (4:1)  |
| Landmark deciduous tree     | one (1) tree per inch of removed tree D.B.H.                               |

5. **Replacement tree standards.** Replacement tree plantings shall conform to the requirements of Section 10.10B (General Standards) and the following:

- a. **Replacement species standards.** Replacement trees shall be of the same or a similar species to the removed tree, except where prohibited by Section 10.10H (Prohibited Plant Materials); or of another species native to Michigan and suitable for the habitat in which it will be located.
- b. **Location.** The location of replacement trees shall be on the same parcel as the removed tree wherever feasible, as determined by the Township. If the tree replacement on the same parcel is not feasible, the Township may designate another planting location for the replacement tree within the Township.
- c. **Installation and maintenance.** Installation and maintenance of replacement trees shall conform to the requirements of Section 10.10I (Installation and Maintenance).

**G. Protection of Natural Features During Construction.**

Natural features to be preserved as part of an approved development project shall be protected during construction in accordance with the following:

1. Prior to any development, clearing, or other activity for which a permit is required, temporary construction fences shall be installed in the following locations to restrict access to protected natural features:
  - a. At the limits of soil disturbance adjacent to natural features.
  - b. At the perimeter of the critical root zone of landmark trees which are located within a disturbance area. Where encroachments into the critical root zone are allowed as part of an approved site plan or plat, the fencing must be located at least 10 feet from the trunk of the tree at all points.
  - c. At the edge of the natural features identified to be protected under this regulation and in compliance with the required exterior limits of natural features setbacks as defined within this Ordinance
2. No filling, depositing, excavating, or storage of materials, debris, or equipment shall take place within the protected area.
3. Temporary construction fencing shall be maintained in good condition until all construction activity has been completed for the area or development phase.
4. Any landmark tree that is determined to be dead, dying, or severely damaged due to on-site construction activity during construction or within three (3) years following completion of the development shall be replaced by the developer in the amount specified in the requirements for mitigation of landmark trees. To ensure replacement of trees that are damaged, dead, or dying, the developer may be required by the Township to post a performance guarantee, in accordance with Section 1.11C (Performance Guarantees), in an amount calculated to cover the cost of the total replacement.

**H. Inspection.**

To ensure compliance with this Section, the Township may perform periodic inspections of subject lots or parcels, at such times determined to be necessary, during all phases of construction and development as well as for up to three (3) calendar years after completion of the development project.

**Section 10.05 Reserved.**

**Section 10.06 Wind Energy Conversion Systems.**

The location, construction, operation, and maintenance of wind energy conversion systems (WECS) in the Township shall be subject to the following requirements:

**A. Intent.**

The intent of this Section is to permit the effective and efficient use of wind energy conversion systems (WECS) in a manner that protects the public health, safety, and welfare of neighboring property owners and the residents of the Township. This Section is further intended to:

- 1. Reduce dependency on fossil fuels by providing a means by which residents, farmers, and businesses in certain zoning districts may use WECS to satisfy a portion of their electricity needs.
- 2. Promote a healthy agricultural economy by providing an opportunity for farmers to diversify their income sources and/or reduce energy costs.
- 3. Limit the potential impacts of WECS units through setback, height, and other restrictions.

The standards of this Section have been determined to be the minimum necessary to meet the intent and purposes of this Section and Ordinance.

**B. Permitted Locations.**

Wind energy conversion systems (WECS) shall only be permitted in the zoning districts as specified in the following table and shall be prohibited in all other zoning districts. WECS shall be subject to review and approval in accordance with the following:

| Type of Wind Energy Conversion System (WECS) Installation or Alteration on a Single Lot | Zoning District |                    |     | Applicable WECS Standards in Section 10.40 |
|---|-----------------|--------------------|-----|--|
|   | Rural Districts | Business Districts | PSP |  |
| One (1) Agricultural WECS up to 100.0 feet in height                                    | Z               |                    |     | Subsections C - E                          |
| One (1) Agricultural WECS greater than 100.0 feet in height                             | C               |                    |     | Subsections C - E                          |
| Two (2) or more Agricultural WECS of any height   | C               |                    |     | Subsections C - E                          |
| One (1) Private WECS up to 100.0 feet in height   | Z               |                    | Z   | Subsections C - D, G                       |

| Type of Wind Energy Conversion System (WECS) Installation or Alteration on a Single Lot | Zoning District |                                    |     | Applicable WECS Standards in Section 10.40 |
|---|-----------------|------------------------------------|-----|--|
|   | Rural Districts | Business Districts                 | PSP |  |
| Two (2) or more Private WECS up to 100.0 feet in height                                 | C               |                                    | C   | Subsections C - D, G                       |
| One (1) or more Attached WECS units on a building or accessory structure                | C               | C                                  | C   | Subsections C - D, F                       |
| One (1) or More Commercial WECS of any height   | C               |                                    |     | Subsections C - D, G, H                    |
|   | Symbol          | Approval Required                  |     |  |
|   | Z               | Zoning Administrator Approval      |     |  |
|   | C               | Conditional Use Permit Approval    |     |  |
|   |                 | Prohibited in this Zoning District |     |  |

1. **Zoning Administrator approval.** Facilities requiring Zoning Administrator approval shall be subject to review and approval of a certificate of zoning compliance in accordance with the applicable standards of this Section and Section 1.07 (Certificates of Zoning Compliance).
2. **Conditional use approval.** Facilities requiring conditional use permit approval shall be subject to review and approval in accordance with the requirements of this Section and Article 16.0 (Conditional Uses).
3. **Planned Unit Development (PUD) District.** A WECS may be permitted as part of a Planned Unit Development (PUD) project, subject to the standards of Article 14.0 (Planned Unit Development District). A separate conditional use permit approval shall not be required for a WECS approved as part of a PUD Area Plan, provided that all other standards of this Section shall apply.
4. **Other permits and approvals.** WECS units shall conform to all applicable federal, state, and local regulations and permitting requirements, including compliance with the State Construction Code and other applicable building and electrical codes. Copies of all applicable outside agency permits and approvals shall be submitted to the Township, prior to the start of construction.

**C. Required Application Information.**

The following information shall be submitted with any application for WECS approval:

1. Documentation of any potential interference that the proposed WECS may cause with microwave transmissions, residential television reception or radio reception.
2. Documentation of compliance with applicable federal and state regulations for the installation.
3. A plan for the long-term, continuous maintenance of the facility, including who will be responsible for maintenance of the facility, including access, landscaping, screening, and security improvements.



4. Elevation drawings of the proposed WECS and any associated facilities. The drawings shall identify the type, design, materials, and height for the proposed WECS and associated facilities; and the name and location of the WECS manufacturer, if applicable.
5. Written certification shall be provided from an Authorized Factory Representative or Professional Engineer registered in the State of Michigan demonstrating:
  - a. The manner in which the structure will fall in the event of accident, damage or failure, and that the setback area will accommodate the facility and provide an adequate buffer from adjacent parcels.
  - b. That the facility is designed in accordance with applicable dead load, dynamic load, and wind pressure standards.
  - c. That the facility is designed to conform to the State Construction Code and all other applicable building, electrical, and fire codes.
  - d. For WECS subject to conditional use permit approval, a Professional Engineer registered in the State of Michigan shall only provide this written certification.
6. The applicant shall submit an agreement for the future removal of the facility upon cessation of operation, signed and notarized by the property owner and WECS owner/operator. This agreement shall be binding on all owners, operators, successors, and assigns.

**D. General WECS Standards.**

All WECS units shall be designed, constructed, operated, and maintained to be harmonious with the existing or intended character of the area in which it is located, and shall conform to the following standards:

1. **Minimum lot area.** The minimum of two (2) acres of gross lot area shall be required for a WECS in any zoning district.
2. **Schedule of regulations.** All WECS projects shall conform to the following:

| <b>Type of Wind Energy Conversion System (WECS) Installation or Alteration on a Single Lot</b> | <b>Maximum Noise Level [dB(A)]</b> | <b>Minimum Yard Setback (percentage of WECS height)</b> | <b>Maximum WECS Height (feet)</b> |
|--|------------------------------------|---|-----------------------------------|
| One (1) Agricultural WECS up to 100.0 feet in height   | 45                                 | 150%  | 100.0                             |
| One (1) Agricultural WECS greater than 100.0 feet in height                                    | 45                                 | 200%  | none                              |
| Two (2) or more Agricultural WECS of any height  | 45                                 | 150%  | none                              |
| One (1) Private WECS up to 100.0 feet in height  | 40                                 | 150%  | 100.0                             |
| Two (2) or more Private WECS up to 100.0 feet in height  | 40                                 | 150%  | 100.0                             |

| <b>Type of Wind Energy Conversion System (WECS) Installation or Alteration on a Single Lot</b> | <b>Maximum Noise Level [dB(A)]</b> | <b>Minimum Yard Setback (percentage of WECS height)</b> | <b>Maximum WECS Height (feet)</b>                |
|--|------------------------------------|---|--|
| One (1) or more Attached WECS units on a building or accessory structure                       | 45                                 | Same as yard setbacks for the district                  | 15.0 feet above the building or structure height |
| One (1) or More Commercial WECS of any height  | 45                                 | 200%  | none   |

- a. Height shall be measured from grade to the top of the tower or blade tip in a vertical position, whichever is higher.
  - b. Yard setbacks shall be measured in a straight and level line from the vertical plane of all lot boundaries and road rights-of-way to the base of the tower or blade tip in a horizontal position, whichever is nearer.
  - c. Noise levels shall be measured from a point no closer to the WECS than a lot boundary abutting the subject lot upon which the WECS is located.
  - d. WECS height is further subject to the following:
    - (1) All WECS projects shall conform to the requirements of the Airport Zoning Act (P.A. 23 of 1950, as amended), Tall Structures Act (P.A. 259 of 1959, as amended), airport approach plan(s) adopted by the Michigan Aeronautics Commission, and applicable Federal Aviation Administration (FAA) regulations.
    - (2) Where no maximum WECS height is specified in the above table, the proposed height shall be subject to a Planning Commission determination of compliance with Section 16.04 (Standards for Conditional Use Approval).
3. **Ground clearance.** No WECS shall be installed with any moving part less than 15 feet above grade.
  4. **Climb prevention.** All WECS towers shall be secured against unauthorized access by perimeter fencing, siting within the interior of large parcels, use of anti-climbing devices, and/or similar security methods.
  5. **Nuisances, signage, and lighting prohibited.** A WECS shall not cause interference with microwave transmissions, residential television reception or radio reception. Advertising, signs, and identification of any kind intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes. Structures shall not be illuminated, unless required by federal or state regulation.
  6. **Shadow flicker.** The property owner and WECS owner or operator shall be responsible for any off-site impacts from the visible shadow flicker effect when rotating blades cast a repeating pattern of light and shadow on the ground and nearby structures during daylight hours:

- a. WECS units shall be located within the subject parcel so as to prevent shadow flicker from passing over any off-site road right-of-way, occupied dwelling or other principal building during daylight hours from one (1) hour after sunrise to one (1) hour before sunset.
  - b. A letter from the WECS owner/operator or installation contractor verifying compliance with this subsection shall be included with any application for approval under this Section and Ordinance.
  - c. Three (3) or more documented complaints of shadow flicker passing over any off-site road right-of-way, occupied dwelling or other principal building received and verified by the Zoning Administrator within any 365 calendar day period shall be grounds for the Township to require that the WECS unit be shut down and secured against movement during the hours when such off-site impacts have occurred.
7. **Design safety certification.** An Authorized Factory Representative or Professional Engineer registered in the State of Michigan shall certify the safety of the design of all WECS units. The standard for certification shall be included with the permit application.
  8. **Controls and brakes.** All WECS units shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Authorized Factory Representative or Professional Engineer shall certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from the certified design shall be permitted.
  9. **Installation certification.** The Authorized Factory Representative or Professional Engineer shall certify that the construction and installation of the WECS project meets or exceeds the manufacturer's construction and installation standards.

**E. Agricultural WECS Standards.**

The following additional standards shall apply to Agricultural WECS in the Township:

1. Agricultural WECS shall be accessory to a permitted farm or agricultural operation in the zoning district.
2. The number of Agricultural WECS units on a single lot shall be limited so that the total generating capacity of such units primarily serves the needs of the farm or agricultural operation and associated farm dwelling(s).

**F. Attached WECS Standards.**

WECS units may be attached to principal buildings occupied by non-residential uses, and to buildings and structures accessory to a farm or agricultural operation. Attached WECS units shall be prohibited on dwellings and residential accessory structures. The number and location of Attached WECS units on a building or structure shall be subject to a Planning Commission determination of compliance with Section 16.04 (Standards for Conditional Use Approval).

**G. Private and Commercial WECS Standards.**

The following additional standards shall apply to Private and Commercial WECS:

1. **Color.** Private and Commercial WECS shall be painted a neutral color that minimizes off-site visibility, or as otherwise required by law.
2. **Waste.** All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the WECS, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the WECS, including but not limited to lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.
3. **Liability insurance.** The property owner or WECS owner/operator shall maintain a current insurance policy with a bond rating acceptable to the Township to cover installation and operation of the WECS project. For a Private WECS accessory to a dwelling, proof of homeowner's insurance with specific coverage for the WECS shall satisfy this requirement.
4. **Additional conditions.** To minimize off-site impacts from any WESC unit(s) subject to conditional use permit approval, the Planning Commission may impose conditions on the approval consistent with Section 16.05 (Conditions of Approval); such as limiting hours of WECS operation or requiring a dense evergreen screen to be planted along the lot boundaries or abutting road rights-of-way to reduce noise or shadow flicker impacts.

**H. Additional Standards for Commercial WECS Projects.**

The following additional standards shall apply to all Commercial WECS in the Township:

1. **Shadow casting study.** A shadow casting study by a qualified professional, including maps or a computer animation in a format compatible with Township computer systems, shall be submitted with the application for conditional use permit approval. The study shall identify the projected shadow arcs and all areas anticipated to be impacted by shadow flicker from the proposed WECS over one (1) calendar year, including:
  - a. All land areas anticipated to be impacted during daylight hours from one (1) hour after sunrise to one (1) hour before sunset.
  - b. Additional land areas anticipated to be impacted during the first one (1) hour after sunrise and the last one (1) hour before sunset.
  - c. Approximate locations of all dwellings and other principal buildings within the shadow flicker impact areas.
2. **Migratory bird study.** An avian study by a qualified professional to determine any potential impacts the commercial WECS project may present to migratory birds shall be submitted with the application for conditional use permit approval. Recommended mitigation measures or other alternatives to eliminate such impacts shall be provided with the study.

3. **Decommissioning plan and escrow.** Commercial WECS projects shall include a decommissioning plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within 180 calendar days of the end of project life or facility abandonment. The decommissioning plan shall also include an agreement between the applicant and the Township with the following:
  - a. The decommissioning plan shall include how the facility will be decommissioned, a Professional Engineer's estimate of decommissioning costs, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited.
  - b. The financial resources for decommissioning shall be in the form of a cash bond, irrevocable letter of credit, or other surety deemed acceptable by the Township Board in an amount equal to the Professional Engineer's estimated cost of decommissioning.
  - c. The Township shall have access to these financial resources for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within 180 calendar days of the end of project life or facility abandonment.
  - d. The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
  - e. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from the property owner, WECS owner/operator or successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by the property owner, WECS owner/operator or successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not be so onerous as to make wind power projects unfeasible.
4. **Warnings.** A visible warning of high voltage may be required by the Township to be placed at the base of all Commercial WECS projects. Such signs shall be located a maximum of 300 feet apart and at all points of site ingress and egress.
5. **Annual safety inspection.** Commercial WECS units shall be inspected at least annually by an Authorized Factory Representative or Professional Engineer to certify that it is in good working condition and not a hazard to the public. Such records shall be submitted to the Zoning Administrator and considered a part of the continuing conditional use permit approval.

## Section 10.07 Building Form and Composition.

The composition, orientation, and form of new construction and new buildings occupied or intended to be occupied by OFFICE, SERVICE, AND COMMUNITY USES and COMMERCIAL USES in the Township shall be subject to the following:

### A. Purpose.

The quality of building design, placement, and composition is essential to provide a comfortable, human-scale environment in the Township, and maintain the Township's attractiveness and economic vitality. Accordingly, it is the purpose of this Article to:

1. Maintain the visual environment, protect the general welfare, and ensure that the Township's property values, appearance, character, and economic well-being are preserved through minimum composition and placement standards;
2. Encourage creativity, imagination, innovation, and variety in architectural design and building composition; and
3. Reinforce and support a compact development pattern in the Freedom Hamlet area through complementary and appropriate use of scale, massing, and architectural details.

### B. Scope.

This Section is not intended to supercede or supplant established building and fire code regulations, nor to regulate the quality, durability, maintenance, performance, load capacity, fire resistance characteristics or workmanship of building materials. The provisions of this Section shall apply to new construction and new buildings occupied or intended to be occupied by OFFICE, SERVICE, AND COMMUNITY USES and COMMERCIAL USES subject to review per Article 15.0 (Site Plan Review).

### C. Requirements.

Building construction and other work subject to the provisions of this Section shall comply with the following general requirements:

1. **Façade variation.** Building façade walls exceeding 100 feet in length shall be subdivided into bays through the location and arrangement of architectural features and design variations; including but are not limited to projections, bays, recesses, enhanced façade materials and architectural detailing, and variations in building height, roof forms, and window patterns (see illustration).
2. **Composition.** All sides of a building shall be complementary in design, details, and materials. Side and rear facades shall include building materials and architectural features similar to those present on the front facade of the building.
3. **Public entrances.** Buildings shall have at least one (1) public entrance facing a road right-of-way. Additional public entrances shall be permitted on the rear or side facade, including primary access to other uses in a multi-tenant building.
4. **Rooftop equipment screening.** Roof-top mechanical equipment, HVAC systems, exhaust stacks, elevator housings, and other equipment shall be screened from public rights-of-way and adjacent uses by a parapet wall or similar

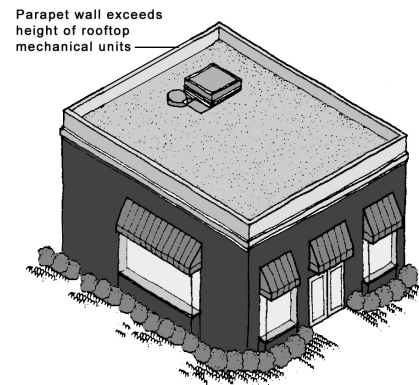
device that exceeds the height of the roof-top equipment and extends around all sides of the building (see illustration).

5. **Security and safety equipment.** Exterior security gates or roll-down security doors shall be prohibited. Link or grill type security devices shall be permitted only if installed on the interior of the building, within the window or doorframes. Such security equipment shall be recessed and completely concealed during regular business hours, and shall be predominantly transparent to allow maximum visibility of the interior.

## ILLUSTRATIONS



**Facade Variation**



**Roof Design**

### **Section 10.08 Exterior Lighting.**

The purpose of this Section is to promote the preservation of dark skies over the Township, and to preserve the lawful nighttime use and enjoyment of land in the Township through the establishment and enforcement of reasonable and consistent exterior lighting standards. Exterior lighting shall be designed, installed, and maintained to control glare and light trespass; conserve energy; and prevent degradation of the nighttime visual environment. The standards of this Section are intended to protect the general welfare by allowing sufficient but not excessive lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas; minimize the adverse effects of inappropriate lighting; and provide for the safety and security of people and property in the Township.

#### **A. Scope.**

The standards of this Section shall apply to all exterior lighting sources; all light sources visible from any road right-of-way or adjacent lot; and all projects subject to site plan review per Article 15.0 (Site Plan Review), condominium site plan approval per Article 8.0 (Condominium Regulations), and certificates of zoning compliance approval per Section 1.07 (Certificates of Zoning Compliance). The standards of this Section shall also apply to all high intensity and security lighting for RURAL USES and single- and two-family dwellings. This Section shall not apply in the following limited circumstances:

1. Incidental decorative light fixtures and low profile exterior lighting for RURAL USES and single- and two-family dwellings, such as porchlights and low voltage landscape lighting, shall be exempt from requirements of this Section.

2. Illuminated holiday decorations for temporary periods not to exceed 90 calendar days shall be exempt from the requirements of this Section.
3. Lighting for a permitted temporary circus, fair, carnival, or civic use shall be exempt from requirements of this Section, except that the Planning Commission or Zoning Administrator may impose reasonable restrictions on the use of such lighting where necessary to protect the public health, safety and welfare.
4. This Section shall not apply to shielded pedestrian walkway lighting and shielded lighting of flags of the United States of America or State of Michigan.
5. This Section shall not apply to circumstances where federal or state laws take precedence, or where fire, police, emergency, or repair personnel need light for temporary or emergency situations.

**B. General Provisions.**

The following general standards shall apply to all light sources regulated by this Section:

1. **Fully-shielded.** Exterior lighting shall be fully shielded, using concealed source fixtures directed downward and away from adjacent lots and road rights-of-way. All exterior light fixtures shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution (see illustration).
2. **Glare and light trespass.** Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, light trespass on neighboring lots, and traffic hazards for motorists.
3. **Intensity.** The maximum intensity of light within any site shall not exceed the following standards:

| Light Intensity                               | Maximum (footcandles) |
|---|-----------------------|
| At any point within the site                  | 10.0                  |
| At any lot boundary or road right-of-way line | 0.2                   |

4. **Lamp wattage and energy efficient technologies.** Lamp wattages and light output shall be consistent with the fixture’s style and function. The use of light emitting diode (LED) and other more energy efficient lighting technologies shall be encouraged, provided that light intensity levels shall conform to all requirements of this Section.
5. **Alterations of approved exterior lighting.** Exterior light sources and fixtures regulated by this Section shall not be altered or replaced after approval has been granted, except where the Township Planner or Zoning Administrator has verified that the change conforms to the requirements of this Section.
6. **Prohibited lighting.** Exterior lighting sources and fixtures regulated by this Ordinance shall not be of a flashing, moving, animated or intermittent type.



**C. Rural and Residential Exterior Lighting.**

A certificate of zoning compliance shall not be required to install high intensity and security lighting for RURAL USES and single- and two-family dwellings. Such exterior light sources shall conform to the standards of this Section, including that such fixtures shall be fully shielded to prevent off-site glare and minimize light pollution. Homeowners are encouraged to confirm compliance with this Section before installing high intensity and security lighting on their property. New or altered rural and residential exterior lighting found to not conform to the requirements of this Section shall be deemed a violation of this Ordinance.

**D. Standards by Type of Fixture.**

The following additional standards shall apply to specific types of exterior light fixtures, in addition to the provisions of Section 10.08B (General Standards):

1. **Freestanding pole lighting.** The maximum height of all freestanding, pole-mounted fixtures shall be directly proportional to the fixture's proximity to the near edge of the road right-of-way or any boundary of an abutting lot or parcel in a residential zoning district or occupied by any RURAL USES or RESIDENTIAL USES, as follows:

| Fixture Location as Measured from any Road-Right-of-Way or Lot or Parcel Boundary | Maximum Fixture Height |
|---|------------------------|
| Less than 50 feet   | 15 feet                |
| 50 feet to 300 feet   | 20 feet                |
| More than 300 feet  | 25 feet                |

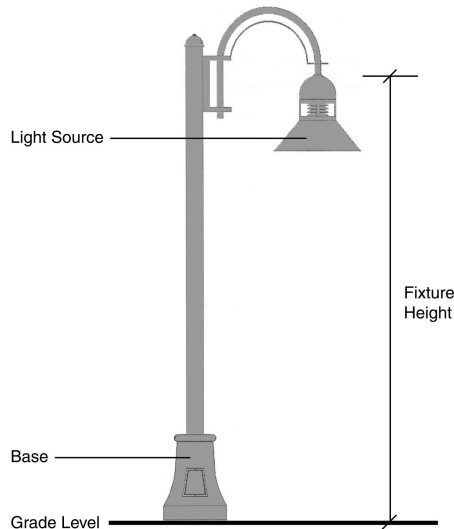
2. **Architectural lighting.** Exterior illumination of building facades shall be limited to fully shielded fixtures directed towards the facade. All light from such fixtures shall be concentrated on the wall surface. Unshielded luminous tube (neon), LED, fluorescent lighting, and other light sources with equivalent characteristics shall be prohibited as an architectural detail on the exterior of any structure; including but not limited to cornices, windows, and doorways.
3. **Window lighting.** For all non-residential land uses, interior light fixtures visible through a window from a road right-of-way or abutting lot shall be shielded to prevent glare impacts at the lot boundary or within the right-of-way. Unshielded luminous tube (neon), LED, and fluorescent light fixtures, and other light sources with equivalent characteristics, shall be prohibited where the light source would be visible from an abutting lot or road right-of-way.
4. **Decorative lighting.** For all non-residential land uses, decorative light fixtures shall be permitted as an alternative to fully shielded fixtures where such fixtures would enhance the aesthetics of the site without causing off-site glare or light trespass, as determined by the Zoning Administrator or Planning Commission.

**E. Measurements.**

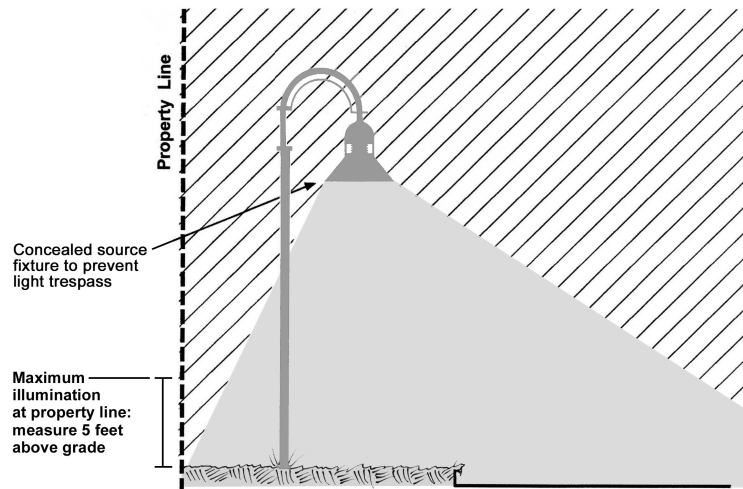
Exterior lighting intensity levels shall be measured on the horizontal plane at grade level within the site; and on the vertical plane of the lot or road right-of-way boundaries at a

height of five (5) feet above grade. Fixture height shall be measured from grade level to the highest point of the light source (see illustration).

### ILLUSTRATIONS



Light Fixture Height



Lighting Fixture Orientation and Shielding

#### Section 10.09 Reserved.

#### Section 10.10 Screening and Land Use Buffers.

Screening and land use buffers are necessary to ensure reasonable compatibility between land uses of differing intensity or impacts. Screening elements enhance the visual environment; preserve natural features; protect property values; alleviate the impact of noise, traffic, and more intensive land uses; and minimize visual impacts of parking lots, loading areas and storage areas. The purposes of this Section are to establish minimum standards for the design, installation, and maintenance of screening elements and plant materials; and to establish reasonable standards for screening of specific areas from road rights-of-way and adjacent lots. It is the intent of this Section that required screening and buffering elements shall be immediately effective in achieving the purpose of this Section, and shall maintain that effectiveness as the plant materials mature.

##### A. Scope.

The standards of this shall apply to all development projects and parcels subject to site plan approval per Article 15.0 (Site Plan Review), condominium site plan approval per Article 8.0 (Condominium Regulations), planned unit development approval per Article 14.0 (Planned Unit Development District), private road approval in accordance with the Township's Private Road Ordinance, or subdivision plat approval in accordance with the Land Division Act and Township subdivision regulations.

##### B. General Standards.

The following standards shall apply to all landscaping and screening elements required by provisions of this Ordinance or determined necessary by the Planning Commission as part of site plan approval:

1. **Visibility.** Landscaping and screening materials and layout shall conform to the requirements of Section 3.208 (Corner Clearance Areas), and shall not conflict with visibility for motorists or pedestrian access.
2. **Plantings near utility lines and fire hydrants.** Required plant materials and screening shall be arranged to avoid conflicts with underground and overhead utilities. The anticipated height at maturity of trees planted near overhead utility lines shall be a minimum of ten (10) feet less than the line height above grade.
3. **Protection.** Where pavement and landscape areas interface, curbing or similar measures shall be provided to protect plants from vehicle encroachment.
4. **Plant material standards.** The following shall apply to all plant materials:
  - a. All plant material shall conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurserymen, Inc. and approved by the American National Standards Institute, Inc.
  - b. All plant material shall be true to name in conformance to the current edition of "Standardized Plant Names" established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the Township.
  - c. All plant material shall be nursery grown; hardy to the climate of Michigan; appropriate for the soil, climatic and environmental conditions; and resistant to disease and insect attack. Artificial plant material shall be prohibited within required screening areas.
  - d. The use of plant materials native to southern Lower Peninsula of Michigan is encouraged.
5. **Groundcovers.** The following shall apply to all groundcover materials:
  - a. Lawn areas shall be planted in species of grass normally grown as permanent lawns in Michigan. Grass may be sodded or otherwise planted using techniques suitable to the climate, with adequate measures taken to maximize seed germination and minimize soil erosion. Sod or seed shall be clean and free of weeds and noxious pests or disease.
  - b. The creative use of groundcover alternatives is encouraged; such as native prairie grasses, wildflowers, and similar plantings. Groundcover used in lieu of grass shall be planted to present a finished appearance after one (1) growing season.
  - c. Synthetic materials shall not be used as a permitted groundcover. Use of stone and gravel as a groundcover shall be limited to decorative accents within a planting bed, subject to Planning Commission approval.
6. **Mulch.** Planting beds shall present a finished appearance; with shredded hardwood bark mulch or similar natural material at a minimum depth of three (3) inches. Mulch used around trees and shrubs shall be a minimum of four (4)

inches deep, and shall be pulled one (1) inch away from tree trunks. An effective edge treatment shall be provided to contain and prevent migration of the mulch.

7. **Topsoil.** A minimum four (4) inches of topsoil shall be provided for all lawn areas, ground covers and planting beds.

**C. Standards for Size and Variety of Plant Materials.**

To ensure adequate variety, and to avoid monotony and uniformity within a site, required plant materials shall not include more than thirty percent (30%) of any single plant species, and shall comply with the following:

| Screening Materials               | Minimum Size at Installation                                    |
|-----------------------------------|---|
| <b>Deciduous Shade Trees</b>      | 2½ - 3.0 caliper-inches diameter and 8.0 feet in overall height |
| <b>Evergreen Trees</b>            | 5.0 - 6.0 feet in overall height                                |
| <b>Deciduous Ornamental Trees</b> | 2.0 caliper-inches diameter and 6.0 feet overall height         |
| <b>Shrubs</b>                     | 30 inches in height or 24 inches in spread                      |

**D. Methods of Screening.**

Required landscaping and screening elements shall be provided by one (1) or more of following methods as best suited to the existing conditions, subject to Planning Commission approval:

1. **Greenbelt buffer.** The purpose of this method is to establish a buffer between adjacent land uses, or between uses and adjacent road rights-of-way. This method is intended to provide a partial visual screen, particularly where the adjacent uses (including uses that are adjacent across a road right-of-way) are less intense than the use of the subject site. Greenbelt buffers shall consist of the following (see illustration at end of Section):
  - a. Greenbelts shall have a minimum width of 20 feet, and may be interrupted only to provide for pedestrian or vehicular access.
  - b. A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the greenbelt buffer at a minimum concentration of one (1) tree and three (3) shrubs per 200 square feet of greenbelt. The Planning Commission may require additional plantings to achieve the screening objectives of this Section.
  - c. Such required plant materials may be placed at uniform intervals, at random or in groupings.
  - d. The greenbelt length shall be measured along the centerline of the greenbelt for its entire length, inclusive of all driveways.
  
2. **Hedgerow.** The purpose of this method is to visually screen parking lots, adjacent uses, and road rights-of-way. This method is intended to create an effective obscuring screen within a limited land area. This method shall consist of shrubs planted and maintained as a continuous visual screen, subject to the following (see illustration at end of Section):

- a. The maximum permitted spacing between individual plants shall not exceed three (3) feet on-center, unless a different separation distance is determined by the Township Planner to be more appropriate for the type of shrub proposed.
  - b. Maintained plant height at maturity shall be adequate for the intended screening function.
  - c. Low height shrubs [two (2) to four (4) feet in height] shall be used to provide necessary ground-level screening to block headlight glare or similar low-level impacts.
  - d. Larger shrubs [exceeding four (4) feet in height] shall be used to establish a landscaped barrier between land uses of differing intensities, or to provide more complete screening.
3. **Fence.** The purpose of this method is to visually screen parking lots, outdoor storage areas, and similar uses where predominant impacts are at or below eye level. This method shall consist of an ornamental, rail or privacy fence constructed along the lot or district boundary, or around the perimeter of the area to be screened, subject to the following (see illustration at end of Section):
- a. Required fences shall have a minimum height of three (3) feet, and shall not exceed six (6) feet in height above grade unless a higher fence height is determined by the Planning Commission to be necessary to provide adequate screening.
  - b. The fence materials, height, location, and design shall be consistent with existing fences on adjacent lots, and shall be subject to Planning Commission approval.
4. **Berm.** The purpose of this method is to effectively screen visual and noise impacts using natural-appearing landforms. This method is intended to provide an obscuring screen to block noise and light from adjacent uses or road rights-of-way, or to create a buffer between developed and undeveloped areas. Berms shall consist of a combination of a sculpted earth mound and plantings, which shall meet the following standards (see illustration at end of Section):
- a. Berms shall have side slopes no steeper than one (1) foot vertical to four (4) feet horizontal (1:4 ratio).
  - b. Berms shall have a minimum height of three (3) feet above the grade elevation. Overall berm height shall be adequate for the intended screening function. Grade elevation shall be the ground elevation at the nearest lot line adjacent to the proposed berm.
  - c. The interior face of the berm may be constructed as an earthen slope, or may be retained by means of a wall, terrace or similar means acceptable to the Planning Commission.
  - d. The berm shall be designed to blend with existing topography, and sodded, hydro-seeded or planted with appropriate groundcovers; and

shall not disrupt drainage patterns or inhibit the pre-existing flow of surface water in the area.

- e. The Planning Commission may require greenbelt buffer plantings on the berm in accordance with the requirements of this Section.
  - f. For the purpose of determining any required plant materials, the length of any required berm shall be measured from one toe of the berm (the farthest point at one end of the berm's long dimension where the berm height equals the surrounding grade level) along the berm's centerline to the toe at the opposite end of the berm.
5. **Evergreen screen.** The purpose of this method is to create a dense obscuring screen that meets the objectives of this Section. This method is intended to establish a year-round screening barrier between land uses of differing intensities, to effectively block noise and light, or to completely separate developed and undeveloped portions of a site.

This method shall consist of closely spaced evergreen trees with year-round screening characteristics. Such trees shall be planted a maximum of 15 feet apart in at least two (2) staggered rows (see illustration at end of Section).

6. **Masonry wall.** The purpose of this method is to create a solid, year-round barrier and obscuring screen to effectively block noise, light, and other impacts between land uses of differing intensities. Such walls shall be subject to the following (see illustration at end of Section):
- a. Masonry walls shall have a minimum height of two (2) feet, and shall not exceed six (6) feet in height above grade unless a higher wall height is determined by the Planning Commission to be necessary to provide adequate screening.
  - b. Walls shall be solid in character and capped with stone or concrete.
  - c. Wall materials shall be coordinated with the principal building materials on the site. The Planning Commission may require that decorative masonry (brick, stone, or decorative block) materials be incorporated into the wall design and construction.

**E. Parking Lot Landscaping and Perimeter Screening.**

Parking lot landscaping and perimeter screening shall be designed and arranged to enhance the appearance of the parking area, improve the level of safety for pedestrians and motorists, guide traffic movement, and define ingress/egress points. Parking lot landscaping and perimeter screening shall be subject to the following:

- 1. **Perimeter screening.** Parking lots shall be screened from all abutting RURAL USES, RESIDENTIAL USES, residential zoning districts, and road rights-of-way per Section 10.10D (Methods of Screening).
- 2. **Snow storage area.** Adequate snow storage area shall be provided within the site. Plant materials in snow storage areas shall be hardy, salt-tolerant species characterized by low maintenance requirements.

3. **Landscaping within parking lots.** Landscaped islands shall be provided at the ends of parking rows, and as otherwise required by this Ordinance or the Planning Commission to break up large expanses of pavement and guide traffic flow. Landscaped islands shall be subject to the following (see illustration):
  - a. Planting islands shall have a minimum width of ten (10) feet, and a minimum area of 180 square feet.
  - b. A minimum of two (2) deciduous shade or ornamental trees shall be provided for each planting island. Shrubs and live groundcover plantings shall be used to cover the remaining areas of the island.
  - c. All landscaping and perimeter screening, except designated snow storage areas, shall be protected from vehicle encroachment with concrete curbing or similar permanent means.
  - d. Rain gardens, bioswales, and similar naturalized stormwater management systems with appropriate plantings may be incorporated into required parking lot landscaping.

**F. Loading, Storage, and Service Area Screening.**

Loading, storage, and service areas, public utility and essential service uses and structures, ground equipment shelters, ground-mounted transformers, generators, and HVAC units, electric sub-stations, gas regulator stations, and similar facilities shall be screened from road rights-of-way and adjacent uses in accordance with Section 10.10D (Methods of Screening).

**G. Detention and Retention Basin Screening.**

Where a detention or retention basin, or similar stormwater management facility is required, such facilities shall comply with the following:

1. To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free form depression. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.
2. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, the location and design shall be subject to Planning Commission approval.
3. Basins shall be planted with a mixture of groundcover and wetland-based plantings native to Michigan, such as native grasses or wildflowers.
4. A perimeter greenbelt buffer shall be provided in accordance with this Section and the following:
  - a. Plantings shall be clustered around the basin to achieve a variety of plant materials, and to replicate a natural environment. Deciduous shade trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.

- b. Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.

**H. Prohibited Plant Materials.**

The following trees have been determined by the Township to be undesirable for the landscaping and screening purposes of this Ordinance, and shall not be used to satisfy the requirements of this Section except in the following limited circumstances:

| Species                     | Common Name   |
|-----------------------------|---|
| <i>Acer negundo</i>         | Box Elder   |
| <i>Ulmus x</i>              | Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade'      |
| <i>Aesculus x</i>           | Horse Chestnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site    |
| <i>Populus x</i>            | Poplar varieties  |
| <i>Elaeagnus x</i>          | Olive varieties   |
| <i>Salix x</i>              | Willow varieties; except in appropriate wetland ecosystems  |
| <i>Catalpa x</i>            | Catalpa varieties; except for use in greenbelts and transition zones between developed and un-developed areas of a site |
| <i>Ailanthus altissima</i>  | Tree of Heaven  |
| <i>Ginkgo biloba</i>        | Ginkgo (female); male trees are acceptable  |
| <i>Robinia pseudoacacia</i> | Black locust  |
| <i>Morus alba</i>           | Mulberry (white)  |
| <i>Acer saccharinum</i>     | Silver Maple  |
| <i>Juglans nigra</i>        | Black Walnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site      |
| <i>Fraxinus x</i>           | Ash varieties   |

**I. Installation and Maintenance.**

All screening elements and plant materials shall be installed in a manner consistent with the standards of the American Association of Nurserymen, the approved site plan, and the following:

1. **Deadline for installation.** Installation of required screening elements and plant materials shall be completed within 365 calendar days from the date of site plan approval for the project.
2. **Extension.** The Township Planner or Zoning Administrator may extend the deadline to allow installation of required plant materials by the end of the next planting season, upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Section.
3. **Performance guarantee.** The Township Planner or Zoning Administrator may require submittal of a performance guarantee, per Section 1.11C (Performance Guarantees), to cover the cost of installing required screening elements and plant materials. After installation has been completed, the Township Planner or



Zoning Administrator shall conduct an inspection of the plant materials before the guarantee may be released.

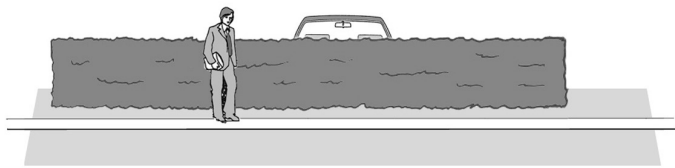
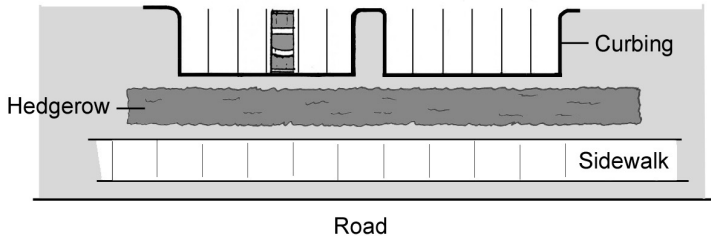
4. **Maintenance.** All screening elements and plant materials shall be maintained in accordance with the approved site plan, and the following:
  - a. Maintenance procedures and frequencies to be followed shall be specified on the site plan, along with the manner in which the effectiveness, health, and intended functions of the screening elements and plant materials on the site will be ensured.
  - b. Adequate provisions shall be made to regularly supply water to all required plant materials as necessary to ensure proper growth and development.
  - c. Plant materials shall be kept in a neat, orderly and healthy growing condition, free from weeds, debris and refuse. Tree stakes, guy wires and tree wrap shall be removed after one (1) year.
  - d. Pruning of plant materials shall be limited to the minimum necessary to ensure proper maturation of plants to achieve their intended purpose.
  - e. All required screening elements and plant materials shall be planted and maintained in accordance with an approved site plan. Failure to maintain required screening, including the removal and replacement of dead or diseased plant materials, shall be a violation of this Ordinance.
  - f. The replacement or removal of plant materials in a manner not consistent with an approved site plan shall be a violation of this Ordinance.

**K. Modifications.**

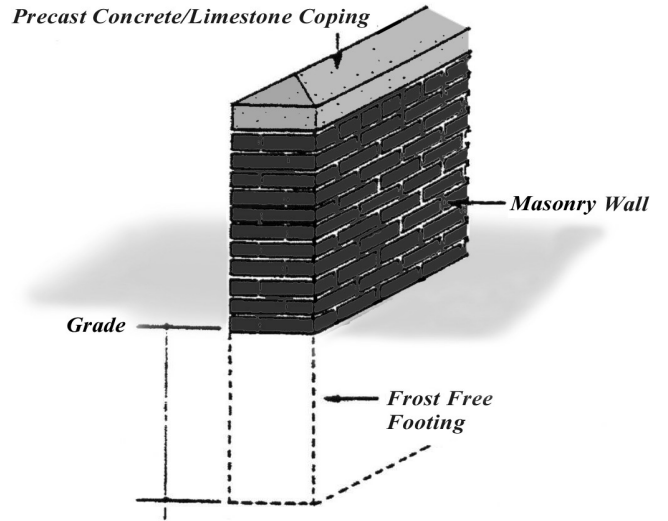
The Planning Commission shall have the authority to approve alternative designs or plant materials as part of final site plan approval upon determination that the alternative landscape designs or plant materials would meet the purpose and objectives of this Section; or the requirements of this Section have been satisfied by existing topography, vegetation or other acceptable means.

Where an existing building is undergoing renovation, expansion, or change in use, required landscaping and screening improvements shall be in reasonable proportion to the size and configuration of the site and the scale of proposed improvements, as determined by the Planning Commission in accordance with the purpose and objectives of this Section.

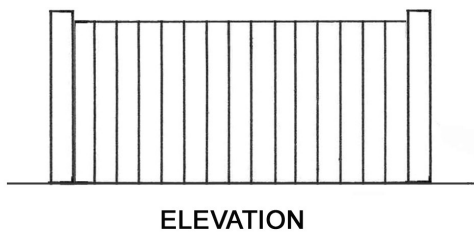
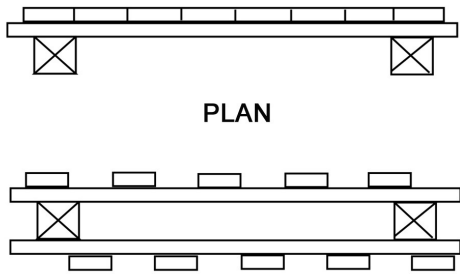
### ILLUSTRATIONS



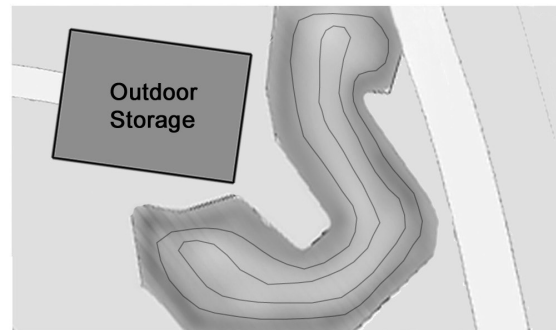
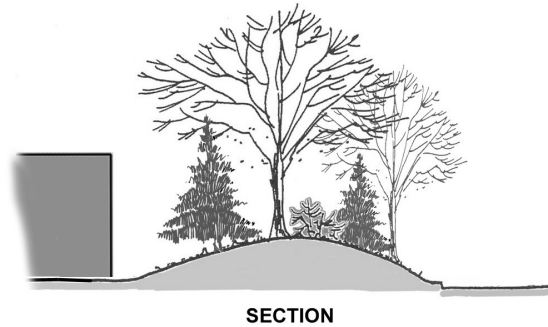
**Hedgerow**



**Screen Wall**

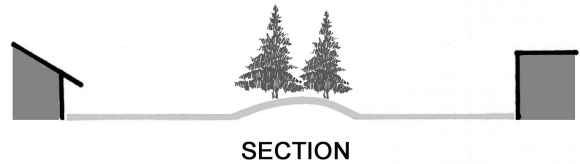
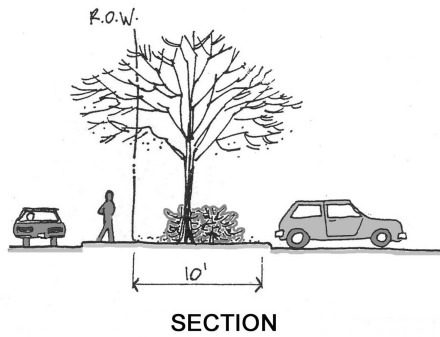
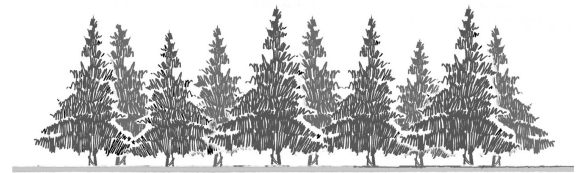
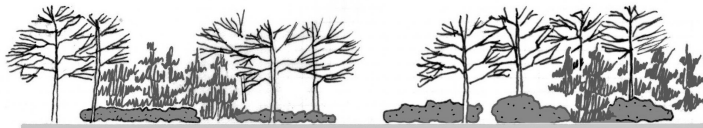
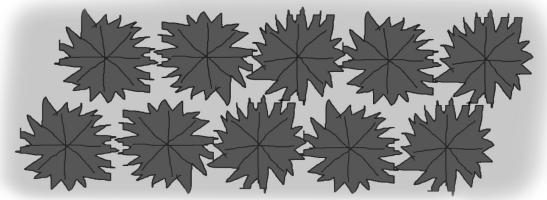
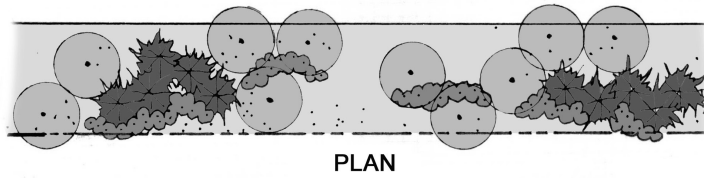


**Fence**



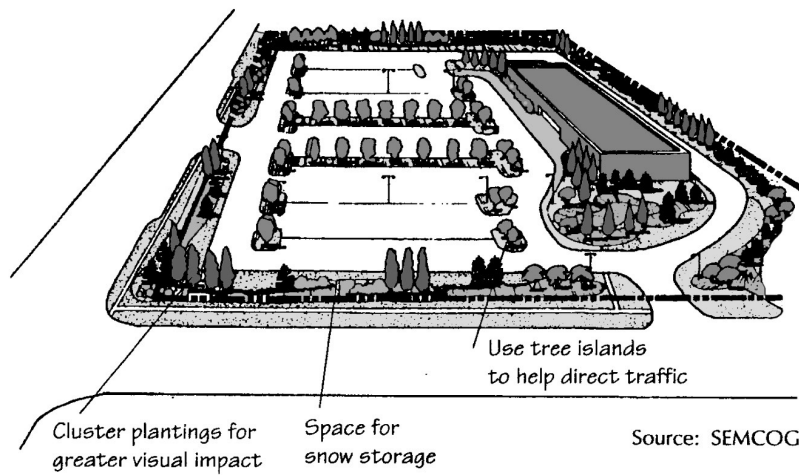
**Berm**

### ILLUSTRATIONS



Greenbelt Buffer

Evergreen Screen



### Landscaping Within Parking Lots

## **Section 10.11 Development Agreement.**

A Development Agreement shall be entered into between the Township and the owner(s)/developer(s) of any property upon which a residential, commercial, industrial, or other land use is to take place following final site plan approval and prior to the commencement of any site work or construction. The cost to prepare and record this Agreement shall be borne by the owner(s)/developer(s). Preparation and approval of a Development Agreement shall be subject to the following:

### **A. Contents of a Development Agreement.**

At a minimum, a Development Agreement shall:

1. Set forth any conditions of development approval to be met by an applicant or developer with respect to an approved project;
2. Provide for any dedication of easements, rights-of-way, and other dedications incorporated into the approved project;
3. Provide for maintenance of any common facilities and open space areas;
4. Identify any covenants, deed restrictions, and other limitations to be imposed upon the uses of the land and structures;
5. Describe the phasing and timing of development activities;
6. Detail the cost of installing all required infrastructure improvements and utilities, and manner for enforcement of any assessments and costs;
7. Describe any required escrow accounts or performance guarantees;
8. Include the approved development plans and any associated development documents as exhibits; and
9. Address other issues that the Township and owner(s)/developer(s) deem appropriate.

### **B. Approval of a Development Agreement.**

The proposed Development Agreement shall be subject to review by the Township Planner, Township Attorney, and other designated officials and consultants; and approval by the Township Board. The owner(s)/developer(s) of the subject property shall be responsible for recording the approved Development Agreement in the Washtenaw County Register of Deeds office, unless the Township Clerk agrees to do so at the owner(s)/developer(s) expense. Proof of recording and two (2) copies of the recorded Agreement and any exhibits shall be provided to the Township Clerk.

## **Sections 10.12–10.18 Reserved.**

## Section 10.19 Wireless Communication Facilities.

Wireless communications systems, facilities, towers, and antennae in the Township shall be subject to the following:

### A. Purpose.

The purpose of this Section is to carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems, and facilitating adequate and efficient provisions for wireless communications facility sites. It is the intent of this Section to:

1. Permit the location of wireless communication facilities within given geographical areas of the Township, while protecting the safety and character of nearby residential areas and the Township as a whole;
2. Require collocation of transmission and receiving apparatus and antennae on existing towers, unless it can be reasonably demonstrated that such collocation is not technically feasible;
3. Require new and replacement wireless communication towers to include provisions for collocation wherever technically feasible;
4. Limit adverse visual impacts through careful design, siting, landscaping and screening elements, and innovative camouflaging techniques;
5. Prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use;
6. Establish consistent review procedures and information requirements for construction, alteration or enlargement of a wireless communication tower and installation of a new antenna on an existing building in accordance with Section 502 and Section 504 of the Michigan Zoning Enabling Act; and
7. Permit administrative review and approval of certain types of projects that have a limited scope and impact, such as collocation of additional antennae on an existing, approved wireless communications tower.

### B. Application Information.

The following information shall be provided with any application for approval of a wireless communications facility:

1. **Applicant information.** The name, address and telephone numbers for the applicant, property owner, tower operator and installation contractor; and the address, parcel identification number or location of the property on which the facility is to be located.
2. **Facility inventory.** If the application includes a new wireless communication tower, the applicant shall provide an inventory of all existing towers located in the Township or within one (1) mile of the Township's boundaries. Sharing of this inventory with future applicants shall not constitute a representation or

warrant by the Township that such sites are available or suitable. At a minimum, the inventory shall include the following:

- a. Identification of the owner or operator, location, height, type, and design of each tower.
  - b. A description and assessment of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the proposed wireless communication services.
  - c. An assessment and illustration of feasible location(s) of future towers or antennae in the Township under the requirements of this Ordinance, based on the location of the proposed tower and existing physical, engineering, technological, and geographical limitations.
  - d. An environmental impact statement disclosing any anticipated impacts on local wetlands, floodplains, wildlife corridors, natural habitat areas, and other environmental considerations.
3. **Location map.** A location map for the proposed wireless communications facility, showing adjacent public roads, intersections, and other significant landmarks. If a new tower is proposed, the location map shall show the setback distance(s) from the nearest tower(s) included in the facility inventory.
4. **Service area coverage maps.** A map of the area served by the provider's existing wireless communications facilities shall be provided, along with a second map of the same area also showing the proposed service area coverage.
5. **Site plan.** A scaled site plan that indicates the type of wireless communications facility, as defined in this Ordinance, and includes the following:
- a. A parcel survey, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the subject parcel.
  - b. Zoning district classifications and existing land uses for the subject parcel and all adjacent parcels, including across road rights-of-way.
  - c. A description of the type and design of the proposed wireless communication facility.
  - d. Legal description of the subject parcel and any leased area, if applicable.
  - e. Setback distances between any proposed tower(s) and the nearest boundaries of any residential zoning district or lot occupied by a dwelling.
  - f. Proposed means of access and other proposed site improvements.
  - g. Details of proposed landscaping and screening materials; including species, size, and amounts, and a detailed maintenance plan.
  - h. Details of proposed fencing, lighting, and security elements and materials; including color and type of materials, and method of illumination and fixture specifications for all light sources.

- i. Any other information deemed necessary by the Planning Commission to assess compliance with this Section.
- 6. **Elevation drawings.** Elevation drawings of the proposed wireless communication facility, ground equipment enclosure(s), and associated structures. The drawings shall identify:
  - a. The type, design, materials, and height for the proposed wireless communications facility, enclosure(s), and associated structures.
  - b. The name and location of the tower manufacturer, if applicable.
- 7. **Compliance with applicable laws and regulations.** The applicant shall provide documentation of proper licensing as a wireless communication services provider, and compliance with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- 8. **Permission to locate.** The applicant shall submit copies of an executed lease or purchase agreement or similar proof of permission to locate a wireless communications facility on the site.
- 9. **Collocation agreement.** The applicant for a new tower shall submit a signed and notarized agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for collocation. Proposed future antenna and equipment locations shall be indicated on the site plan and elevation drawings.
- 10. **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the Township as the certificate holder and naming the Township, its past, present and future elected officials, representatives, employees, boards, commissions, consultants, and agents as additional named insured.
  - a. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail 30 days written notice to the Township as certificate holder.
  - b. The Township may require the applicant to supply a \$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.
- 11. **Maintenance agreement.** The applicant shall submit a plan for the long-term, continuous maintenance of the facility. The plan shall identify who will be responsible for maintenance of the facility, including access, landscaping, screening, and security improvements.
- 12. **Removal agreement and guarantee.** The applicant shall submit a signed and notarized removal agreement and a performance guarantee for the future removal of the facility, subject to the following:
  - a. The agreement shall be in accordance with the requirements of Section 10.190 (Removal of Wireless Communications Facilities).

- b. The applicant shall submit an estimate of the cost of removal of the facility and restoration of the site, certified by a licensed engineer.
  - c. The performance guarantee shall be in accordance with Section 1.11C (Performance Guarantees), and shall be sufficient to ensure removal of the wireless communication facility, restoration of the site, and reimbursement of associated administrative costs incurred by the Township in the event that the applicant, property owner or their successors fail to remove the facility in a timely manner.
13. **Tax-related information.** The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the Zoning Administrator that this condition has been satisfied.
  14. **Backhaul network information.** Identification of the entities providing the backhaul network for the wireless communication facility described in the application and other sites owned or operated by the applicant in the township.
  15. **Franchise information.** Written documentation shall be provided to certify that all franchises required by law for the construction and operation of the wireless communication facility have been obtained. A copy of all such franchises shall be filed with the Township.
  16. **Engineering certification.** Written certification shall be provided from a professional engineer licensed by the State of Michigan demonstrating:
    - a. The manner in which the structure will fall in the event of accident, damage or failure, and that the setback area will accommodate the facility and provide an adequate buffer from adjacent parcels;
    - b. That the facility is designed in accordance with applicable dead load and wind pressure standards; and
    - c. That the facility is designed to conform with the State Construction Code and all other applicable building, electrical, and fire codes.

**C. Type of Review Required.**

Wireless communications facilities shall be reviewed in accordance with the following:

| Type of Wireless Communications Facility   | Required Review and Approval |                      |        |
|--|------------------------------|----------------------|--------|
|  | Planning Commission          | Zoning Administrator | Exempt |
| <b>NEW TOWERS AND ANTENNAE</b>   |                              |                      |        |
| Construction, alteration or enlargement of a wireless communication tower.   | ●                            |                      |        |
| Antenna(e) installation on an existing principal building or accessory structure that includes use of a ground equipment enclosure area outside of the existing building or structure. | ●                            |                      |        |



| Type of Wireless Communications Facility  | Required Review and Approval |                      |        |
|---|------------------------------|----------------------|--------|
|   | Planning Commission          | Zoning Administrator | Exempt |
| Antenna(e) installation on an existing principal building or accessory structure where all accessory equipment is installed within the existing building or structure.  |                              | ●                    |        |
| <b>EXISTING TOWERS</b>  |                              |                      |        |
| Alteration or enlargement of a wireless communication tower conforming to maximum height requirements that includes an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater. <b>Also see Section 10.19F (Special Provisions for Review of Certain Alterations and Collocations).</b> | ●                            |                      |        |
| Alteration or enlargement of a wireless communication tower conforming to maximum height requirements and without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater.   |                              | ●                    |        |
| Expansion of a previously approved ground equipment enclosure to a total area greater than 2,500 square feet. <b>Also see Section 10.19F (Special Provisions for Review of Certain Alterations and Collocations).</b>   | ●                            |                      |        |
| Expansion of a previously approved ground equipment enclosure area to a total area less than or equal to 2,500 square feet.   |                              | ●                    |        |
| Construction or expansion of equipment building(s) within an approved ground equipment enclosure.   |                              | ●                    |        |
| Collocation of new antennae on an existing tower conforming to maximum height requirements that includes an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater. <b>Also see Section 10.19F (Special Provisions for Review of Certain Alterations and Collocations)</b>             | ●                            |                      |        |
| Collocation of new antennae on an existing tower conforming to maximum height requirements and without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater.  |                              | ●                    |        |
| Installation of new ground equipment within an approved ground equipment building or enclosure.   |                              | ●                    |        |
| <b>SATELLITE DISH ANTENNAE</b>  |                              |                      |        |
| Installation of a satellite dish antenna with a diameter of less than 1.5 meters.   |                              |                      | ●      |

| Type of Wireless Communications Facility  | Required Review and Approval |                      |        |
|---|------------------------------|----------------------|--------|
|   | Planning Commission          | Zoning Administrator | Exempt |
| Installation of a satellite dish antenna with a diameter 1.5 meters or larger.  |                              | ●                    |        |
| <b>AMATEUR RADIO ANTENNAE</b>   |                              |                      |        |
| Installation of an amateur radio transmission and reception antenna or antenna structure up to a maximum height of 60 feet.   |                              | ●                    |        |
| Installation of any amateur radio transmission and reception antenna or antenna structure that exceeds 60 feet in height, or exceeds the maximum permitted height in the zoning district.   | ●                            |                      |        |
| Installation of a citizen band radio base station antenna structure, contractor’s business antenna structure, television reception antenna or wireless Internet antenna for personal use, or similar facility exceeding 14 feet in height, up to the maximum permitted height in the zoning district. |                              | ●                    |        |
| Installation of short wave facilities, amateur radio reception-only antenna, television reception antenna or wireless Internet antenna, or similar facility up to a maximum height of 14 feet.  |                              |                      | ●      |
| Installation of municipal and other facilities subject to federal or state preemption of local authority.   |                              |                      | ●      |
| <b>OTHER PROJECTS</b>   |                              |                      |        |
| Repair, service or maintenance of an existing wireless communications facility, provided that all work is in compliance with approved plans, permits and applicable codes.  |                              |                      | ●      |
| Telecommunication facilities as defined by the METRO Act (P.A. 48 of 2002, as amended).   |                              |                      | ●      |

**D. Exempt Facilities.**

Nothing in this Section shall be construed in such a manner to conflict with the regulatory process established for telecommunication facilities as defined and regulated by the METRO Act (P.A. 48 of 2002, as amended). Facilities listed as exempt from review in Section 10.19C (Type of Review Required) shall be permitted by right, subject to the applicable federal and state regulations.

**E. Facilities Subject to Zoning Administrator Approval.**

Facilities requiring Zoning Administrator approval per Section 10.19C (Type of Review Required) shall be subject to review and approval of a certificate of zoning compliance in accordance with the applicable standards of this Section and Section 1.07 (Certificates of Zoning Compliance).

**F. Special Provisions for Review of Certain Alterations and Collocations.**

In accordance with Section 3514 of the Michigan Zoning Enabling Act, Township review of proposed alterations to existing wireless communication towers or ground equipment enclosures subject to conditional use approval per Section 10.19C (Type of Review Required) and referencing this subsection shall be modified as follows:

1. **60-day time limit on Planning Commission action.** The Planning Commission shall complete its review and take final action on the application in accordance with Section 10.19H (Planning Commission Action) within 60 calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Planning Commission takes no final action within this 60 calendar day period.
2. **Limitation on conditions of approval.** Planning Commission authority, per Section 10.19H.4.d. (Approval Subject to Conditions), to impose conditions on any approval of an application subject to the additional requirements of this subsection shall be limited to conditions intended to:
  - a. Verify compliance with the applicable requirements of this Ordinance; or
  - b. Ensure that the wireless communication facility meets the requirements of federal and state laws and other Township ordinances before the facility begins operation.

**G. Conditional Use Permits for Wireless Communication Facilities.**

Wireless communications facilities subject to conditional use approval per Section 10.19C (Type of Review Required) shall require review and approval of a conditional use permit by the Planning Commission, subject to the standards of this Section.

1. **Special provisions.** In accordance with Section 3514 of the Michigan Zoning Enabling Act, Township review of any application for a conditional use permit per Section 10.19C (Type of Review Required) shall be modified as follows:
  - a. **Limitation on review fees.** A fee required to accompany an application for a conditional use permit under this Section shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
  - b. **14-day time limit to determine eligibility and completeness.** After an application for a conditional use permit under this Section is filed in accordance with this Section, the Clerk shall immediately transmit a copy of the application materials and plans to the Township Planner to determine whether the application is administratively complete per Section 10.19B (Application Information).
    - (1) The Township Planner shall transmit a written response to the Clerk and the applicant within 14 business days stating either that the application is administratively complete or listing the specific information needed for a complete application.

- (2) The application shall be deemed administratively complete if no written response is transmitted to the Clerk and applicant within the 14 business day period.
2. **90-day time limit on Planning Commission action.** For any conditional use permit application not subject to the additional requirements of Section 10.19F (Special Provisions for Review of Certain Alterations and Collocations), the Planning Commission shall complete its review and take final action per Section 10.19H (Planning Commission Action) within 90 calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Planning Commission takes no final action within this 90 calendar day period.
3. **Modifications to an approved Conditional Use Permit.** Alteration or enlargement of an existing wireless communication tower or expansion of an approved ground equipment enclosure area shall be subject to review and approval as a modification to a previously approved conditional use permit.
4. **New Conditional Use Permit required.** All other wireless communication facilities subject to conditional use permit approval shall require review and approval of a new Permit by the Planning Commission.

#### H. **Planning Commission Action.**

After a complete and accurate application has been received by the Township in accordance with the requirements of Section 10.19B (Application Information), wireless communications facilities subject to Planning Commission approval per Section 10.19C (Type of Review Required) shall be reviewed in accordance with the following:

1. **Technical review.** Prior to Planning Commission consideration, copies of the application shall be distributed to designated Township officials, the Township Planner, and other designated Township consultants for review and comment.
  - a. The Township may retain the services of wireless communications and engineering experts, at the applicant's expense, to review data provided by the applicant.
  - b. The Zoning Administrator or Planning Commission may also request comments from outside agencies with jurisdiction.
2. **Public hearing.** A public hearing shall be held for all wireless communications facilities subject to Planning Commission approval in accordance with Section 1.14 (Public Hearing Procedures).
3. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the proposed wireless communications facility, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, local agencies or departments with jurisdiction, and any public comments.
  - a. The Planning Commission shall verify whether all required information has been provided per Section 10.19B (Application Information).

- b. The Planning Commission shall verify whether the facility is in compliance with all applicable requirements of this Section and Ordinance.
4. **Planning Commission action.** The Planning Commission is authorized to table, approve, approve subject to conditions or deny the proposed wireless communications facility as follows:
- a. **Postponement.** Upon determination by the Planning Commission that the application is incomplete or inaccurate, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
  - b. **Denial.** Upon determination that the application is not in compliance with all applicable standards of this Section for the type of wireless communication facility, or would require extensive modifications to comply with such standards, the application shall be denied. If the application is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the application.
  - c. **Approval.** The proposed wireless communications facility may be approved by the Planning Commission upon determination that it is in compliance with all applicable standards of this Section.
  - d. **Approval subject to conditions.** The Planning Commission may approve a proposed wireless communications facility subject to reasonable conditions:
    - (1) Designed to protect natural resources, the health, safety, welfare, and social and economic well-being of users or patrons of the use under consideration, residents and landowners immediately adjacent to the proposed use, or the community as a whole;
    - (2) Related to the valid exercise of the police power, and the impacts of the proposed use; or
    - (3) Necessary to meet the intent and purposes of this Section and Ordinance, related to the standards established in this Section, and necessary for compliance with those standards.
- Conditions of approval shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. Any such changes shall be entered into Township records and recorded in the minutes of the Planning Commission meeting at which the action occurred.
5. **Recording of Planning Commission action.** Planning Commission action on the application shall be recorded in the Planning Commission meeting minutes, stating the description and location of the proposed wireless communications facility, address and tax identification number of the parcel, the findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval. The Secretary or Chair shall file one (1) copy of the

written record with the Township Clerk for the permanent Township record, and shall forward one (1) copy to the applicant as evidence of approval.

6. **Effect of action.** Approval of the wireless communications facility by the Planning Commission shall allow the Zoning Administrator to issue a certificate of zoning compliance for the work associated with the application.
  - a. No work may take place on the site except in accordance with an approved certificate of zoning compliance and the plans approved by the Planning Commission.
  - b. If the Planning Commission denies the wireless communications facility, the applicant may submit a new wireless communications facility application that corrects any deficiencies in the denied application materials, facility design or location.
7. **Expiration of approval.** Approval of a wireless communications facility shall expire 365 days after the date of approval, unless a certificate of zoning compliance has been issued or construction has commenced. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant an extension of up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved wireless communications facility plans remains in conformance with the purpose and provisions of this Section.

#### **I. Standards for Wireless Communications Towers.**

The following shall apply to all wireless communications towers, microwave transmission towers, AM antenna arrays, and similar tower structures:

1. **Availability of suitable existing towers, other structures or alternative technology.** No new tower shall be permitted unless the applicant demonstrates to the Planning Commission's satisfaction that:
  - a. No existing towers or structures located within the geographic area meet the applicant's engineering or operating requirements;
  - b. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna(e) and equipment;
  - c. The applicant's proposed antenna(e) would cause electromagnetic interference with antenna(e) on an existing tower, or vice versa;
  - d. The fees, costs or contractual provisions required by the owner to share an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable. Costs exceeding new tower development are presumed to be unreasonable;
  - e. Other limiting factors render existing towers or structures unsuitable; and
  - f. There is no suitable alternative technology available which would not require the use of towers or structures (such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline

system). Costs of alternative technology that exceed new facility development shall not be presumed to render the technology unsuitable.

2. **Permitted locations.** Permitted wireless communications tower locations shall be limited to the following:
  - a. Wireless communications towers shall only be permitted on parcels in the AR (Agricultural-Resource), I-1 (Industrial-Research), and PSP (Public/Semi-Public Services) Districts with sufficient lot area to accommodate the setback requirements of this Section.
  - b. No tower shall be located within one (1) mile of another wireless communication tower, irrespective of municipal and county jurisdictional boundaries. The Planning Commission may waive this restriction upon determination that there is a demonstrated need for an additional tower, based on the facility's technical requirements, service needs of Township residents or other acceptable factors.
  - c. No tower shall be located closer than 800 feet from the boundary of any residential zoning district, and any PUD incorporating residential uses.
3. **Maximum height.** Towers shall not exceed 200 feet in height as measured from certified grade to the highest point of the tower, including antennae attached to the tower. The Planning Commission may approve a taller tower upon determination that the additional tower height:
  - a. Will result in improved access to wireless services for Township residents, beyond what could be achieved by a shorter tower;
  - b. Will expand opportunities for collocation of additional antennae beyond the capacity of a shorter tower, which may lessen the number of future towers needed to serve Township residents; and
  - a. Will not adversely impact abutting lots and uses to an extent greater than a tower that conforms to the maximum permitted height standard.
4. **Minimum setbacks.** A tower shall be set back from all parcel boundaries a minimum distance equal to one hundred percent (100%) of the height of the tower. Anchoring cables, equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of 50 feet.
5. **Ground equipment enclosure.** All wireless communications towers, accessory structures and equipment enclosures shall be completely enclosed by an eight (8) foot high fence with a lockable gate to prevent unauthorized access. The wireless communications tower shall also be protected by anti-climbing devices, and anchor points for guy wires supporting the tower shall be secured to prevent unauthorized access.
6. **Screening.** A dense evergreen screen shall be provided on all sides of the ground equipment enclosure per Section 10.10D (Methods of Screening). Existing site vegetation and landforms shall be preserved to the maximum extent

feasible. The Planning Commission may waive screening requirements upon determining that existing site vegetation or landforms provide a sufficient buffer.

7. **Collocation.** Wireless communications towers shall be designed, constructed, and maintained in a manner that accommodates collocation of multiple antennae on a single tower.
8. **Access.** Unobstructed permanent access to the tower and ground equipment enclosure shall be provided for emergency vehicles. Access may be provided by an easement. Upon Township request, the tower owner shall install and maintain a "Knox Box" or other acceptable means of emergency access.
9. **Design.** All new towers shall conform to the following design standards:
  - a. The tower and associated antennae shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission. Any required lighting shall be the minimum necessary for the purpose, and shall be shielded from ground level visibility to the maximum extent feasible. Fixtures with red or other highly saturated color filters or light sources shall be utilized to minimize off-site glare.
  - b. The tower and associated antennae shall be painted white. The Planning Commission may waive this requirement upon finding that other colors or treatments would better minimize off-site visibility.
  - c. Advertising, signs, and identification of any kind visible from the ground or abutting parcels or road rights-of-way shall be prohibited, except as required by agencies with jurisdiction for identification purposes.
  - d. All new towers shall be of a monopole design, and constructed of or treated with corrosive resistant materials. The base of the tower shall occupy no more than 500 square feet.
10. **Land division.** The division of property for the purpose of locating a wireless communication tower shall be prohibited unless all requirements of this Ordinance and other Township ordinances have been met.
11. **Employees.** No employees shall be located on-site on a permanent basis. Employee access shall be limit to temporary repair and service activities.
12. **Tower address.** Each wireless communications tower shall be designated with a specific and unique street address.

#### **J. Standards for Antennae Located on Structures.**

Antennae located on principal or accessory structures shall be permitted in any zoning district, subject to approval per Section 10.19C (Type of Review Required) and the following standards:

1. The antenna and support structure shall be permanently secured to the structure, and shall not exceed the structure height by more than 10 feet.
2. The antennae shall be designed and arranged to minimize visibility and to blend with the primary building materials and colors.



3. The antenna and support structure shall not be illuminated, unless required by the FAA, Michigan Aeronautics Commission or other agency with jurisdiction.

**K. Standards for Satellite Dish Antennae:**

Satellite dish antennae shall be permitted in any zoning district, subject to approval per Section 10.19C (Type of Review Required) and the following standards:

1. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.
2. Satellite dish antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.
3. One (1) satellite dish antenna with a diameter 1.5 meters or larger shall be permitted per lot. The antenna shall conform to the minimum yard setbacks of the zoning district where it is located.
4. Construction and placement of satellite dish antennae shall meet manufacturers' specifications, and shall conform to the State Construction Code and all applicable electrical and fire codes.
5. Satellite dish antennae with a diameter of 1.5 meters or larger and located within 100 feet of a road right-of-way or the boundary of a lot occupied by a dwelling shall be screened by a wall, fence, berm, evergreen plantings, or combination of these elements so as not to be visible from the neighboring residence or road. If the antenna is a mesh type, screening need not exceed six (6) feet in height.

**L. Standards for Amateur Radio Antennae:**

Amateur radio antennae shall be permitted in any zoning district, subject to approval per Section 10.19C (Type of Review Required) and the following standards:

1. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.
2. Amateur radio antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.
3. A maximum of one (1) amateur radio antenna shall be permitted per zoning lot, with a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height.
4. For retractable, telescoping, or tilt-down antennae, the minimum required setback distance shall be equal to the height of the antenna structure in the "down" or retracted position. Such antennae shall be maintained in the "down" or retracted position when not in use.

**M. Existing Wireless Communications Facilities.**

Wireless communications facilities existing prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance

with applicable federal, state, and county laws and regulations, and all approved plans, permits, and conditions of approval.

**N. Rescinding Approval of Wireless Communications Facilities.**

Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required bonds or insurance certificates, provide information to the Township about the facility as required by this Section or maintain and operate the facility in compliance with the provisions of this Section shall be grounds for the Township to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Planning Commission in accordance with Section 1.14 (Public Hearing Procedures), at which time the owner, operator or leaseholder of the wireless communications facility shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator or designated agent.

**O. Removal of Wireless Communications Facilities.**

The owner or operator shall remove a wireless communications facility for which approval has been rescinded, that has ceased operation for more than 365 consecutive days, or that has been determined by the Township to be abandoned, as follows:

1. Such facilities shall be removed within 90 calendar days of receipt of notice from the Township requesting such removal. Failure of the owner or operator to respond within 90 calendar days of such a request shall be grounds for the Township to rescind any previous approval to construct or operate the facility.
2. Failure by the owner to remove such facilities in accordance with this Section or an approved removal agreement shall be grounds for the Township to remove the facility at the owner's expense, and to make use of any performance guarantee or other security provided for that purpose.
3. Removal of the tower shall include removal of any structures in the ground, including concrete footings, support structures, or other appurtenances such as ground radial systems. In-ground structures and appurtenances shall be removed to a depth of 48 inches, and the land re-graded and restored to the original grade prior to the removal.
4. The Township reserves the right to require submittal of evidence of ongoing operation at any time after construction or installation of an approved facility.
5. If there are two (2) or more antennae on a single tower, this subsection shall not take effect until all users cease using the tower.
6. Any wireless communication facility that is not operated for a continuous period of 365 calendar days shall be deemed abandoned.

## ARTICLE 11.0

# OFF-STREET PARKING AND LOADING REGULATIONS

### Section 11.01 Purpose and Scope.

The purpose of this Article is to protect water quality and the capacity of drainage and stormwater management systems; to limit the number of off-street parking spaces and amount of impervious surfaces that may be permitted on a parcel of land or accessory to a use or building; to establish flexible standards for off-street parking and loading; and to promote the use and development of shared parking facilities and cross-access between sites.

The regulations of this Article shall be met in all districts whenever any uses are established; any structure is erected, enlarged, or increased in capacity; a new land use is established; an existing use is replaced by a new use (change of use); or an existing use is expanded or increased in intensity.

Plans and specifications showing required off-street parking and loading spaces, including the means of ingress, egress and circulation, shall be provided in accordance with the provisions of this Article, subject to approval per Article 15.0 (Site Plan Review). Where site plan approval is not required, such plans and specifications shall be subject to Zoning Administrator approval per Section 1.07 (Certificates of Zoning Compliance).

### Section 11.02 Use Of Parking Facilities.

Any area designated as required off-street parking, stacking, and loading spaces shall not be relinquished or reduced in any manner below the requirements established by this Ordinance, or changed to any other use, unless adequate spaces meeting the standards of this Article have first been provided at another location acceptable to the Planning Commission.

1. The storage of merchandise or vehicle parts within such areas shall be prohibited.
2. No commercial activity or selling of any kind shall be conducted within such areas, except as part of a permitted temporary use such as temporary outdoor sales.
3. Such areas shall not be used for parking of unlicensed or inoperable motor vehicles, and parking of an operable motor vehicle shall not exceed 72 continuous hours.

### Section 11.03 Residential Parking Standards.

Off-street parking spaces for single-and two-family (duplex) dwellings and other RESIDENTIAL USES shall consist of an accessory driveway, garage, parking strip or bay, or combination thereof, subject to the following:

1. **Location.** Parking spaces for dwelling units shall be limited to an approved off-street parking facility, a single-family residential driveway, a private garage, a permanent carport or vehicle shelter, or combinations thereof, and shall be located on the premises of the principal building(s).
2. **Commercial vehicle.** Parking of motor vehicles accessory to a dwelling unit shall be limited to passenger vehicles and not more than one (1) currently registered and licensed commercial vehicle of the light delivery type, not to exceed 14,000 pounds

Gross Vehicle Weight (GVW). The provisions of this subsection shall not apply to vehicles that are normally parked inside permanent structure, or utilized in the operation of a farm or other agricultural operation, nursery, landscape business, home occupation or other permitted use on the same lot or parcel.

3. **Recreational vehicle.** Parking or storage of a recreation vehicle accessory to RESIDENTIAL USES in any zoning district shall be subject to the following:
  - a. Such vehicles shall not be parked or stored in front of the front building line of any lot in a residential district, except in a front yard driveway or parking area for a period not to exceed 72 hours during loading or unloading. Such vehicle(s) shall be parked or stored in the side or rear yard and set back a minimum five (5) feet from all side and rear lot lines.
  - b. Where required by the Michigan Vehicle Code, such vehicles shall be legally operable on the highways of the State of Michigan and shall have a current and valid registration and license plate.
  - c. Such vehicles shall not be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, except for incidental camping for up to a maximum of 15 consecutive calendar days, and a total of 90 days per calendar year, accessory to a permanent dwelling on the same lot. Vehicles used for incidental camping shall be owned by the owner of the lot or the owner's guests, and on-site disposal of wastewater shall be prohibited.

#### **Section 11.04 Shared Facilities.**

The development and use of a parking or loading facility shared between two (2) or more contiguous uses shall be permitted, subject to the following:

1. Prior to approval, the Planning Commission shall determine that peak activity for each use will occur at different periods of the day or week.
2. Where shared parking facilities are provided, the number of parking spaces shall not be less than seventy percent (70%) nor more than one hundred thirty percent (130%) of the sum of the minimum requirements for the individual uses as specified in Section 11.07 (Schedule Of Required Parking by Use):  
Minimum Shared Parking = (sum of minimum requirements for individual uses) x 70%  
Maximum Shared Parking = (sum of minimum requirements for individual uses) x 130%
3. Shared facilities and the permitted reduction in required parking shall be subject to a shared facility agreement between the property owners. A copy of the signed and notarized agreement shall be filed with the Township Clerk.

#### **Section 11.05 Schedule Of Required Parking by Use.**

The minimum number of required off-street parking spaces for an individual use shall be determined in accordance with the following:

**A. Parking Calculations.**

The following standards shall apply to calculations of required parking:

1. Where calculation of the number of required parking spaces result in a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and any fraction over one-half (1/2) shall be rounded-up to the next highest whole number.
2. For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift or busiest period of the workday.
3. For requirements stated in terms of capacity or maximum occupancy, the calculation shall be based upon the largest occupancy rating by the State Construction Code, or applicable local, county or state fire or health codes.
4. Where a use is not specifically mentioned in this Section, the Planning Commission shall apply the standards for a similar listed use. The following uses shall be exempt from the required parking standards of this Section:
  - a. RURAL USES not specifically listed in this Section.
  - b. Child Foster family home or family group home.
  - c. Home occupations listed in Section 5.204 (Home Occupations).
  - d. Cemetery, other than any office uses.
  - e. Public utility and essential service uses.
  - f. Aircraft landing strips and helipads, other than any office uses.

**B. Minimum and Maximum Parking Requirements.**

The following minimum and maximum parking space standards shall apply:

1. **Minimum required spaces.** Off-street parking, stacking, and loading spaces shall be provided in accordance with the minimum requirements of Section 11.05C (Schedule Of Required Parking by Use). The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by this Section.
2. **Maximum permitted parking spaces.** The maximum off-street parking permitted for any use shall not exceed one hundred thirty percent (130%) of the minimum requirements of this Section. This requirement shall not apply to single-family or two-family dwellings, nor to spaces reserved for off-site uses as part of an off-site parking facility agreement per Section 11.08A (Off-Site Parking Facilities).

**C. Schedule Of Required Parking by Use.**

| Use  | Minimum Required Parking   |
|--|--|
| <b>RURAL USES</b>                              |  |
| Farm-Based Tourism or Entertainment Activities | One (1) per four (4) seats or eight (8) feet of benches, based upon the maximum seating capacity of the primary assembly space; or one (1) per four (4) persons allowed within the maximum capacity of the facility. |

**C. Schedule Of Required Parking by Use.**

| Use  | Minimum Required Parking   |
|--|--|
| Farm Market, Bulk Feed and Fertilizer Supply, and Farm Implement Sales or Repair   | One (1) per 400 square feet of usable floor area, plus one (1) per on-duty employee.   |
| Veterinary Clinic, Animal Hospital, or Kennel  | One (1) per 500 square feet of usable floor area, plus one (1) per on-duty employee.   |
| <b>RESIDENTIAL USES</b>  |  |
| Accessory Dwelling   | One (1) per dwelling unit, plus any required spaces for the dwelling.  |
| Adult Foster Care Small or Large Group Home, State Licensed Residential Facilities, and Other Managed Residential Facilities | One (1) per resident sleeping room, plus one (1) per on-duty employee.   |
| Bed and Breakfast Inn  | One (1) per guest sleeping room, plus any required spaces for the dwelling.  |
| Elderly and Senior Housing – Independent   | One (1) per dwelling unit, plus one (1) per on-duty employee.  |
| Elderly Housing – Assisted Living Facilities; or Dependent, Nursing or Convalescent Care                                     | One (1) per two (2) dwelling units or per four (4) beds, plus one (1) per on-duty employee.  |
| Family and Group Child Day Care Home, or Adult Foster Care Family Home   | One (1) per on-duty employee, plus any required spaces for the dwelling.   |
| Manufactured Housing Parks   | Two (2) per dwelling.  |
| Multiple-Family Housing, Town-houses, and Stacked Flats  | One and one-half (1.5) per dwelling unit with up to two bedrooms, and two (2) per three-bedroom or larger dwelling unit.           |
| Two-Family (Duplex) Dwellings  |  |
| Single Family Dwellings, Detached  | Two (2) per dwelling.  |
| <b>OFFICE, SERVICE, AND COMMUNITY USES</b>   |  |
| Ambulance, Fire, and Police Stations   | One (1) per on-duty employee, plus any required spaces for storage of vehicles.  |
| Barber Shop, Beauty Salon or Nail Care   | One (1) per service chair or station, plus one (1) per on-duty employee.   |
| Day Care Center – Child or Adult   | One and one-half (1.5) per six (6) children of state licensed or authorized capacity, plus one (1) per on-duty employee.           |
| Funeral Parlor or Mortuary   | One (1) per four (4) persons allowed within the maximum building occupancy.  |
| Health Club or Fitness Center  | One (1) per four (4) persons allowed within the maximum building occupancy, or one (1) per 300 square feet of usable floor area.   |
| Hospital or Urgent Care Center   | One (1) per four (4) beds, plus one (1) per on-duty employee.  |
| Institutional Uses   | One (1) per four (4) seats or eight (8) feet of benches, based upon the maximum seating capacity of the primary assembly space; or |
|  | One (1) per on-duty employee, plus one (1) per four (4) persons allowed within the maximum building occupancy.                     |

**C. Schedule Of Required Parking by Use.**

| Use   | Minimum Required Parking   |
|---|--|
| Medical, Osteopathic, Chiropractic, Optical or Dental Office, Clinic or Laboratory; Massage Therapist, or Physical Therapy Facility | One (1) per on-duty employee, plus one (1) per examination or treatment room.  |
| Offices for Professional, Service or Administrative Uses  | One (1) per 300 square feet of usable floor area.  |
| Government Offices  |  |
| Recreation Facilities, Indoor   | One (1) per four (4) persons allowed within the maximum building occupancy, or one (1) per 300 square feet of usable floor area. |
| Recreation Facilities, Outdoor  | One (1) per 7,500 square feet of gross land area.  |
| Workshop or Studio  | One (1) per 400 square feet of usable floor area.  |
| <b>COMMERCIAL USES</b>  |  |
| Bank, Credit Union or Similar Financial Institution   | One (1) per 300 square feet of usable floor area.  |
| Big Box Commercial Uses   | One (1) per 200 square feet of usable floor area.  |
| Car Wash  | Two (2), plus one (1) per on-duty employee, plus six (6) stacking spaces per service lane and two (2) for post-wash detailing.   |
| Dealership Showroom for Sale or Rental of Recreational Vehicles, Motor Vehicles, Construction Machinery or Similar Durable Goods    | One (1) per 500 square feet of usable floor area of the sales room, plus one (1) per on-duty employee.                           |
| Drive-in or Drive-through Facilities  | Two (2) per service window, booth, cubicle or stall, plus six (6) stacking spaces per service lane.                              |
| Hotel or Inn  | One (1) per occupancy unit, plus one (1) per on-duty employee.   |
| Laundromat or Dry Cleaners  | One (1) per six (6) washing or drying machines, or one (1) per 300 square feet of usable floor area.                             |
| Manufactured Housing Sales  | One (1) per 4,000 square feet of outdoor sales or display area, plus one (1) per on-duty employee.                               |
| Motor Vehicle Fueling Station   | One (1) per on-duty employee, plus one (1) per fueling location, plus one (1) stacking space per two (2) fueling locations.      |
| Motor Vehicle Service Center or Repair Stations   | One (1) per on-duty employee, plus one (1) per service bay, plus one (1) stacking space per service bay.                         |
| Open Air Business, Outdoor Display Area, Garden Center, or Dealership Sales Lot   | One (1) per 1,000 square feet of outdoor sales or display area.  |
| Restaurants and Food Service Establishments, Carry-Out Only   | One (1) per 200 square feet of usable floor area, plus one (1) per on-duty employee.   |
| Restaurants and Food Service Establishments, with Dine-In Seating   | One (1) per four (4) seats, based upon the maximum seating capacity, plus one (1) per on-duty employee.                          |
| Outdoor Café or Eating Area   |  |
| Retail Stores and COMMERCIAL USES not otherwise listed in this table, with less than 10,000 square feet of total gross floor area   | One (1) per 275 square feet of usable floor area.  |

**C. Schedule Of Required Parking by Use.**

| Use   | Minimum Required Parking   |
|---|--|
| Retail Stores and COMMERCIAL USES not otherwise listed in this table, with 10,000 to 50,000 square feet of total gross floor area   | One (1) per 250 square feet of usable floor area.  |
| Retail Stores and COMMERCIAL USES not otherwise listed in this table, with more than 50,000 square-feet of total gross floor area   | One (1) per 200 square feet of usable floor area.  |
| Tavern, Pub, Brewpub, Cocktail Lounge or Night Club   | One (1) per three (3) persons allowed, based upon the maximum seating capacity of the primary assembly space, plus one (1) per on-duty employee.                   |
| <b>INDUSTRIAL, RESEARCH, AND LABORATORY USES</b>  |  |
| INDUSTRIAL, RESEARCH, AND LABORATORY USES not otherwise listed in this table – established for a known user.  | Five (5), plus one (1) per on-duty employee, plus required parking for any accessory office or other uses.   |
| INDUSTRIAL, RESEARCH, AND LABORATORY USES not otherwise listed in this table – established on speculation, or where the end user or number of anticipated employees is not known. | Five (5), plus one (1) per 2,000 square feet of usable floor area for the proposed principal use(s), plus required parking for any accessory office or other uses. |
| Outdoor Storage, All Types  | One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.   |
| Junkyards and Material Recovery Facilities  |  |
| Self-Storage Warehouses   | Two (2) for the caretaker’s dwelling, plus one (1) per 300 square feet of usable floor area in the principal building.   |
| <b>OTHER USES</b>   |  |
| Adult Entertainment Uses and Sexually-Oriented Businesses   | One (1) per 200 square feet of usable floor area.  |
| Composting Centers  | One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.   |
| Extraction Operations   |  |
| Public Works and Road Maintenance Yards   | One (1) per on-duty employee, plus required parking for any accessory office or other uses.  |
| Recycling Collection Facility   | One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.   |

**Section 11.06 Design Requirements.**

Required off-street parking facilities shall be located on the same lot as the principal building for which the parking is intended. Off-street parking facilities, other than parking for single-and two-family (duplex) dwellings subject to Section 11.03 (Residential Parking Standards), shall be designed, constructed, and maintained in accordance with the following:

**A. Barrier-Free Parking Requirements.**

Barrier-free parking spaces, signed and striped shall be provided at conveniently accessible locations within each parking lot built to accommodate five (5) or more vehicles. Such parking shall be in accordance with minimum standards of the State Construction Code, or other equivalent standard accepted by the Township.



**B. Landscaping and Screening.**

All loading facilities and any off-street parking area providing space for five (5) or more vehicles shall be effectively screened from all lot boundaries and road rights-of-way in accordance with Section 10.10E (Parking Lot Landscaping and Perimeter Screening). Not more than 15 parking spaces shall be permitted in a continuous row without interruption by a landscaped parking lot island or cross-access aisle.

**C. Setback.**

Distance measurements for driveway setbacks shall be made along the edge of the road right-of-way from the points where the edges of the driveway pavement intersect the right-of-way. All other measurements shall be made from the pavement edge to the nearest point along the lot boundary or right-of-way. Off-street parking spaces and all driveways and maneuvering lanes shall conform to the following setback requirements:

- 1. Off-street parking spaces and driveways shall be set back a minimum of ten (10) feet from all lot boundaries.
- 2. Off-street parking shall not be located within any required front yard, or any landscape strip or any transition buffer required by Section 3.203 (Yard Standards).

**D. Exterior Lighting.**

Where provided, all exterior lighting shall comply with Section 10.09 (Exterior Lighting).

**E. Ingress/Egress.**

Adequate means of ingress and egress of vehicles and pedestrians shall be provided for all parking and loading facilities by means of clearly limited and defined drives, defined pedestrian pathways, curb cuts, and maneuvering lanes. Backing directly onto a road or using a road for maneuvering between parking rows shall be prohibited.

- 1. Off-street parking spaces shall be located within 300 feet of a primary building entrance, and a dedicated pedestrian path shall be provided from the road to each primary building entrance.
- 2. Adequate ingress and egress to any parking lot shall be provided for all vehicles by means of clearly defined driveways, which shall be limited to the minimum necessary to provide reasonable ingress and egress.
- 3. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Exit lanes shall include an on-site stacking area for traffic waiting to exit the site. The driveway shall intersect the abutting road at a 90-degree angle.

**F. Pavement and Striping.**

Off-street parking facilities, driveways, and pedestrian paths to building entrances shall be paved with concrete, plant-mixed bituminous asphalt or similar materials acceptable to the Township. Parking spaces shall be marked with pavement striping. The paving plan and materials shall be subject to design and materials approval by the Township Engineer. The Planning Commission may approve alternative paving or surfacing as part of site plan approval, subject to the provisions of Section 11.08 (Modification of Standards).

**G. Stacking Spaces.**

Where required by this Ordinance, stacking spaces for drive-through facilities shall be ten (10) feet wide by 20 feet long. Stacking spaces shall not intrude into any road right-of-way or maneuvering lane for an off-street parking lot.

**H. Grading and Drainage.**

Driveways and parking areas shall be graded and provided with adequate drainage to dispose of surface waters in accordance with applicable construction and design standards established by the Township, the County Road Commission, and the County Water Resources Commissioner. Surface water shall not drain on to adjoining lots or across a public road, except in accordance with an approved drainage plan.

**I. Off-Street Parking Layout.**

The layout of off-street parking shall be in accordance with the following minimum requirements (see illustration):

| Parking Pattern<br>(degrees) | Minimum Parking Layout Standards |                     |                      |   |
|------------------------------|----------------------------------|---------------------|----------------------|---|
|                              | Maneuvering Lane Width           | Parking Space Width | Parking Space Length | Width of Maneuvering Lane Plus Two Rows |
| <b>0° (parallel)</b>         | 24 feet (two-way)                | 8 feet              | 22 feet              | 40 feet                                 |
| <b>45°</b>                   | 12 feet (one-way)                | 9 feet              | 20 feet              | 49 feet                                 |
| <b>60°</b>                   | 16 feet (one-way)                | 9 feet              | 20 feet              | 56 feet                                 |
| <b>90°</b>                   | 20 feet (two-way)                | 9 feet              | 20 feet              | 60 feet                                 |

**Section 11.07 Off-Street Loading.**

Adequate space shall be provided for loading and unloading activities associated with any use involving the receipt or distribution of vehicles, materials or merchandise, subject to the following:

1. Loading spaces shall be set back a minimum of 50 feet from any Residential Districts or existing RESIDENTIAL USES, except where enclosed within a building or screened by walls, landscaping or a combination thereof to the satisfaction of the Planning Commission, per Section 10.10D (Methods of Screening).
2. Loading spaces shall be paved with a surface providing the equivalent load strength of nine (9) inches of concrete.
3. Each loading space shall be at least ten (10) feet wide and 25 feet long, and shall otherwise be sized to accommodate the anticipated delivery vehicle type.
4. Loading areas shall be located only in side or rear yards, and shall be arranged to minimize conflicts with pedestrian and vehicular circulation. All maneuvering of trucks and other vehicles shall take place on the site and not within a public road right-of-way.
5. The minimum size or number of required loading spaces shall be based on the gross floor area of a building or addition. COMMERCIAL USES and INDUSTRIAL, RESEARCH, AND

LABORATORY USES shall be required to provide a minimum number of loading spaces as follows:

1. Buildings up to and including 20,000 square feet of gross floor area shall provide at least one (1) space.
2. Buildings with more than 20,000 square feet in gross floor area, but less than 50,000 square feet shall provide a minimum of two (2) spaces.
3. Buildings 50,000 square feet and greater in gross floor area shall provide three (3) spaces plus one (1) space for each additional 50,000 square feet or fraction thereof.

### **Section 11.08 Modification of Standards.**

Limited modifications to the standards of this Article shall be permitted, subject to the following:

#### **A. Off-Site Parking Facilities.**

The Planning Commission may approve the location of all or part of any required parking facilities accessory to non-residential uses in any zoning district on a separate zoning lot from the use served by the parking, subject to the following:

1. Approved off-site parking spaces shall be located within 500 feet of a primary building entrance for the use.
2. A written agreement shall be drawn to the satisfaction of the Township Attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve. A copy of the signed and notarized agreement shall be filed with the Township Clerk.

#### **B. Deferment of Parking or Loading Spaces.**

Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum required number of parking spaces is excessive, or that adequate loading space is available to serve the building or use, the Planning Commission may approve the construction of a lesser number of spaces, provided that the deferred parking or loading spaces are shown on the site plan and set aside as open space.

Deferred parking or loading spaces shall be constructed in accordance with the approved site plan upon written request by the Township after the Township Planner or Zoning Inspector has documented three (3) incidents of problem parking or loading on the site.

#### **C. Modification of Paving Requirements.**

The Planning Commission may approve an off-street parking facility surfaced with graded and compacted gravel, crushed limestone or similar materials that provide a durable, smooth and dustless surface, subject to Planning Commission determination that the anticipated frequency, duration, and general nature of vehicular traffic do not warrant concrete or asphalt paving; and that the proposed surfacing will have minimal impact on adjacent parcels with regard to dust.

No waivers of paving requirements shall be permitted for barrier free parking spaces, access aisles, and pedestrian paths to building entrances.

**D. Alternative Parking Standard.**

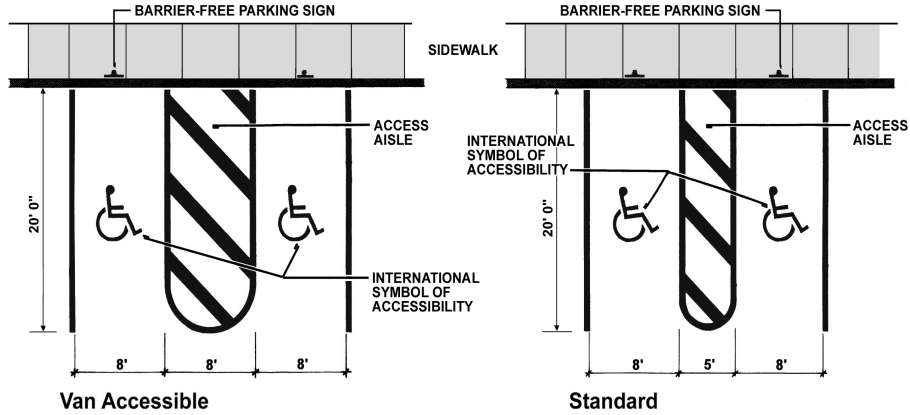
The Planning Commission may approve an alternative off-street parking standard for a proposed land use as part of site plan approval, upon determination that sufficient written evidence has been provided on the site plan to demonstrate that the alternative standard would be more appropriate for the type, scale or intensity of the proposed use, or that additional parking above the maximum permitted is necessary to accommodate the use on a typical day of operation.

**Section 11.09 Construction and Maintenance.**

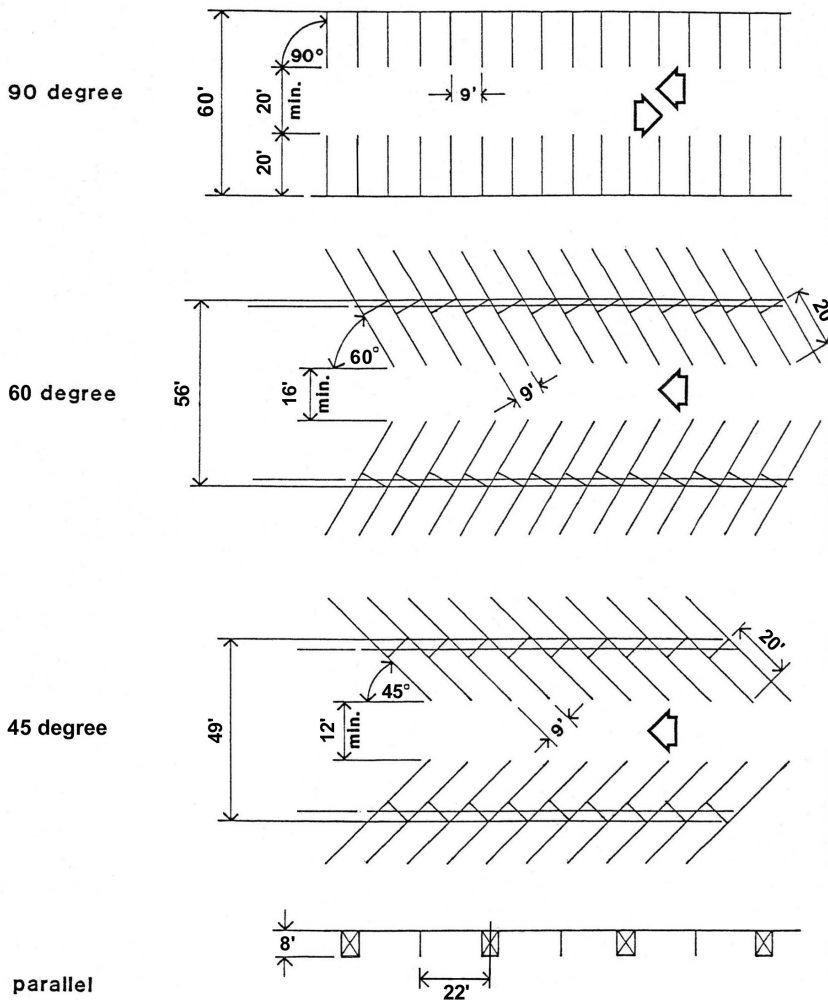
The applicant shall provide to the Township copies of all construction permits and other outside agency written approvals for the facility. In the event that required paving cannot be completed because of cold or inclement weather, the Township may require a performance guarantee to ensure completion per Section 1.11C (Performance Guarantees).

All parking areas, perimeter landscaped areas, and required screening shall be kept free from tall grass, weeds, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related improvements shall be kept in good repair. Alterations to an approved parking or loading facility not in accordance with an approved site plan shall be considered a violation of this Ordinance.

## ILLUSTRATIONS



## Barrier-Free Parking Space Layout



## Parking Layout



## ARTICLE 12.0 SIGN REGULATIONS

### Section 12.01 Purpose.

The purpose of this Article is to regulate all exterior signs placed for exterior observance so as to protect property values, to protect the character of the various neighborhoods in Freedom Township; to protect health, safety, and morals; and to promote the public welfare. The primary function of signage, as it relates to this Ordinance, is to identify a particular use or business occupying a lot or building in the Township. It is intended that the display of signs will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for this intended purpose and function.

Reasonable use of signage promotes commerce in the Township. However, a proliferation of signs would unduly distract or endanger motorists and pedestrians; cause the deterioration of business or residential areas; obstruct vision; negatively impact property values; and reduce the effectiveness of private and public signage. The further purposes of this Article shall be to establish standards for the construction, alteration, repair, and maintenance of all signs with respect to safety, location, dimensions, height, and method of illumination; minimize the proliferation of visual clutter and preserve the appearance of the Township by preventing the placement of oversized signs that are out of scale with surrounding buildings and uses; and provide for the removal of unlawful and abandoned signs.

### Section 12.02 General Standards.

Signs erected, altered, and maintained in the Township shall conform to the standards of this Article and Ordinance. The following standards shall apply to signs in all zoning districts:

#### A. Standards of Measurement.

Dimensional standards and measurements for signs shall be subject to the following:

1. **Sign height.** The distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative elements (see illustration).
2. **Sign setback.** Setbacks shall be measured from the closest road right-of-way or front lot line to the nearest edge of the sign.
3. **Sign area.** Measurements of permitted sign area shall be in accordance with the following standards:
  - a. The surface area of a sign shall include the total area within a regular geometric figure (circle, triangle, rectangle or square) enclosing the extreme limits of letters, symbols or other materials forming an integral part of the display, plus the surface area of any board, panel, or similar sign copy area to which the letters, symbols or other materials are attached (see illustration).
  - b. For an internally illuminated sign, the entire illuminated surface area of a sign face shall be included in the measurement of sign area.

- c. Where a sign has more than two (2) sign faces, then the sign area shall equal the total area of all sign faces.
  - d. Where two (2) sign faces are placed more than 18 inches apart at any point, then the sign area shall equal the total area of all sign faces.
  - e. Where two (2) sign faces with identical sign areas are placed back to back no more than 18 inches apart, then the sign area shall equal the area of one (1) face.
  - f. Where two (2) sign faces with different sign areas are placed back to back no more than 18 inches apart, then the sign area shall equal the area of the larger face.
4. **Signable area.** The signable area of a building shall equal the area of the building's street level façade (see illustration).
- a. **Signable area for multi-tenant buildings.** Where more than one business or use occupies space on the street level façade, the total signable area allowed for the building shall be divided among the businesses or uses in proportion to the size of each occupied space.
  - b. **Signable area for buildings on corner lots.** Where a building has two (2) or more street level facades (such as on a corner lot), each street level façade shall be considered as a separate signable area for purposes of this Article [e.g. - a building that faces two (2) road rights-of-way shall have two (2) signable areas].

**B. Construction and Maintenance.**

All signs shall be constructed or installed in compliance with the State Construction Code and other applicable building, fire, and electrical codes; shall be maintained in good repair and working order; and shall present a neat and orderly appearance. All signs shall be of sturdy construction to withstand normal natural elements, and shall be properly maintained at all times. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination. Signs with damaged, incomplete or missing sign copy areas or non-functional or damaged illumination elements shall be classified as damaged signs for purposes of this Article.

**C. Road Rights-of-Way.**

Signs shall not be located within, project into or extend over any public or private road right-of-way, except signs provided by local, county, state or federal governments, required legal notices, mailboxes and delivery boxes, and where otherwise specifically authorized by this Article.

**D. Hazards and Obstructions.**

Signs shall not be designed or maintained in a manner that would confuse or mislead motorists or pedestrians, create traffic or pedestrian hazards, obstruct free and clear vision or interfere with any traffic control device. No sign shall be erected or maintained so as to prevent ingress or egress from any door, window or emergency exit.



**E. Vehicle Signs.**

Signs painted on, or otherwise affixed to, trucks, trailers or other vehicles shall be subject to the requirements of this Article for temporary signs, except where the vehicle or trailer is actively used for transportation or services related to the principal use to which it is associated, in such a fashion that causes the vehicle or trailer to be moved off the site on a daily basis during regular business hours. Parking of such vehicles or trailers shall conform to Section 11.02 (Use Of Parking Facilities).

**F. Changeable Copy Area or Electronic Message Board.**

A changeable copy area or electronic message board shall be allowed as part of a permitted building-mounted sign or ground sign, provided that such area shall not exceed fifty percent (50%) of the total sign area. The changeable copy area of any permitted electronic message board shall be limited to changes at an interval of 60 seconds or longer per display. To minimize visual distractions and hazards for motorists, pedestrians, and property, animated copy, as defined in Section 19.03 (Definitions), shall be prohibited.

**G. Illumination.**

Internal and external sign illumination shall be permitted, subject to the following:

1. **External sign illumination.** Where permitted under this Article, external illumination of signs shall be subject to the following:
  - a. The light source(s) shall be fully shielded to prevent upward illumination or glare, directed towards the sign face, and designed to concentrate all light on the sign copy area (see illustration); and
  - b. The light source(s) shall be arranged and shaded so as not to project onto the public right-of-way and interfere with traffic or project onto adjacent property.
2. **Internal sign illumination.** Where permitted under this Article, internal illumination of signs shall be subject to the following:
  - a. The sign faces shall be more than fifty percent (50%) covered by semi-opaque colors and materials with a color value and saturation of fifty percent (50%) or higher (see illustration).
  - b. Sign illumination intensity shall not exceed three (3) footcandles as measured ten (10) feet from the sign.
  - c. Internally illuminated signs shall be equipped with a reduced intensity nighttime setting activated by photocell or timer.
3. **Other limitations.** Sign illumination shall be provided solely by electrical means or devices, and shall not be of a flashing, intermittent or moving type. Illumination involving searchlights, strings of lights or movement of lights or other devices shall be prohibited. Electronic message boards shall be equipped with devices that ensure nighttime illumination levels do not exceed the maximum intensity standards of this Section and Ordinance.

**H. Additional Standards for All Signs.**

The following additional standards shall apply to all signs:

1. All signs shall be accessory to the principal use of the lot where the sign is located, and shall not impair the use of adjacent properties. Any sign permitted by this Article may contain a non-commercial message.
2. No sign, other than a wall sign as permitted by Section 12.05 (Building-Mounted Signs), may extend above any parapet or be placed upon, cantilevered over or otherwise suspended above any roof surface. For purposes of this Article, roof surfaces constructed at an angle of 75 degrees or more from horizontal (such as mansard roofs) shall be regarded as wall space.
3. No sign attached to a building, other than an awning sign as permitted by Section 12.05 (Building-Mounted Signs), shall project more than one (1) foot from the building wall.
4. All signs shall be set back at least ten (10) feet horizontal distance from any utility pole, overhead wire, transformer or streetlight.

**Section 12.03 Signs Allowed Without a Permit.**

The following signs are exempt from Section 12.09 (Sign Permit) requirements, and shall be permitted accessory to a permitted use in any zoning district. Such signs shall be subject to all other applicable standards of this Article:

**A. Address Numbers and Nameplate.**

All principal buildings shall display their assigned address number in a manner legible from the road right-of-way. In addition, one (1) nameplate shall be permitted per principal building to provide for the further identification of the building, use or occupants. The nameplate shall not exceed four (4) square-feet in area, and shall be attached flat against the building wall.

**B. Construction Signs.**

Temporary construction signs shall be subject to the following:

| <b>Standards</b>                         | <b>Construction Signs</b>   |
|--|---|
| <b>Maximum number of permitted signs</b> | One (1) sign per road frontage of the subject parcel or lot under development or construction.  |
| <b>Minimum required setbacks</b>         | Outside of any road rights-of-way and 10.0 feet from the edge of pavement for any internal access drive.  |
| <b>Maximum sign area</b>                 | 24.0 square feet  |
| <b>Maximum sign height</b>               | 6.0 feet  |
| <b>Method of illumination</b>            | External light sources only.  |
| <b>Display period</b>                    | The sign shall not be erected prior to final site plan or final preliminary plat approval, and shall be removed within 14 calendar days of completion of the project's final phase, or upon expiration of site plan or permit approval. |

**C. Temporary Signs Within Road Rights-of-Way.**

A maximum of four (4) temporary signs, placed at the edge of the road right-of-way, shall be permitted for wayfinding purposes on approach routes to the location of an event, action or activity to which the sign pertains. Each sign shall not exceed three (3) feet in height and three (3) square feet in area. The display period for such signs shall be limited to the period from 6:00 p.m. on any Friday to 6:00 a.m. the following Monday.

Other temporary signs proposed to be located within or over road rights-of-way, shall be subject to Township Board approval. The Township Board may establish policies for the display and removal of such signs, and may require payment of an inspection fee or performance guarantee to ensure timely removal. Placement in the right-of-way shall be consistent with Washtenaw County Road Commission requirements.

**D. Other Temporary Signs.**

Temporary signs not otherwise provided for in this Section, subject to the following:

1. **Maximum height and sign area.** Such temporary signs shall be permitted in accordance with the following table of standards for maximum permitted height and total sign area per lot:

| <b>Zoning District Name</b> | <b>Maximum Total Sign Area</b> | <b>Maximum Sign Height</b> |
|-----------------------------|--------------------------------|----------------------------|
| Rural Districts             | 32.0 square feet               | 6.0 feet                   |
| Residential Districts       | 16.0 square feet               | 6.0 feet                   |
| Business Districts          | 24.0 square feet               | 6.0 feet                   |
| Other Districts             | 24.0 square feet               | 6.0 feet                   |

2. **Removal.** Such signs shall be removed by the property or business owner, agent or person responsible for creating or placing the sign on the lot within seven (7) calendar days following completion or discontinuation of the event, action or activity to which the sign pertains.
3. **Additional standards for portable signs.** The following additional requirements shall apply to portable signs (see illustration), which shall only be permitted accessory to principal COMMERCIAL USES in the Business Districts, as specified in Article 4.0 (Land Use Table).
  - a. Portable signs shall be constructed of plastic, metal or similar weather-resistant materials, and shall be maintained in a neat and orderly condition. Use of plywood, cardboard or paper shall be prohibited.
  - b. A maximum of one (1) portable sign shall be permitted per lot or parcel, up to a maximum height of five (5) feet, and a maximum of 15 square feet in sign area per sign face.
  - c. Portable signs shall only be displayed during regular business hours for the principal use of the parcel or lot to which the sign is associated.

**E. Other Signs and Sign-Related Activities.**

The following types of signs and sign-related activities shall be permitted accessory to a permitted use in any zoning district:

1. Painting, servicing, cleaning, normal maintenance, and minor repairs of an existing sign, provided that the approved design is not altered and all work is in compliance with applicable Ordinance requirements.
2. One (1) window sign accessory to a principal non-residential use not exceeding four (4) square-feet in area and may be illuminated. Additional window signs may be permitted in accordance with Section 12.05 (Building Mounted Signs).
3. Signs on the interior of a building not legible from the building exterior, and other incidental signs not visible from public road rights-of-way.
4. Memorial signs, tablets or markers that are cut into the face of masonry surfaces or constructed of bronze or other incombustible materials, and are integrated into the façade wall of a building.
5. Flags bearing the official design of a nation, state, municipality, educational institution, award or non-profit organization; and pennants installed by the Township on or over public roads.
6. Signs of a duly constituted governmental body; signs required to be maintained by law or governmental order, rule or regulation; signs identifying public access, municipal facilities and similar official markers; and incidental signs displayed for the direction, safety or convenience of the public.
7. Traffic safety and control and similar signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices; and essential service signs denoting utilities, hazards, and precautions.
8. Changes to sign copy within an approved changeable copy area.
9. Incidental signs carried by or affixed to clothing worn by persons.

**Section 12.04 Signs Allowed With a Permit.**

The following signs shall be permitted accessory to a permitted use in any zoning district, subject to sign permit approval per Section 12.09 (Sign Permits), and the following:

**A. Site Entry Features with Signage.**

Site entry features with signage may be erected at the entrance to a residential subdivision, condominium or multiple-family development; manufactured housing park; or multi-tenant office, research or business park or campus, as follows (see illustration):

1. Site entry features may consist of walls, columns, gates, and similar design elements, and may be located within required yard setback areas. Site entry features shall be located outside of any road rights-of-way and a minimum of ten (10) feet from the edge of pavement for any internal access drive.

2. The location, design, and maintenance provisions for the site entry features shall be subject to minor site plan approval per Article 15.0 (Site Plan Review).
3. The location and design of the site entry feature shall not interfere with pedestrian, bicycle, or vehicular traffic movement, and shall conform to the requirements of Section 3.208 (Corner Clearance Zones).
4. A maximum of one (1) such sign shall be permitted per road entrance from a public road classified as a primary roadway by the master transportation plans of the Township, or county or state road authorities, subject to the following:

| <b>Standards</b>              | <b>Site Entry Features with Signage</b> |
|-------------------------------|---|
| <b>Maximum sign area</b>      | 24.0 square feet per sign               |
| <b>Maximum sign height</b>    | 6.0 feet                                |
| <b>Method of illumination</b> | External light sources only.            |

**B. Building Directory.**

Where a single building on a single lot is occupied by more than one (1) business, dwelling or other use above the street level façade (such as a multiple-tenant office or commercial building), a building directory sign may be erected on the street level façade for these uses, subject to the following (see illustration):

1. The building directory shall be separate from any permitted signs accessory to the uses occupying the street level façade.
2. The maximum sign area shall not exceed three percent (3%) of the signable area of the building.
3. Illumination of such signs shall be limited to external light sources.

**Section 12.05 Building-Mounted Signs.**

The intent of this Section is to establish consistent and reasonable standards for the location, size and range of permitted types of signs located on buildings in the Township. Building-mounted signs may be erected accessory to non-residential uses in any zoning district, subject to approval of a sign permit in accordance with Section 12.09 (Sign Permits) and the following:

| <b>Standards</b>   | <b>Type of Permitted Signs</b>  |               |   |
|--|---|---------------|---|
|  | <b>Wall</b>   | <b>Awning</b> | <b>Window</b>                               |
| <b>Permit required?</b>  | yes   | yes           | no  |
| <b>Internal or external illumination permitted?</b>              | yes   | yes           | no  |
| <b>Maximum number of sign faces per building-mounted sign</b>    | one (1)   | one (1)       | one (1)                                     |
| <b>Minimum sign height</b>                                       | none  | 7.5 feet      | none  |
| <b>Maximum permitted sign area of all building-mounted signs</b> | 10% of the signable area of the building space occupied by the use (see illustration) |               | 10% of the street level window surface area |

1. **Location.** All building-mounted signs shall be located entirely within the street level façade(s), with the exception of one (1) wall sign that may extend above the top edge of the building wall or parapet up to a maximum of four (4) feet above the roof surface.
2. **Painted wall signs.** Signs applied with paint or similar substance on an exterior surface of a structure shall be considered a building-mounted sign subject to the standards of this Section. Prior to painting a sign on a wall, the wall surface shall be freshly painted with a continuous base color.
3. **Awning signs.** Awning signs shall be restricted to the surface area of the awning’s valance, which is the band of material hanging perpendicular to the ground (see illustration). Awning materials for an internally illuminated awning sign shall be opaque, except for any permitted sign area.
4. **Window signs.** Window signs shall be restricted to interior window surfaces. A sign permit shall not be required for permitted window signs under this Section.
5. **Rear public entrance sign.** One (1) additional building-mounted sign not exceeding four (4) square feet in area shall be permitted for each rear or side entrance. This sign area shall be in addition to the building-mounted sign area otherwise permitted under this Section.
6. **Residential land uses.** Building-mounted signs shall be prohibited accessory to residential land uses in any zoning district.

**Section 12.06 Ground Signs.**

The intent of this Section is to establish consistent and reasonable standards for the height, location and size of ground signs in the Township. Ground signs may be erected accessory to non-residential uses in any zoning district, subject to approval of a sign permit in accordance with Section 12.09 (Sign Permits) and the following:

**A. Ground Sign Standards.**

| <b>Maximum Ground Sign Height</b> | <b>Minimum Sign Setback from Lot Boundaries and Road Rights-of-Way</b> | <b>Maximum Sign Area per Ground Sign</b> | <b>Maximum Number of Ground Signs per Parcel</b> |
|-----------------------------------|--|--|--|
| 12.0 feet                         | 10.0 feet  | 36.0 square feet                         | 1.0  |

1. Ground sign shall be set back a minimum of 50 feet from the boundary of any Residential Districts, or any lot occupied by RESIDENTIAL USES.
2. Ground signs shall be prohibited within corner clearance zones, as defined in Section 3.208 (Corner Clearance Zones), and accessory to residential land uses in any zoning district.
3. No part of a ground sign shall be located within a required side yard or within 25 feet of a side lot line.
4. No ground sign shall be placed in such a manner as to prevent any motorist on a curve of a road from obtaining a clear view of approaching vehicles for a distance of 500 feet along the road.

5. Setbacks shall be measured from the near edge of the planned future road right-of-way, as defined by the master transportation plans of the Township, or county or state road authorities.

**B. Permitted Modifications.**

The following modifications to the standards of this Section have been established to preserve the character and appearance of the Township’s lower intensity use districts through more restrictive standards; and ensure that permitted signage is in reasonable proportion to the land use intensity, road right-of-way width, and lot frontage. Modifiers shall be cumulative down each column of the following table, as applied to a particular land use or parcel:

| Permitted Modifiers   | Maximum Sign Height | Minimum Sign Setback | Maximum Sign Area per Sign | Maximum Number of Signs |
|---|---------------------|----------------------|----------------------------|-------------------------|
|   | 12.0 feet           | 10.0 feet            | 36.0 square feet           | 1.0                     |
| Located in a Rural District   | - 2.0 feet          | no change            | - 8.0 square feet          | no change               |
| Located in a Residential District   | - 4.0 feet          | no change            | - 8.0 square feet          | no change               |
| Located in a Business District  | no change           | no change            | no change                  | no change               |
| Located in the PSP (Public/ Semi-Public Services District)  | - 2.0 feet          | - 5.0 feet           | - 4.0 square feet          | no change               |
| Sign abuts a state highway, or a primary road right-of-way of 86 feet or greater in width   | + 2.0 feet          | no change            | + 12.0 square feet         | no change               |
| Total lot frontage on all paved public road rights-of-way exceeds 300 feet  | no change           | no change            | no change                  | + 1.0 additional sign   |
| Sign abuts a primary paved road with a posted speed limit greater than 50 miles per hour  | + 2.0 feet          | no change            | + 12.0 square feet         | no change               |
| Lot is occupied by a multi-tenant office building, shopping center or similar group of at least five (5) independent non-residential uses | no change           | no change            | + 24.0 square feet         | no change               |
| <b>Total Permitted with Modifiers:</b>  | _____ feet          | _____ feet           | _____ square feet          | _____ sign(s)           |

**Section 12.07 Billboards.**

Billboard signs, as defined in Section 19.03 (Definitions), shall be subject to the following:

**A. Findings.**

The Township has made the following determinations related to billboard signs:

1. The placement of signs on lots or structures in the Township that exceed the maximum permitted sign height and area standards of this Article for ground signs would result in visual pollution and obstructions of light and air for

adjoining lots and uses, and would be inappropriate to the intended character and sound development of the Township.

2. Billboard signs are not appropriate in the Rural Districts and undeveloped areas of the Township. Such signs would detract from the visual appearance and rural/agricultural character of the Township, which is attractive to visitors and residents and a significant benefit to the local agricultural economy.
3. Billboards are not appropriate in the Residential Districts or any Planned Unit Development (PUD) where residential land uses are permitted, because the intense commercial nature of the advertising activity would be harmful to property values and incompatible with quality of life in residential areas.
4. Billboards are not appropriate in the Business Districts, because such signs would be incompatible with the intended character of the districts, out-of-scale with permitted structures and ground signage, incompatible with abutting residential and recreational uses, and harmful to the promotion of commerce and economic development in the Township.
5. Billboard signs are not appropriate in the Public/Semi-Public Services (PSP) District, because such signs would be incompatible with the intended character of the district, out-of-scale with permitted structures and ground signage, and incompatible with abutting rural, residential, and recreational uses.
6. Billboards are not appropriate in areas along county primary roads in the Township, because a proliferation of billboards would lessen the effectiveness of signs allowed under this Article, create visual clutter, compete for the visual attention of motorists, and increase hazards for motorists and pedestrians.
7. Typical levels of billboard illumination would create light pollution and glare, which would inhibit the quiet enjoyment of the night sky and nighttime rural character of the area by Township residents and visitors.
8. The placement of new billboard signs in the Township is contrary to the purpose of this Article, and the goals and objectives of the Township's Master Plan.

**B. New Billboards Prohibited.**

In accordance with the above findings, new billboard signs shall be prohibited in the Township. Billboard signs lawfully existing in the Township on the date of adoption of this Ordinance shall be permitted to continue, subject to the provisions of Section 12.10 (Nonconforming Signs). The Zoning Administrator shall be responsible for maintaining an inventory of the location and condition of existing billboard signs in the Township.

**Section 12.08 Prohibited Signs.**

The following types of signs are prohibited in all districts:

1. Signs that resemble and could be confused with an official highway, traffic or government sign, signal or traffic control device; or that obscure a sign, signal or traffic control device displayed by public authority to provide traffic instruction, direction or public information.



2. Signs placed upon or across any road or other right-of-way, except as otherwise provided for in this Article.
3. Signs that incorporate string lights; flashing, moving or intermittent lights of changing degrees or intensity; exposed incandescent bulbs; animation; or unshielded luminous tube lighting.
4. Signs that have any visible moving parts, mechanical movement, rotation, or other apparent visible movement achieved by electrical or mechanical means or by action of normal wind currents; and signs that discharge any audible sound, odor or visible matter.
5. Inflatable signs, and signs that contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar devices.
6. Projecting signs, and building-mounted signs that obstruct window or door openings, inhibit ingress or egress, or interfere with building ventilation.
7. Signs displayed without required permits or outside of permitted size, location or time period limitations.
8. Non-accessory and off-premises signs, including billboard signs per Section 12.07 (Billboards), except as otherwise provided for in this Article.
9. Abandoned or unlawful signs, displays of obscene material on any sign, and any other sign not expressly permitted by this Article.

### **Section 12.09 Sign Permits.**

It shall be unlawful for any person to erect, alter, or relocate any sign, sign structure or sign area subject to permit approval under the provisions of this Article, without first obtaining appropriate permit(s) from the Township and paying the required permit fee according to the schedule of fees established by the Township Board.

#### **A. Sign Permits.**

Where a provision of this Article requires approval of a sign permit, such approval shall be subject to Section 1.07 (Certificates of Zoning Compliance) and the following:

1. The Zoning Administrator shall be responsible for verifying compliance with this Article, prior to issuing a sign permit under this Section.
2. Other permits may be required in accordance with applicable building and electrical codes.
3. Issuance of a building or electrical permit shall not exempt the permit holder from compliance with the requirements of this Section and Article.

#### **B. Required Information for Sign Permit Applications.**

The following shall be provided with any sign permit application:

1. **Application information.** Permit applications shall include the name, address and telephone numbers for the applicant, property owner, and sign contractor; address or property location where the sign is to be located; written consent of

the property or sign owner to perform the proposed work; and any other information required by the Zoning Administrator to show full compliance with this Ordinance.

2. **Plot plan.** A plot plan of the subject parcel, drawn to scale, including all existing and proposed property lines, improvements, buildings, signs and parking areas, as well as setbacks from all property lines to all signs and structures. If building-mounted signs are proposed, elevation drawings of all buildings on the site shall be provided showing all existing and proposed building-mounted signs.
3. **Property survey.** The Zoning Administrator may require a survey of the subject property upon determination that it is necessary to verify property lines, right-of-way lines, building setbacks, or other dimensional aspects of the site essential to verifying compliance with the requirements of this Article.
4. **Sign details.** Specifications and drawings showing the materials, design, dimensions, structural supports, and method of illumination.
5. **Fee.** Sign permit review fee, as established by the Township Board, paid in full.

## Section 12.10 Nonconforming Signs.

All existing signs that do not conform to the provisions of this Article shall be permitted to continue as nonconforming signs until removed or altered, subject to the following:

### A. Good Working Order.

Nonconforming signs shall be maintained in accordance with the requirements for all signs specified in Section 12.02 (General Standards), to the maximum extent feasible. Nonconforming signs shall be maintained with all necessary structural and decorative components, including supports, sign frame, and electrical equipment. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination.

### B. Servicing.

Painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, provided that the sign is restored to its original design and all work is in compliance with the requirements for all signs specified in Section 12.02 (General Standards).

### C. Alterations.

Alterations to nonconforming signs shall be prohibited, except as follows:

1. **Sign copy area.** The sign copy area of a nonconforming sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the degree of nonconformity is not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 12.02G (Illumination).
2. **Billboard signs.** A nonconforming billboard sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the sign area and height are not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 12.02G (Illumination).

3. **Sign frame or structural elements.** Alterations to the sign frame or structural elements of a nonconforming sign shall be permitted, subject to the following:
  - a. The sign shall be brought into compliance with the maximum sign height and sign area standards for the location and type of sign, as specified in this Article.
  - b. Where a ground sign is nonconforming with respect to a required setback, the existing sign's wiring and support structure(s) may be re-used, subject to the following:
    - (1) The sign shall be located outside of any existing or planned future road right-of-way, as defined by the master transportation plans for the Township, county or state road authorities.
    - (2) The sign shall be located outside of any corner clearance zone, as defined by Section 3.208 (Corner Clearance Zones).
    - (3) The existing sign setback distance shall be maintained or increased by the permitted alterations.

### **Section 12.11 Sign Removal by Township Action.**

Sign removal by the Township shall be subject to the following standards. Where written notice is required, such notice may be made by regular mail delivery, a posting on the front door of a principal building on the property, or personal delivery to the sign owner, operator or person having beneficial use of the property where the sign is located:

#### **A. Abandoned or Unlawful Signs.**

The Zoning Administrator shall have the authority to determine whether a sign is unlawful or has been abandoned, as defined in Section 19.03 (Definitions). The Zoning Administrator may order the removal of such signs in accordance with the following:

1. **Determination.** Written notification of the determination and any order for removal shall be provided to the owner, operator or person having beneficial use of the property upon which the sign is located.
2. **Removal.** Abandoned or unlawful signs shall be removed within 14 calendar days after written notification of a determination and order for removal by the Zoning Administrator, subject to appeal by an aggrieved person to the Zoning Board of Appeals. All support structures and components shall be completely removed.
  - a. The Zoning Administrator may grant one (1) extension of the deadline, upon written request and a showing of good cause by the sign owner.
  - b. Failure to remove the sign shall constitute grounds for the Township to seek Circuit Court approval for removal at the property owner's expense.

**B. Damaged Signs.**

Signs determined to be in a damaged condition by the Zoning Administrator shall be repaired or removed by the sign owner, operator or person having beneficial use of the property where the sign is located within seven (7) calendar days after written notification. Failure to make repairs or remove a damaged sign shall constitute grounds for the Zoning Administrator to order such removal or minimum necessary repairs without further notice. The owner shall reimburse the Township for repair or removal costs, or the Township may place a lien on the property for such expenses.

**C. Unsafe Signs.**

Signs determined to be unsafe by the Zoning Administrator shall be removed by the sign owner, operator or person having beneficial use of the property where the sign is located within 24 hours after written notification. Failure to remove an unsafe sign shall constitute grounds for the Zoning Administrator to order such removal without further notice. The owner shall reimburse the Township for repair or removal costs, or the Township may place a lien on the property for such expenses. After removal, the Zoning Administrator shall notify the owner by certified mail of the action taken and the reasons for the action. The owner shall reimburse the Township for removal, storage and reclamation costs, or the Township may place a lien on the property for such expenses.

**D. Nonconforming Signs.**

The elimination of nonconforming signs in the Township is hereby declared to be for a public purpose and for a public use. The Township may purchase nonconforming signs for the purpose of removal, or may seek Circuit Court approval for removal of any nonconforming signs found to be in violation of the minimum standards of Section 12.10 (Nonconforming Signs) at the property owner's expense.

**E. Temporary Signs.**

Temporary signs shall be immediately removed by the sign owner, person responsible for creating or placing the sign, or owner, operator or person having beneficial use of the property to which the sign is associated, as required by this Article and Ordinance. Failure to remove such signs shall be considered a violation of this Ordinance. The Zoning Administrator or Ordinance Enforcement Officer may remove such signs after written notice of at least seven (7) calendar days. Temporary signs affixed within a road right-of-way or corner clearance zone may be removed by the Township without notice. The Township shall hold signs removed for seven (7) calendar days, after which the sign may be discarded.

**Section 12.12 Exceptions.**

Any party who has been denied a sign permit for a proposed sign may file a petition for an exception to provisions of this Article with the Zoning Board of Appeals (ZBA) within 60 calendar days of denial. The ZBA shall have the authority to grant an exception from the strict application of these regulations in accordance with the general procedures of the Zoning Board of Appeals in Article 17.0 (Zoning Board of Appeals) and the following:

**A. Applications and Review Procedures.**

Application for a sign exception shall be filed with the Township Clerk by the sign permit applicant, owner of record of the property in question, or a person authorized to act on the record owner's behalf. The petition shall consist of:

1. A completed application form and required fee, along with a copy of the original sign permit application and notice denial from the Zoning Administrator.
2. A statement of the specific reasons for the exception request, and demonstration of how the request meets the exception standards of this Section.

The Township Clerk shall transmit the application and information to the ZBA and to the Zoning Administrator.

**B. Public Hearing.**

The ZBA shall hold a public hearing on each request for a sign exception under this Section. After receipt of a complete and accurate application, the Chair shall fix a reasonable time and date for the hearing. Notice shall be given in accordance with the public hearing provisions of Section 1.14 (Public Hearing Procedures). All hearings shall be open to the public.

**C. Sign Exception Standards.**

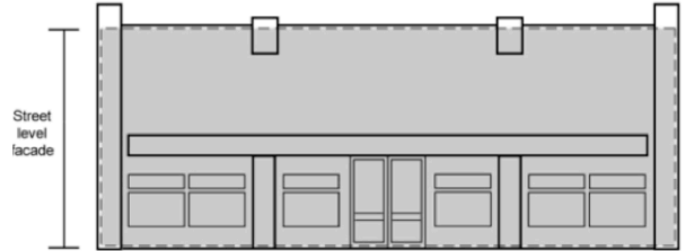
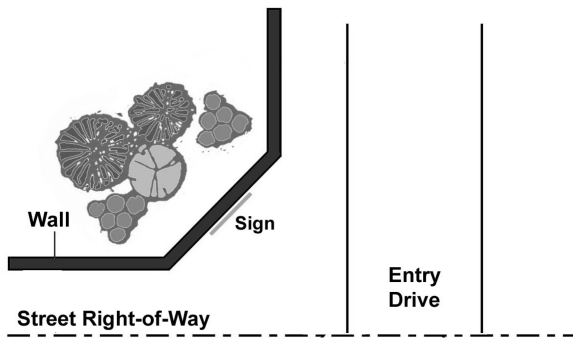
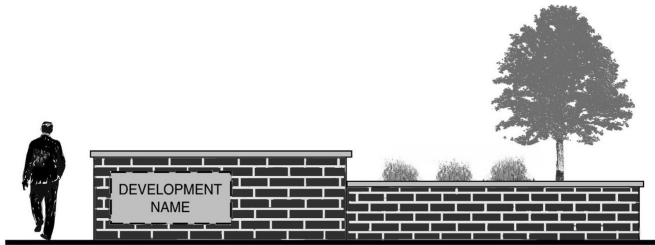
For all sign exception petitions, the ZBA shall consider the following exception standards, the intent and purposes of this Article, and any other factors deemed relevant in determining whether to grant an exception from provisions of this Article:

1. **Obstructions.** Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health or safety.
2. **Visibility.** A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees or other obstructions.
3. **Site features.** Construction of a conforming sign would require significant tree removal or extensive topographic changes.
4. **Scale.** A sign that exceeds the allowable height or area standards of this Article would be more appropriate in scale to the building, use or site frontage.
5. **Aesthetics.** The exception shall not adversely impact the character or appearance of the building or lot, the surrounding area, and the zoning district.
6. **Minimum necessary action.** The exception shall not impair the intent and purposes of this Article, and shall be the minimum necessary to provide for reasonable use, visibility or legibility of the sign.
7. **Off-site ground signs.** For an exception to allow a ground sign to be located on a lot separate from that of the associated land use or business, the petitioner shall also demonstrate to the ZBA's satisfaction that the off-site ground sign is the minimum necessary to provide adequate wayfinding guidance to visitors and patrons of the land use or business.

**D. Findings and Conditions.**

In a motion granting or denying a sign exception, the ZBA shall state the specific findings of fact and conclusions or grounds for the decision. The ZBA may attach conditions to a sign exception approval in accordance with the intent and purposes of this Article.

# ILLUSTRATIONS



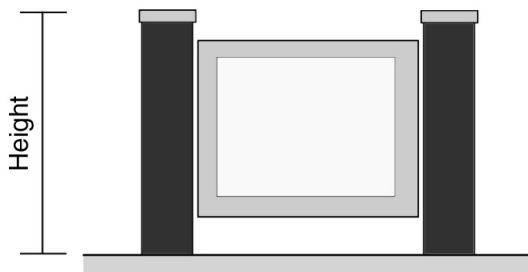
Single-story Building



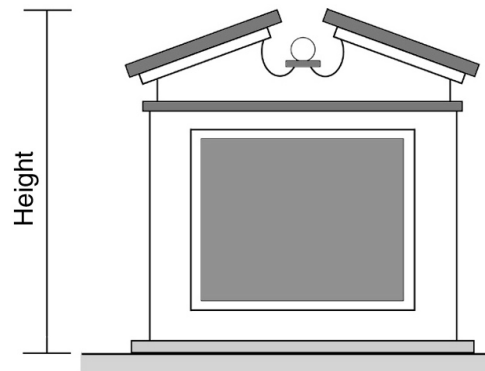
Multiple-story Building

## Signable Area

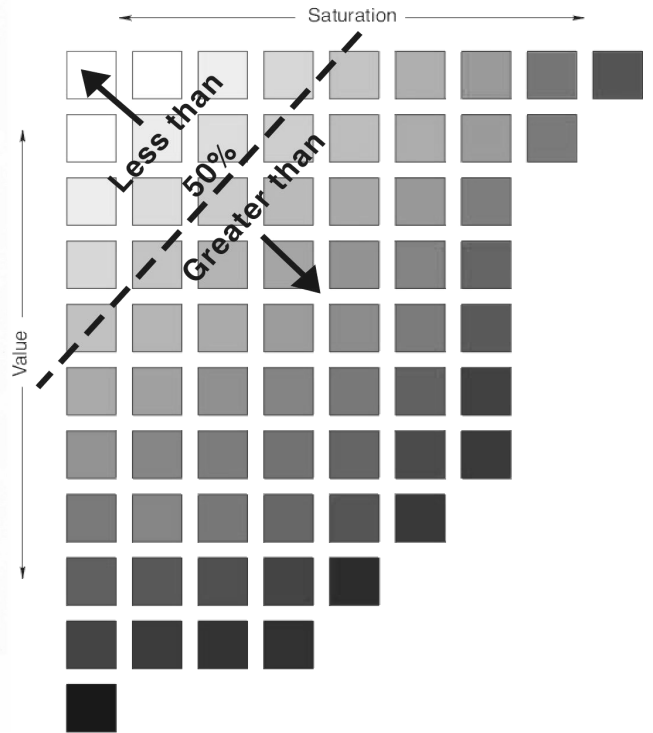
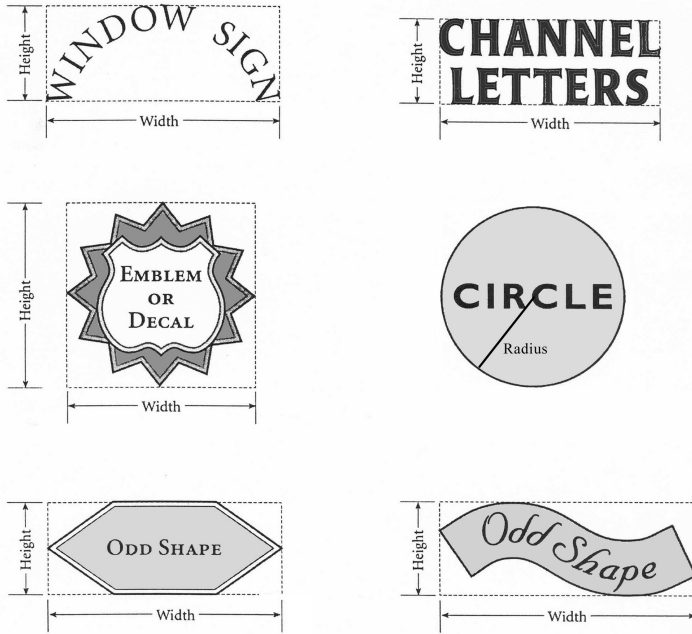
Site Entry Feature With Signage



## Sign Height



### ILLUSTRATIONS



### Computation of Sign Area

Color Value and Saturation



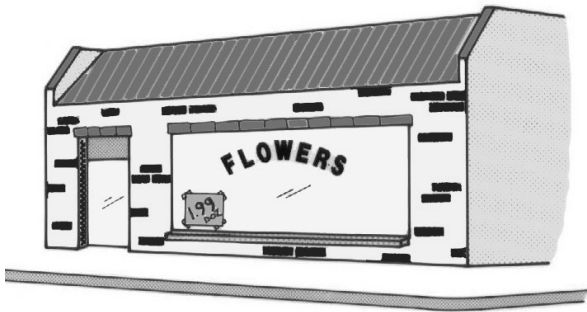
External illumination only



Internal illumination permitted

### Sign Illumination

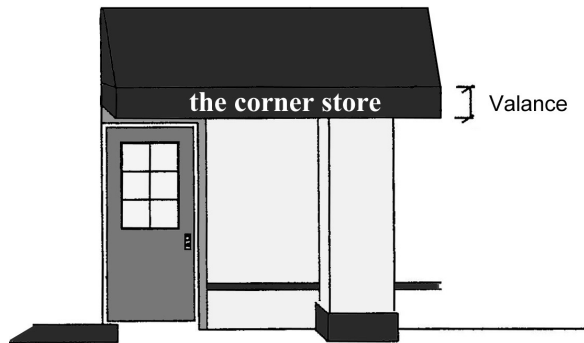
### ILLUSTRATIONS



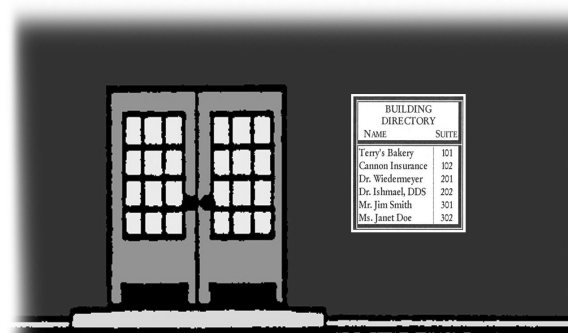
Window Sign



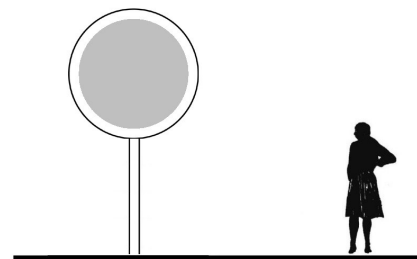
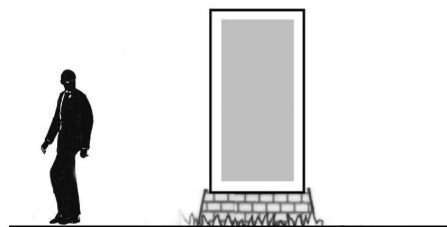
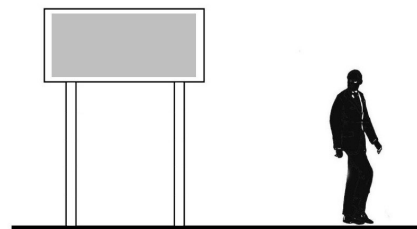
Portable Signs



Awning Sign



Building Directory



Various Types of Ground Signs



**ARTICLE 13.0  
RESERVED**



## ARTICLE 14.0

### PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

#### Section 14.01 Intent.

It is the intent of this Article to allow the use of the planned unit development (PUD) process authorized by Section 503 of the Michigan Zoning Enabling Act as an optional method of development review and approval to achieve the following objectives:

1. To allow for development that is consistent with the Township's Master Plan; and encourages the long-term preservation of open space, agricultural land, unique rural character, and natural features.
2. To promote flexibility and creativity in land development and land use consistent with the Master Plan and the site's location, character, and adaptability.
3. To establish planning, review, and approval procedures that will properly relate the type, design, and layout of development to the site and neighborhood.

The provisions of this Article are intended to result in land development substantially consistent with Ordinance standards generally applied to the proposed uses, while allowing for the option of Township approval for limited modifications from the applicable use or development standards of this Ordinance as applied to a particular site and development project.

#### Section 14.02 Scope.

The provisions of this Article may be applied to any parcel of land under single ownership in any zoning district, subject to a determination that the proposed project and site satisfy Section 14.03 (Eligibility Criteria). Approval of a PUD application shall require an amendment to the Official Zoning Map. These regulations are not intended as a device for ignoring specific Township standards or the planning upon which such standards are based. The PUD process shall not be used in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.

#### Section 14.03 Eligibility Criteria.

To be eligible for planned unit development (PUD) approval, the applicant shall demonstrate to the Planning Commission's satisfaction that the following criteria will be met:

1. **Single ownership or control.** The development shall be under the ownership or control of a single person or entity having responsibility for completing and maintaining the project in conformity with this Article and Ordinance.
2. **Location.** The proposed development is located in an area of the Township suitable and desirable for such development, and consistent with Master Plan policies regarding land uses and residential density.
3. **Sufficient land area for proposed uses.** The PUD site shall include sufficient contiguous land area to comply with all applicable regulations of this Ordinance, to adequately serve the needs of all permitted uses in the PUD project, and to ensure compatibility between uses and the surrounding area. Additional non-

contiguous land areas within the Township may be included as part of the proposed open space dedications for a PUD project.

4. **Economic impact.** The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted under this Ordinance or planned for in the Township's Master Plan.
5. **Compatibility with the planned development intent.** The proposed development shall be consistent with the intent and scope of this Article.
6. **Compatibility with the Master Plan.** The proposed development shall be compatible with the Township's Master Plan.
7. **Availability and capacity of public services.** The proposed type and intensity of use shall not exceed the existing or planned capacity of existing public services and facilities, including police and fire protection, traffic capacity of the Township's public roads, drainage and stormwater management facilities, availability of water, and capacity of existing or planned utility facilities.
8. **Conservation of agricultural land.** Long-term conservation of agricultural land in the Township will be achieved, with the proposed development activity primarily concentrated on non-tillable land.
9. **Additional eligibility criteria.** The petition and Area Plan shall be compatible with one (1) or more of the following additional criteria:
  - a. **Preservation of site features.** Long-term conservation of natural, historical, architectural or other significant site features or open space will be achieved, where such features would otherwise be destroyed or degraded by development otherwise permitted by this Ordinance.
  - b. **Public benefit.** Recognizable and material benefit(s) will be realized by the future users of the development and the Township as a whole, where such benefit would otherwise be unachievable under this Ordinance.
  - c. **Remediation and redevelopment.** The development includes remediation and redevelopment of a site classified as a brownfield under state or federal law, containing one (1) or more functionally obsolete buildings, or otherwise determined to be subject to unusual physical constraints or hardships that would prevent reasonable use or development in accordance with the strict application of this Ordinance.

### **Section 14.04 Regulatory Flexibility.**

Unless otherwise waived or modified as part of an approval in accordance with this Section and Article, the standards of this Ordinance shall be applicable to uses in a planned unit development. To encourage flexibility and creativity consistent with the intent of this Article, limited deviations from specific Ordinance standards may be approved as part of Area Plan approval by the Township Board after recommendation by the Planning Commission, subject to the following:

1. Proposed deviations shall be identified on the PUD Area Plan, and shall be subject to review and recommendation by the Planning Commission and approval by the Township Board.
2. Such deviations may include modifications to yard and bulk standards; height requirements; use standards; or parking, loading, lighting, landscaping or other Ordinance requirements.
3. Such deviations shall be consistent with the intent and scope of this Article, and shall result in a higher quality of development than would be possible without the granting of the deviation.
4. Permitted deviations shall be accompanied by adequate safeguards, features or planning mechanisms designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a deviation is sought.

### **Section 14.05 Use Standards.**

Proposed uses within a PUD project shall be compatible with the goals, objectives, and policies of the Township's Master Plan, as determined by the Planning Commission, and shall conform to the following standards:

1. **Permitted uses.** Permitted principal and accessory uses in a PUD District shall be limited to the land uses listed in Article 4.0 (Land Use Table), subject to the standards of Article 5.0 (Use Standards) and the following use limitations:
  - a. Uses in a PUD District shall be limited to those that are compatible with the Township's adopted Master Plan, and that are harmonious and compatible with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area.
  - b. Uses in a PUD District shall be limited to those specific uses included in the listing of uses shown on the approved Area Plan, along with customary accessory uses and structures. All other uses shall be prohibited, unless otherwise permitted by this Ordinance.
  - c. A residential area as designated on the approved Area Plan may contain one (1) or more types of dwelling units, provided that such combination of dwelling unit types and location and arrangement of the residential development will not interfere with orderly and reasonable planning, development, and use of an area.
  - d. Home occupations shall be permitted in single-family dwellings.
  - e. To support the inclusion of a specified use in a PUD project, the applicant may be required to provide documentation, such as a professional market study, that a demand exists for the proposed use within the market area.

2. **Use standards.** The specific standards of Article 5.0 (Use Standards) shall apply to all uses permitted within a PUD project, subject to any approved deviations per Section 14.04 (Regulatory Flexibility).
3. **Variety of housing types.** The Planning Commission may require that a variety of housing types be provided as part of a residential PUD project.
4. **Non-residential uses in a residential PUD.** Where the Township's Master Plan designation is residential, the Township Board may permit a limited range of non-residential uses within a PUD project after recommendation by the Planning Commission, subject to the following:
  - a. Permitted non-residential uses shall be limited to a maximum of five percent (5%) of the gross area of residential land and ten percent (10%) of the gross floor area of any building occupied by RESIDENTIAL USES.
  - b. Permitted non-residential uses shall be primarily designed and operated for the use and benefit of the residents of the development.
  - c. INDUSTRIAL, RESEARCH AND LABORATORY USES, as defined in Article 4.0 (Land Use Table), shall only be permitted in a non-residential PUD project.

## Section 14.06 Residential Development Standards.

The purpose of this Section is to address the unique characteristics and development requirements of residential planned developments in the Township. The intensity and layout of residential uses in a planned unit development (PUD) project shall be subject to the following:

### A. Permitted Residential Density.

The maximum permitted density of a residential PUD shall be determined as follows:

1. The maximum net dwelling unit density regulations that apply within a PUD District shall be based upon the density standards of the zoning district(s) that the Planning Commission determines most nearly reflect(s) the policies of the Master Plan. If the Master Plan does not show a residential density for land included in a PUD rezoning application, the residential density and character of the surrounding area and maximum net residential density permitted in the standard zoning district most nearly reflecting the policies in the Master Plan that apply to the area in question shall be used as the density limit.
2. The applicant shall prepare and present to the Planning Commission as part of the PUD application a parallel design for the project consistent with state and Township requirements.
  - a. This design shall identify all lots and buildable lands as would be allowed by the existing zoning district(s) of the parcel, the suitability of the soils, and the policies of the Master Plan.
  - b. The Planning Commission shall review the design and shall determine the number of lots that could feasibly be developed following the parallel design. This number, as determined by the Planning Commission, shall

be considered by the Planning Commission, in addition to the other requirements of this subsection, in calculating the maximum net residential density of the PUD District.

3. The standards of Article 3.0 (Dimensional Standards) shall apply to the parallel plan design and dwelling unit calculation.
4. The Planning Commission shall review the design and determine the number of dwelling units that may feasibly be constructed following the parallel design. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable in the PUD project, except where additional dwelling units are authorized per Section 14.06B (Density Bonus).

**B. Density Bonus.**

At its discretion and after recommendation from the Planning Commission, the Township Board may authorize a residential PUD project to include additional dwelling unit density above that otherwise permitted by Section 14.06A (Permitted Residential Density), in accordance with one (1) or more of the following options:

1. **Open space preservation.** The purpose of this development technique is to encourage further preservation of natural features such as mature tree stands, unusual topography, water and wetland areas, floodplains, and agricultural areas by providing for a density bonus. On sites without important natural features, this option may be used to protect rural vistas and agricultural areas, create permanent open spaces, and/or recreation facilities.

A density bonus of up to ten percent (10%) more dwelling units may be authorized upon a demonstration by the applicant that not less than fifty percent (50%) of the gross area of the PUD shall be permanently preserved for open space, subject to the following requirements:

- a. These preserved open space areas shall include land areas abutting a primary road as defined in the master transportation plans of the Township or state or county road authorities, which shall be designed to preserve the rural appearance of the site from the road right-of-way with a minimum depth of 150 feet.
- b. To be eligible for the density increase through the cluster option, portions of the parcel to be preserved as open space shall contain two (2) or more of the following readily identifiable physical or cultural resources to be conserved and protected as part of the PUD project:
  - (a) Streams, lakes, ponds or other watercourses, and associated upland areas.
  - (b) Designated wetlands, which are regulated by the Michigan Department of Environmental Quality (MDEQ).
  - (c) Other floodplains associated with a lake, stream or river.

- (d) Land in active agricultural production, or considered to be prime farmland based on parcel size, configuration or soils.
  - (e) Tree stands, woodlands, and other natural vegetation areas, which are of a size, configuration and general character as to provide open space, environmental habitat, and passive or active recreational opportunities.
  - (f) Significant land area(s) within the site where the topography exceeds a fifteen percent (15%) slope.
  - (g) Other areas as determined appropriate for open space preservation by the Planning Commission.
- c. Open space areas shall be accessible to all lots in the development, either directly, from a pathway system, or from the internal road network.
  - d. Where the open space is agricultural land, the open space dedication and maintenance agreement shall include limitations on physical access to the open space for non-agricultural purposes and provisions for adequate, unrestricted agricultural, farming, implement or other access necessary for agricultural uses or activities. Access to agricultural use areas shall be separate from residential access to units and open space areas.
  - e. All open space shall be permanent and set aside in perpetuity.
  - f. Open space shall be in single parcel and maintained by any of, but not necessarily limited, to the following:
    - (1) Deed restrictions or condominium master deed restrictions with the Township named as a controlling party regarding preservation and maintenance of dedicated open space areas.
    - (2) Dedication of open space to a public body or private land conservancy or trust.
    - (3) Conservation easement granted to a public body or private land conservancy or trust.
  - g. All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by Township legal counsel prior to approval by the Planning Commission.
  - h. All open space agreements which involve donations of land to the Township or which name the Township as a party to any agreement shall be approved by the Township Board prior to final approval of the development proposal by the Planning Commission.
2. **Exemplary project design.** A density bonus of up to ten percent (10%) more dwelling units may be authorized upon determination by the Township Board after recommendation by the Planning Commission that the PUD project design



significantly exceeds the minimum requirements of this Ordinance and includes a minimum of three (3) of the following elements:

- a. On-site or off-site pedestrian access improvements substantially above the minimum required by this Ordinance.
- b. Improvements to public facilities, access or utilities above the minimum required by Township ordinances or other agencies with jurisdiction.
- c. Provisions for new or improved recreation facilities substantially above the minimum required by this Ordinance.
- d. An integrated mixture of housing types or lot sizes.
- e. Rehabilitation and re-use of a blighted site, contamination removal or demolition of obsolete structures.
- f. Innovations in motorist or pedestrian safety, energy efficient design, or other project design elements that would result in a material benefit to all or a significant portion of the ultimate users or residents of the project not otherwise achievable under the minimum standards of this Ordinance.

**C. Residential Design.**

All residential lots shall be served by an internal road network. No residential lots shall front upon or have direct vehicle access to any existing primary road as classified by the master transportation plans of the Township, or county or state road authorities.

To reduce the visual impact and the appearance of a typical subdivision, the Planning Commission may require individual dwellings and clusters of homes within the PUD to be visually screened from view along any existing primary road as classified by the master transportation plans of the Township, or county or state road authorities. Such screening shall consist of a greenbelt buffer, berm, evergreen screen or combination thereof, per Section 10.10D (Methods of Screening).

## **Section 14.07 Development Standards.**

All planned unit development (PUD) projects shall conform to the following general development standards:

**A. Unified Control.**

The entire area of the proposed PUD shall be under single ownership or unified control, such that a single entity has responsibility for completing the entire project. This shall not prohibit a transfer of ownership or control, provided that notice of such transfer is given in advance to the Zoning Administrator and a unified ownership remains.

**B. Dimensional Standards.**

The standards of Article 3.0 (Dimensional Standards) for the standard zoning district most nearly reflecting the policies in the Master Plan that apply to the area in question shall apply to uses permitted within a PUD project.

1. **Lot area and setbacks for individual lots.** Minimum lot area and required yard setbacks for individual lots shall be specified on the approved PUD Area Plan. Such standards shall conform to the requirements of the zoning district most nearly reflecting the Master Plan policies that apply to the area in question, subject to any approved deviations per Section 14.04 (Regulatory Flexibility).
2. **Building height and location.** The proposed height of each building shall be indicated on the Area Plan. Building location(s) and separation distances shall be sufficient to meet fire protection requirements; and to provide for natural light, air circulation, and solar access. Unless approved as a deviation per Section 14.04 (Regulatory Flexibility), no building shall exceed a height of three (3) stories or 40 feet. Larger lot areas or deeper setbacks may be required to make a taller building more compatible with surrounding land uses.

**C. Infrastructure.**

The proposed development shall provide logical extensions of existing or planned roads in the Township, and shall provide suitable road connections to adjacent parcels, where applicable. The PUD shall demonstrate that the design minimizes traffic impact on the Township road network, and shall include all on-site and off-site improvements necessary to mitigate the impact of the PUD in accordance with a traffic impact study accepted by the Township.

Where planned future road rights-of-way for existing roads within and along the perimeter of the PUD District are larger than the existing right-of-way, all dimensional standard measurements shall be taken from the planned right-of-way, which shall be reserved for such use.

Road, drainage, and utility design shall meet or exceed the applicable Township, county, and state requirements. All utilities shall be installed underground, where feasible. Drainage structures (detention/retention basins, swales) shall be designed to blend with the site's topography and minimize the need for perimeter fencing.

### **Section 14.08 Project Phasing.**

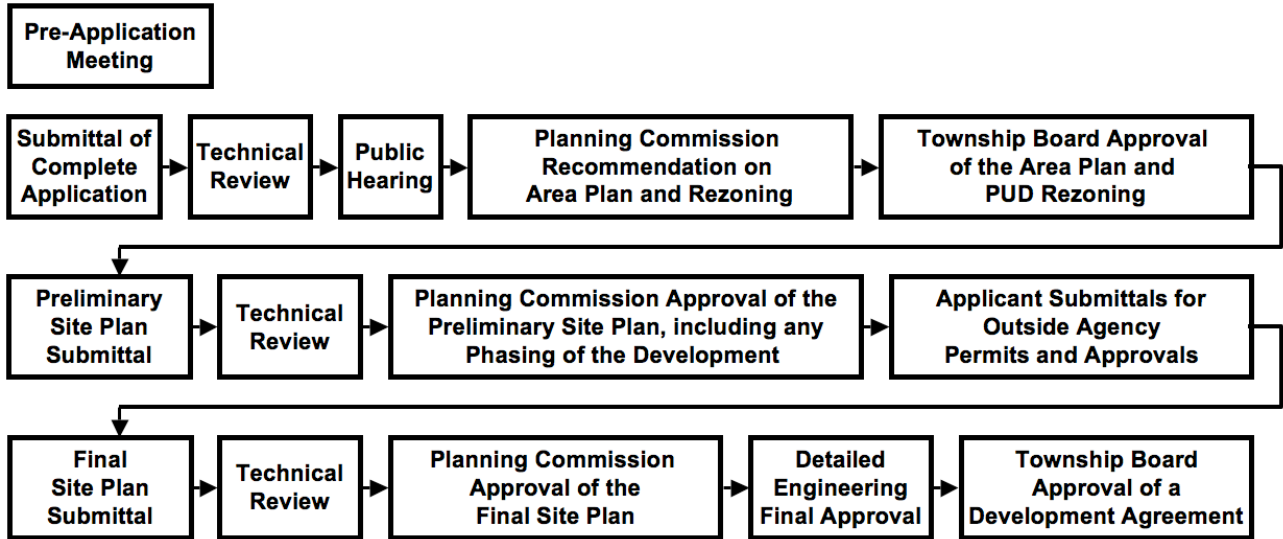
Where a planned unit development (PUD) project is proposed to be constructed in phases, each phase shall be designed to be complete in terms of the presence of services, construction, facilities, and open space, and shall contain the necessary components to ensure the health, safety and welfare of the users of the planned development, and the residents of the Township. Phasing shall further conform to Section 15.09 (Phasing of Development).

### **Section 14.09 Fees and Performance Guarantees.**

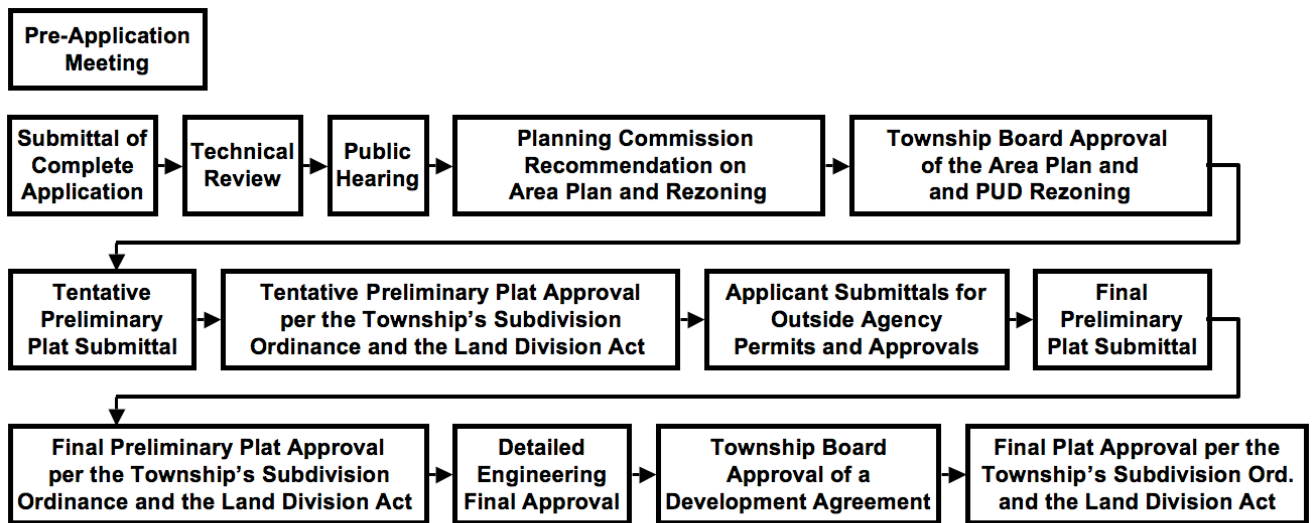
Fees or escrow deposits for the review of planned unit development (PUD) applications shall be in accordance with the schedule of fees adopted by Township Board resolution per Section 1.11 (Fees and Performance Guarantees). Performance guarantees may be required for all public and common improvements in single- and multi-phased developments, in accordance with Section 1.11C (Performance Guarantees). Estimates for such improvements shall be made or verified by the Township Engineer.

### Section 14.10 Summary of the PUD Approval Process.

Final approval of a PUD application shall include approval of a rezoning of the subject property, approval of a PUD final site plan, and approval of a development agreement for the project. The PUD review and approval process shall be as follows:



### PUD Approval Process - Site Plans



### Special District Approval Process - Subdivision Plats

#### Section 14.11 Pre-Application Meeting.

A potential applicant for PUD Area Plan approval shall request a pre-application meeting with Township officials prior to filing the application. The request shall be made to the Planning Commission Chair, who shall set a meeting date and inform Township officials, the Township Planner, and other Planning Commission members and designated Township consultants of the conference and invite their attendance. The Planning Commission Chair may also invite officials from outside agencies with jurisdiction who might have an interest in the project.

The purpose of the meeting is to inform the Township and outside agencies of the proposed development concept, and to provide the potential applicant with information regarding applicable land development policies, procedures, standards, and requirements. To this end, the applicant is encouraged to present conceptual plans, drawings, site data, aerial photos, and other information that explain the development concept. Statements made in the meeting shall not be legally binding commitments.

## Section 14.12 PUD Area Plan and Rezoning Review.

PUD applications shall be subject to review and approval in accordance with the following:

### A. PUD Area Plan and Rezoning Application Requirements.

Application for PUD approval shall be as an amendment to the Official Zoning Map, subject to the following review procedures:

1. **Initiating application.** Application for PUD approval shall be made by filing at least eight (8) paper copies and two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application and Area Plan with the Township Clerk, along with the required review fee and escrow deposit. An application submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the applicant.
  - a. The application shall be submitted by the owner(s) of record of such parcel, or by one or more persons acting on behalf of the owner(s) of record of such parcel. The applicant shall provide evidence of ownership of all land in a proposed PUD District, such as legal title or execution of a binding sales agreement, prior to Township Board action.
  - b. An Area Plan shall be required as part of an application for PUD approval, with the minimum required information for such plans as specified in Section 15.07 (Required Site Plan Information).
2. **Technical review.** Prior to Planning Commission consideration, copies of the application shall be distributed to designated Township officials, the Township Planner, and other Township consultants for review and comment.
3. **Planning Commission study and public hearing.** Upon receipt of a complete and accurate application, the Planning Commission shall undertake a study of the Area Plan and application materials, and shall hold a public hearing on the application in accordance with Section 1.14 (Public Hearing Procedures). At the public hearing, the applicant shall present evidence regarding the following characteristics of the proposed development:
  - a. Objectives and purposes to be served, including how the development is compatible with the Township's Master Plan.
  - b. Scale and scope of the proposed development, including the general character and substance of proposed land uses and improvements and anticipated phasing of the development.
  - c. Compliance with all applicable Township ordinances and standards, as well as those of all outside agencies with jurisdiction, and an explanation

of the scope, intent, and need for any requested deviations from Zoning Ordinance requirements.

Evidence and expert opinion describing the nature and extent of the proposal shall be submitted by the applicant, including maps, charts, reports, other materials, and expert testimony. Materials shall be submitted in sufficient quantity for public display and review by the Planning Commission, Township officials, and consultants.

4. **Optional development impact assessment.** Following the public hearing and before making a report and recommendation to the Township Board, the Planning Commission may also require that the applicant prepare and present a more detailed assessment of the economic feasibility of the proposed uses; potential environmental impacts from the development; demand for public and private utility services; and anticipated impacts to public roads and traffic, schools, recreation facilities, police, fire, and costs/revenues for the Township.
5. **Planning Commission report and recommendation.** Following the public hearing and review of all application materials, the Planning Commission shall take action to report its findings and recommendations to the Township Board. This report shall state the Planning Commission's findings of fact and conclusions on the application for PUD Area Plan and rezoning approval; including:
  - a. Confirmation that the proposed PUD meets the requirements of Section 14.03 (Eligibility Criteria);
  - b. An analysis of proposed deviations from applicable Zoning Ordinance standards per Section 14.04 (Regulatory Flexibility);
  - c. Confirmation that the proposed PUD Area Plan conforms to all other applicable standards of this Article and Ordinance; and
  - d. Recommendation(s) for action, and any recommended conditions relating to an affirmative decision.
6. **Township Board action.** The Township Board shall review the Planning Commission's report and recommendation(s), public hearing record, and application materials. The Board shall then take action to adopt an amendatory ordinance to approve or approve with conditions the PUD Area Plan and rezoning; or to deny the application or postpone action to a date certain for future consideration.
  - a. As part of its action, the Township Board shall state the basis for its decision and any conditions imposed on an affirmative decision.
  - b. If the Township Board shall deem advisable any changes, additions, or departures as to the proposed application, the Board may refer the request back to the Planning Commission for further review and recommendation within a time period specified by the Township Board.
  - c. Reasonable conditions may be required with the approval of a PUD Area Plan. Conditions imposed shall be related to the valid exercise of the

Township's police power; consistent with the intent and purposes of this Ordinance; and necessary to ensure Ordinance compliance.

Such conditions may include requirements necessary to ensure adequacy of public services and facilities affected by a proposed use or activity; protect the natural environment and conserve natural resources and energy; ensure compatibility with adjacent uses of land; or protect the health, safety and welfare of adjacent residents and landowners and the community as a whole.

7. **Changes to the Official Zoning Map.** Following Township Board adoption of the amendatory ordinance and approval of the PUD Area Plan, a notice of adoption shall be published in accordance with Section 18.06 (Notice of Adoption). Once the amendatory ordinance is effective, the PUD designation shall be noted on the Official Zoning Map in accordance with the procedures specified in Section 2.205B (Changes to Official Zoning Map).

**B. Effect of Application and Area Plan Approval.**

Approval of the PUD Area Plan and rezoning by the Township Board shall indicate its acceptance of the overall development concept and any requested deviations from Zoning Ordinance requirements. This shall include acceptance of the general site layout, conceptual building design and location(s), preliminary street network, permitted land uses, and the types, range(s) of dwelling and lot sizes, and maximum number of permitted dwelling units for residential projects.

1. Area Plan approval does not grant site plan approval, but does authorize the applicant to file a preliminary site plan per Section 14.13 (Site Plan Approval), or a preliminary plat for tentative approval in accordance with Section 14.14 (Subdivision Plat Approval).
2. Where new or additional information required for site plan or subdivision plat approval is determined by the applicant or Planning Commission to necessitate changes to the site layout, building locations, street network, maximum number of permitted dwelling units or permitted land uses on the site, such changes shall be subject to approval per Section 14.17 (Amendments).

**Section 14.13 Site Plan Approval.**

Review and approval of preliminary and final site plans shall be required for all PUD projects in accordance with the requirements of Article 15.0 (Site Plan Review). Preliminary and final site plans shall conform to the approved Area Plan, as determined by the Planning Commission, and to all applicable requirements of this Ordinance and other Township ordinances. Nonconformance to the approved Area Plan shall be considered grounds for denial of site plan approval. The preliminary site plan shall include the entire PUD District, and shall include details of any phasing per Section 14.08 (Project Phasing).

**Section 14.14 Subdivision Plat Approval.**

Following approval of the Area Plan by the Township Board, a preliminary plat for all or part of a PUD District may be submitted for review and approval in accordance with the standards of

the state Land Division Act and Township subdivision regulations. The Township Board shall have the authority to deny or postpone an application for tentative approval of a preliminary plat if, in its opinion and after recommendation from the Planning Commission, such plat will result in premature development of the area involved or will result in improper rescheduling of various public improvements such as, but not limited to, roads, utilities, and schools.

### **Section 14.15 Development Agreement.**

Upon Township approval of a PUD final site plan or preliminary plat and prior to the start of construction of the PUD project, a written development agreement shall be prepared, approved, and recorded in accordance with the provisions of Section 10.11 (Development Agreements).

### **Section 14.16 Appeals.**

The Zoning Board of Appeals shall have no authority to consider any appeal of a decision by Township Board or Planning Commission concerning a planned unit development application.

### **Section 14.17 Amendments.**

Changes to an approved PUD Area Plan shall be prohibited, except in accordance with this Section. The Planning Commission shall have authority to determine whether a requested change is major or minor, in accordance with this Section. The Planning Commission shall record its determination and reasons therefore in the minutes of the meeting at which the action is taken.

#### **A. Request for Major/Minor Change.**

Requests for approval of a major or minor change to an approved Area Plan shall be made by the applicant in writing to the Planning Commission. The burden shall be on the applicant to show good cause for any requested change, subject to the standards of this Section.

1. The applicant shall clearly state the reasons for the request, which may be based upon changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interest of the Township and applicant; such as technical causes, site conditions, state or federal projects, or changes in state laws.
2. The request shall be filed with the Township Clerk. The Clerk shall transmit the request to the Planning Commission for review and action.
3. All required review fees and escrow deposits shall be paid to the Township at the time the request is filed with the Clerk. A request submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the applicant.

#### **B. Major Changes.**

The Planning Commission shall determine whether the requested amendment is a major or minor change. Major changes shall require an amendment to the approved Area Plan following the procedures and standards of this Article for a new application. Changes to be considered major shall include, but shall not be limited to the following:

1. Change in concept of the development.
2. Change in use or character of the development.
3. Change in type of dwelling unit as identified on the approved Area Plan.
4. Change in the number of dwelling units.
5. Increase in non-residential floor area of over five percent (5%).
6. Increase in lot coverage for the overall development area of more than one percent (1%).
7. Rearrangement of lots, blocks or building tracts.
8. Change in the character or function of any road or street.
9. Reduction in land area set aside for common area open space or the relocation of such area(s).
10. Increase in building height.
11. A change in residential floor area of plus or minus ten percent (10%).
12. Any change that will have an adverse impact on neighboring properties or uses.

**C. Minor Changes.**

Where not determined to be major changes by the Planning Commission, the proposed amendment shall be considered a minor change subject only to Planning Commission approval. The Planning Commission may require that a revised site plan or individual plan sheet be submitted showing such minor change(s) for purposes of record. The Planning Commission shall notify the Township Board and other applicable agencies if it approves a minor change.

**D. Changes Following Completion of the Development.**

After the completion of any development within an approved PUD, alterations to existing uses or structures shall be consistent with the intent and character of the approved Area Plan and final site plan(s).

**Section 14.18 Conforming to Construction Drawings.**

Conforming to construction drawings for all site improvements shall be submitted to the Zoning Administrator, per the requirements of Section 15.14 (Conforming to Construction Drawings).

**Section 14.19 Expiration of PUD Approval.**

Approval of a PUD Area Plan, preliminary site plan, and final site plan shall remain effective for specific periods of time as defined in this Section and Ordinance:

**A. Expiration of Area Plans.**

An approved PUD Area Plan shall only expire under the following circumstances:

1. A final site plan has not been submitted to the Planning Commission for review and approval of the first phase of the project, or of the entire property in the PUD if the development is not to occur in separate phases within three (3) years of the date of Area Plan approval; or
2. If the development is to occur in separate phases, a final site plan for each subsequent phase has not been submitted to the Planning Commission for



review and approval within three (3) years of the date of approval of the immediately preceding final site plan.

The Township Board may take action to revoke the PUD Area Plan and rezoning approval per Section 14.20 (Rescinding PUD Approval), and initiate a zoning amendment to place the subject property into one or more zoning districts per Article 18.0 (Amendments). If no action is taken by the Township Board, the Area Plan shall remain in effect, but new preliminary and final site plan approvals shall be required in accordance with the then current standards of this Article and Ordinance.

**B. Effects of Expiration.**

If an approved Area Plan or final site plan expires as set forth in this Section, no further permits for any development or use shall be issued until applicable requirements of this Article and Ordinance have been met.

**C. Extension of Area Plan Approval.**

Upon written request received prior to the expiration date and a showing of good cause by the applicant, the Township Board may grant an extension of Area Plan approval for up to 365 calendar days, provided that the approved Area Plan remains in conformance with the intent and eligibility requirements of this Article, and adequately represents current conditions on and surrounding the site. The Township Board may refer the request to the Planning Commission for a recommendation within a time specified by the Board, prior to acting on the request.

**D. Expiration and Extension of PUD Site Plan Approval.**

Extension of preliminary or final site plan approval shall be subject to the provisions of Section 15.08 (Expiration of Site Plan Approval).

## **Section 14.20 Rescinding PUD Approval.**

Approval of a PUD Area Plan and rezoning may be rescinded by the Township Board upon determination that the Area Plan or any applicable Zoning Ordinance or Development Agreement provisions have been violated; that the Area Plan has expired per Section 14.19 (Expiration of PUD Approval); or that the site has not been improved, constructed or maintained in compliance with approved plans. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Township Board in accordance with the procedures set forth in Section 1.14 (Public Hearing Procedures), at which time the developer of the project, the owner of an interest in land for which PUD approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** After the hearing, the decision of the Township Board with regard to the rescission shall be made, and written notification provided to the developer, owner or designated agent.

## **Section 14.21 Violations.**

Violation of any plan approved under this Article, or failure to comply with any provision of this Article, any Development Agreement or conditions attached to any approved plan shall be deemed a violation of this Ordinance, subject to Section 1.13 (Violations and Penalties).

# ARTICLE 15.0 SITE PLAN REVIEW

## Section 15.01 Purpose.

It is the intent of this Article to establish procedures and standards that provide a consistent method for review of site plans. The purpose of this Article is to ensure that development in the Township conforms to all applicable standards of this Ordinance, other applicable ordinances, and state and federal statutes; and is consistent with the adopted policies of the Township’s Master Plan.

Flexible review standards have been established to ensure that the type of review and amount of required information is proportional to the project’s scale and use intensity. It is the further purpose of this Article to encourage cooperation and consultation between the Township and the applicant; to protect natural resources; and to minimize adverse impacts from development activity on adjacent properties and the Township as a whole.

## Section 15.02 Site Plan Approval Required.

Until all required site plans have been approved in accordance with this Article, the Zoning Administrator shall not issue a Certificate of Zoning Compliance for construction of or addition to any structure, or for the establishment or expansion of any land use, for which site plan approval is required. Except where authorized per Section 15.05E (Effect of Preliminary Site Plan Approval), no grading, cutting of trees or removal of only other vegetation, excavation, land-filling, or construction of improvements shall commence for any development for which site plan approval is required until all required site plans have been approved.

Three (3) separate review processes (preliminary/final site plan, minor site plan, and administrative approval) have been established in keeping with the purpose of this Article:

### A. Preliminary/Final Site Plan Approval.

The following development projects and uses shall require review and approval of detailed preliminary and final site plans by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use:

1. Special land uses, as specified in Article 4.0 (Land Use Table), except for those eligible for minor site plan approval per Section 15.02B (Minor Site Plan Approval).
2. All RURAL USES, as specified in Article 4.0 (Land Use Table), for which site plan approval is required per Article 5.0 (Use Standards). All RURAL USES subject to Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture under the Right to Farm Act shall be exempt from site plan approval.
3. All RESIDENTIAL USES, as specified in Article 4.0 (Land Use Table), for which site plan approval is required per Article 5.0 (Use Standards). The following RESIDENTIAL USES shall be exempt from site plan approval:

- a. One (1) single-family detached dwelling and customary accessory structures on an existing residential lot of record.
  - b. One (1) two-family or duplex dwelling and customary accessory structures on an existing residential lot of record.
  - c. Family day care homes; adult foster care family homes and small group homes; and child foster family homes and family group homes, as licensed by the State of Michigan.
  - d. Establishment of a home occupation not listed in Section 5.204 (Home Occupations).
4. All OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, and INDUSTRIAL, RESEARCH, AND LABORATORY USES, as specified in Article 4.0 (Land Use Table).
  5. All OTHER USES, as specified in Article 4.0 (Land Use Table), except accessory structures and uses, temporary construction buildings and uses, and essential service and public utility facilities.
  6. Construction, expansion or alteration of a manufactured housing park, as defined in Section 19.03 (Definitions), shall be subject to preliminary plan approval in accordance with the procedures and standards of Section 5.205 (Manufactured Housing Parks).
  7. Construction, expansion or alteration of a condominium development, as defined in Section 19.03 (Definitions), shall be subject to condominium site plan approval in accordance with the procedures and standards of Article 8.0 (Condominium Regulations).
  8. Construction, expansion or alteration of a planned unit development project shall be subject to development plan approval in accordance with the procedures and standards of Article 14.0 [Planned Unit Development District (PUD)].
  9. Any other projects for which site plan approval is required under this Ordinance or other Township ordinances.

**B. Minor Site Plan Approval.**

The following projects and uses shall be eligible for review and approval of a minor site plan by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use:

1. Farm-based tourism/entertainment activities.
2. Public or commercial riding stables.
3. Accessory dwelling.
4. Adult foster care large group home.
5. Bed and breakfast inn.

6. Child day care home, group.
7. Home occupations listed in Section 5.204 (Home Occupations).
8. Landscaping and maintenance operations in a Rural District.
9. A change of use for an existing building, construction of an addition to an existing building, or expansion of lawful land use, subject to the following:
  - a. The site has previously received site plan approval.
  - b. The proposed use will not require access changes, additional parking beyond that available on-site, or other substantial modifications to an existing building or site.
  - c. No variances to the requirements of this Ordinance are required.
  - d. The proposed addition or expansion would not increase the total square footage of the building or area occupied by the use by more than twenty percent (20%) or 2,000 square feet, whichever is less.
10. Similar projects and uses, as accepted by the Planning Commission.

The Planning Commission shall have the authority to require submittal of a preliminary and a final site plan for projects and uses otherwise eligible for minor site plan approval where, in its opinion, the complexity or size of the proposed project or use warrants a more intensive review and additional required information.

**C. Administrative Approval.**

The following activities are eligible for administrative review and approval by the Township Planner and Zoning Administrator, in consultation with the Planning Commission Chair. The Planning Commission Chair, Zoning Administrator or applicant shall have the option to request Planning Commission consideration of a project otherwise eligible for administrative approval:

1. Incidental changes during construction due to unanticipated site constraints or outside agency requirements, and minor landscaping changes or species substitutions, consistent with an approved final site plan.
2. Incidental building modifications that do not significantly alter the facade, height or floor area of a multiple-family or non-residential building.
3. Changes to a site required to comply with State Construction Code requirements.
4. Sidewalk or pedestrian pathway construction, or barrier-free improvements.
5. Construction of fences, exterior lighting improvements, or installation of screening around a waste receptacle, mechanical unit or similar equipment for a multiple-family or non-residential use.
6. Construction of one (1) accessory structure with a floor area of 500 square feet or less associated with a principal land use subject to site plan approval.

7. Any parking lot or addition thereto of five (5) or fewer parking spaces.
8. Re-occupancy of an existing building that has been vacant for more than 30 calendar days, provided that no variances to the requirements of this Ordinance are required and the proposed use will be conducted within a completely enclosed building, and will not require access changes or other substantial modifications to the existing site.

### **Section 15.03 Pre-Application Meeting.**

Applicants are encouraged to request a pre-application meeting with the Township Planner and designated Township consultants to discuss a conceptual site plan, site issues, and application of Ordinance standards, prior to submitting a site plan application for formal review.

1. Conceptual plans shall include sufficient detail to determine relationships of the site to nearby land, intensity of intended uses, layout of proposed structures and site improvements, and adequacy of access, parking, and other facilities.
2. The Township may require payment of a fee or escrow deposit to cover the costs of a pre-application meeting.
3. Comments or suggestions regarding a conceptual site plan shall constitute neither approval nor a disapproval of the plan, nor shall the Township be bound by such comments or suggestions during any subsequent site plan review.

### **Section 15.04 Applications for Site Plan Approval.**

Any person with a legal interest in a lot may apply for site plan approval. If the applicant is not the fee simple owner of the property, the applicant shall submit a statement signed by all of the owners consenting to the application for site plan approval.

#### **A. Application Submittal.**

Application shall be made by filing at least eight (8) paper copies and two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application and set of site plan drawing(s) with the Township Clerk, along with payment of required review fees and escrow deposits to the Township Treasurer.

1. Any application or site plan that does not satisfy the information requirements of this Article shall be considered incomplete, and shall be returned to the applicant.
2. The Township Clerk, upon receipt of all required application materials, shall forward the site plan and application materials to the Planning Commission, with copies to the Township Planner and other designated Township officials and consultants.
3. In the event a preliminary site plan application for a site condominium development is filed with the Clerk, the Clerk shall also forward a copy of the application materials to Washtenaw County for written comments from the subdivision/site condominium advisory committee. Upon receipt, the Clerk shall

forward the advisory committee’s comments to the Planning Commission.

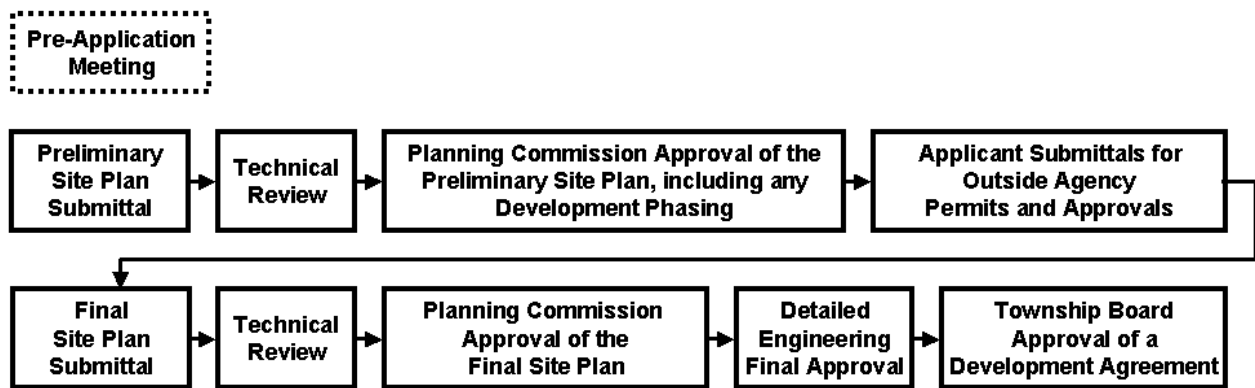
4. Preliminary and final site plans shall be prepared by an architect, community planner, engineer, landscape architect, or land surveyor registered or licensed in the State of Michigan and shall bear the professional seal of the preparer.

**B. Information Required.**

Each application for site plan approval shall include all required information for the type of site plan under review, as specified in Section 15.07 (Required Site Plan Information).

**C. Technical Review.**

Prior to Planning Commission consideration, copies of the site plan and application materials shall be distributed to designated Township officials, the Township Planner, and other designated Township consultants for review and comment.



**Preliminary and Final Site Plan Approval Process**



**Minor Site Plan Approval Process**

**Section 15.05 Planning Commission Action.**

The Planning Commission shall review the minor, preliminary, or final site plan and application materials at a public meeting, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any other officials or outside agencies with jurisdiction.

**A. Standards for Site Plan Approval.**

In reviewing a site plan, the Planning Commission shall determine whether the applicable standards for the type of site plan under review, as specified in Section 15.10 (Standards of Site Plan Approval), have been met by the applicant.

**B. Actions.**

The Planning Commission is authorized to postpone, approve, approve subject to conditions, or deny the minor, preliminary, or final site plan as follows:

1. **Postpone.** Upon determination by the Planning Commission that the site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone until a date certain further consideration of the site plan.
2. **Denial.** Upon determination that the site plan does not comply with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, or other applicable Township ordinances or state statutes, or would require extensive revisions to comply with such requirements, the site plan shall be denied. Failure of the applicant or agent to attend two (2) or more meetings shall also be grounds for the Planning Commission to deny site plan approval. If the site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial.
3. **Approval.** Upon determination that the site plan is in compliance with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, and other applicable Township ordinances or state statutes, the site plan shall be approved.
4. **Approval subject to conditions.** The Planning Commission may approve the site plan, subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant natural resources or site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purposes of this Ordinance.

**C. Recording of Site Plan Action.**

Planning Commission action on the minor, preliminary, or final site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, most recent plan revision date, findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval.

1. The Planning Commission shall advise the applicant in writing of its actions on the site plan. Sending a copy of the meeting minutes at which action was taken by first class mail, electronic mail, or facsimile may constitute written notification.
2. After the Commission has taken action on the site plan, at least one (1) copy of the site plan shall be marked APPROVED or DENIED as appropriate, with the date that action was taken and any conditions of approval, and shall be placed on file at the Township offices per State of Michigan retention guidelines.



**D. Effect of Minor Site Plan Approval.**

Approval of a minor site plan by the Planning Commission authorizes issuance of a Certificate of Zoning Compliance to begin site work or construction, provided all other construction and engineering requirements have been met. In the case of uses without structures, approval of a minor site plan authorizes issuance of a Certificate of Zoning Compliance and a Certificate of Occupancy, provided all other requirements for such Certificate of Occupancy have been met.

**E. Effect of Preliminary Site Plan Approval.**

Approval of a preliminary site plan by the Planning Commission shall indicate its general acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards for preliminary site plan approval specified in Section 15.10 (Standards for Site Plan Approval).

The Planning Commission may, at its discretion and with appropriate conditions attached, authorize issuance of permits by the Township for preliminary site work to begin for soils exploration and incidental site clearing. The conditions that may be attached to such permits shall include, but shall not be limited to measures to control erosion; exemption of the Township from any liability if a final site plan is not approved; and provision of a performance guarantee per Section 1.11C (Performance Guarantees) for site restoration if work does not proceed to completion.

**F. Effect of Final Site Plan Approval.**

Approval of a final site plan by the Planning Commission authorizes issuance of a Certificate of Zoning Compliance, and authorizes the execution of a Development Agreement between the Township and the property owner(s)/developer(s) per Section 10.01 (Development Agreement). Execution of the Development Agreement authorizes issuance of permits to begin site work or construction, provided all other construction and engineering requirements have been met.

In the case of uses without structures, approval of a final site plan authorizes issuance of a Certificate of Zoning Compliance and a Certificate of Occupancy, provided all other requirements for such Certificate of Occupancy have been met.

**Section 15.06 Combining Preliminary and Final Site Plans.**

An applicant may, at the applicant's discretion and risk and with approval of the Planning Commission, combine a preliminary and final site plan in an application for approval. The applicant shall pay the usual fees for both preliminary and final site plan review.

1. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in its opinion, the complexity and/or size of the proposed development so warrant.
2. A preliminary and final site plan shall not be combined for any development consisting of two (2) or more phases.

**Section 15.07 Required Site Plan Information.**

The following minimum information shall be included with any application for site plan approval, except where the Planning Commission determines that an item of information is not applicable or necessary for review of the site plan:

| <b>Minimum Site Plan Information</b>   | <b>Minor Site Plan</b> | <b>PUD Area Plan</b> | <b>Preliminary Site Plan</b> | <b>Final Site Plan</b> |
|--|------------------------|----------------------|------------------------------|------------------------|
| <b>SITE PLAN DESCRIPTIVE INFORMATION</b>   |                        |                      |                              |                        |
| Applicant and developer's name(s), address(es), telephone and facsimile numbers, and interest in the property; and property owner's name, address, telephone number, and signed consent if applicant is not the owner.   | ●                      | ●                    | ●                            | ●                      |
| The name, address, telephone, and facsimile numbers of the firm or individual preparing the site plan. Site plans prepared by an architect, engineer, landscape architect or land surveyor registered or licensed in the State of Michigan shall bear the individual's professional seal.                | ●                      | ●                    | ●                            | ●                      |
| Location, address(es), and tax identification number(s) of subject parcel(s).  | ●                      | ●                    | ●                            | ●                      |
| Dimensions of the site, and the gross and net land area.   | ●                      | ●                    | ●                            | ●                      |
| Legal description(s) of the subject parcel(s).   |                        | ●                    | ●                            | ●                      |
| Legal description of the proposed development site and any non-contiguous open space area(s), if different from the subject parcel(s), with lot line angles or bearings indicated on the plan. Dimensions, angles, and bearings shall be based upon a boundary survey prepared by a registered surveyor. |                        |                      | ●                            | ●                      |
| Details of existing and proposed covenants or other restrictions imposed upon land or buildings, including bylaws, deed restrictions, and articles of incorporation for a cooperative, condominium, or homeowners' association.  |                        |                      |                              | ●                      |
| Description of applicant's intentions regarding selling or leasing of all or portions of land and dwelling units or other structures.  |                        | ●                    | ●                            | ●                      |
| Gross and net dwelling unit density for residential projects.  |                        | ●                    | ●                            | ●                      |
| General description of the number, size ranges, and types of proposed dwelling units; and proposed facade materials.   |                        | ●                    |                              |                        |
| A schedule of the number, sizes (bedrooms, floor areas), and types of dwelling units, and lot area per dwelling unit.  |                        |                      | ●                            | ●                      |
| A detailed use statement describing proposed use(s); including land or building areas for each use, number of units, number of anticipated employees, or other applicable information to verify Ordinance compliance.  | ●                      | ●                    | ●                            | ●                      |
| <b>SITE PLAN DATA AND NOTES</b>  |                        |                      |                              |                        |
| Minor site plans shall be drawn to a scale appropriate for a sheet size between 8.5 inches by 14 inches (minimum) and 24 inches by 36 inches (maximum); and of such accuracy that the Planning Commission can readily interpret the plan.  | ●                      |                      |                              |                        |

| <b>Minimum Site Plan Information</b>  | <b>Minor Site Plan</b> | <b>PUD Area Plan</b> | <b>Preliminary Site Plan</b> | <b>Final Site Plan</b> |
|---|------------------------|----------------------|------------------------------|------------------------|
| Preliminary and final site plans shall be drawn to an engineer's scale not greater than 1:100 and appropriate for the required sheet size of 24 inches by 36 inches. For a large development shown in sections on multiple sheets, one overall composite sheet shall be provided for clarity. |                        | ●                    | ●                            | ●                      |
| Vicinity map showing the general location of the site.  |                        | ●                    | ●                            | ●                      |
| Scale, north arrow, initial plan date, and any revision date(s).  | ●                      | ●                    | ●                            | ●                      |
| Existing zoning classification(s) for the subject parcel(s) and surrounding parcels (including across road rights-of-way).  |                        | ●                    | ●                            | ●                      |
| Owners' names, existing uses, and location of structures, drives, and improvements on surrounding parcels (including across rights-of-way).   |                        |                      | ●                            | ●                      |
| Identification of all adjacent property in which the applicant(s), developer(s), or owner(s) have an ownership interest.  |                        | ●                    | ●                            | ●                      |
| Dimensions of all property boundaries and interior lot lines.   | ●                      | ●                    | ●                            | ●                      |
| Percentage of lot coverage, total ground floor area, and floor area ratio.  |                        |                      | ●                            | ●                      |
| Calculations for parking and other applicable Ordinance requirements.   | ●                      |                      | ●                            | ●                      |
| <b>EXISTING CONDITIONS</b>  |                        |                      |                              |                        |
| Location of existing structures, fences, and driveways on the subject property, with notes regarding their preservation or alteration.  | ●                      | ●                    | ●                            | ●                      |
| Location of existing walls, signs, utility poles and towers, drain tiles, pipelines, excavations, bridges, culverts, and other site features on the subject property, with notes regarding their preservation or alteration.  |                        |                      | ●                            | ●                      |
| <b>SITE PLAN DETAILS</b>  |                        |                      |                              |                        |
| Delineation of required yards, setback areas, and transition strips.  | ●                      |                      | ●                            | ●                      |
| Identification of general location(s) and area(s) of each development phase.  |                        |                      | ●                            | ●                      |
| Planned construction program and schedule for each development phase.   |                        |                      | ●                            | ●                      |
| Location, width, purpose, and description of all existing and proposed easements and rights-of-way on or adjacent to the site.  | ●                      |                      | ●                            | ●                      |
| Location, type, area, height, and lighting specifications of proposed signs.  | ●                      |                      |                              | ●                      |
| An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding.   |                        |                      |                              | ●                      |
| Location, area, and dimensions of any outdoor sales, display or storage areas.  | ●                      |                      | ●                            | ●                      |
| Location of proposed outdoor waste receptacle enclosures; with size, elevation, and vertical cross-section showing materials and dimensions.  |                        |                      | ●                            | ●                      |
| <b>BUILDING DESIGN AND ORIENTATION</b>  |                        |                      |                              |                        |
| Location, outline, ground floor area, and height of proposed structures; and of existing structures to remain on-site.  | ●                      | ●                    | ●                            | ●                      |

| <b>Minimum Site Plan Information</b>   | <b>Minor Site Plan</b> | <b>PUD Area Plan</b> | <b>Preliminary Site Plan</b> | <b>Final Site Plan</b> |
|--|------------------------|----------------------|------------------------------|------------------------|
| Dimensions, number of floors, and gross and net floor area of proposed principal buildings; and of existing principal buildings to remain on-site.   |                        |                      | ●                            | ●                      |
| Separation distances between adjacent buildings, and between buildings and adjacent lot boundaries.  |                        |                      | ●                            | ●                      |
| Conceptual drawings of exterior building façades for principal buildings and building additions, drawn to an appropriate scale.  |                        | ●                    |                              |                        |
| Detailed exterior building façade elevation drawings for all proposed dwellings, principal buildings, and additions, drawn to an appropriate scale and indicating types, colors, and dimensions of finished wall materials.  |                        |                      | ●                            | ●                      |
| Finished floor elevations and contact grade elevations for proposed principal buildings and existing principal buildings to remain on-site, referenced to a common datum acceptable to the Township Engineer.  |                        |                      |                              | ●                      |
| <b>ACCESS AND CIRCULATION</b>  |                        |                      |                              |                        |
| Locations, layout, surface type, centerlines, road pavement and right-of-way widths, and indication of public or private road status for all existing and proposed roads and access drives serving the site.   |                        | ●                    | ●                            | ●                      |
| Conceptual locations, layout, and surface type for all parking lots, sidewalks, and pedestrian pathways within and accessing the site.   | ●                      | ●                    | ●                            | ●                      |
| Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and road intersections.  | ●                      |                      | ●                            | ●                      |
| Details of the location, width, and paving of proposed sidewalks and pedestrian ways, including alignment, cross section, connections to existing or planned off-site facilities, and easement or right-of-way dedications.  |                        |                      |                              | ●                      |
| Parking space dimensions, pavement markings, and traffic control signage.  | ●                      |                      | ●                            | ●                      |
| Parking space angles; maneuvering aisle, island, and median dimensions; surface type; fire lanes; drainage patterns; location of loading areas; and typical cross-section showing surface, base, and sub-base materials.   |                        |                      | ●                            | ●                      |
| Identification of the proposed name(s) for new public or private road(s) serving the site.   |                        |                      | ●                            | ●                      |
| Spot elevations for existing roads on and adjacent to the subject parcel(s), including surface elevations at intersections with the internal roads and drives serving the proposed development; curve-radii and road grades; location and details of curbs, and turning lanes; and typical road cross sections showing surface, base, and sub-base materials and dimensions. |                        |                      |                              | ●                      |
| <b>NATURAL FEATURES AND OPEN SPACE AREAS</b>   |                        |                      |                              |                        |
| A general description and preliminary delineation of existing natural features on and abutting the site, per Section 10.02 (Natural Features Protection).  |                        | ●                    | ●                            | ●                      |
| Details of all existing natural features on the site; indications of features to be preserved, removed, or altered; and proposed mitigation measures per Section 10.02 (Natural Features Protection).  |                        |                      |                              | ●                      |
| Outdoor open space and recreation areas; location, area, and dimensions.   |                        | ●                    | ●                            | ●                      |

| <b>Minimum Site Plan Information</b>  | <b>Minor Site Plan</b> | <b>PUD Area Plan</b> | <b>Preliminary Site Plan</b> | <b>Final Site Plan</b> |
|---|------------------------|----------------------|------------------------------|------------------------|
| Description of the organization that will own and maintain open space and recreation areas, and a long-term maintenance plan for such areas.  |                        |                      |                              | ●                      |
| <b>SCREENING AND LANDSCAPING</b>  |                        |                      |                              |                        |
| Location and size of required landscape strips, if applicable.  |                        | ●                    | ●                            | ●                      |
| General layout of proposed landscaping and screening improvements; including plantings, topographic changes, and similar features.  | ●                      |                      | ●                            | ●                      |
| A detailed landscape plan, including location, size, quantity and type of proposed plant materials and any existing plant materials to be preserved.  |                        |                      |                              | ●                      |
| Planting list for all landscape materials, with the method of installation, botanical and common name, quantity, size, and height at planting.  |                        |                      |                              | ●                      |
| Landscape maintenance plan, including notes regarding replacement of dead or diseased plant materials.  |                        |                      |                              | ●                      |
| Proposed fences, walls, and other screening devices, including typical cross section, materials, and height above grade.  | ●                      |                      | ●                            | ●                      |
| Screening methods for any waste receptacle areas, ground-mounted generators, transformers, mechanical (HVAC) units, and similar devices.  | ●                      |                      | ●                            | ●                      |
| <b>UTILITIES, STORMWATER MANAGEMENT, AND GRADING</b>  |                        |                      |                              |                        |
| General layout of existing and proposed water supply systems, sanitary sewerage or septic systems, and stormwater management facilities, including the general location of all known drain tiles on the site.   |                        | ●                    | ●                            | ●                      |
| Location and size or capacity of the existing and proposed potable water supply and sewage treatment and disposal facilities serving the site.  |                        |                      | ●                            | ●                      |
| Location, size, and slope of proposed detention or retention ponds; and location and size of underground tanks and drain lines where applicable.  |                        |                      | ●                            | ●                      |
| Location and arrangement of existing and proposed drain tiles on the site, including outlets and connections to adjacent land and road rights-of-way and any proposed alterations that may affect drainage patterns in the area.  |                        |                      |                              | ●                      |
| Layout, line sizes, inverts, hydrants, flow patterns, and location of manholes and catch basins for proposed sanitary sewer and water supply systems.   |                        |                      |                              | ●                      |
| Calculations for capacity of stormwater management and drainage facilities.   |                        |                      |                              | ●                      |
| Location and size of existing and proposed telephone, gas, electric, and similar utility lines and surface-mounted equipment.   |                        |                      |                              | ●                      |
| General areas of intended filling or cutting.   |                        | ●                    | ●                            | ●                      |
| A detailed grading plan, with details of proposed filling or cutting, existing and proposed topography at a minimum of two (2) foot contour levels, stormwater runoff drainage patterns, and a general description of grades within 100 feet of the site. All finished contour lines are to be connected to existing contour lines within the site or at the parcel boundaries. |                        |                      |                              | ●                      |
| Locations, dimensions, and materials of proposed retaining walls, with fill materials and typical vertical sections.  |                        |                      | ●                            | ●                      |

| Minimum Site Plan Information   | Minor Site Plan | PUD Area Plan | Preliminary Site Plan | Final Site Plan |
|---|-----------------|---------------|-----------------------|-----------------|
| Description of measures to control soil erosion and sedimentation during construction operations, and until permanent groundcover is established.   |                 |               |                       | ●               |
| <b>ADDITIONAL REQUIRED INFORMATION</b>  |                 |               |                       |                 |
| Other information as requested by the Township Planner or Planning Commission to verify compliance with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, and other applicable Township ordinances or state statutes. | ●               | ●             | ●                     | ●               |

**Section 15.08 Expiration of Site Plan Approval.**

Planning Commission approval of a site plan shall expire in accordance with the following:

**A. Expiration of Minor Site Plan Approval.**

A minor site plan shall expire and be of no effect unless, within 365 calendar days of the Planning Commission’s approval, appropriate permits have been approved, construction has begun on the property, and such work is diligently pursued in conformance with the approved minor site plan.

**B. Expiration of Preliminary Site Plan Approval.**

Approval of a preliminary site plan shall be valid for a period of 365 calendar days from the date of approval and shall expire and be of no effect unless a application for final site plan approval for all or part of the area included in the approved preliminary site plan is filed with the Township Clerk within that time period.

If a final site plan is submitted for only part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no greater than two (2) years from the date of approval of the previously-approved final site plan. If such period is exceeded, the Planning Commission may declare the approved preliminary site plan invalid with respect to the remaining parts of the site. In such case, the Planning Commission may require a new preliminary site plan be submitted, unless good cause can be shown for the delay.

**C. Expiration of Final Site Plan Approval.**

A final site plan shall expire and be of no effect unless:

1. Within 365 calendar days of the Planning Commission’s approval, a fully executed Development Agreement has been recorded and the construction drawings have received detailed engineering final approval; and
2. Within 545 calendar days following the date of approval, construction has begun on the property and is diligently pursued in conformance with the approved final site plan.

**D. Extension of Site Plan Approval.**

The Planning Commission may, at its discretion and upon written request and showing of good cause by the applicant, grant an extension of a minor, preliminary, or final site plan approval for up to 365 calendar days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan remains in conformance with applicable provisions of this Ordinance.

**Section 15.09 Phasing of Development.**

The applicant may divide the development into two (2) or more phases. Phasing shall be subject to the following requirements:

1. In the case of a phased development, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase.
2. In the case of a phased development, a final site plan shall be submitted for review and approval for each phase.
3. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, or open spaces and recreation facilities, and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
4. The Planning Commission may require the applicant to post a performance guarantee per Section 1.11C (Performance Guarantees) to ensure that vehicular and pedestrian ways, utility services, open space and recreation facilities, and other amenities and infrastructure planned for later phases of the development are completed in a timely fashion.

**Section 15.10 Standards for Site Plan Approval.**

In reviewing a minor, preliminary, or final site plan, the Planning Commission shall determine that the following standards are met, as applicable to the type of site plan:

| <b>Standards for Site Plan Approval</b>  | <b>Minor Site Plan</b> | <b>Preliminary Site Plan</b> | <b>Final Site Pan</b> |
|--|------------------------|------------------------------|-----------------------|
| The applicant is legally authorized to apply for site plan approval, and all required information has been provided.   | ●                      | ●                            | ●                     |
| The proposed development is in compliance with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, and other applicable Township ordinances or state statutes. | ●                      | ●                            | ●                     |
| The final site plan conforms to the approved preliminary site plan.  |                        |                              | ●                     |
| The proposed development will be harmonious with and not harmful, injurious, or objectionable to the environment or land uses in surrounding area.   | ●                      | ●                            | ●                     |

| Standards for Site Plan Approval   | Minor Site Plan | Preliminary Site Plan | Final Site Plan |
|--|-----------------|-----------------------|-----------------|
| Preservation and/or mitigation of natural resources conform to the standards of Section 54.02 (Natural Features Protection and Preservation), and the development as proposed will not cause soil erosion or sedimentation.  |                 | ●                     | ●               |
| The proposed development respects natural topography, floodways, and floodplains; and minimizes the amount and extent of cutting and filling.  |                 | ●                     | ●               |
| Organic, wet, or other soils that are not suitable for development will be undisturbed, or modified in such fashion as to make development feasible.   |                 | ●                     | ●               |
| The movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.  | ●               | ●                     | ●               |
| The proposed development is adequately coordinated with improvements serving the area, and with other existing or planned development in the vicinity.   |                 | ●                     | ●               |
| Satisfactory and harmonious relationships will exist between the proposed development and the existing and planned development of contiguous lands and the surrounding area, including provisions for proper extensions of public roads and sidewalks through the development in accordance with the policies of the Township Master Plan. |                 | ●                     | ●               |
| Development phases are in logical sequence so that any phase will not depend upon a subsequent phase for access, utilities, drainage or erosion control.   |                 | ●                     | ●               |
| The plan, including all engineering drawings, meets Township standards for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services, and has been approved by the Fire Chief and Township Engineer.  |                 |                       | ●               |
| The drainage plan conforms to the standards of the Washtenaw County Water Resource Commissioner, and any stormwater management improvements are adequate to handle anticipated stormwater runoff and accommodate upstream drainage without causing undue runoff on to neighboring property or overloading of area watercourses.            |                 |                       | ●               |
| Outside storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance.  | ●               |                       | ●               |
| Exterior lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent roads.  | ●               |                       | ●               |
| The parking layout and vehicular circulation patterns and access points to the site are adequate to serve the proposed uses and will not adversely affect the flow of traffic on adjacent roads or create pedestrian-vehicle conflicts.  | ●               |                       | ●               |
| Grading or filling will not destroy or adversely affect the character of the property, adjacent properties or the surrounding area.  |                 |                       | ●               |
| Erosion will be controlled during and after construction and will not adversely affect adjacent or neighboring property or public facilities or services.  |                 |                       | ●               |
| The plan meets applicable standards of governmental agencies with jurisdiction, and necessary outside agency approvals have been obtained or are assured.  | ●               |                       | ●               |



### **Section 15.11 Compliance with an Approved Site Plan.**

It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

To ensure compliance with this Ordinance, the approved site plan, and any conditions of site plan approval, the Township may require that a performance guarantee be deposited with the Township Treasurer in accordance with Section 1.11C (Performance Guarantees).

### **Section 15.12 Amendment and Revision.**

Changes to an approved minor, preliminary, or final site plan shall be prohibited, except in accordance with this Article. Requests for approval of a major or minor change to an approved site plan shall be made by the petitioner in writing to the Planning Commission. The burden shall be on the petitioner to show good cause for any requested change.

1. **Application.** The applicant shall clearly state the reasons for the request, which may be based upon changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interest of the Township and petitioner; such as technical causes, site conditions, state or federal projects, or changes in state laws.
  - a. The request shall be filed with the Township Clerk. The Clerk shall transmit the request to the Planning Commission for review and action.
  - b. All required review fees and escrow deposits shall be paid to the Township Treasurer at the time the request is filed with the Clerk. A request submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the petitioner.
2. **Review.** The Planning Commission shall have the authority to determine if a proposed change is minor or major and if such change requires an amendment to an approved site plan. The Commission shall record its determinations and reasons therefore in the minutes of the meeting at which the action is taken. For minor changes to an approved site plan, the Planning Commission may require that a revised site plan or individual plan sheet be submitted showing such minor changes, for purposes of record.
3. **Amendment.** If the Planning Commission determines that a major change requires submittal of an amended site plan for approval, the applicant shall follow the same procedure outlined in this Article for a new site plan submittal.

### **Section 15.13 Rescinding Site Plan Approval.**

A minor or final site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special use approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.14 (Public Hearing Procedures), at which time the property owner and the owner or operator of the use(s) for which site plan approval has been granted shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner(s).

### **Section 15.14 As Built Drawings.**

The applicant shall provide as-built drawings showing all improvements as actually constructed and installed on a site for which a final site plan was approved. The drawings shall be submitted to the Zoning Administrator and shall be subject to field verification by the Township Planner and Township Engineer prior to the release of any performance guarantee for the completion of such improvements. The drawings shall be identified as "As Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

### **Section 15.15 Inspection.**

The Zoning Administrator shall be responsible for inspecting all improvements for conformance to approved site plans. The applicant shall be responsible for requesting necessary inspections.

1. All sub-grade improvements, such as utilities, sub-base for drives and parking lots, and similar improvements shall be inspected and approved prior to covering.
2. The Zoning Administrator shall obtain inspection assistance from the Township Planner, Fire Chief, and Township Engineer, where applicable.
3. The Zoning Administrator shall notify the Township Supervisor and Planning Commission Chair in writing when:
  - a. An approved development has passed inspection with respect to the approved final site plan; or
  - b. An approved development does not pass inspection with respect to the approved final site plan. The Zoning Administrator shall report on the steps taken to achieve compliance, on progress toward compliance with the approved final site plan, and when compliance is achieved.

### **Section 15.16 Violations.**

A site plan approved under this Article shall have the full force of this Ordinance. Any violation of an approved plan shall be grounds for the Township Board or Zoning Administrator to order that all work be stopped, and to order that permits and Certificates of Occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the Township. Violation of any provision of this Article or any violation of any plan approved under this Article, including any agreements and conditions attached to any approved plan, shall be deemed a violation of this Ordinance, as provided in Section 1.13 (Violations and Penalties).

## ARTICLE 16.0 CONDITIONAL USES

### Section 16.01 Purpose.

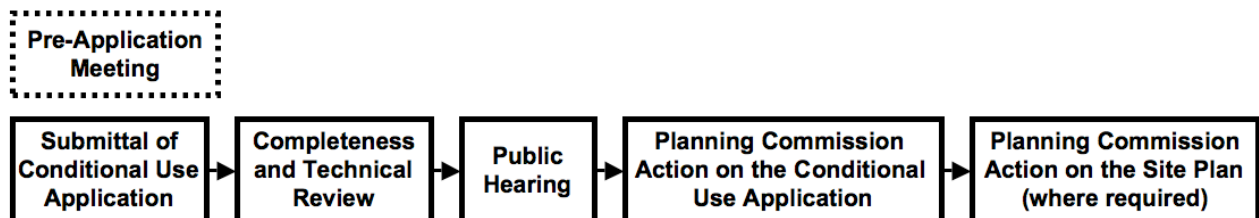
The purpose of this Article is to establish procedures and standards for review and approval of conditional uses that, because of their unique characteristics, require additional consideration in relation to the welfare of adjacent land, uses, residents, and the Township as a whole. This Article is intended to provide a consistent and uniform method for review of conditional use applications; ensure full compliance with the standards contained in this Ordinance; achieve efficient use of land; prevent adverse impacts on neighboring properties and districts; and facilitate development in accordance with the objectives of the Master Plan.

### Section 16.02 Authority to Grant Permits.

The Planning Commission shall have the authority to grant conditional use permits and to attach conditions to a permit. Only those uses listed in Article 4.0 (Land Use Table) as conditional uses in the specific zoning district shall be considered for conditional use permit review and approval.

### Section 16.03 Conditional Use Review Procedure.

All conditional use permit applications shall be submitted and reviewed as follows:



## Conditional Use Approval Process

#### A. Pre-Application Meeting.

An applicant may request a pre-application meeting with the Zoning Administrator and/or Township Planner to discuss the proposal, submittal requirements, review procedures, and approval standards. Any required fee for the pre-application conference shall be paid to the Township at the time of the meeting.

#### B. Eligibility.

The application shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which conditional use permit approval is sought, or by the owner's designated agent. If the applicant is not the owner of the property, the applicant shall submit a notarized statement signed by the owner(s) consenting to the application for conditional use approval. Incomplete or inaccurate information shall constitute grounds for the Planning Commission to deny or postpone consideration of the application.

**C. Required Fees and Escrow Deposits.**

The Township Board shall establish, by resolution, fees and escrow deposits for review of conditional use permit applications. Required fees and escrow deposits shall be paid to the Township at the time of the filing of the application. No fee or escrow deposit shall be required for a conditional use permit application submitted by the Township.

**D. Filing of Application.**

A conditional use permit request shall be made by filing at least eight (8) paper copies and two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application with the Township Clerk, along with the required review fee and escrow deposit. The application shall include the following information:

1. Name, address, telephone and facsimile numbers, and other contact information for the applicant and owners of record, along with proof of ownership.
2. The applicant's interest in the property, and if the applicant is not the property owner of record, a signed authorization of the owner(s) for the application.
3. Legal description, address, and tax parcel number of the property.
4. A scaled and accurate survey drawing, correlated with the legal description and showing all existing buildings, drives and other improvements.
5. A detailed description of the proposed use.
6. A site plan in compliance with Article 15.0 (Site Plan Review), where required.

**E. Review Procedure.**

Conditional use permit applications shall be reviewed in accordance with following:

1. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to designated Township officials and the Township Planner for review and comment. The Zoning Administrator or Planning Commission Chair may also request comments from other designated Township consultants, local agencies or departments with jurisdiction.
2. **Coordination with site plan review.** A site plan associated with a conditional use shall not be approved unless the conditional use permit has first been approved. The Planning Commission may, at its discretion, consider conditional use and site plan applications at the same meeting.
3. **Public hearing.** A public hearing shall be held for all conditional uses in accordance with Section 1.14 (Public Hearing Procedures).
4. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the application for conditional use permit approval, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any local agencies or departments with jurisdiction, along with any public comments. The Planning Commission shall then make a determination based on the

requirements of this Ordinance and the standards contained in Section 16.04 (Standards for Conditional Use Approval).

5. **Planning Commission action.** The Planning Commission is authorized to approve, approve subject to conditions, postpone action, or deny the conditional use as follows:
  - a. **Approval.** The conditional use shall be approved by the Planning Commission upon determination that it is in compliance with the provisions of this Ordinance, including Section 16.04 (Standards for Conditional Use Approval). Upon approval, the conditional use shall be deemed a conforming use permitted in the district in which it is proposed, subject to site plan approval and any conditions imposed on the use. Such approval shall affect only the lot or area thereof upon which the use is located.
  - b. **Approval subject to conditions.** The Planning Commission may approve a conditional use subject to reasonable conditions established in accordance with Section 16.05 (Conditions of Approval).
  - c. **Postponement.** Upon determination by the Planning Commission that a conditional use application is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
  - d. **Denial.** Upon determination that a conditional use application is not in compliance with the provisions of this Ordinance, including Section 16.04 (Standards for Conditional Use Approval), or would require extensive modifications to comply with said standards and regulations, the conditional use shall be denied. If a conditional use is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the conditional use permit.

**F. Recording of Planning Commission Action.**

Planning Commission action on the conditional use shall be recorded in the Planning Commission meeting minutes, stating the name, description, and location of the proposed use; address and tax identification number of the parcel; the findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval. The Secretary or Chair shall file one (1) copy of the written record with the Township Clerk for the permanent Township record, and shall forward one (1) copy to the applicant as evidence of the conditional use permit approval.

**Section 16.04 Standards for Conditional Use Approval.**

Approval of a conditional use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards as deemed applicable to the use by the Planning Commission:

1. Taking into consideration the size, location and character of the proposed land use, viewed within the context of surrounding land uses and land use planning for such area, the proposed use shall not be incompatible nor inharmonious, as determined by the application of generally accepted planning standards and principles, with:
  - a. Surrounding land uses;
  - b. Orderly development of the surrounding area and Township; and
  - c. Future land uses and development reasonably anticipated in the area.
2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
3. The proposed use shall not unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light or vibration, and shall not unreasonably impact upon person perceiving the operation in terms of aesthetics. Where such concerns can be remedied by way of design, construction or use, the proposed use shall be designed, constructed, and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout and periods of operation of such use.
4. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
6. The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.
7. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing or other permitted land uses in the zoning district or the present or intended character of the area.
8. The proposed use shall not result in an impairment, pollution or destruction of the air, water, natural resources or public trust therein.
9. The proposed use shall not unreasonably burden the capacity of public services or facilities.

10. The proposed use is consistent with the Township's Master Plan.
11. The proposed use will have adequate service by public services and facilities, and shall not unduly burden public sewers and facilities.

If the facts do not establish that the findings and standards of this Section and Ordinance will apply to the proposed use, the Planning Commission shall not grant a conditional use permit.

### **Section 16.05 Conditions of Approval.**

In granting of any conditional use permit the Planning Commission shall impose such conditions, as it deems necessary to protect the public interest of the Township and the surrounding property, and to achieve the objectives of this Ordinance. The breach of any such condition of safeguard shall be considered a violation of this Ordinance.

### **Section 16.06 Compliance with Conditional Use Approval.**

It shall be the responsibility of the property owner and operator of the use for which conditional use permit approval has been granted to develop, operate, and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Ordinance and all conditions of approval until the use is discontinued. Failure to comply with Ordinance requirements or conditions of approval shall be considered a violation of this Ordinance and may be punished in accordance with the provisions of Section 1.13 (Violations and Penalties); and shall constitute grounds for rescinding conditional use permit approval in accordance with Section 16.09 (Rescinding Conditional Use Approval).

The Zoning Administrator, Township Planner or other Township designee may make periodic investigations of developments for which a conditional use permit has been approved.

### **Section 16.07 Alteration and Expansion.**

An approved conditional use permit, including all attached conditions, shall run with the parcel in the approval and shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. Any alteration or expansion of an existing conditional use shall require approval of a conditional use permit in accordance with this Article.

Any use lawfully existing on the date of adoption of this Ordinance or an amendment thereof that is considered or permitted as a conditional use under this Ordinance or amendment may continue as a nonconforming use subject to Article 7.0 (Nonconformities) without approvals required in this Article. This nonconforming status shall be deemed removed upon approval of a conditional use permit in accordance with this Article.

### **Section 16.08 Re-Application.**

No application for a conditional use permit which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of 365 calendar days from the date of such denial, except on grounds of new evidence or changed conditions as accepted by the Planning Commission to be valid. All re-applications shall be considered a new application and shall be reviewed in accordance with the provisions of this Article.

## Section 16.09 Rescinding Conditional Use Approval.

Approval of a conditional use permit may be rescinded by the Planning Commission upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans or conditions of site plan or conditional use permit approval; or is no longer relevant or necessary to allow the subject land use on the land (such as an extraction operation where mining has concluded and all land restoration work has been completed in accordance with approved plans). Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.14 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the land or structure(s) for which conditional use permit approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.



## **ARTICLE 17.0 ZONING BOARD OF APPEALS**

### **Section 17.01 Board Established.**

A Zoning Board of Appeals (ZBA) is hereby created to carry out the responsibilities and exercise the authority provided in this Ordinance and in the Michigan Zoning Enabling Act, as amended. The ZBA shall carry out its duties so that the objectives and spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.

### **Section 17.02 Membership and Terms.**

ZBA membership shall be subject to the following:

#### **A. Membership.**

The ZBA shall consist of three (3) regular members appointed by the Township Board. One (1) member shall also be a member of the Planning Commission. The remaining members shall be selected from electors of the Township residing in the unincorporated area of the Township. The members selected shall be representative of the population distribution, and of the various interests present in the Township. Employees and contractors of the Township shall be prohibited from serving as ZBA members.

One (1) member may be a member of the Township Board. In the event a member is elected to the Township Board and such election increases the number of Township Board members serving on the ZBA to more than one (1), then such member's seat on the ZBA shall be deemed vacant. Such vacancy shall be filled for the remainder of the un-expired term by Township Board appointment.

#### **B. Alternates.**

The Township Board may appoint not more than two (2) alternate ZBA members for the same term as regular members. An alternate may be called to serve as a regular member for the ZBA in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more ZBA meetings. An alternate may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons described in Section 17.02D (Abstaining). The alternate member appointed shall serve in the case until a final decision is made, and shall have the same voting rights as a regular ZBA member.

#### **C. Terms.**

The term of office of each member shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to their respective term of commission or board membership. All vacancies shall be filled for the remainder of the unexpired term by Township Board appointment. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired.

#### **D. Abstaining.**

A member shall abstain from participating in a public hearing or voting on any question in which he or she has a conflict of interest. A ZBA member who is also a member of

the Township Board or Planning Commission shall abstain from participating in a public hearing or voting on the same matter that the member previously voted on as a member of the Board or Commission. The member may consider and vote on other unrelated matters involving the same property. Failure of a member to abstain in such cases shall constitute malfeasance of office.

**E. Removal From Office.**

A member may be removed from office by the Township Board for misfeasance, malfeasance, or nonfeasance in office, upon written charges and following a public hearing held in accordance with Section 1.14 (Public Hearing Procedures). Minutes of the meeting at which the hearing is held shall record the reasons for the hearing, the motion or resolution, if any, regarding removal from office, and the roll call vote of the Township Board.

**Section 17.03 General Procedures.**

ZBA membership shall be subject to the following:

**A. Rules and Officers.**

The ZBA shall annually elect a Chair, Vice-Chair, and Secretary from its membership. An elected officer of the Township shall not serve as ZBA Chair. Such election shall be held at the first regular ZBA meeting following January 1 in each calendar year, or at the first regular meeting of the ZBA following departure of an existing officer from the ZBA.

1. The Chair shall preside at and conduct ZBA meetings; and shall have the power to subpoena and require attendance of witnesses, administer oaths, compel testimony and production of books, papers, files, and other evidence pertinent to matters before the ZBA. The Chair shall also decide all points of order or procedure. In the absence of the Chair, the Vice-Chair shall exercise all powers and authority of the Chair.
2. The Secretary shall be responsible for ensuring that complete and accurate written records are kept of all ZBA proceedings.
3. The ZBA may adopt additional rules to govern its procedures.

**B. Meetings.**

Meetings of the ZBA shall be held at the call of the Chair and at such other times as the ZBA in its rules of procedure may specify.

1. Two (2) ZBA members (regular or alternate) shall constitute a quorum, without which the ZBA shall not conduct business. The concurring vote of a majority of the ZBA membership shall be necessary for any decision.
2. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings of fact, conditions of approval, facts, and other relevant factors, and all its official actions. The vote of each member upon a question, or absence or abstention, shall be recorded into the minutes of the meeting.
3. All meetings and records shall be open to the public. All minutes shall be filed in the offices of the Township Clerk.

**C. Representation.**

Any person may appear on his or her own behalf at a hearing or may be represented by an agent or an attorney authorized to appear on his or her behalf.

**D. Hearings.**

The ZBA shall hold a public hearing on each question submitted to it for decision. The Chair shall fix a reasonable time and date for the hearing immediately after receipt of a complete and accurate application. Notice shall be given and the hearing shall be held per Section 1.14 (Public Hearing Procedures). All hearings shall be open to the public.

**E. Decisions.**

The ZBA shall decide upon all matters within 120 calendar days after receipt of a complete and accurate application. The time limit may be extended by written agreement between the applicant and the ZBA.

1. **Motions.** A motion for action on an application shall include specific findings of fact and conclusions made by the ZBA in the case. Approved motions, including findings of fact and conclusions, shall be incorporated into the written record for the case. A copy shall be provided to the applicant of the approved written record of the meeting, or a written decision signed by the Chair or acting Chair.
2. **Postponement and dismissal.** The ZBA may postpone consideration of an application until a later meeting upon request by the applicant, failure of the applicant to attend the meeting, or determination that the application is not sufficiently complete or accurate for action. Failure of the applicant to attend two (2) or more meetings where the application is on the agenda shall constitute grounds for dismissal of the application without further consideration.
3. **Validity.** Any ZBA decision favorable to the applicant shall remain valid only as long as the information and data relating to such decisions are found to be correct, and the conditions upon which the decision was based are maintained.

## **Section 17.04 Powers and Duties of the ZBA.**

The ZBA shall hear and decide and rule on the following as provided herein:

1. **Interpretations.** The ZBA shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the text and the Official Zoning Map.
2. **Administrative appeals.** The ZBA shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance.
3. **Variances.** The ZBA shall hear and decide requests for variances for relief from the strict application of one (1) or more non-use provisions of this Ordinance.
4. **Nonconforming uses and structures.** The ZBA shall have the authority to hear and decide specific requests associated with nonconforming uses and nonconforming structures as authorized by Article 7.0 (Nonconformities).

5. **Exceptions and other matters.** The ZBA shall have the authority to hear and decide requests for exceptions as authorized by this Ordinance; and other matters upon which this Ordinance or Michigan Zoning Enabling Act specifically authorizes the ZBA to act.
6. **Prohibited actions.** The ZBA shall not alter or change the zoning district classification of any property, or make any change in the terms of this Ordinance, and shall not take any action that would result in making a legislative change. The ZBA shall not hear and shall have no authority regarding use variances or any issue that involves a conditional use permit or planned unit development (PUD).

### **Section 17.05 Applications.**

All applications to the ZBA shall be made by filing at least five (5) paper copies and at least two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application with the Township Clerk, along with the required review fee as determined by resolution of the Township Board. No action shall be taken on any application for which required fees have not been paid in full. A complete and accurate application shall, at a minimum, include the following:

1. Name, address, telephone and facsimile numbers, and other contact information for the applicant and owners of record, along with proof of ownership.
2. The applicant's interest in the property, and if the applicant is not the property owner of record, a signed authorization of the owner(s) for the application.
3. Address, location, legal description, and tax identification number of the parcel.
4. Zoning classification of the subject parcel(s) and all abutting parcels.
5. A letter from the applicant stating the reasons for the request, and addressing the applicable criteria specified in this Article for the type of request.
6. Copies of all plans, studies and other information and data to be relied upon by the applicant.
7. Any additional information required by this Article or deemed necessary by the ZBA to make a determination on the issue in question.
8. For variance requests, the following additional requirements shall apply:
  - a. The applicant shall submit a plan, based on a mortgage survey or land survey prepared by a registered land surveyor. The plan shall be to scale and shall include all property lines and dimensions, setbacks and all existing and proposed structures. The ZBA shall have the authority to require a land survey prepared by a registered land surveyor when the ZBA determines it to be necessary to ensure accuracy of the plan.

- b. All lots or parcels that are the subject of the variance application shall be marked and staked in the following manner, at least one (1) week prior to the scheduled ZBA hearing date:
  - (1) Each corner of the lot or parcel shall be staked;
  - (2) Each corner of the proposed building(s) shall be staked; and
  - (3) Vacant parcels shall be posted with a clearly visible sign noting the address or lot number.

### **Section 17.06 Interpretations.**

The ZBA shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and to carry out the intent and purposes of this Ordinance and the Master Plan. The ZBA shall also have the power to interpret the Official Zoning Map in such a way as to carry out the intents and purposes of this Ordinance and the Master Plan, subject to the standards of Section 2.204E (Rules for Interpretation).

### **Section 17.07 Administrative Appeals.**

Consideration of administrative appeals shall be subject to the following:

#### **A. Standing to Appeal.**

Appeals may be taken to the ZBA by a person, firm or corporation aggrieved by the order, requirement, decision or determination; or by an officer, department, board, commission or bureau of the Township, county, state, or federal governments. Such appeals shall be filed within 30 calendar days of the order, requirement, decision or determination in question.

The appellant shall submit a description of the order, requirement, decision, or determination from which the appeal is made and the grounds of the appeal. The ZBA may require the appellant to submit additional information to clarify the appeal. The Township Clerk and Zoning Administrator shall transmit to the ZBA copies of all relevant papers constituting the record upon which the action appealed from was taken.

#### **B. Stay of Action.**

An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the ZBA after the notice is filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or by a court of record upon application, upon notice to the Zoning Administrator from whom the appeal is taken, and upon due cause shown.

#### **C. Determinations.**

In hearing and deciding administrative appeals, ZBA review shall be based upon the record of the administrative decision being appealed. The ZBA shall not consider new information that was not presented to the administrative official or body charged with

enforcement of this Ordinance. The ZBA shall reverse an administrative decision only upon determining that the order, requirement, decision or determination:

1. Constituted an abuse of discretion;
2. Was arbitrary or capricious;
3. Was based upon an erroneous finding of a material fact; or
4. Was based upon an erroneous interpretation of the Zoning Ordinance.

After making such a determination, the ZBA may, reverse or affirm wholly or in part; modify the order, requirement, decision or determination; or make such order, requirement, decision, or determination as ought to be made, and may issue or direct the issuance of a permit. To that end, the ZBA shall have all of the powers of the official(s) from whom the appeal is taken.

### **Section 17.08 Variances.**

The ZBA shall have the authority to grant variances where, owing to special conditions, strict enforcement of this Ordinance would result in unnecessary hardship or practical difficulty, subject to Michigan Zoning Enabling Act requirements and the following:

#### **A. Standards for Review.**

A variance shall not be granted unless all of the following standards are met:

1. **Practical difficulties.** Strict compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.
2. **Substantial justice.** The variance will give substantial relief and justice to the applicant, consistent with justice to other property owners in the same district.
3. **Unique circumstances.** The need for the variance is due to unique circumstances peculiar to the land or structures involved, that are not applicable to other land or structures in the same district.
4. **Not self-created.** The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.
5. **More than mere inconvenience.** The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience or an inability to attain a higher financial return.
6. **Preservation of property rights.** The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same zoning district.

7. **Public safety and welfare.** The requested variance can be granted in such fashion that the spirit of this Ordinance will be observed and public safety and welfare secured. In addition:
  - a. The granting of a variance will not increase the hazard of fire or otherwise endanger public safety.
  - b. The granting of a variance will not unreasonably diminish or impair the value of surrounding properties.
  - c. The granting of a variance will not alter the essential character of the area or surrounding properties.
  - d. The granting of a variance will not impair the adequate supply of light and air to any adjacent property.
8. **Minimum necessary action.** The reasons set forth in the application justify the granting of the variance, and the variance is the minimum necessary relief to allow reasonable use of the land, building, or structure. The granting of a lesser variance will not give substantial relief and justice to the applicant, consistent with justice to other property owners in the same district.

**B. Use Variances Prohibited.**

Under no circumstances shall the ZBA grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in the subject zoning district.

**C. Variance Expiration.**

An approved variance shall become null and void 365 calendar days after the date of approval unless the occupancy of land or buildings authorized by the variance has commenced or a building permit has been issued for the construction authorized by the variance and construction has been completed or is being diligently pursued towards completion.

1. Where a building permit has been issued for construction authorized by a variance, the variance shall become null and void upon permit expiration.
2. Where a variance has been approved for a project subject to site plan approval per Article 15.0 (Site Plan Review), the variance shall become null and void only upon expiration of an approved final site plan for the project.
3. The ZBA may, upon the applicant's written request and a showing of good cause, grant an extension of variance approval for an additional 365 calendar days.

**D. Reapplication for Variance.**

No application for a variance that has been denied wholly or in part by the ZBA shall be resubmitted for a period of 365 calendar days from the date of denial, except on grounds of new evidence of changed conditions found by the ZBA to be valid.

### **Section 17.09 Site Plan Requirements.**

If an application or appeal to the ZBA involves a land use or a development that requires site plan approval by the Planning Commission, the applicant or appellant shall first apply for preliminary site plan approval as set forth in Article 15.0 (Site Plan Review).

The Planning Commission shall review the site plan and shall determine the layout and other features required to obtain approval of the preliminary site plan. The applicant shall then apply for the requested variance to the ZBA. The Planning Commission shall transmit its findings thereon to the ZBA. The ZBA shall, upon deciding on the application or appeal, return the plan and its decision to the Planning Commission for action on the site plan.

### **Section 17.10 Conditions of Approval.**

The ZBA may impose additional conditions or limitations upon any affirmative decision, as it may deem reasonable and necessary in accordance with the purposes of this Ordinance and the Michigan Zoning Enabling Act. Conditions imposed by the ZBA shall be related to the valid exercise of the Township's police power; consistent with the intent and purposes of this Ordinance; and necessary to ensure compliance with Ordinance standards.

Such conditions may include requirements necessary to ensure adequacy of public services and facilities affected by a proposed use or activity; protect the natural environment and conserve natural resources and energy; ensure compatibility with adjacent uses of land; or protect the health, safety and welfare of adjacent residents and landowners and the community as a whole.

Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes, and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required for a new case or application. Violation of any condition imposed shall be deemed a violation of this Ordinance.

### **Section 17.11 Appeals to Circuit Court.**

Any person aggrieved by a decision of the ZBA in a particular case shall have the right to appeal to the Circuit Court on question of law and fact. The appeal shall be filed within 30 calendar days after the ZBA issues its written decision signed by the Chair or acting Chair, or within 21 calendar days after the ZBA approves the minutes of its decision, whichever comes first.



## ARTICLE 18.0 AMENDMENTS

### Section 18.01 Initiating Amendments.

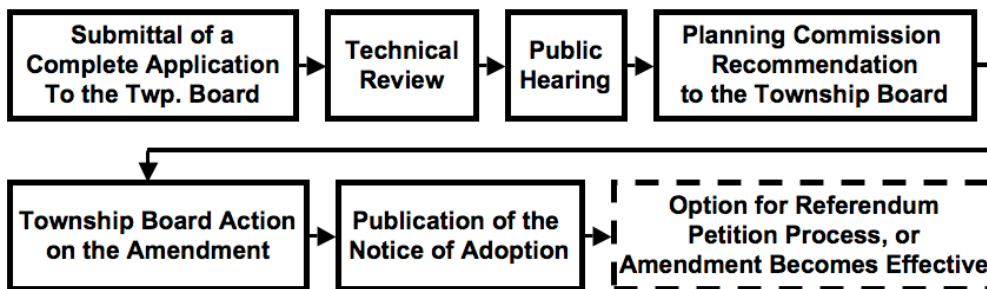
Amendments to the Official Zoning Map may be initiated by the Township Board or Planning Commission, or by application of one (1) or more Township property owners or persons acting on behalf of the property owner(s). All other amendments may be initiated by the Township Board or Planning Commission, or by application of one (1) or more Township property owners or residents.

### Section 18.02 Fees.

The Township Board shall from time to time establish, by resolution, fees and escrow deposits for review of zoning amendment applications. Required fees and escrow deposits shall be paid in full at the time of application, and no part of a required fee shall be returnable to the applicant. No fee shall be charged for amendments initiated by the Township Board or Planning Commission. No action shall be taken on any application for which required fees have not been paid in full.

### Section 18.03 Amendment Procedure.

The Township Board may, after recommendation from the Planning Commission, amend, supplement or revise this Ordinance or Official Zoning Map consistent with the Michigan Zoning Enabling Act and the following:



## Amendment Review Process

#### A. Filing of Application.

An amendment to this Ordinance, except those initiated by the Township Board or Planning Commission, shall be made by filing at least eight (8) paper copies and at least two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application with the Township Clerk, along with the required review fee and escrow deposit.

#### B. Technical Review.

Prior to Planning Commission consideration, the proposed amendment and any application materials shall be distributed to appropriate Township officials and the Township Planner for review and comment. The Planning Commission may also request

comments from other designated Township consultants and outside agencies with jurisdiction.

**C. Public Hearing.**

A public hearing shall be held for all proposed amendments in accordance with Section 1.14 (Public Hearing Procedures).

**D. Planning Commission Recommendation.**

Following the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from officials, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings of fact, conclusions, and recommendations for disposition of the application to the Township Board. The report shall include a summary of comments received at the public hearing.

**E. Township Board Action.**

Following receipt of the report and recommendation from the Planning Commission, the Township Board shall consider and vote upon the adoption of the proposed amendment.

1. The Township Board may, at its discretion, refer the amendment back to the Planning Commission for further consideration or revision within a specified time limit.
2. The Township Board may hold additional public hearings on the proposed amendment in accordance with Section 1.14 (Public Hearing Procedures).
3. The Township Board shall hold a public hearing on a proposed Ordinance amendment upon written request by a property owner sent by certified mail to the Township Clerk.
4. Amendments shall be approved by a majority vote of the Township Board.

**F. Re-Application.**

Whenever the Township Board has rejected an application, the Township shall not accept a new application for the same amendment for a period of 365 calendar days unless the Township Board or Planning Commission determines that one (1) or more of the following conditions has been met:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
2. New or additional information is available that was not available at the time of the review.
3. The new application is materially different from the prior application.

**Section 18.04 Information Required.**

The following information shall be required with any application for amendment to this Ordinance or Official Zoning Map:

**A. Zoning Map Amendment.**

When the application involves an amendment to the Official Zoning Map, the applicant shall submit the following information:

1. A legal description of the property, including street address(es) and tax code number(s).
2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
3. The name and address of the applicant.
4. The applicant's interest in the property. If the applicant is not the owner, the name and address of the owner(s), and the signed consent of the owner(s) to the application. This shall not apply in cases where the Township Board or Planning Commission initiates the zoning amendment process.
5. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information. This shall not apply in cases where the Township Board or Planning Commission initiates the zoning amendment process.
6. Identification of zoning district requested and the existing zoning classification of subject property.
7. Vicinity map showing location of property, adjacent land uses, and zoning classifications.
8. General description of natural resources and features, including, but not limited to, wetlands, streams, and other water bodies, steep slopes, woodlands, and floodplains, to be depicted on scaled drawings. This shall not apply in cases where the Township Board or Planning Commission initiates the zoning amendment process.
9. Reasons for the proposed amendment or zoning classification.

**B. Zoning Ordinance Text Amendment.**

When an application involves a change in the text of the Zoning Ordinance, the applicant shall submit the following information:

1. A detailed statement of the application, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.
2. Name and address of the applicant.
3. Reasons for the proposed amendment.

**Section 18.05 Findings of Fact Required.**

In reviewing any proposed zoning amendment, the Planning Commission shall identify and evaluate all relevant factors in preparing its report of findings of fact, conclusions, and

recommendation to the Township Board. The following factors shall apply to Township review of any proposed amendment to the Official Zoning Map:

**A. Evaluation of Existing Zoning and Development Pattern.**

Review the existing zoning and land uses permitted in the zoning district for compatibility with Master Plan policies, the surrounding development pattern, and site characteristics. Determine whether there are conditions or circumstances that warrant a change or reasonably prevent the site from being developed or used as zoned. Consider whether the boundaries and size of the proposed district are compatible with the surrounding area and the scale of future development on the site.

**B. Apparent Demand.**

Consider the apparent demand for the types of uses permitted in the existing and proposed zoning districts in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.

1. Consider whether there is a demonstrated market demand for more land to be classified in the proposed district, and whether this is the appropriate location.
2. Consider the availability of land already planned and/or zoned for the types of land uses and intensity of development possible under the proposed zoning district classification.
3. Consider the amount of land in the Township or adjoining jurisdictions that is already prepared and/or ready for development consistent with the proposed zoning district's intent and list of permitted land uses.

**C. Availability of Public Services and Infrastructure.**

Rezoning of undeveloped land to a more intensive zoning district should only take place in conjunction with the availability of public services and infrastructure to serve all of the potential land uses in the proposed district. Factors to consider include:

1. Capacity of available utilities and public services to accommodate the uses permitted in the district without compromising the health, safety, and welfare of Township residents or burdening public entities or the Township with unplanned capital improvement or operational costs.
2. Capacity of the existing road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district.
3. Capacity of existing police, fire, ambulance, schools, and other public services to serve all potential land uses on the site.

**D. Compatibility.**

Evaluate the existing zoning of land in the surrounding area on both sides of the road and all sides of the site in terms of all uses permitted and the district intent. Determine whether all permitted land uses and development that could occur on the subject site under the proposed zoning district(s) would be compatible with the surrounding character in terms of traffic, noise, scale, and types of uses.

**E. Consistency with the Master Plan.**

Determine whether the intent and all of the allowable uses within the requested zoning district are compatible with the goals, objectives, and policies of the Master Plan, including the future land use designation(s) for the site.

1. **Rezoning inconsistent with the Master Plan.** A rezoning inconsistent with the Master Plan should only be considered where specific findings are made that demonstrate conditions have changed significantly since the Plan was prepared, and/or new information supports a change. In such cases, the Township may first consider an amendment to the Plan.
2. **Phasing in of new development.** The future land use recommendations of the Master Plan are based upon a ten to twenty year timeframe. Consider whether the timing of the proposed rezoning is appropriate, given trends in the area, infrastructure capacity, and other factors.
3. **Consistency with the Township's policies on natural features.** Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features. If the subject site possesses significant natural features, ensure that the types of uses and the intent of the district will enable proper preservation of these areas in accordance with Master Plan policies and Ordinance requirements.

**F. Additional Factors.**

Additional factors to be considered shall include, but shall not be limited to:

1. Whether or not the proposed zoning change is justified by a change in conditions since the original Ordinance was adopted, or by an error in the Ordinance.
2. The precedents, and the possible effects of such precedents, that might result from approval or denial of the proposed zoning change.
3. Effect of approval of the proposed zoning change on the condition and/or value of property in the Township and adjacent municipalities.

A proposed amendment to the Official Zoning Map shall not be approved unless these and other facts are affirmatively resolved in terms of resource guardianship, public necessity, convenience, and safety, and the general welfare of the Township and of other governmental agencies, where applicable.

**Section 18.06 Notice of Adoption.**

Following Township Board adoption of an amendment to the Zoning Ordinance or Official Zoning Map, notice of the amendment shall be published within 15 calendar days of such adoption in a newspaper of general circulation in the Township. The notice of adoption shall include the Article and Section of the Ordinance amendment, in the case of a text amendment; either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment; the effective date of the amendment; and the place and time where a copy of the Ordinance may be inspected or purchased.

### **Section 18.07 Referendum.**

Within seven (7) calendar days after publication of the notice of adoption for an amendment to the Zoning Ordinance or Official Zoning Map, a registered elector residing in the unincorporated portion of the Township may file with the Township Clerk a notice of intent to file an application for referendum under this Section.

1. If a notice of intent is filed, then within 30 days following publication of an approved amendment, an application signed by a number of registered voters residing in the unincorporated portion of Freedom Township equal to not less than fifteen percent (15%) of the total votes cast in the Township for all candidates for Governor of the State of Michigan at the last preceding general election at which the Governor was elected may be filed with the Township Clerk requesting that the amendment be submitted to the electors residing in the unincorporated portion of Freedom Township for their approval.
2. Upon the filing of a notice of intent, the approved amendment shall not take effect until one (1) of the following occurs:
  - a. The expiration of 30 calendar days after publication of the notice of adoption for an approved amendment, if the application for referendum is not filed within that time period.
  - b. If an application is filed within 30 calendar days after publication of a notice of adoption, the Township Clerk determines that the application is inadequate.
  - c. If an application is filed within 30 calendar days after publication of a notice of adoption, the Township Clerk determines that the application is adequate, and the amendment is approved by a majority of the registered electors residing in the unincorporated portion of the Township. The referendum shall be held at the next regular election date that provides sufficient time for proper notices and printing of ballots, as determined by the Township Clerk. The Township Board shall provide the manner of submitting the amendment to the electors for their approval or rejection, and determining the result of the election.

### **Section 18.08 Conformance to Court Decree.**

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of adoption published without referral to any other commission or agency.

## ARTICLE 19.0 DEFINITIONS

### Section 19.01 Purpose.

For the purpose of this Ordinance certain terms are herewith defined.

### Section 19.02 Rules of Construction.

The following rules of construction apply to the text of this Ordinance:

1. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases which have acquired a particular and appropriate meaning in the law or within this Ordinance shall be construed and understood according to such particular and appropriate meaning.
2. The particular shall control the general.
3. Words used in the present tense shall include the future; words used in the singular number shall include the plural; and the plural shall include the singular, unless the context clearly indicates the contrary.
4. The word "shall" is always mandatory and not discretionary. The word "may" is permissive as determined by the Planning Commission.
5. All measurements shall be to the nearest integer, unless otherwise specified herein.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "occupied for," and "maintained for."
7. The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
8. The word "dwelling" includes the word "residence," and the word "lot" includes the words "plot" or "parcel."
9. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
10. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as defined herein. Any term not defined herein shall have the meaning of common or standard use.
11. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "and/or," or "either/or," the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - c. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

- d. "And/or" indicates that either the conjunctive or the disjunctive may apply, as appropriate in the circumstances.
- 12. Words or phrases in headings shall in no way by their presence or absence limit or affect the meaning of this Ordinance.
- 13. Where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.
- 14. In computing a period of days in connection with petitioner or applicant submissions, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

### Section 19.03 Definitions.

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

- 1. **Access Drive.** A private way or improvement designed to provide a physical connection for vehicles from a public road to a developed site.
- 2. **Access Management.** A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for lots adjacent to, and across from, one another; and the promotion of alternatives to direct access.
- 3. **Access, Reasonable.** A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access may be indirect and certain turning movements may be prohibited for improved safety and traffic operations.
- 4. **Accessory Use, Building, or Structure.** A use, building, or structure that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related. An accessory structure shall not include dwellings, or be used for residential or lodging purposes or sleeping quarters for human beings.
  - a. **Accessory Dwelling.** See "Dwelling, Accessory."
- 5. **Adult Foster Care Facility.** An establishment that provides supervision, personal care, and protection for up to 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation for adults over 18 years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

These facilities may be licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended. An adult foster care facility does not include dependent housing facilities, hospitals, alcohol or substance abuse rehabilitation centers or residential center for persons released from or assigned to a correctional facility. Adult foster care facilities are classified as follows:

- a. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for 24 hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee is a member of the household and occupant of the residence.



- b. **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
  - c. **Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
6. **Adult Regulated Uses and Sexually Oriented Businesses:**
- a. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities" or "specified anatomical areas."
  - b. **Adult Book or Video Store.** An establishment having a substantial portion equaling more than twenty percent (20%) of its stock in trade in books, magazines, periodicals or other printed matter, photographs, drawings, slides, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, recording tapes and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" or "simulated nudity," which are offered for sale or rental or an establishment with a segment or section devoted to the sale, rental or display of such material, which segment or section exceeds ten percent (10%) of the usable floor area of the establishment. This does not include items used for conception control or for protection from sexually transmitted diseases.
  - c. **Adult Entertainment Cabaret.** A nightclub, bar, lounge or similar commercial establishment, whether licensed by the Michigan Liquor Control Commission to offer beer or intoxicating liquor for consumption on the premises or not, which provides or features to customers live performances by employees or entertainment personnel which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas;" an emphasis on "specified sexual activities;" an emphasis on "nudity," "state of nudity," or "simulated nudity;" or a combination of any of the above.
  - d. **Adult Model Studio.** Any place where models who display "specified anatomical areas" are present to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
  - e. **Adult Motel.** A hotel, motel or similar commercial establishment which rents or otherwise permits a room to be occupied in exchange for any form of consideration, and also:
    - (1) Offers accommodations to the tenant or occupier of the room for any television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities" or "specified anatomical areas,"

and has a sign visible from the public right-of-way or otherwise advertises the availability of this type of adult accommodations; or

- (2) Offers a sleeping room(s) for rent for a period of time that is less than ten (10) hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in less than a ten (10) hour period creates a rebuttable presumption that the establishment is operated as an adult motel.

- f. **Adult Motion Picture Theater.** An enclosed building or structure wherein still or motion pictures, video tapes, or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "**Specified Sexual Activities**" or "**Specified Anatomical Areas**" for observation by patrons therein.
- g. **Adult Personal Service Business.** A business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such a business includes, but is not limited to, modeling studios, body-painting studios, wrestling studios and conversation parlors. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths.

The following uses shall not be included within the definition of an adult personal service establishment:

- (1) Any establishment, club or business by whatever name designated, which offers or advertises or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths or other similar treatment by any person.
- (2) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner or any other similarly licensed or certified medical or healing arts professionals;
- (3) Establishments which offer massages performed by certified massage therapists;
- (4) Gymnasiums, fitness centers and health clubs;
- (5) Electrolysis treatment by a licensed operator of electrolysis equipment;
- (6) Continuing instruction in martial or performing arts or in organized athletic activities;
- (7) Hospitals, nursing homes, medical clinics or medical offices;
- (8) Barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists;

- (9) A bar, nightclub or lounge or other non-sexually oriented business that occasionally promotes a swimsuit or similar contest in which the contestants do not appear "nude" or in "a state of nudity;"
  - (10) Adult photography studios whose principal business does not include the taking of photographs of "specified anatomical areas" as defined herein.
- h. **Adult Physical Culture Establishment.** Any establishment, club, or business by whatever name designated, which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included with the definition of an Adult Physical Culture Establishment:
- (1) establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
  - (2) electrolysis treatment by a licensed operator of electrolysis equipment;
  - (3) continuing instruction in martial or performing arts or in organized athletic activities;
  - (4) hospitals, nursing homes, medical clinics, or medical offices;
  - (5) barbershops, beauty parlors, or salons which offer massages to the scalp, face, neck, and shoulders only; and
  - (6) therapeutic massage establishments as defined and regulated by this Ordinance.
- i. **Adult Supply Store.** Premises used for the sale, distribution, display, or storage of books, magazines, periodicals, advertisements, devices, objects, toys, paraphernalia, videos, or similar materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "**Specified Sexual Activities**" or "**Specified Anatomical Areas.**"
- j. **Adult Theater.** A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or features live performances which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by an emphasis on "specified sexual activities."
- (1) **Adult Motion Picture Arcade or Miniature-Motion Picture Theater.** Any place where motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed depict, describe or relate to "specified sexual activities" or "specified anatomical areas."
  - (2) **Adult Motion Picture Theater.** A commercial establishment which regularly features non-live performances or entertainment such as films, motion pictures, video cassettes, slides or similar photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities or "specified anatomical areas."

- (3) **Adult Outdoor Motion Picture Theater.** A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- k. **Escort Service.** An establishment that provides the services of escorting members of the opposite sex for payment of a fee.
- l. **Nude Modeling Business.** An establishment where an employee or entertainment personnel performs a massage or "specified sexual activities" while appearing in a "state of nudity," "simulated nudity" or while displaying "specified anatomical areas," and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted to customers.
- m. **Nude Modeling Studio.** An establishment where an employee or entertainment personnel appears in a "state of nudity," "simulated nudity" or displays "specified anatomical areas," and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted to customers.
- n. **Sexually Oriented Encounter Center.** A commercial enterprise that, for any form of consideration or prize, offers physical activities, contact, wrestling or tumbling between male and female persons or between persons of the same sex, when one or more of the persons is in a "state of nudity" or "simulated nudity" and the activity is intended to provide sexual stimulation or sexual gratification to its customers.
- o. **Sexual Paraphernalia Store.** An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display or storage, of instruments, devices or paraphernalia designed for use related to "specified anatomical areas" or as part of, in connection with or related to "specified sexual activities" (as defined herein) or an establishment with a segment or section devoted to the sale or display of such material.
- p. **Special Definitions.** With respect to adult uses or sexually oriented businesses, the following terms and phrases shall have the following meanings:
- (1) **Massage Parlor.** An establishment wherein private massage is practiced or made available as a principal use of the premises.
- (2) **Nudity or State of Nudity.** Appearing while any of the following portions of the human body are less than completely and opaquely covered:
- (a) Genitals, whether or not in a state of sexual arousal;
  - (b) Pubic region or pubic hair;
  - (c) Buttock(s);
  - (d) The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or

- (e) Any combination of the above.
- (3) **Nudity, Simulated.** A state of dress in which any artificial device of covering is worn on a person and exposed to view so as to simulate an actual "state of nudity."
- (4) **Sexual Intercourse.** Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person's body or of any object, into the genital or anal openings of another's body.
- q. **Specified Anatomical Areas.** Portions of the human body defined as follows:
  - (1) Less than completely and opaquely covered;
    - (a) Human genitalia and pubic region;
    - (b) Buttock and anus; or
    - (c) Female breast below a point immediately above the top of the areola.
  - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- r. **Specified Sexual Activities.** The explicit display of one or more of the following:
  - (1) Human genitals in a state of sexual stimulation or arousal;
  - (2) Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus or female breast;
  - (3) Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation oral copulation, sexual intercourse or sodomy;
  - (4) Human excretory functions as part of or as related to, any of the activities described above;
  - (5) Physical violence, bondage, mutilation or rape, actual or simulated, as part of or related to, any of the activities described above.
- s. **Substantial Portion.** A use of activity accounting for more than twenty percent (20%) of any stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time or entertainment time measured per month.
- 7. **Agriculture.** The use of land for the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities operated on contiguous, neighboring, or associated land as a single unit carried on by the owner-operator, manager, or tenant farmer by his or her own labor or with assistance of members or his or her household or hired employees. See also "Farming..."
- 8. **Agricultural Service Establishment.** A facility for the performing of corn shelling; grain storage; hay baling and threshing; sorting, grading, and packing fruits and vegetables for the grower; farm produce milling and processing for the grower; grain cleaning; and similar animal husbandry, horticultural, and farm-support services.

9. **Aircraft Landing Strip.** The use of land solely by the owner of the property for the landing or takeoff of aircraft, and which may provide facilities and services for the shelter, supply or care of privately-owned aircraft, but does not include the regular receiving or discharging of passengers or cargo for remuneration. The landing strip shall not make a commercial district, nor shall its use be deemed a commercial activity.
10. **Alterations.**
  - a. **Structural.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of the construction of structural parts, means of egress or supporting members of a building, such as bearing walls, columns, beams, girders, roof or exterior walls.
  - b. **Building.** A change, addition or modification to; or enlargement or rearrangement of the type of occupancy, height, area, location, design or approved method of functioning.
  - c. **Sign.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of any part of any sign, including the sign copy area.
11. **Amusement Center, Indoor.** Business from which the proprietor's primary income is derived from the operation of pool tables, billiard tables, or amusement devices, or equipment of a similar nature, as distinguished from those businesses wherein such tables, devices or similar equipment are clearly accessory uses and do not serve as the proprietor's primary source of income.
  - a. **Amusement Device.** A pinball machine, video game, ski-ball machine, air-hockey machine, motion picture machine, shuffleboard, miniature pool table or any other similar machine, instrument or contrivance which may be operated or set in motion upon the insertion of a coin or where the proprietor charges a flat rate to use the device.
  - b. **Arcade.** A place of business that has in operation an excess of five (5) mechanical amusement devices; electronic tables featuring bowling, basketball, football, or the like; or electronic games of skill or dexterity utilizing video tapes or video screen or T.V. adaptations; or similar activities for hire or amusement.
12. **Amusement Center, Outdoor.** Business conducted primarily outside of a building from which the proprietor's primary income is derived from the operation of miniature golf, batting cages, outdoor paintball or laser tag courts, and similar facilities.
13. **Animal, Domestic.** An animal that has traditionally, through long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and has been kept as tame pets no longer possessing a disposition or inclination to escape or to bite without provocation nor cause death, maiming, or illness of a human, nor used for commercial breeding purposes. Domestic animals shall include the following:
  - a. Bird (caged)
  - b. Cat (domestic)
  - c. Prairie Dog (bred)
  - d. Chinchilla
  - e. Dog
  - f. Ferret
  - g. Fish (non-biting or non-poisonous)
  - h. Lizard (non-poisonous)
  - i. Marmoset (bred)

- j. Primate (only as a trained aide for a disabled person)
  - k. Rodent (bred)
  - l. Snake (non-poisonous)
  - m. Spider (non-poisonous)
14. **Animal, Wild or Exotic.** Any animal not indigenous to the Township; incapable of being completely domesticated; requiring the exercise of art, force, or skill to keep it in subjection; or that a person is prohibited from possessing by law. Wild or exotic animals shall include, but not be limited to, the following:
- a. Alligator and crocodile (family)
  - b. Badger
  - c. Bear
  - d. Bird (wild)
  - e. Cat (wild family)
  - f. Wolf or coyote
  - g. Deer (family)
  - h. Fish (biting and or poisonous)
  - i. Lemur
  - j. Marten
  - k. Opossum (family)
  - l. Primate (family)
  - m. Raccoon
  - n. Snake and other reptile (poisonous)
  - o. Skunk
  - p. Spider (poisonous)
  - q. Weasel (family)
  - r. Wild boar or swine (family)
15. **Appeal.** An entreaty or petition for a hearing or review of facts or actions in connection with the public enforcement of this Ordinance.
16. **Architectural Feature.** The architectural style, design, general arrangement, and components of the exterior surfaces of a building, including the type, color, and texture of building material(s), cornices, eaves, gutters, belt courses, sills, lintels, bays, ornaments, windows, doors, lights, and other surface or raised details and fixtures appurtenant to the building.
17. **Automobile Service and Repair.** See "**Motor Vehicle Repair Station**" and "**Motor Vehicle Service Center.**"
18. **Awning.** Any overhead protective structure that is constructed in such a manner as to allow pedestrians or vehicles to pass under.
19. **Balcony.** An exterior floor projecting from and supported by a structure without additional independent supports.
20. **Basement.** That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. This definition shall not apply to earth-bermed or earth-sheltered homes. A basement shall not be counted as a story except as provided for in the definition of "**Story.**" (see "**Basic Structural Terms**" illustration).

21. **Bed and Breakfast Inn.** A dwelling in which overnight accommodations are provided or offered for transient guests for compensation as an accessory use, including provisions for a morning meal for overnight guests only.
22. **Bedroom.** A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings.
23. **Berm.** See "Landscaping."
24. **Big Box.** A principal building designed, intended, or used by one (1) or more COMMERCIAL USES, as specified in Article 20.0 (Land Use Table), and with 50,000 square feet or more of ground floor area.
  - a. **Big Box COMMERCIAL USE.** A COMMERCIAL USE, as specified in Article 20.0 (Land Use Table) that occupies or is intended to occupy 50,000 square feet or more of ground floor area in a principal building.
25. **Block.** The property abutting one (1) side of a road and lying between the two (2) nearest intersecting roads; railroad right-of-way; alley; un-subdivided acreage; lake, river or stream; boundary lines of the Township; or any other barrier to the continuity of development (see "Block" illustration).
26. **Brewpub.** A restaurant or tavern (as defined within this Ordinance) licensed by the State of Michigan to produce and manufacture not more than 5,000 barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises, as provided for in MCLA 436.31b and 436.31c.
27. **Buffer, Transition.** A transitional land use for the purpose of limiting the impact of one land use on another (such as but not limited to a greenbelt, planting strip, undeveloped zone of defined width, or combination thereof) which is placed as a separating element between different land uses or between new development and abutting rural areas.
28. **Buffer, Wetland or Watercourse.** A land area of defined width consisting of or improved with native or natural vegetation, abuts a water course or wetland, and which is intended or designed to impact water temperature, reduce soil erosion, filter surface water runoff or intercept contaminants that would otherwise degrade water quality or wildlife habitat.
29. **Building.** A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, materials, equipment or similar items. This shall include tents, awnings or vehicles situated on private land and used for purposes of a building.
  - a. **Accessory Structure.** A structure or portion of a principal building, subordinate to and on the same premises as the principal building(s), the use of which is incidental to, customarily associated with, and subordinate to that of the principal building and use. Accessory structures shall include garages, garden equipment sheds, small greenhouses, and swimming pools (see "Accessory Structure" illustration).
  - b. **Principal Building.** A building or, where the context so indicates, a group of buildings, which are permanently affixed to the land and which are built, used, designed, or intended for the shelter or enclosure of the principal use of the parcel.



- c. **Building Setback.** The line parallel to the front lot line or road right-of-way line that defines the separation distance required from the road right-of-way or front lot line.
30. **Building Envelope.** The portion(s) of a lot located outside of all road and other rights-of-way, utility and other easements, and required perimeter yard setback areas. The building envelope shall not include any areas determined to be unbuildable due to soil conditions, slopes, wetlands or other factors (see "**Building Envelope**" illustration).
31. **Building Line.** The line formed by the junction of the plane of the outer surface of the building with the plane of the finish grade or surface of the adjoining ground (see "**Accessory Structure**" illustration).
32. **Building Authority.** The person or persons designated by the Township to administer and enforce the State Construction Code.
33. **Bulk.** The size and setback of a building or structure and the location of same with respect to another building or structure or to a lot line and includes the following:
- a. the size and height of a building or structure;
  - b. the location of the exterior wall of a building in relation to a lot line, street or other building;
  - c. the floor area of a building in relation to the area of the lot on which it is located;
  - d. the open spaces allocated to and surrounding a building; and
  - e. the amount of lot area per dwelling unit.
34. **Cabaret.** See "**Cocktail Lounge.**"
35. **Caliper-inch.** The measurement of the diameter of a tree trunk. The caliper of a multiple-trunk tree is determined by the full caliper of the largest trunk plus half the caliper of the other trunks.
36. **Car Wash.** A commercial establishment contained within a building or premises or portion thereof where the exterior or interior of automobiles, trucks or other motor vehicles or recreational vehicles are automatically or manually cleaned.
37. **Carport.** A partially open accessory structure and shelter for housing of vehicles. Such structure shall comply with all yard requirements applicable to private garages.
38. **Child Day Care Home.** See "**Day Care Center.**"
39. **Cemetery.** Land used for the burial of the dead, including columbiums and mausoleums.
40. **Certificate of Zoning Compliance.** Authorization given by the Township to use land or structures for uses permitted under this Ordinance; to erect, construct or alter structures in conformity with this Ordinance; or to maintain or conduct other specified activities permitted by this Ordinance. This term is synonymous with the term "**Zoning Permit.**"
41. **Church, Temple, Place of Worship or Religious Institution.** A type of institutional use or site used for the regular assembly of persons, for the conducting of religious services, and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on

the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition. See also "**Institutional Uses.**"

42. **Civic Club.** A type of institutional use or organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.
43. **Clinic, Medical.** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.
44. **Cocktail Lounge.** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar mechanical amusement devices. Also known as a "**Night Club.**"
45. **Commercial Vehicle.** Any motor vehicle or trailer whose characteristics are described below:
  - a. Used for the transportation of passengers for hire;
  - b. Constructed or used for the transportation of goods, wares, or merchandise for hire or sale;
  - c. Designed and used for carrying, towing, or pulling other vehicles;
  - d. A commercial vehicle capable of attaching to and propelling semi-trailers and similar units, and which is not customarily operated without an attached trailer;
  - e. A semi-trailer unit customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone, including trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures, any of which above units exceeds twelve (12) feet in height;
  - f. A cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than eight (8) inches;
  - g. Construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, and similar vehicles; and
  - h. Any vehicle that has or requires commercial license plates.
46. **Common Land.** A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners or occupants of individual building units in a subdivision or a planned unit development.
47. **Composting.** A controlled process of degrading compostable organic material by microorganisms.
  - a. **Compostable Material.** Compostable or organic matter and material shall include typical yard wastes and clippings, such as and limited to leaves, grass

clippings, vegetable, garden, or agricultural plantings debris, shrubbery or brush, weeds, tree trimmings less than four (4) feet in length and two (2) inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, animal waste, sewage sludge, or garbage.

- b. **Composting Methods.** Composting may be achieved by several methods:
  - (1) **Mechanical.** A method in which the compost is continuously and mechanically mixed and aerated;
  - (2) **Ventilated cell.** Compost is mixed and aerated by being dropped through a vertical series of ventilated cells; and,
  - (3) **Windrow.** An open-air method in which compostable material is placed in windrows, piles, or ventilated bins or pits and occasionally turned or mixed. The process may be anaerobic or aerobic, however, for purposes of this Ordinance only aerobic is permitted. Furthermore, sheet composting is not permitted.
  - (4) **Sheet Composting.** The composting of material that is spread in a thin layer over a large surface area on the ground in a sheet-like manner.
- c. **Composting Facility.** Those structures and spaces necessary for the operation of a composting facility. Such support services shall be devoted exclusively to the facility to which they are adjacent.

48. **Conditional Use.** See "Use, Conditional."

49. **Condominium.** A condominium is a system of separate ownership of individual units or multiple-unit projects according to the state Condominium Act. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

- a. **Condominium Act.** Act 59 of the Michigan Public Acts of 1978, as amended.
- b. **Condominium Conversion.** A condominium project containing condominium units that were occupied before the establishment of the condominium project.
- c. **Condominium Master Deed.** The condominium document recording the condominium project as approved by the Township, including attached exhibits, and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan.
- d. **Condominium Subdivision Plan.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of the Condominium Act.
- e. **Condominium Unit.** The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit or any other type of use.
- f. **Contractible Condominium.** A condominium project from which any portion of the submitted land or building may be withdrawn per provisions of the condominium documents, this Ordinance, and the Condominium Act.

- g. **Convertible Area.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
  - h. **Expandable Condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
  - i. **General Common Element.** The common elements other than the limited common elements intended for the common use of all co-owners.
  - j. **Limited Common Element.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
  - k. **Site Condominium.** All allocation or division of land permitted under the Condominium Act, which permits single-family detached housing pursuant to a master deed.
  - l. **Site Condominium Project.** A condominium project designed to function in a similar manner or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.
  - m. **Site Condominium Lot.** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio. Condominium setbacks shall be measured as described below:
    - (1) **Front Yard Setback.** The distance between the public road right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the district shall equal two hundred percent (200%) of the minimum required setback for the zoning district, and shall be measured from the nearest pavement edge to the foundation of the unit.
    - (2) **Side Yard Setback.** The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two (2) units shall be double the side yard setback required in the zoning district.
    - (3) **Rear Yard Setback.** The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development rear yards setbacks shall be measured as the distance between the rear building line and the rear site (lot) line or where lot lines are not defined, the space between the rear building lines of two (2) buildings shall be double the rear yard setback required in the zoning district.
50. **Congregate Housing:** See "**Senior Housing.**"
51. **Convalescent Home:** See "**Senior Housing.**"

52. **Construction.** The mass grading and similar site work conducted upon land in preparation for a new use, establishment of necessary site improvements for a new use, and development of a new structure, relocation of a structure, or addition to an existing structure on land in the Township.
53. **Convenience Store.** A retail store designed to attract a large volume of stop-and-go customer traffic, and stocked primarily to sell food, beverages, and other household supplies to customers who purchase only a relatively few items per visit.
54. **Corner Clearance Zone or Area.** A triangular area, formed at an intersection of road rights-of-way by a straight line drawn from one right-of-way line to the other at points set a specific distance from the intersection point.
55. **Cul-de-Sac.** A dead-end public or private road that terminates in a circular or semicircular section of road that allows for vehicle turnaround.
56. **Curb Cut.** The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.
57. **Day Care Center.** A non-residential facility, as licensed by the State of Michigan, receiving one (1) or more adults or preschool or school age children for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian. This includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. This shall not include a facility or program operated by a religious organization where children are cared for while their parents or guardians attend associated religious services. This facility is also described as a childcare center, day nursery, nursery school, parent cooperative preschool or drop-in center.
  - a. **Adult Day Care Facility.** A facility which provides daytime care for any part of a day but less than 24 hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.
  - b. **Family Child Day Care Home.** A private residential dwelling, as licensed by the State of Michigan, in which up to six (6) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the resident family by blood, marriage or adoption.
  - c. **Group Child Day Care Home.** A private residential dwelling, as licensed by the State of Michigan, in which up to twelve (12) children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian except children related to an adult member of the resident family by blood, marriage or adoption.
58. **Dealership.** A building or premises used primarily for the sale or rental of new and used motor vehicles, recreational vehicles, or trucks.
59. **Deck.** A platform, commonly constructed of wood, which is typically attached to a dwelling unit, and which is typically used for outdoor leisure activities.
60. **Demolition.** An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.
61. **Density.** The number of dwelling units per net acre of land.

62. **Detention basin.** A facility designed for holding stormwater runoff for a limited period before releasing it to a natural watercourse.
63. **Development.** The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the site work conducted upon land in preparation for a new use. See also "**Construction.**"
64. **Development Agreement.** An agreement, as required under this Ordinance, entered into between the Township and the owner(s)/developer(s) of any property upon which a residential, commercial, industrial, or other land use is to take place.
65. **Diameter Breast Height (D.B.H.).** The diameter of a tree measured in inches at four and one-half (4½) feet above the existing ground level.
66. **Distribution Center.** A use which typically involves both warehouse and office/administrative functions, where short- and/or long-term storage takes place in connection with the distribution operations of a wholesale or retail supply business.
67. **District.** A portion of the Township within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under this Ordinance. This term is synonymous with the term "**Zoning District.**"
68. **Downshielded.** See "**Lighting.**"
69. **Drive-In Establishments.** A food service business establishment that provides facilities or spaces for the purpose of serving patrons food and non-alcoholic beverages in or momentarily stepped away from their motor vehicles.
70. **Drive-Through Lanes or Establishments.** Facilities or spaces for the purpose of serving patrons from a window or booth while in their motor vehicles, rather than within a structure.
71. **Driveways.** A hard-surfaced access connecting parking space for motor vehicles with a road or alley, and permitting ingress and egress of a motor vehicle.
72. **Dwelling.** A residential unit providing complete, independent living facilities for one (1) family, including permanent living, sleeping, cooking, eating, and sanitation facilities.
  - a. **Apartment.** A suite of rooms or a room in a multiple-family or commercial building arranged and intended as a place of residence for one (1) family or a group of individuals living together as a single housekeeping unit.
  - b. **Accessory Dwelling.** A dwelling unit for one (1) family located within a principal building occupied by a permitted use in the district, with separate and individual kitchen, bath and toilet facilities, and a separate and distinct private entrance. Examples may include a caretaker's residence, resident manager's dwelling unit, "mother-in-law" apartment, and residence for security personnel, as permitted in the district.
  - c. **Efficiency Apartment.** A dwelling unit with a bathroom and principal kitchen facilities designed as a self contained unit for living, cooking, and sleeping purposes, and having no separate designated bedroom.
  - d. **Attached Dwelling.** A dwelling unit attached to one (1) or more dwelling units by common major structural elements.

- e. **Detached Dwelling.** A dwelling unit that is not attached to any other dwelling unit by any means.
  - f. **Manufactured Dwelling.** A building or portion of a building designed for long-term residential use and characterized by all of the following:
    - (1) The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended.
    - (2) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities.
    - (3) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
  - g. **Modular Dwelling.** A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport.
  - h. **Multiple Family Building.** A building divided into apartments, townhouses or stacked flats and designed for residential occupancy by three (3) or more families and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for three (3) or more families.
  - i. **Site Built Dwelling.** A dwelling unit that is substantially built, constructed, assembled, and finished on the lot intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of precut materials, and paneled wall, roof and floor sections where such sections require substantial on-site assembly and finishing.
  - j. **Single-Family Dwelling.** A building designed exclusively for residential occupancy by not more than one (1) family.
  - k. **Stacked Flats Building.** A building occupied by three (3) or more families, where dwellings are divided by party walls in the horizontal plane and floor-ceiling assemblies in the vertical plane. Each dwelling unit is capable of individual use and maintenance, and access, utilities, and service facilities are independent for each dwelling.
  - l. **Townhouse.** A dwelling in a multiple-family building that is divided from the dwelling adjacent to it by a party wall extending the full height of the building. Each townhouse dwelling shall be capable of individual use and maintenance, and access, utilities, and service facilities shall be independent for each dwelling.
  - m. **Two-Family or Duplex Dwelling.** A building designed exclusively for residential occupancy by two (2) families, where dwellings are divided by party walls in the horizontal plane or floor-ceiling assemblies in the vertical plane.
73. **Earth-Sheltered Home.** A complete building partially below grade that is designed to conserve energy and is intended to be used as a single-family dwelling.
74. **Easement.** A grant of one (1) or more of the property rights by a property owner to or for use by the public or another person or entity.

75. **Elderly Housing.** See "**Senior Housing.**"
76. **Enforcement Official.** The person or persons designated by the Township to be responsible for enforcing and administering this Ordinance. The Enforcement Official may be referred to as the **Building Inspector, Zoning Administrator, Township Planner, Township Engineer,** or their agents. Such titles do not necessarily refer to a specific individual, but rather indicate the office to which the person or persons may hold.
77. **Erect.** To build, construct, reconstruct, move, attach, hang, place, suspend, affix, paint or undertake any physical operation on the premises required for development of a building, sign, site or structure; including, but not limited to construction, grading, excavations, fill, and drainage activities.
78. **Essential Services.** The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems or collection, communication, supply or disposal systems therewith that are reasonably necessary for the furnishing of adequate service for the general health, safety and welfare.
- a. Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this Ordinance.
- b. Wireless communication facilities, wind energy conversion systems (WECS), private community wastewater treatment and disposal systems (PCWS), and utility buildings and storage yards shall not be considered essential services under this Ordinance.
79. **Excavation.** Any act by which an amount in excess of fifty (50) cubic yards of any soil or rock which is cut into, dug, quarried, uncovered, removed, displaced, or relocated in any calendar year is excavated or removed except excavation in connection with the construction of a building or within public highway rights-of-way.
80. **Extraction Operation.** Any pit, excavation or mining operation for the purposes of searching for or removing any earth, sand, gravel, clay, stone or other non-metallic mineral in excess of 50 cubic yards per calendar year. The term shall not include an oil well or excavation preparatory to the construction of a structure, road or pipeline.
81. **Exception.** An exclusion from the normal Zoning Ordinance rules and regulations allowed by the Zoning Board of Appeals under certain conditions.
82. **Exotic Animals.** Include a specific animal or breed of animal that has been introduced within an area that is not common or communal to existing species in an area and can be considered alien to animals normally adapted to an area. Animals of this nature that can or may be hazardous to human health or safety or the environment are prohibited.
83. **Facade.** The vertical plane of the exterior surface of a building, including all visible architectural, decorative, and structural features.
84. **Family.** Means either of the following:
- a. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity (blood), marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.



b. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond that constitutes the functional equivalent of the bonds that render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by appeal of the Zoning Administrator’s determination to the Zoning Board of Appeals, subject to the standards of this Ordinance for such appeals.

85. **Farm-Based Tourism Activities.** Activities accessory to an active farming or agricultural operation that promote agriculture, rural lifestyle, or farm product sales; preserve rural open space; enhance the local agricultural economy; expand the range of revenue sources from agriculture; improve understanding and knowledge of agriculture among non-farmers; and/or diversify the types of farm products available to consumers. Such activities may include but are not limited to agricultural festivals and events, farm-based attractions, corn mazes, farm markets, wineries, cider mills, and farm-based educational centers.

86. **Farm Market.** A principal or temporary use that may include the sale of agricultural, horticultural, or aquacultural farm products including but not limited to perennials, annuals, bulbs, herbs, fruits, vegetables, seeds, mulch, dried flowers, honey, and similar products.

87. **Farm Products Direct Marketing Business.** A business operation accessory to an active farm operation for sales, trade, and delivery of farm produce, herbs, flowers, seeds, fruits, vegetables, Christmas trees, and other agricultural products directly to the end user, but which does not include an on-site store or retail sales to the general public. Examples: direct sales and deliveries of fruits and vegetables to area restaurants; and cooperatives with regular deliveries of produce in season to co-op owners.

88. **Farming and Active Agricultural Uses.** See also “Agriculture.”

a. **Farm.** The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings, including forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine, and other similar animals and products.

(1) Farms shall not include establishments for keeping or raising fur-bearing animals, private riding arenas or boarding stables, kennels, or greenhouses; except where such RURAL USES are permitted by this Ordinance.

(2) A farm permitted by this Ordinance is not intended nor implied to permit storage or use of the site for trucking, equipment, vehicle repairs or sales, contractor yards, stump removal or processing, snow removal businesses, lawn maintenance businesses or any other activities other than those RURAL USES permitted by this Ordinance or incidental to the active agricultural use.

- b. **Farm Structures.** Any structure constructed, maintained, and used on a farm, and which is essential and customarily used for agricultural operations, including barns, silo, granary, milkhouse, and similar structures, but not including any building used as a dwelling.
  - c. **Farm Labor Housing.** Facilities provided for the housing of workers who are employed in the seasonal planting, harvesting, or processing of crops, animal husbandry, and related agricultural purposes.
  - d. **Feed Lot.** Includes any of the following facilities:
    - (1) any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail; and
    - (2) any structure, pen, or corral wherein cattle, horses, sheep, goats, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.
  - e. **Livestock or Farm Animals.** Animals used for human food and fiber or animals used for service to humans, including cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Farm animals do not include companion animals, such as dogs and cats, which are capable of being trained and adapting to living in a human environment.
89. **Fence.** Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this Ordinance; or for decorative use.
90. **Filling.** Filling shall mean the depositing or dumping of ground, soil, gravel, stone or fill dirt, except common household gardening, farming, and general ground care of a residential or agricultural character.
91. **Fixed costs and expenses.** Monetary charges incurred by the Township that are generally shared by all functions performed under the authority of this Ordinance, including costs for telephone, copy services, supplies, equipment, utilities, per diem-hourly-salary expenses, facility construction, maintenance and repair, postage, and publication.
92. **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of Inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.
- a. **Flood, 100-Year.** A flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year.
  - b. **Floodplain.** Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. Determinants of a floodplain are as follows:
    - (1) That area which typically is adjacent to a river, stream, or other body of water, and is subject to flooding from a 100-year flood.
    - (2) Principal estuary courses of wetland areas that are part of the river flow system.
    - (3) Contiguous areas paralleling a river, stream, or other body of water that exhibit unstable soil conditions for development.

93. **Floor Area.** The sum of the gross horizontal floor areas of the several stories of a building, as measured to the exterior face of the exterior walls, plus that area, similarly measured of all other stories that are accessible by a fixed stairway, ramp, escalator, or elevator; including all enclosed porches and balconies, and all stairways, breezeways, storage areas, recreational rooms, boiler rooms, and other areas within or contiguous to the structure. The measurement shall include the floor space of all accessory buildings measured similarly.
94. **Floor Area Ratio.** The ratio of the floor area of a building to the area of the lot on which it is located, calculated by dividing the floor area by the lot area and expressing it as a percentage. For example, if a floor area ratio of eighty percent (80%) is specified and the lot area is 10,000 square feet, the maximum permitted floor area on the lot is 8,000 square feet. Subject to the provisions of this Ordinance regarding height and story limitations, the building area may be 4,000 square feet for each of two (2) stories, 2,000 square feet for each of four (4) stories, or 1,000 square feet for each of eight (8) stories.
95. **Foster Family Home.** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
96. **Foster Family Group Home.** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
97. **Frontage.** A linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way line, or at the front yard setback line for lots on cul-de-sacs.
98. **Garage.** An accessory structure that is used for storage and maintenance of occupant-owned motor vehicles as an accessory use.
99. **Garbage.** Refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables; including spoiled food, dead animals, animal manure and fowl manure.
100. **Garden Center.** An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, landscaping materials, and equipment.
101. **Golf Course or Country Club.** The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course or country club.
- a. **Par-3 Golf Course.** A golf course consisting of shortened fairways, typically no longer than 200 yards. Par-3, eighteen-hole golf courses typically occupy 50 to 60 acres.
102. **Grade.** A reference plane representing the average of the finished ground level adjoining the building at all exterior walls established for the purpose of regulating the number of stories and the height of buildings. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

- a. **Grade, Average.** The arithmetic average of the lowest and highest-grade elevations in an area within five (5) feet of the foundation line of a structure.
  - b. **Grade, Finished.** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.
  - c. **Grade, Natural.** The elevation of the ground surface in its natural state, before construction begins.
103. **Greenbelt.** See "**Landscaping.**"
104. **Greenhouse.** A glass or similar transparent or translucent structure in which plants are grown that need protection from cold weather.
- a. **Residential Greenhouse.** A greenhouse structure accessory to a single-family dwelling in which plants are grown by the dwelling occupants for personal use or other activities permitted in the zoning district.
105. **Ground Floor Coverage (GFC).** The total ground floor area of the principal and all accessory buildings, divided by the net lot area, both areas being in the same unit of measure, and expressed as a percentage. The term is commonly referred to as GFC.
106. **Groundwater.** Water stored in, and slowly filtering through, geologic formations.
107. **Groundwater Recharge Area.** A land surface and subsurface with limited filtering and purification capabilities and of high permeability that readily permits water to move downward into an aquifer to a depth where it is likely to be tapped by wells.
108. **Growth Management Plan.** See "**Master Plan.**"
109. **Height.** The vertical distance measured from the grade of the building to the top of the highest roof beams of a flat roof, to the deck line for mansard roofs and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average grade of the terrace at the building wall. When a building faces on more than one road, the height shall be measured from the average of the grades at the center of each road front (see "**Building Height**" illustration).
110. **Hazardous Materials.** Pursuant to the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended), "hazardous substance" shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act (P.A. 93 of 1981, as amended):
- a. Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, welfare, or the environment, considering the fate or final disposition of the material, dose-response toxicity, or adverse impact on natural resources.
  - b. "Hazardous substance" as defined in the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510, 94 Stat. 2767).
  - c. "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).

- d. "Petroleum" as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).
- 111. **Historic resource.** A publicly or privately owned structure or site that is at least 50 years old, or is significant in the history, architecture, archaeology, engineering, or culture of the Township, county or state.
- 112. **Hobby.** An incidental activity, not meeting the definition of a home occupation, carried on by the occupant of the premises for personal enjoyment, amusement or recreation; where the articles produced or constructed are not sold, other than incidental sales.
- 113. **Home Occupation:** Any business, occupation or activity undertaken for compensation within a dwelling or accessory structure on the same lot that is incidental and secondary to the use of the lot and structures for residential purposes.
  - a. **Home Office.** A type of home occupation in which work for compensation may include receiving or initiating telephone calls, mail, facsimiles or electronic-mail; preparing or maintaining business records; word or data processing; and similar activities.
- 114. **Hospital.** An institution providing in-patient or out-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time, plus such accessory uses as laboratories, educational facilities, food services, and staff offices.
- 115. **Hotel or Inn.** One or more buildings containing individual living or sleeping units primarily designed as temporary quarters for transient guests.
- 116. **Improvements.** Those features and actions associated with a project which are considered necessary to protect natural resources or the health, safety and welfare of the residents of the Township, and future users or inhabitants of the proposed project or project area; including parking areas, landscaping, roadways, lighting, utilities, screening, and drainage. Improvements do not include the entire project subject to zoning approval.
- 117. **Ingress and Egress.** Used in this Ordinance in reference to a driveway that allows vehicles to enter or leave a parcel of property, or to a sidewalk that allows pedestrians to enter or leave a parcel of property, a building, or another location.
- 118. **Institutional Uses.** The following specific uses of an educational, social, or religious character, as defined or used in this Ordinance:
  - a. Public and private elementary and secondary schools, business schools or private schools operated for profit, and institutions for higher education.
  - b. Auditoriums, theaters, concert halls, and similar places of assembly.
  - c. Libraries, museums, and similar centers for cultural activities.
  - d. Churches, temples, and other places of worship.
  - e. Post offices.
  - f. Private clubs, fraternal organizations, and lodge halls.
- 119. **Junk.** Building debris, scrap material, or any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

120. **Kennel.** Any building, lot or premises where five (5) or more dogs or cats over twelve (12) weeks of age are kept, or any structure, lot or premises where animals are kept or housed for remuneration.
121. **Laboratory.** A facility devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.
122. **Land Division Act:** Act 288 of the Michigan Public Acts of 1967, as amended.
123. **Landscaping.** The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping-related terms are defined as follows:
- a. **Berm.** A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.
  - b. **Groundcover.** Low-growing perennial plants that form a dense, extensive growth after one (1) complete growing season, and that tend to prevent weeds and soil erosion.
  - c. **Hedge.** A row of closely planted shrubs or low growing trees which commonly form a continuous visual screen, boundary, or fence.
  - d. **Screen or Screening.** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier.
  - e. **Shrub.** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.
  - f. **Sod.** An area of grass-covered surface soil held together by matted roots.
  - g. **Tree.** A self-supporting woody, deciduous, or evergreen plant with a well-defined central stem which normally grows to a mature height of 15 feet or more in Washtenaw County, Michigan. Types of trees are defined as follows:
    - (1) **Deciduous Tree.** A variety of tree that has foliage that is shed at the end of the growing season.
    - (2) **Evergreen Tree.** A variety of tree that has foliage that persists and remains green throughout the year.
    - (3) **Ornamental Tree.** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of about 25 feet or less.
    - (4) **Shade Tree.** For the purposes of this Ordinance, a shade tree is a deciduous tree which has a mature crown spread of 15 feet or greater in Washtenaw County, Michigan, having a trunk with at least five (5) feet of clear stem at maturity.
  - h. **Vine.** A plant with a flexible stem supported by climbing, twining, or creeping along the surface, and which may require physical support to reach maturity.

124. **Landscaping and Maintenance Operation.** A COMMERCIAL USE that is characterized by the use of trucks, trailers, grading equipment, and tree-moving equipment for installation of plants, soils, and other landscaping materials at off-site locations, or for ongoing, regular maintenance of established off-site landscaping improvements. This use may also include on-site retail sales of plants, soils, and other landscaping materials; and storage and use of snow-removal equipment to remove snow from parking lots, driveways, streets, or sidewalks at off-site locations.
125. **Lighting.** The following definitions are related to lighting:
- a. **Downshielded.** The method by which light from an outdoor lighting fixture is directed at the surface to be lighted, using interior or exterior shields to prevent light, glare, or reflection from illuminating adjacent properties or the area above the height of the light fixture.
  - b. **Fixture.** The assembly that holds the lamp in a lighting system. The Fixture includes the elements designed to give light output control, such as a reflector, lens, ballast, housing, and attachments.
  - c. **Floodlight.** A fixture or lamp designed to direct light over a broad area.
  - d. **Footcandle.** Lumination produced on a surface one (1) foot from a uniform point source of one (1) candela, or when one (1) lumen is distributed into an area of one (1) square foot.
  - e. **Fully Shielded Fixture.** An outdoor lighting fixture shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.
  - f. **Glare.** An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.
  - g. **Lamp or Bulb.** The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). "Lamp" is often used to denote the bulb and its housing.
    - (1) **High Pressure Sodium (HPS) Lamp.** High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures.
    - (2) **Incandescent or Tungsten-Halogen Lamp.** A lamp that produces light by a filament heated to a high temperature by electric current.
    - (3) **LED Lighting.** A fixture or lamp that produces light by means of electricity transmitted through light emitting diodes.
    - (4) **Low Pressure Sodium (LPS) Lamp.** A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure.
    - (5) **Mercury Vapor Lamp.** A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.
    - (6) **Metal Halide Lamp.** A high-intensity discharge lamp where the light is produced by radiation from metal-halide vapors.

- h. **Laser Source Light.** An intense beam of light, in which all photons share the same wavelength.
  - i. **Light Pollution.** The illumination of the night sky caused by unshielded artificial light sources on the ground, typically causing a brightening of the night sky and diminished star visibility, due to the scattering of artificial light by aerosol particles (water droplets, dust, etc.).
  - j. **Light Trespass.** Light falling where it is not wanted or needed (also called spill light).
  - k. **Lumen.** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One (1) footcandle is equal to one (1) lumen per square foot. One lux is one lumen per square meter.
  - l. **Recessed Fixture.** An outdoor lighting fixture recessed into a structure so that the bottom of the fixture is flush with the ceiling or underside of the structure.
126. **Livestock.** See "Farming..."
127. **Loading Space, Off-Street.** Space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.
128. **Lot.** A parcel of land consisting of one (1) or more lots of record occupied or intended to be occupied by a principal building or use and any accessory structures, and having frontage upon a public or private road (see "**Corner, Interior & Double Frontage Lots**" illustration).
- a. **Corner Lot.** A lot located at the intersection of two (2) roads or a lot bounded on two (2) sides by a curving road, where any two (2) chords of which form an angle of 135 degrees or less.
  - b. **Double Frontage or Through Lot.** A lot other than a corner lot having frontage on two (2) more or less parallel roads.
  - c. **Interior Lot.** A lot other than a corner lot with only one (1) lot line fronting on a road.
  - d. **Zoning Lot.** A parcel or tract of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. "Single ownership" may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A zoning lot may consist of any one of the following:
    - (1) Single lot of record.
    - (2) Portion of a lot of record.
    - (3) Combination of lots of record, or portion(s) thereof.
    - (4) Condominium lot.
    - (5) Parcel or tract of land described by metes and bounds.



129. **Lot Area.** The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands, watercourses, and bodies of water. Also referred to as "**Gross Lot Area.**"
- a. **Net Lot Area.** Gross lot area minus any portions of the zoning lot located within dedicated rights-of-way, drainage easements or bodies of water.
130. **Lot Depth.** The mean horizontal distance measured from the front road right-of-way line to the rear lot line (see "**Yard Terms**" illustration).
131. **Lot Line.** Any line dividing one lot from another lot or from a road right-of-way or from any public place.
- a. **Front Lot Line.** The line separating a lot from a road right-of-way.
- (1) In the case of a private road that does not have a dedicated right-of-way, this line shall be parallel to and 33 feet back from the centerline of the roadway.
- (2) Where lots border upon a lake or river, the front lot line shall be designated as that line fronting on the water.
- (3) On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained
- b. **Rear Lot Line.** The boundary that is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed 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.
- c. **Side Lot Line.** Any lot line not a front lot line or a rear lot line.
132. **Lot Of Record.** A parcel of land that meets any of the following conditions:
- a. An existing lot or parcel of which the dimensions are shown on an approved final subdivision plat recorded with the Washtenaw County Register of Deeds and the Township Assessor;
- b. An existing lot or parcel of which the dimensions are shown on an approved condominium subdivision plan recorded with the Washtenaw County Register of Deeds and the Township Assessor;
- c. An existing lot or parcel of which the dimensions are described by metes and bounds, the accuracy of which is attended to by a land surveyor registered and licensed in the State of Michigan, recorded with the Washtenaw County Register of Deeds and the Township Assessor.
133. **Lot Split or Consolidation.** The dividing or uniting of lots by virtue of changes in the deeds recorded with the Washtenaw County Register of Deeds and the Township Assessor.
134. **Lot Width.** The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback line intersects the side lot lines (see "**Yard Terms**" illustration).
135. **Manufactured Housing Park.** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge

is made therefore, together with any building, structure, enclosure, road, equipment or facility used or intended for use incident to the occupancy of a manufactured or mobile home, subject to the rules and requirements of the Mobile Home Commission Act, Public Act 96, of 1987, as amended (MCLA 139.2301 et seq.) and the Manufactured Housing Commission General Rules.

- a. **Manufactured Home.** See "**Dwelling.**"
  - b. **Manufactured Home Site.** An area within a mobile home park that is designated for the exclusive use of a specific mobile home.
136. **Manufacturing.** The process of making products by hand, by machinery, or by other agency, often with the provision of labor and the use of machinery.
  137. **Massage Therapist.** An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation or successor organizations.
    - a. **Therapeutic Massage.** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.
  138. **Master Plan.** The adopted comprehensive future land use and growth management plan for Freedom Township, including any portions, supplements or amendments to such plan, and consisting of graphic and written text indicating the Township's development goals and objectives, planned future uses of all lands in the Township, general location for roads and other transportation infrastructure, public and community facilities, parks and recreation facilities, agriculture and open space preservation areas, and all physical development..
  139. **Mezzanine.** An intermediate or fractional story between the floor and ceiling of any story occupying not more than one-third (1/3) of the floor area of such story (see "**Basic Structural Terms**" illustration).
  140. **Michigan Planning Enabling Act.** Act 33 of the Michigan Public Acts of 2008, as amended. This statute is the successor to the former Township Planning Act, Act 168 of the Michigan Public Acts of 1959, as amended.
  141. **Michigan Zoning Enabling Act.** Act 110 of the Michigan Public Acts of 2006, as amended. This statute is the successor to the former Township Zoning Act, Act 184 of the Michigan Public Acts of 1943, as amended.
  142. **Mixed Use.** A structure or project containing residential and nonresidential uses.
  143. **Motion Picture Cinema:** See "**Theater.**"
  144. **Motor Home.** See "**Recreational Vehicle.**"
  145. **Motor Vehicle Fueling Station.** A place used for the retail sale and dispensing of fuel together with the fixed equipment from which the fuel is dispensed directly into motor vehicles.
  146. **Motor Vehicle Repair Station.** An enclosed building where minor and major motor vehicle repair services may be carried out.

- a. **Major Repair.** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; and similar servicing, rebuilding or repairs.
147. **Motor Vehicle Service Center.** A place where motor oil and lubricants are sold directly to the public on the premises for the purposes of operation of motor vehicles; including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and minor repair of motor vehicles.
- a. **Minor Repair.** Engine tune-ups and servicing of brakes, air conditioning exhaust systems; oil change or lubrication; wheel alignment or balancing; steam cleaning, undercoating and rust-proofing; or similar servicing or repairs that do not normally require any significant disassembly.
148. **Natural Area.** A land area or body of water which is generally not occupied by structures, roads, or other manmade elements, and which contains flora, fauna, biotic, geologic or other similar features having scenic, educational, or scientific value to residents. An area may be considered "natural" even though excavation, filling or other similar activity may have previously occurred.
149. **Natural Features.** Include, but are not limited to, soils, wetlands, floodplains, water bodies and channels, groundwater recharge areas, topography, hedgerows, trees and other types of vegetative cover, and geologic formations.
150. **Night Club.** See "Cocktail Lounge"
151. **Noise.** Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- a. **A-weighted sound level.** The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read may be designated dB(A).
- b. **Day-night average sound level.** The 24 hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased by ten (10) dB(A) before averaging.
- c. **Emergency.** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.
- d. **Impulsive sound.** Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharge of firearms.
- e. **Noise disturbance.** Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.
- f. **Noise sensitive zone.** An area that contains noise-sensitive activities such as but not limited to schools, libraries, churches, hospitals, and convalescent or nursing homes.
- g. **Pure tone.** Any sound that can be distinctly heard as a single pitch, or a set of single pitches.

- h. **Sound.** An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.
  - i. **Sound level.** The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network (for the purposes of this ordinance an A-weighted network), as specified by the *American National Standards Institute*.
  - j. **Vibration.** An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.
152. **Nonconformities:**
- a. **Cease.** To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this Ordinance, would prevent the use from being resumed.
  - b. **Nonconforming Lot.** A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located.
  - c. **Nonconforming Sign.** See **Signs**.
  - d. **Nonconforming Site.** A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current Ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.
  - e. **Nonconforming Structure.** A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and Township laws ordinances, regulations and codes.
  - f. **Nonconforming Use.** A use that lawfully occupied a parcel of land or structure and land in combination at the effective date of this Ordinance or amendments thereto that does not conform to the use regulations of the district in which it is located or does not have special use approval, where provisions of this Ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and Township laws ordinances, and regulations.
  - g. **Unlawful Structure.** A structure or portion thereof, which is not a conforming or a nonconforming structure or is not in compliance with all applicable federal, state, county and Township laws ordinances, regulations and codes.
  - h. **Unlawful Use.** A use that occupies one or more contiguous parcels of land or structures and land in combination, which is not a conforming or a nonconforming use or is not in compliance with all applicable federal, state, county and Township laws ordinances, regulations and codes.
153. **Noxious.** An element creating an impact that may interfere with the enjoyment and use of property, including smoke, odors, noise, vibration, glare or heat.
154. **Nuisance.** Any offensive, annoying, or disturbing emission, practice, or object, which prevents the free use or comfortable enjoyment of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves

continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endanger life and health.

155. **Nursery.** The use of land or greenhouses to grow plants intended to be transplanted for use in agriculture, forestry, or landscaping; or a space or structure where live trees, shrubs, or other plants used for gardening and landscaping are propagated, stored, or otherwise prepared for off-site installation.
- a. The definition of nursery does not include the on-site retail sale of fruits, vegetables, Christmas trees, soils, or landscape materials.
  - b. The definition of nursery does not include ongoing regular maintenance of established landscape improvements, or storage or use of snow-removal equipment to remove snow from parking lots, driveways, streets, or sidewalks at off-site locations. See also "**Landscape and Maintenance Operation.**"
156. **Nursing Home.** See "**Senior Housing.**"
157. **Obscene Material.** As defined in the State of Michigan Public Act 343 of 1984; any "material" [as defined in MCL752.362.2(4), as amended] found to be "obscene" [as defined in MCL752.362.2(5), as amended].
158. **Occupancy or Occupied.** The purpose for which a building or part thereof is used or intended to be used. The term "occupied" includes "arranged," "designed," "built," "altered," "converted to," "rented," "leased" or "intended to be inhabited."
159. **Occupancy Load.** The maximum capacity of a structure or building space, expressed in the number of individuals normally permitted to occupy the structure or building space.
160. **Open Air Business.** Any business that is conducted primarily out-of-doors. Unless otherwise specified by this Ordinance, "open air business" shall include:
- a. Retail sales of garden supplies and equipment, including but not limited to trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
  - b. Various commercial outdoor recreation uses, including, but not limited to tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
  - c. Outdoor display and sale of garages, swimming pools, playground equipment, and uses.
161. **Open Space.** All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state or similar use.
- a. **Conservation easement.** A legal agreement and a conveyable interest in land in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or a public body.
    - (1) A conservation easement provides limitation on the use of land or a body of water or development of structures or site improvements.
    - (2) A conservation easement defines the responsibilities of all parties for retaining or maintaining the land or body of water predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.

- (3) A conservation easement may require or prohibit certain acts on or with respect to the land or body of water.
  - (4) Also see definition of "conservation easement" in Section 2140 of the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended)].
  - b. **Development rights.** The rights to develop land to the maximum intensity of development authorized by law.
  - c. **Greenway.** A contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature preserves, cultural features, or historic sites with each other, for recreation and conservation purposes.
  - d. **Restrictive covenant.** An agreement between two or more parties to a written instrument establishing limitations on the use and enjoyment of interests in real property.
  - e. **Undeveloped state.** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be dedicated to the use of the public.
162. **Outdoor Sales or Display.** The placement or exhibition of products or services on a lot outside of a building. See also "**Open Air Business.**"
163. **Outdoor Storage.** An open area where goods, equipment, merchandise, components awaiting assembly, finished products, building materials, and similar items are kept or stored for use on-site or later distribution or shipment off-site. The term does not include uses established entirely within enclosed buildings, motor vehicle storage or dismantling yards or drop-off stations for recyclables.
164. **Outdoor Motor Vehicle Storage or Dismantling Yard.** An open area used for any of the following purposes:
- a. Purchase, sales, exchange, storage, disassembly or handling of used parts of motor vehicles.
  - b. Any business and any place of storage or deposit which includes two (2) or more motor vehicles that are unfit for reconditioning or use on the public highways or used parts of motor vehicles, but excluding vehicles in operable condition specially adapted or constructed for racing, and vehicles retained by the owner for antique collection or transportation.
  - c. Where waste, used or secondhand material is bought and sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles, glass, cordage, and other waste, used or secondhand material.
  - d. This facility is also described as a junkyard, wrecking yard or automobile scrap yard, and includes any area of more than 200 square feet for storage, keeping or abandonment of junk.
  - e. "Motor vehicle storage or dismantling yard" does not include uses established entirely within enclosed buildings and drop-off stations for residential recyclables.

165. **Outlot.** A parcel of land designated on a site plan for future development.
166. **Parcel.** See "Lot."
167. **Park.** Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts or otherwise intended for active or passive recreational pursuits.
168. **Parking Lot.** A facility located outside of the road right-of-way providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided for unrestricted access and egress.
- a. **Parking Space.** A space set aside for the sole purpose of parking an automobile on a temporary basis.
169. **Pavement Or Hard Surface.** Plant-mixed bituminous material, concrete, brick, masonry pavers or similar durable materials approved by the Township.
170. **Pawnshop.** A business that offers monetary loans in exchange for personal property given as security to the pawn broker by the recipient of the loan.
171. **Performance Guarantee.** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development.
172. **Permitted Use.** See "Use."
173. **Person.** An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.
174. **Pet.** See "Animal, Domestic."
175. **Planning Commission.** The Planning Commission for Freedom Township, Washtenaw County, Michigan, as authorized by the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act.
176. **Plat.** A map or chart of a subdivision of land.
177. **Pond.** A small man-made body of water developed for the personal use of the property owner and maintained by surface water runoff, groundwater or a public or private water distribution system.
178. **Porch.** A stoop, terrace or similar un-enclosed (other than mesh screening and any necessary structural supports or architectural or safety features) exterior structure, with or without a roof, that serves as an entrance to a structure and a transition zone between indoor and outdoor areas.
179. **Pool or Billiard Hall.** An establishment wherein a substantial or significant portion of all usable area is devoted to the use of pool or billiard tables.
180. **Premises.** A single zoning lot or multiple adjacent lots under common ownership occupied by a single principal use or integrated principal uses that are not separated by intervening roads, alleys, utility or railroad rights-of-way or other interruptions.
181. **Private Community Wastewater System (PCWS).** A facility for the transportation, collection, processing or treatment of sanitary sewage which is owned by a non-governmental entity and which is proposed to service more than one structure. The PCWS shall be deemed to include any individual septic tanks, pumps, lines and

appurtenances serving each residence, in addition to the community drainfield and treatment system.

182. **Principal Use.** See "Use."
183. **Property Line.** The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also "Lot Line."
184. **Pub.** See "Brewpub" and "Tavern."
185. **Public Utility.** See "Utility, Public."
186. **Publicly Owned and Operated Sanitary Sewerage System.** A Sanitary Sewer System owned and operated by the Township, another municipality, or a municipal-owned, multi-jurisdictional public agency.
187. **Quarry.** See "Extraction Operation."
188. **Recognizable and Substantial Benefit.** A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of a nonconforming use or structure.
189. **Recreation Area.** Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, fishing or other recreational purposes.
190. **Recreational Facility, Indoor.** A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.
191. **Recreational Facility, Outdoor.** A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.
192. **Recreational Vehicle.** A vehicle which is self-propelled or permanently towable by motor vehicle; designed primarily for use as temporary living quarters, or for recreational, camping, travel or seasonal use; and required by Michigan law to have a valid vehicle registration when traveling upon public roads. Recreational vehicles shall include the following:
- a. **Boats and Boat Trailers.** Motorized or floatation equipment which may be used on the water, plus the normal equipment used to transport the same on the highway. "Boats and "boat trailers" shall include jet skis and other personal watercraft, floats, rafts, and similar devices and equipment.
  - b. **Folding Tent Trailer.** A folding structure, mounted on wheels and designed for travel and vacation use.



- c. **Motor Home.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle, built on a single chassis of 400 square feet or less, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.
  - d. **Pickup Camper.** A portable dwelling designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.
  - e. **Travel Trailer.** A portable dwelling built on a single chassis of 400 square feet or less, constructed to be towed on its own chassis, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.
  - f. **Horse Trailer.** A structure, mounted on wheels and designed primarily to be used for the transportation of horses.
  - g. **Snowmobiles, Motorcycles or All-Terrain Vehicles (ATV).** Motorized vehicles designed primarily for recreational travel or off-road use.
  - h. **Utility Trailers.** A vehicle used to transport boats, motorcycles, snowmobiles, go-carts, and similar devices and equipment.
193. **Recycling Collection Facility.** A location or operation for the collection and temporary storage of recyclable material intended for transportation to a processing center, or for reclamation, repair, and re-use.
194. **Repair and Maintenance, Ordinary.** Any work to correct deterioration or decay of or damage to a structure or site improvement, which is intended to restore the structure or site improvement to its original condition, as nearly as feasible. Ordinary repair and maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair.
195. **Restaurant.** Any establishment whose principal business is the sale and serving of food and beverages to the customer in a ready-to-consume state that is open regularly for the service of food to customers for compensation, and whose design and method of operation include suitable seating for customers or a service counter for carry-out orders; adequate and appropriate commercial kitchen and food storage facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night; and serving of food and beverages by a restaurant employee at the table where such items will be consumed or at the counter where such items are ordered.
- a. **Carry-Out Restaurant.** Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose design and method of operation include:
    - (1) Food and beverages are usually served in edible containers or in paper, plastic or other disposable containers.
    - (2) The consumption of food and beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities in the premises outside the restaurant building is posted as being prohibited, and the restaurateur strictly enforces such prohibition.
  - b. **Restaurant, Drive-In.** Any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state, and whose design and method of operation include:

- (1) Food and beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means that eliminates the need for the customer to exit the motor vehicle.
  - (2) The consumption of food and beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed, encouraged or permitted.
- c. **Drive-Through Restaurant.** A restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.
196. **Retail Stores and Retail Sales.** A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares or merchandise for direct consumption (not for resale) directly to the consumer and completely within an enclosed building.
  - a. Such goods, wares or merchandise shall include appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items.
  - b. Included in this definition are convenience stores, department stores, variety stores, supermarkets, and wholesale club stores.
  - c. Also included in this definition are mail-order sales, Internet sales and similar activities, provided such activities are accessory to the principal use of retail sales to the customer in the building.
  - d. This definition includes secondhand stores but does not include pawnshops as defined in this Section.
  - e. This definition does not include temporary uses, temporary outdoor display or sales areas or adult entertainment uses and sexually-oriented businesses.
197. **Retention Basin.** A pond, pool, or basin used for the long-term storage of water runoff.
198. **Rezoning.** The amendment of this Ordinance to change the Official Zoning Map classification on land from its existing district to a new district classification.
199. **Riding Arena or Stable, Private.** All stables and facilities for the private rearing, schooling, breeding or housing of horses, mules, ponies and similar equine riding animals, which may include private boarding of one (1) or more equine riding animals by the property owner in exchange for monthly, seasonal or annual compensation from the animal's owner(s).
200. **Riding Stable, Public or Commercial.** All stables and facilities regularly accessible to the general public for the rearing, schooling, riding, driving, and housing of horses, mules, ponies and similar equine riding animals available or intended for public lessons, riding academies, hire on a per diem, hourly or weekly basis, or similar use by the public.
201. **Right-Of-Way.** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied, or occupied by, a road, utility, and other similar uses.
202. **Right to Farm Act:** Act 93 of the Michigan Public Acts of 1981, as amended.

203. **Road.** A public or private thoroughfare or way, other than public alley, which affords principal means of access to adjacent land.
204. **Roadside Stand.** A temporary building or structure accessory to any RURAL USES and operated for the purpose of selling natural, unprocessed produce, firewood from the property, and other farm products created, raised or produced on land which is part of the same principal RURAL USES. A roadside stand shall not make a commercial district, nor shall its use be deemed a commercial activity.
205. **Room.** For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room and bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one (1), two (2) or three (3) bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.
206. **Sanitary Sewer System.** Facilities for transportation, collection, processing, or treatment of sanitary sewage serving or intended to serve more than one principal dwelling unit, principal use, or principal building; including all treatment and disposal facilities, pumps, lines, lift stations, and appurtenances. See also "**Private Community Wastewater System (PCWS)**" and "**Publicly-Owned and Operated Sanitary Sewer System.**"
207. **Screen.** See "**Landscaping.**"
208. **Secondhand Store.** A retail store for the sale of secondhand clothing, secondhand furniture, or secondhand household goods. This definition shall not include antique stores, bookstores, pawnshops, or junkyards.
209. **Self-Storage Warehouse.** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.
210. **Senior Housing.** An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily 55 years of age or older. Housing for the elderly may include:
- a. **Assisted Living Facility.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance.
  - b. **Congregate or Interim Care Housing.** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
  - c. **Convalescent or Nursing Home.** A home for the care of two (2) or more children, the aged or infirm persons suffering serious or chronic bodily disorders, which may be licensed under applicable state laws.
  - d. **Dependent Housing Facilities.** Facilities such as convalescent homes and nursing homes that are designed for older persons who need a wide range of health and support services, including personal nursing care.
  - e. **Elderly Housing.** A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older.

- f. **Senior Apartments.** Multiple-family dwelling units intended to be occupied by persons 55 years of age or older.
- 211. **Separate Ownership.** Ownership of a lot wherein the owner does not own adjoining lot(s). Such ownership may include dual or multiple ownership by a partnership, corporation or other group, provided that any number of contiguous lots of record may be considered as a single lot of record, for the purpose of this Ordinance.
- 212. **Setback.** The minimum horizontal distance required to exist between any building line and all adjacent lot boundaries or road rights-of-way (see "**Yard Terms**" illustration).
  - a. **Parking Lot Setback.** The minimum horizontal distance between the road right-of-way or lot line and the near edge of pavement in an off-road parking lot.
  - b. **Required Setback.** The minimum horizontal distance between a front, rear or side lot line and a building line required to comply with required yard provisions of this Ordinance.
- 213. **Shopping Center.** A group of commercial establishments, primarily consisting of retail uses, that are compatible with each other and are mutually supportive, in one (1) or more buildings, on a site that is planned, developed, and managed as one (1) operating unit, with common driveways, parking areas, identification signs, and other common facilities and services.
- 214. **Sign.** Any surface, fabric, device, display, structure, fixture, placard, or similar visual medium, including all component parts, which bears writing, representations, emblems, graphic designs, logos, trademarks, pictorial forms, sculptured matter or any figures of similar character or the purpose of conveying information, or informing or attracting the attention of persons. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices.

Unless otherwise indicated, the definition of "sign" includes interior or exterior signs that are visible from any public road, sidewalk, alley, park or public property, but not signs that are primarily directed at persons within the premises where the sign is located.

- a. **Abandoned Sign.** A sign accessory to or associated with a use that has been discontinued or terminated for more than 180 days.
- b. **Accessory Sign.** A sign that pertains to the principal use of the premises.
- c. **Billboard or Non-Accessory Signs.** Signs that do not pertain to the principal use of the premises, or that advertises businesses, products, services, facilities or events not sold, distributed or furnished on the premises on which the sign is located. Also referred to as "outdoor advertising," or "off-premises signs."
- d. **Building-Mounted Sign.** A display sign that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature.
  - (1) **Awning Sign.** A sign that is painted or printed on, or attached to an awning or canopy.
  - (2) **Building Directory.** A wall sign where individual occupants of a building whose space is not located on the street level façade may display information directing visitors to their portion of the building.
  - (3) **Nameplate.** A small wall sign accessory to the address numbers of a building for the purpose of identifying the building, occupants or uses.

- (4) **Projecting Sign.** A display sign attached to or hung from a structure projecting from and supported by the building, and extending beyond the building wall, building line or road right-of-way line.
  - (5) **Wall Sign.** A sign painted on, or attached parallel to the exterior surface of a building wall, door, window or related architectural feature and extending not more than two (2) feet from the wall with no copy on the sides or edges.
  - (6) **Window Sign.** A sign affixed to or installed inside a window so as to be observable from the exterior of the building.
- e. **Clearance.** The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.
  - f. **Color Value.** The perception of an internally illuminated color's lightness or darkness or a description of the overall intensity or strength of the light through the illuminated color, expressed as a ratio or percentage.
    - (1) **Saturation.** The dominance of hue in the color, expressed as a percentage of the dominant wavelength to other wavelengths in the color.
  - g. **Damaged Sign.** A sign or supporting structure that is torn, defaced, dented, smashed, broken, vandalized or destroyed.
  - h. **Decorative Display.** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
  - i. **Ground Sign.** A freestanding sign supported by one or more columns, uprights or braces in the ground surface, or mounted directly to a base with no clearance between the established grade and the bottom of the sign.
  - j. **Noncombustible Material.** Any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
  - k. **Nonconforming Sign.** A sign which was erected legally, but which is not in compliance with current Ordinance provisions for signs. The definition of "nonconforming sign" shall not include any sign located within a road right-of-way, or any sign that is missing necessary structural and functional components.
  - l. **Roof Sign.** Any sign erected or maintained on or above the roof of the building, or that extends above the roofline.
  - m. **Sign Area.** The gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy or surface of any internally-illuminated sign, awning or canopy. Such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.
  - n. **Signable Area.** The area of the street level portion of a principal building's front facade wall, including doors and windows, facing a public road where the address or primary public entrance is located.
  - o. **Sign Copy.** Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame,

tower or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.

- (1) **Animated Copy.** Sign copy that flashes, moves, revolves, cycles or is otherwise altered or changed by mechanical or electrical means at intervals of less than once per minute.
  - (2) **Changeable Copy.** Moveable letters or other forms of sign copy, not including animated copy, which can be altered by manual, mechanical or electrical means without replacing the sign copy area, at intervals of once per minute or longer.
- p. **Sign Height.** The vertical distance measured from the average grade at the sign location to the highest point of the sign.
- q. **Site Entry Feature with Signage.** A sign located at the entrance to a residential development, industrial park or similar development for the purpose of identifying an entrance, defining a gateway or creating a common identity for the development.
- r. **Temporary Sign.** Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.
- (1) **Banner.** A temporary sign made of fabric or other non-rigid material with no enclosing framework.
  - (2) **Festoons.** A string of ribbons, tinsel, small flags or pinwheels.
  - (3) **Inflatable Sign.** Any air filled or gas filled object tethered to a fixed location and used as a means of directing attention to any business, profession, commodity, service, product or entertainment.
  - (4) **Portable Sign.** A type of temporary sign not permanently affixed to the ground or structure and consisting of two vertically-oriented sign faces linked at the top by hinges or similar devices and forming an inverted "V" shape when displayed. Also referred to as a "sandwich board" sign.
- s. **Unlawful Sign.** A sign for which no valid permit was issued by the Township at the time such sign was erected or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.
- t. **Unsafe Sign.** A sign that is not properly secured, in danger of falling or otherwise in a condition that is hazardous to the public health, safety or welfare.
215. **Single-Family Housing.** See "**Dwelling, Single-Family.**"
216. **Site Condominium.** See "**Condominium.**"
217. **Site Plan.** A plan showing all salient features of a proposed development, as required by pertinent portions of this Ordinance, so that it may be evaluated to determine whether it meets the provisions of this Ordinance and the Growth Management Plan.
218. **Slopes.** Any rise in the height of a topographic land surface over a distance of 100 feet, in which one end or side is at a higher level than another. See also "**Steep Slopes.**"

219. **Special Event.** An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit community group, organization, club, or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment and which is open to the public. Special events typically run for a short period of time [less than two (2) weeks] and are unlike the customary or usual activities generally associated with the property where the special event is to be located.
220. **Special Use.** See "**Use, Conditional.**"
221. **Specially Designated Distributor's Establishment.** A retail establishment consisting of less than 15,000 square feet of usable retail space, or any retail establishment where more than ten percent (10%) of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the state liquor control commission to distribute alcoholic liquor and operating in compliance with the Township's Liquor Control Ordinance, other than wine under twenty percent (20%) alcohol by volume, and beer, in the original package for consumption off the premises.
222. **Specially Designated Merchant's Establishment.** A retail establishment consisting of less than 15,000 square feet of usable retail space, or any retail establishment where more than ten percent (10%) of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the state liquor control commission to sell beer and/or wine for consumption off the premises and operating in compliance with the Township Liquor Control Ordinance.
223. **Stacked Flats.** See "**Dwelling, Stacked Flats Building.**"
224. **State Licensed Residential Facility.** A structure or facility constructed for residential purposes to provide resident services and 24 hour supervision or care for six (6) or fewer persons in need of supervision or care, or as licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (P.A. 218 of 1979, as amended) or Child Care Organizations Act (P.A. 116 of 1973, as amended).
225. **Steep Slopes.** A rise of 25 feet or more over a distance of 100 feet, or any existing slope of twenty five percent (25%) or greater.
226. **Story.** That part of a building, except a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it (see "**Basic Structural Terms**" illustration).
- a. A mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath, or, if the vertical distance from the floor next below the mezzanine to the floor above it is 24 feet or more.
- b. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is half than the vertical distance from the average grade to the ceiling.
227. **Story, Half.** An uppermost story lying under a sloping roof having an area of at least 200 square feet in area with a clear ceiling height of seven (7) feet six (6) inches. For the purposes of this ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.
228. **Street.** See "**Road.**"
229. **Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, aboveground swimming pools, radio towers, sheds,

signs and storage bins, but excluding sidewalks and paving on roads, driveways, parking areas and patios.

- a. **Temporary Structure.** A structure permitted to exist during periods of construction, special events, and other limited time periods.
230. **Subdivision Plat.** The division of a tract of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the Land Division Act (P.A. 288 of 1967, as amended), and the Freedom Township Subdivision Control Ordinance, as amended.
  231. **Swimming Pool.** Any structure or container located above or below grade designed to hold water to a depth of greater than two (2) feet and intended for swimming or bathing. A swimming pool is an accessory structure for purposes of this Ordinance.
  232. **Tavern.** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables, and other amusement devices.
  233. **Theater.** A building, room, or outdoor structure for the presentation of performances or motion pictures. For the purposes of this Ordinance, the following distinctions between various types of theaters shall apply:
    - a. **Motion Picture Cinema, Indoor:** An enclosed building used for presenting motion pictures, which are observed by paying patrons from seats within the building.
    - b. **Motion Picture Cinema, Outdoor:** A site used for presenting motion pictures, which are observed by paying patrons from their vehicles or an outdoor seating area.
    - c. **Live Theater:** The performance of dramatic literature by live actors or performers, which are observed by paying patrons from seats within the building.
    - d. **Outdoor Theater:** A site on which a live performance is staged, which is observed by paying patrons from an outdoor seating area.
  234. **Total Buildable Area.** An area calculated by subtracting from the gross site acreage, the areas comprised of existing and proposed right-of-ways and easements for public and private roads, flood plains, wetlands, and stream corridors, and lands to be purchased for public use. This is the area used to compute the allowable maximum density for an Open Space Preservation Residential Development.
  235. **Townhouses.** See "Dwelling, Townhouse."
  236. **Township.** Freedom Township, Washtenaw County, Michigan.
    - a. **Township Board.** The elected board of trustees for Freedom Township, Washtenaw County, Michigan.
  237. **Township Engineer.** The person, persons or firm designated by the Township to advise the Township on drainage, grading, paving, storm water management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or employee of the Township, or the responsibilities of this position may be divided between more than one (1) person or firm.



238. **Township Planner.** The person, persons or firm designated by the Township to administer and enforce this Zoning Ordinance on a day-to-day basis; provide staff support to the Township Board, Planning Commission or Zoning Board of Appeals; or advise the Township on community planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township, or the responsibilities of this position may be divided between more than one (1) person or firm.
239. **Tree Farm.** The use of land to grow live trees that are heeled in, not balled and bagged, and are intended to be transplanted or sold for use in agriculture, forestry or landscaping, but not including sales on the premises or storage of tree-moving, earth-moving, or related equipment outside of enclosed structures. See also "**Landscaping and Maintenance Operation**" and "**Nursery.**"
240. **Truck Terminal.** A structure to which goods, except raw or unprocessed agricultural products, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.
241. **Two-Family (Duplex) Dwellings.** See "**Dwelling, Two-Family or Duplex Dwelling.**"
242. **Undeveloped State.** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural land use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course or other exclusively commercial recreational uses, lot area within setbacks for each specific lot or land area dedicated as limited commons, but may include a recreational trail, picnic area, children's play area, greenway, or linear park.
243. **Use.** The purpose for which land or premises or a building thereon, is designed, arranged or intended or for which it is occupied maintained, let or leased.
- a. **Accessory Use.** A use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use or building of the premises.
  - b. **Conditional Use.** An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to insure that the use is compatible with other permitted uses in the district.
  - c. **Permitted Use.** A use permitted in each zoning district by right subject to site plan review approval.
  - d. **Principal Use.** The main or primary use of the land or structures; or an activity permitted by right in the district, subject to the requirements and standards of this Ordinance.
  - e. **Seasonal Use.** A temporary use permitted and regulated pursuant to this Ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to, the sale of Easter flowers or Christmas trees.
  - f. **Temporary Use.** A use permitted and regulated pursuant to this Ordinance for periods of time that are limited in duration as specified by this Ordinance.
244. **Use Groups.** All uses of land permitted by this Ordinance have been organized, for ease of use and convenience, into the following use groups based upon certain characteristics that the grouped uses may share:

- a. **RURAL USES.** These uses primarily involve the keeping, breeding or use of animals; production or distribution of produce and farm-related products; and associated uses of a rural character or intensity.
  - b. **RESIDENTIAL USES.** These uses primarily involve housing of various types and densities, and associated uses typically found in a residential neighborhood.
  - c. **OFFICE, SERVICE, AND COMMUNITY USES.** Community uses are public-owned or operated uses; uses of a not-for-profit nature; uses that involve benefits or services generally provided to a significant portion of the population; or uses that serve as focal or gathering points for the community. Office or service uses are private-owned or operated uses; or uses of a for-profit nature, such as personal service establishments, medical and professional offices, workshops and studios, and similar associated uses.
  - d. **COMMERCIAL USES.** These are uses of a generally for-profit nature, and may include retail sales, food service, entertainment, repair services and similar associated uses.
  - e. **INDUSTRIAL, RESEARCH, AND LABORATORY USES.** These are uses of a light manufacturing, research, warehousing or wholesaling character; or that involve compounding, processing, packaging, assembly, storage or treatment of materials.
  - f. **OTHER USES.** These are uses that, because of unusual character, intensity or nuisance factors, do not fit well into the preceding use groups.
245. **Utility, Private.** A person, firm, corporation or private entity duly authorized to furnish and furnishing, under federal, state or municipal regulations or franchise agreements, to the public: gas, steam, electricity, communication, telegraph or transportation. Such uses as wind energy conversion systems (WECS), community wells, private community wastewater treatment and disposal systems (PCWS), radio stations, and wireless communication facilities shall not be considered private utilities under this Ordinance.
246. **Utility, Public.** A governmental entity or municipal department, board or commission duly authorized to furnish and furnishing, under federal, state, or municipal regulations, electricity, gas, steam, communications, telegraph, or transportation to the public. Such utility shall be regulated by a governmental pricing structure, have the right of eminent domain, be a single entity as designated by Federal or State government to provide a specified service or product, and provide a service considered essential to a public need.
- a. Publicly owned and operated or municipal water distribution and sanitary sewer systems, and stormwater drainage facilities under the jurisdiction of the Washtenaw County Drain Commissioner, shall also be considered public utilities.
  - b. Such uses as wind energy conversion systems (WECS), community wells, private community wastewater treatment and disposal systems (PCWS), radio stations, and wireless communication facilities shall not be considered public utilities under this Ordinance.
247. **Variable Costs and Expenses.** Monetary charges incurred by the Township that do not meet the definition of fixed costs and expenses; including items which vary depending upon the scope of the project, such as advisory services from the Township Engineer, Township Planner, and other designated Township consultants, attorney fees, inspection costs, recording fees, and testing or laboratory costs.

248. **Variance.** A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals.
249. **Vehicle Shelter.** A temporary accessory structure consisting of metal, fabric, wood, plastic, fiberglass, or combination of similar materials and designed or intended for the short-term sheltering of a motor or recreational vehicle from weather conditions or solar radiation.
250. **Veterinary Clinic.** An office of a duly licensed veterinary professional for diagnosis, treatment, surgery and other veterinary care of domestic animals, horses, livestock and other animals.
251. **Viewshed.** The total physiographic area, composed of land, water, biotic, and other environmental and cultural elements, visible from one (1) or more fixed vantage points (such as a series of views along a roadway, or the view from the perspective of one riverfront dwelling).
252. **Wall.** A screening structure of definite height and location constructed of a masonry, concrete, rock or similar material.
253. **Warehouse.** A building used for short- and/or long-term storage in connection with production and marketing or in connection with manufacturing, freight handling, wholesaling, and retailing. See also "**Distribution Center**" and "**Truck Terminal**."
254. **Watercourse.** Any waterway including a river, stream, lake, pond or any body of surface water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.
255. **Water Supply System.** Facilities for collection, transportation, processing, or distribution of sanitary drinking water serving or intended to serve more than one principal dwelling unit, principal use, or principal building; including all potable water sources, treatment and purification facilities, pumps, lines, and appurtenances.
- a. **Publicly-Owned and Operated Water System.** A water supply system owned and operated by one or more governmental entities.
- b. **Community Well.** A water supply system serving more than one (1) dwelling that is owned by a non-governmental entity.
256. **Wetland.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps or marshlands. Wetlands shall also have one (1) or more of the following attributes:
- a. At least periodically, the land supports predominantly hydrophytes.
- b. The substrate is predominantly un-drained hydric soil.
- c. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.
257. **Wetland, Regulated.** Certain wetlands as regulated by the Michigan Department of Environmental Quality (MDEQ) or the Township's Wetland Ordinance.
258. **Wind Energy Conversion System (WECS).** Any device such as a wind charger, windmill, or wind turbine that converts wind energy to usable energy.

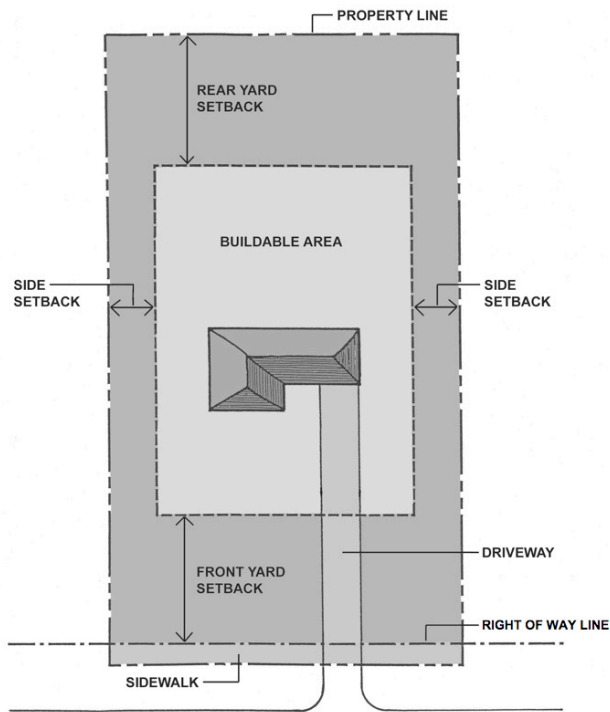
- a. **Agricultural WECS.** A WECS that is accessory to a permitted farm or agricultural operation, and is designed and built to serve the needs of the farm or agricultural operation.
  - b. **Private WECS.** A WECS that is accessory to a principal non-farm, non-agricultural use located on the same lot, and is designed and built to serve the needs of the principal use.
  - c. **Commercial WECS.** A WECS that is designed and built to provide electricity to the electric utility's power grid.
  - d. **Authorized Factory Representative.** An individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.
259. **Wireless Communications Facilities.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals including but not limited to radio and television transmission towers and antennae, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities.
- a. **Antenna(e).** Equipment used for the transmission or reception of wireless communication signals.
  - b. **Amateur Radio Antenna.** An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use. Also referred to as "ham radio antenna."
  - c. **Backhaul Network.** The lines, facilities, and equipment that connect a provider's towers or antennae to switching offices, long-distance providers or public-switched telephone networks.
  - d. **Collocation.** The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.
  - e. **Ground Equipment.** Equipment used in the operation of the facility, other than antennae or towers, and the structure or enclosure within which the equipment is stored, maintained, and serviced.
  - f. **Provider.** Entity that is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through wireless communications facilities.
  - g. **Satellite Dish Antenna.** An antenna structure designed to receive from or transmit to orbiting satellites.
  - h. **Tower.** A structure, and any support thereto, that is intended to hold apparatus which transmits or receives radio, television, pager, telephone, or similar communications, including self-supporting lattice towers, guyed towers, light poles, wood poles, or monopole towers. The term includes radio and television transmission towers and antenna arrays, microwave towers, common-carrier towers, cellular telephone and wireless Internet towers, alternative tower structures, and similar wireless communication antennae support structures.
260. **Yard.** An open space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line, and is unoccupied from the ground upward except as otherwise provided herein (see "**Yard Terms**" illustration).

- a. **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between any front lot line or road right-of-way and the nearest point of the principal building.
  - b. **Rear Yard.** The yard directly opposite the designated front yard; or an open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.
  - c. **Required Yard.** An open space or yard area that conforms to the requirements of this Ordinance for yard, setback or other open space requirements.
  - d. **Side Yard.** An open space extending from the front yard to the rear yard on the side of the principal building between the building and the side lot line, the width of which is the minimum horizontal distance between the side lot line and the nearest point of the principal building.
261. **Zoning Board of Appeals.** The board created pursuant to the provisions of this Ordinance and the Michigan Zoning Enabling Act to hear and decide appeals, variances, interpretations, and exceptions under this Ordinance.
262. **Zoning District.** See "District."
263. **Zoning Administrator.** The person(s) designated by the Township to administer and enforce the provisions of this Zoning Ordinance on a day-to-day basis.
264. **Zoning Permit.** See "Certificate of Zoning Compliance."

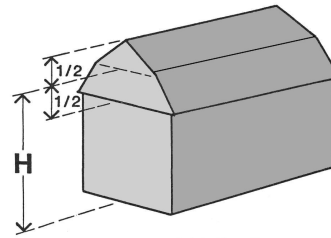
## **Section 2.04 Undefined Terms.**

Any term not defined herein shall have the meaning of common or standard use.

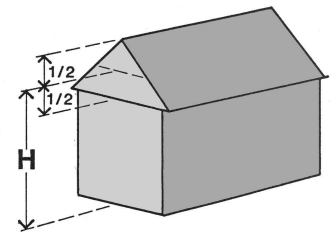
**ILLUSTRATIONS**



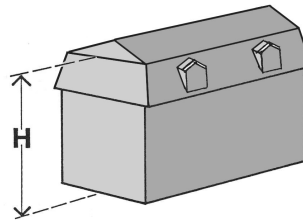
**Building Envelope**



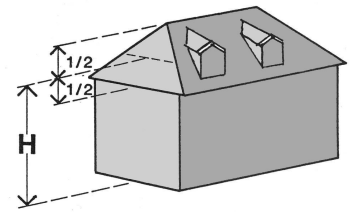
**GAMBREL**



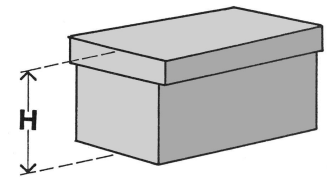
**GABLE**



**MANSARD**

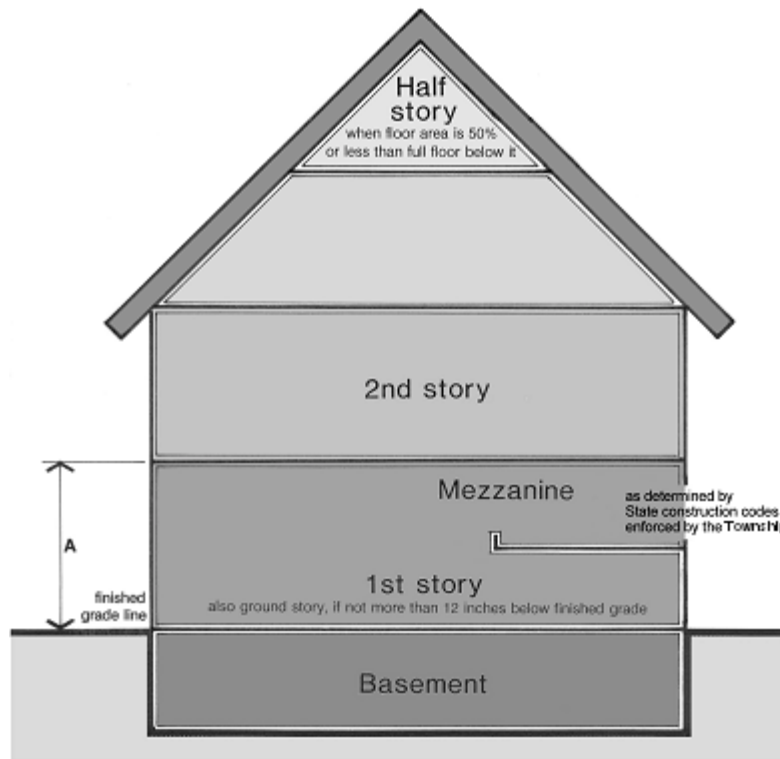


**HIP**



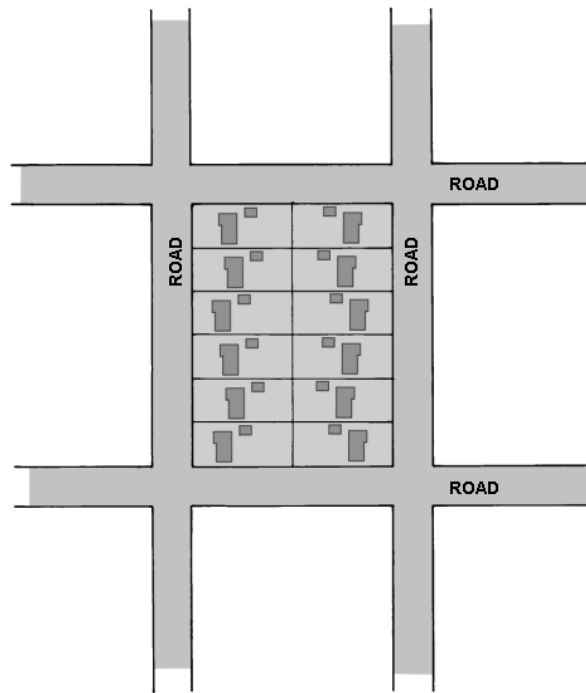
**FLAT**

**Building Height**

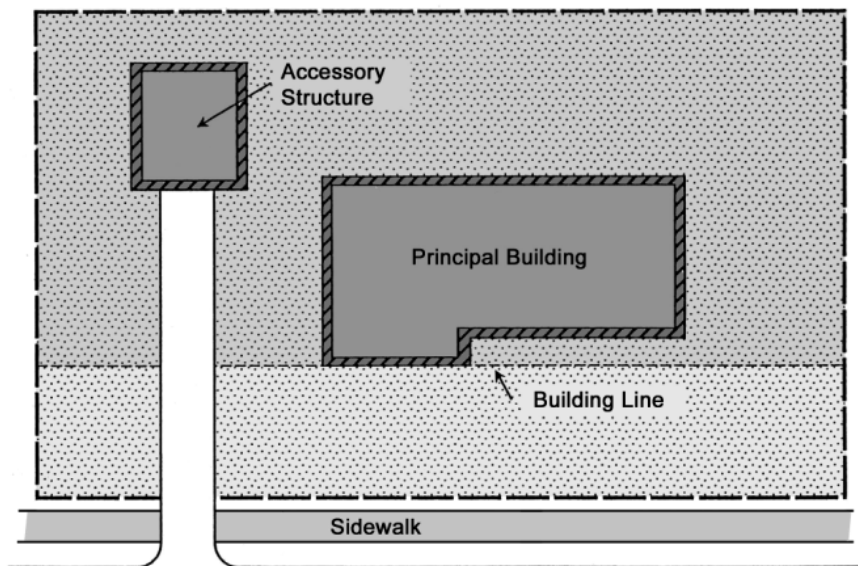


**Basic Structural Terms**

# ILLUSTRATIONS

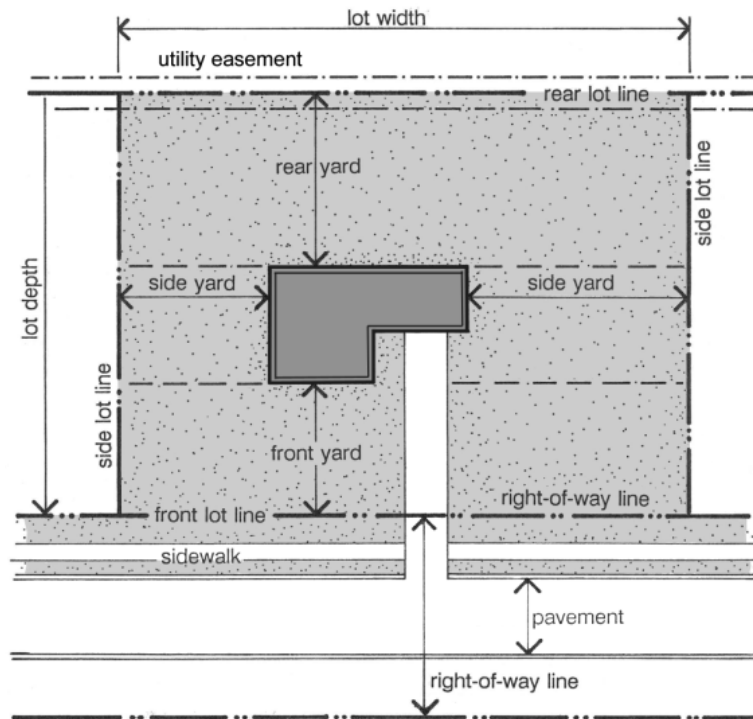


**Block**

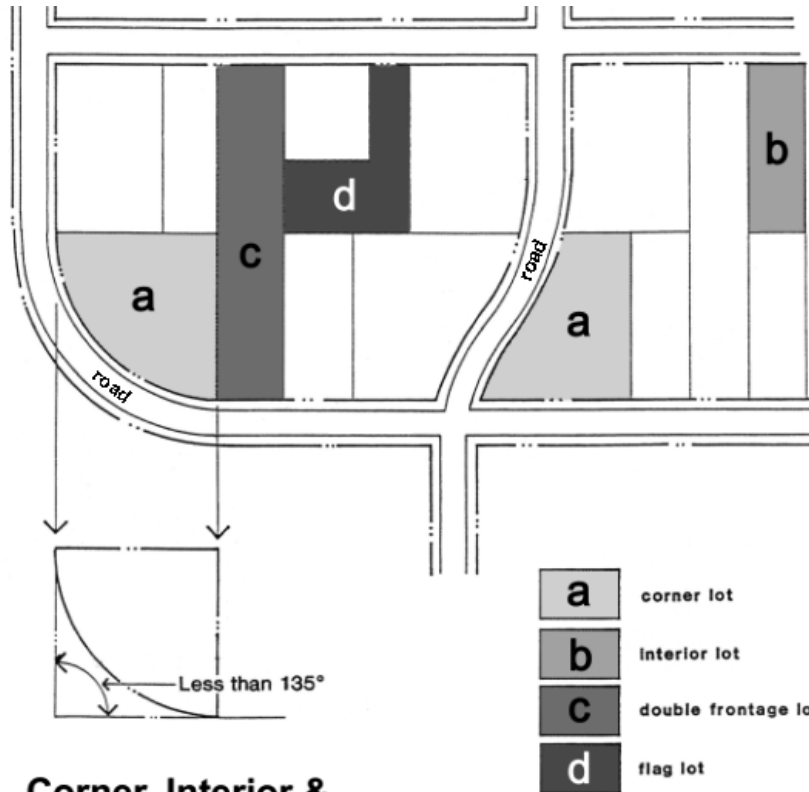


**Accessory Structure**

# ILLUSTRATIONS



## Yard Terms



## Corner, Interior & Double Frontage Lots



## ARTICLE 20.0 LEGAL CLAUSES

### Section 20.01 Adoption.

This Ordinance was adopted by the Freedom Township Board of Trustees, following compliance with all procedures required by the Michigan Zoning Enabling Act, at its regular meeting duly held on the fourteenth day of January, 2014, and ordered to be given publication in the manner prescribed by law.

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The Honorable Dale Weidmayer, Supervisor

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The Honorable Valisa Bristle, Clerk

### Section 20.02 Effective Date.

This Ordinance is hereby declared to be effective as of the first day of February, 2014, pursuant to the notice of adoption required under the Michigan Zoning Enabling Act. This Ordinance shall remain in full force and effect from this date forward unless repealed.

### Section 20.03 Severability.

Should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the section or provision so declared to be unconstitutional or invalid.

Should any court of competent jurisdiction declare the application of any provision of this Ordinance to any lot, structure, or use to be unconstitutional or invalid, such declaration shall not affect the application of said provision to any other lot, structure, or use not specifically included in said judgment.

### Section 20.04 Repeal of Previous Ordinances.

All previous zoning ordinances adopted by the Freedom Township Board of Trustees, and all amendments thereto, are hereby repealed as of the effective date of this Ordinance, together with all other ordinances or parts thereof that conflict with this Ordinance. However, no offense committed nor penalty incurred prior to the effective date of this Ordinance shall be affected or impaired.

Any prosecution pending at the time this Ordinance becomes effective may be tried and determined exactly as if such ordinance has not been repealed. Any prosecution started within 365 calendar days after the effective date of this Ordinance in consequence of any violation of any ordinance repealed herein, which was committed previous to the effective date of this Ordinance, may be tried and determined exactly as if such ordinance has not been repealed.

## **Section 20.05 Conflict With Other Laws.**

Where any condition imposed by any provision of this Ordinance upon the use of any lot 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 of any ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

This Ordinance is not intended to abrogate or annul any easement, covenant, deed restriction or any other private agreement, provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, deed restriction or any other private agreement, the provision of this Ordinance shall govern.

**FREEDOM TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
NOTICE OF ADOPTION OF NEW ZONING ORDINANCE**

Notice is hereby given that the Township Board for Freedom Township, Washtenaw County, Michigan adopted a comprehensive new Zoning Ordinance No. 43 regulating the development and use of land at a regular meeting on January 14, 2014.

A copy of the new Zoning Ordinance text and the Official Zoning Map may be purchased or inspected at the Township Hall (11508 Pleasant Lake Rd., Manchester, MI 48158) by appointment with the Township Clerk, Valisa Bristle, (734) 222-6399. The new Zoning Ordinance will also be posted on the Township's website at <http://twp-freedom.org>.

The adopted Zoning Ordinance shall become effective on February 1, 2014, unless referendum procedures are initiated under MCL 125.3402 within seven (7) days after publication of this notice of adoption. If referendum procedures are initiated, the ordinance shall take effect in accordance with MCL 125.3402.

Planning Commission Public Hearing: December 2, 2013

Township Board Adoption: January 14, 2014

Publication Date: January 23, 2014

Effective Date: February 1, 2014