



# Watertown Township Zoning Ordinance

Effective May 4, 2014

Amended through June 29, 2025

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# How to Use This Ordinance

## 1. CONTENT ORGANIZATION AND PAGE LAYOUT

The Zoning Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

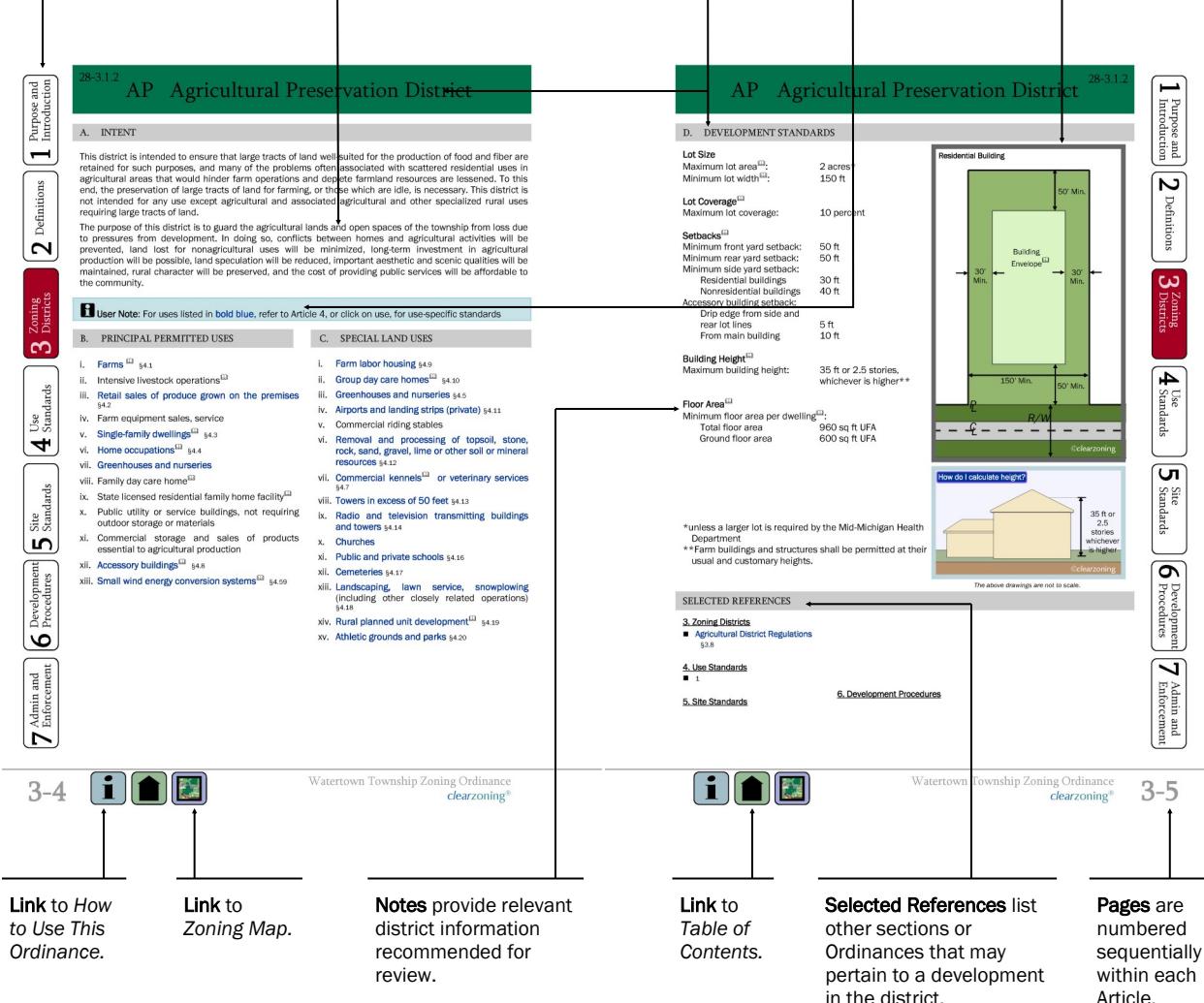
**Article Tabs** link to the first page of each Article. Red tab indicates the Article in which the current page is located.

**User Notes** provide helpful information for digital and hard copy formats. User Notes are always highlighted in blue.

**Sections and Subsections** contain the Ordinance regulations in a hierarchical manner.

**Blue bold font** links to standards in other sections of the Ordinance.

**Graphics, figures, and tables** illustrate concepts or clarify regulations.



# How to Use This Ordinance

## 2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Zoning Ordinance:

-  indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a  symbol. Consult Article 2, Definitions, for a list of all defined terms.)
-  indicates there is a graphic that illustrates the standard or requirement.
-  identifies a property line.
-  identifies the right-of-way centerline.
-  identifies the right-of-way.
-  identifies a **User Note** that provides helpful information for all users.
-  identifies a **Digital User Note** that provides helpful information for users with a digital version of the Zoning Ordinance.

# How to Use This Ordinance

## 3. READING THE ORDINANCE

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:

- Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Township Board, Planning Commission or Zoning Board of Appeals.
- Article 2, Definitions, contains over 120 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- Conjunctions are often used and must be read accurately:
  - AND indicates that all connected items, conditions, provisions or events shall apply.
  - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see [Section 2.1 Construction of Language](#).



### Digital User Note:

#### What is a link?

A link allows for quick reference to a relevant section. By 'clicking' a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the 'previous view' button in Adobe Acrobat Reader.



If you do not see the 'previous view' button on your Adobe Acrobat Reader screen, you can add it by turning on your 'page navigation toolbar'. For assistance, refer to the 'Help' menu in your version of Acrobat Reader.

#### What information is linked?

All **blue text** is linked to either another page within the Zoning Ordinance, a separate Township ordinance or document, or an external website.

In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:

1 Purpose and Introduction

2 Definitions



**Article tabs** located on the side of each page are linked to the Contents page of each Article.



R-2

R-3

VSC

**Icons** located at the bottom of each page are linked to the 'How to Use This Ordinance' section, the main Table of Contents, and the Zoning Map

How do I calculate height?

'How do I calculate height' button located on each district regulations page is linked to the definition of building height in Article 2.

AP Agricultural Preservation
AG Agricultural
RR Rural Residential
R-1 Single-family Residential
R-2 Two-family Residential

**Zoning Map Legend headings** are linked to the corresponding district regulations page in Article 3.

# How to Use This Ordinance

1. AP Agricultural Preservation District
2. AG Agricultural District
3. RR Rural Residential District
4. R-1 Single-Family Residential District
5. R-2 Two-Family Residential District
6. R-3 Multiple-Family District
7. VSC Village Service Center District
8. MHP Manufactured Home Park District
9. B-1 Local Business District
10. B-2 Business District
11. LI Light Industrial District
12. F-1 Floodplain District
13. LGR Looking Glass River Overlay District
14. GR Grand River Avenue Overlay District



## Digital User Note:

Click on a district heading to go directly to the corresponding district regulations.



# How to Use This Ordinance

## 4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use

A = Accessory Use

### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	AP	AG	RR	R-1	R-2	R-3	VSC	MHP
Accessory buildings	P	P	P	P	P	P	P	
Airports and landing strips	S	S						
Athletic grounds and parks	S	S	S	S	S	S	S	
Bed and breakfast establishments	P	P	P	S	S	S	P	
Campgrounds, public and private			S	S				
Cemeteries	S	S	S					
Churches	S	S	S	S	S	S	S	
Commercial storage and sales of products essential to agricultural production	P	S						
Condominiums, site and subdivisions				S	S			
Country clubs and golf courses			S	S				
Day care homes, family	P	P	P	P	P	P	P	
Day care homes, group	P	P	P	P	P	P	P	
Day care, commercial				S	S	S	S	
Dwellings, multiple-family							S	
Dwellings quadruplex						S		
Dwellings, single-family	P	P	P	P	P		P	
Dwellings, triplex						S		
Dwellings, two-family						P	P	P
Farm equipment sales and service	P	S	S					
Farm labor housing	S	S						
Farms	P	P	P					
Greenhouses and nurseries	P/S	P/S	P					
Home occupations	P	P	P	P	P	P		
Kennels, commercial	S	S	S				S	
Kennels, private			P	P				
Landscaping, lawn service, snowplowing	S	S	S					
Manufactured homes								P
Nursing homes							S	
Office buildings							P	
Personal service establishments							P	
Planned unit development, commercial							S	
Planned unit development, rural	S	S	S	S	S	S	S	

Continued on next page



# How to Use This Ordinance

## 4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use

A = Accessory Use



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	AP	AG	RR	R-1	R-2	R-3	VSC	MHP
Public utility or service buildings, not requiring outdoor storage or materials	P	P	P	P	P	P	P	
Radio and television transmitting buildings and towers	S	S	S					
Removal and processing of soil and other mineral resources	S	S	S					
Residential family home facility, state licensed	P	P	P	P	P	P	P	
Residential group home facility, state licensed					S	S	S	
Restaurants, not including drive-through							S	
Retail businesses							S	
Retail sales of produce grown on the premises	P	P						
Riding stables, commercial	S	S	S	S				
Roadside stands for sale of produce grown on the premises			A					
Schools, public and private	S	S	S	S	S		S	
Small wind energy conversion systems	P	P	P	P	P	P	P	
Tool and die								
Towers in excess of 50 ft	S	S	S	S				
Veterinary services		S					S	

Continued on next page



# How to Use This Ordinance

## 4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use

A = Accessory Use



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	B-1	B-2	LI	F-1	LGR	GR
Accessory buildings	P	P	P			
Accessory uses	P	P		P		
Adult uses			S			
Assembly buildings	S	S	S			
Athletic grounds and parks	S		P			
Banks & credit unions, including drive-through	S	S				
Banks & credit unions, not including drive-through	P	P				
Boat launches, public or private					S	
Body shops and wrecker services, including storage yards			S			
Campgrounds, public and private					S	
Country clubs and golf courses	S	S				
Day care, commercial	P	P				
Docks and piers				S		
Docks, private					A	
Hospitals, urgent care, private ambulance and outpatient surgery facilities		S	P			
Hotel and motel establishments		S				
Industrial plants			P			
Industrial plants, manufacturing of fabricated products			S			
Junkyards and salvage yards			S			
Landfills, sanitary and hazardous waste			S			
Landscaping, lawn service, snowplowing		S	P			
Manufactured homes						
Mini-storage units		S	P			
Mortuaries and funeral homes	S	S				
Nursing homes		S				
Offices, professional			P			
Offices, professional and business	P	P				
Open air businesses		S	S			
Open space uses				P		

Continued on next page

# How to Use This Ordinance

## 4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use

A = Accessory Use



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	B-1	B-2	LI	F-1	LGR	GR
Personal service establishments	P	P				
Planned unit development, commercial	S	S				
Planned unit development, rural						
Public buildings and public utility offices, but including storage yards, substations, or regulator stations	P	P				
Public buildings and public utility offices, with storage yards, substations, or regulator stations		S	P			
Removal and processing of soil and other mineral resources			S	S		
Research and development facilities			P			
Restaurants, including drive-through	S		P			
Restaurants, not including drive-through		P	P			
Retail businesses	S	P/S				
Riding stables, commercial			S			
Sales and storage of building materials		S	P			
Sales, building material without outdoor storage		P	P			
Schools, public and private						
Schools, trade or industrial			P			
Seasonal uses				S		
Service centers		S				
Small wind energy conversion systems	P	P	P			
Tool and die			S			
Towers in excess of 60 feet			S			
Truck and freight terminals, and maintenance facilities			S			
Uses in underlying district					P/S	P/S
Utility and communications installations			P			
Vehicle repair			S			
Vehicle service stations		S	S			
Vehicle wash establishments		S				
Warehousing			P			
Wholesale businesses			P			



# How to Use This Ordinance

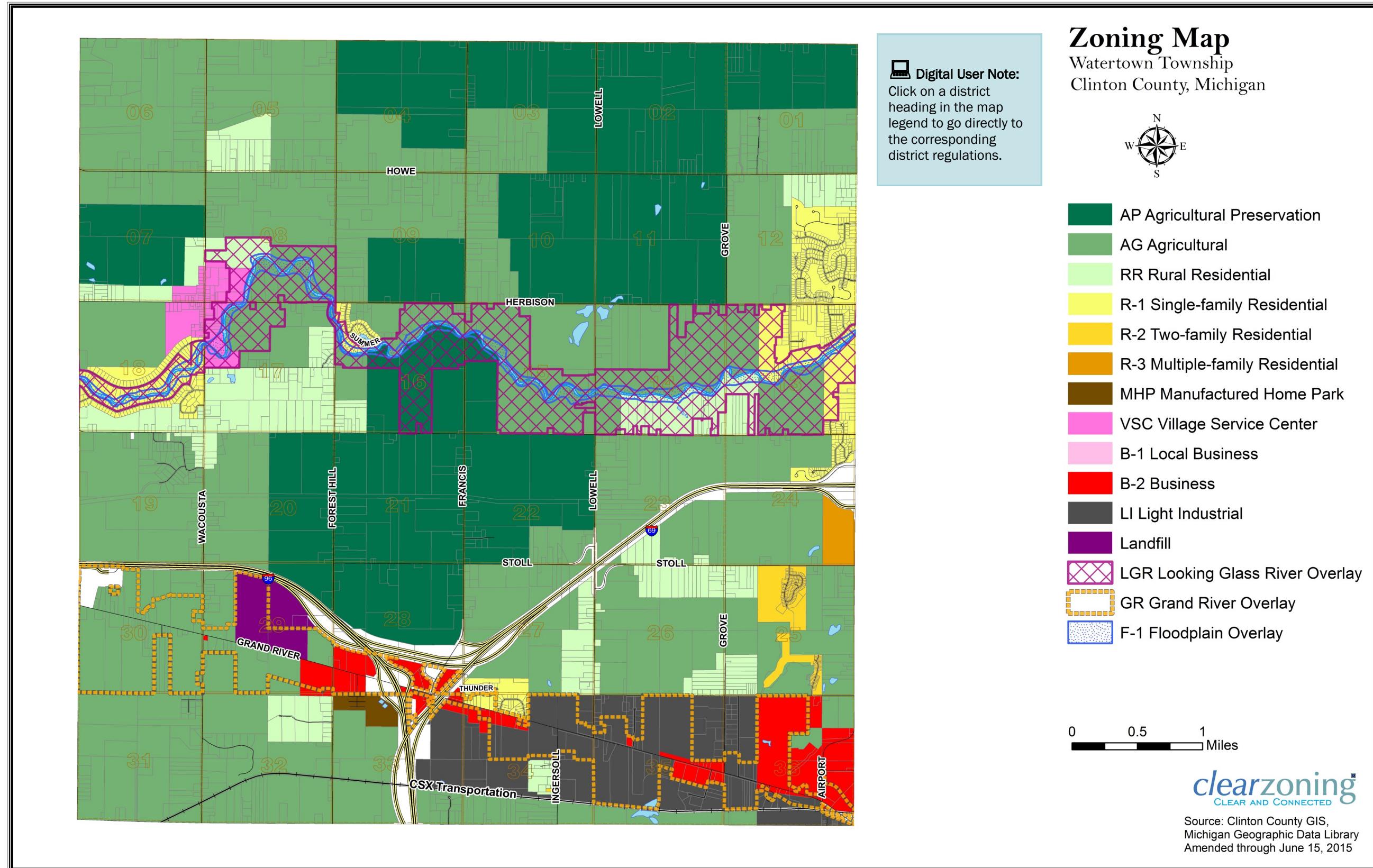
## 5. DISTRICT SUMMARY TABLE

Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below.

District Summary Table					
District	Minimum Lot Size	Minimum Lot Width (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
AP Agricultural Preservation	*	150	50	30 res. 40 non-res.	50
AG Agricultural	1 acre	150	50	30 res. 40 non-res.	50
RR Rural Residential	2 acres	165	50	30 res. 40 non-res.	50
R-1 Single-Family Residential	40,000 sq. ft no sewer 20,000 sq. ft with sewer	150 no sewer 100 with sewer	30	10 res. 20 non-res.	40
R-2 Two-Family Residential	40,000 sq. ft no sewer 20,000 sq. ft with sewer	150 no sewer 100 with sewer	30	10 res. 20 non-res.	40
R-3 Multiple-Family Residential	40,000 sq. ft two-family	150 two-family 250 multi-family	30	25 res. 30 non-res.	40
VSC Village Service Center	15,000 sq. ft. res. 20,000 sq. ft non-res.	85 res. 100 non-res	20 res 30 non-res.	15 res. 20 non-res.	20
MHP Manufactured Home Park	10 acres park 5,000 sq. ft. home site	40	20	20	20
B-1 Local Business	30,000 sq. ft.	100	50	15	30
B-2 Business	60,000 sq. ft.	150	50	20	30
LI Light Industrial	40,000 sq. ft.	150	Varies	Varies	Varies

\* In the AP Agricultural Preservation district, the maximum allowable lot size is 2 acres.

## ZONING MAP



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# *Article 1.0*

## *Purpose and Introduction*

**1** Purpose and  
Introduction

**2** Definitions

**3** Zoning  
Districts

**4** Use  
Standards

**5** Site  
Standards

**6** Development  
Procedures

**7** Admin and  
Enforcement



## Article 1.0 Purpose and Introduction

- 28-1.1 Title
- 28-1.2 Purpose
- 28-1.3 Scope and Interpretation
- 28-1.4 Legal Basis
- 28-1.5 Zoning Application
- 28-1.6 Severability; Rules Applying to Text
- 28-1.7 Conflicting Provisions

# 1.0 Purpose and Introduction

## 28-1.1 TITLE

This chapter shall be known and may be cited as the "Watertown Charter Township Zoning Ordinance."

## 28-1.2 PURPOSE

1. This chapter is based upon the township master plan and is designed to accomplish the following objectives:
  - A. To promote the public health, safety and general welfare;
  - B. To encourage the use of land in accordance with its character and adaptability and to limit the improper use of land;
  - C. To conserve natural resources and energy, to meet the needs of the state's citizens for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land;
  - D. To ensure that uses of land shall be situated in appropriate locations and relationships;
  - E. To avoid the overcrowding of population;
  - F. To provide adequate light and air;
  - G. To ease congestion on the public roads and streets;
  - H. To reduce hazards to life and property;
  - I. To facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and
  - J. To manage the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties.
2. This chapter is adopted with reasonable consideration, among other things, of the character of each zoning district, its unique suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

## 28-1.3 SCOPE AND INTERPRETATION

1. This chapter shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the township is a party.
2. Where this chapter imposes greater restrictions, limitations, or requirements upon the use of buildings, structures, or land; the height of buildings or structures; lot coverage; lot areas; yards or other open spaces; or any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this chapter shall control.

## 28-1.4 LEGAL BASIS

This chapter is enacted pursuant to the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

## 28-1.5 ZONING APPLICATION

Zoning applies to every building, structure or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this chapter.

## 28-1.6 SEVERABILITY; RULES APPLYING TO TEXT

1. If any portion of this chapter or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the portion which can be given effect without the invalid portion or application, providing such remaining portions are not determined by the court to be inoperable, and to this end all portions of this chapter are declared to be severable.
2. If the meaning of this chapter is unclear in a particular circumstance, then the body charged with interpreting or applying the chapter shall construe the provision to carry out the intent of the chapter, if such intent can be discerned from other provisions of the chapter or law.



3. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the township or other governmental agency is a Saturday, Sunday, or legal holiday when the township offices are closed, the period is extended to include the next day which is not a Saturday, Sunday, or such legal holiday.

#### 28-1.7 CONFLICTING PROVISIONS

Where a provision of this chapter conflicts with a provision of another ordinance, the strictest provision shall prevail.

**1** Purpose and  
Introduction

**2** Definitions

**3** Zoning  
Districts

**4** Use  
Standards

**5** Site  
Standards

**6** Development  
Procedures

**7** Admin and  
Enforcement

# *Article 2.0*

## *Definitions*

**Article 2.0 Definitions****28-2.1 Construction of Language****28-2.2 Definitions: A-D**

Accessory building  
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\*Multiple terms are defined in  
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\*Multiple terms are defined in this ordinance.

## 2.0 Definitions

### 28-2.1 CONSTRUCTION OF LANGUAGE

1. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
2. All words and phrases shall be construed and understood according to the common preferred usage of the language; but technical words and phrases and such as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
4. A "building" or "structure" includes any part thereof. A building shall be considered a structure.
5. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
6. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
  - A. The term "and" indicates that all connected items, conditions, provisions, or events shall apply.
  - B. The term "or" indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
  - C. The term "either . . . or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.

### 28-2.2 DEFINITIONS: A-D

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

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

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

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

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

**Animals, domesticated** means all animals, including poultry and excluding household pets, kept and raised as part of a farming operation or raised for commercial purposes. Such animals shall be distinguished as follows:

1. **Large animals** means those animals including, but not limited to horses, cows, pigs or bison;
2. **Medium animals** means those animals including, but not limited to sheep, goats, llamas, alpacas or miniature horses;
3. **Poultry** means those animals including, but not limited to chickens, ducks, geese or turkeys.

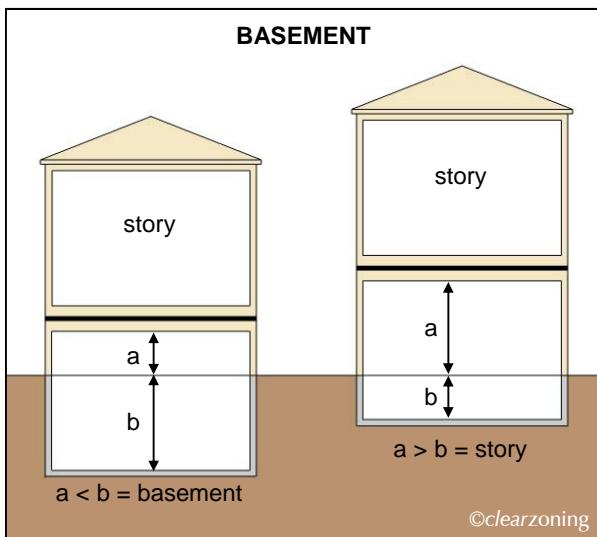
**Architectural features** means cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

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

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



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

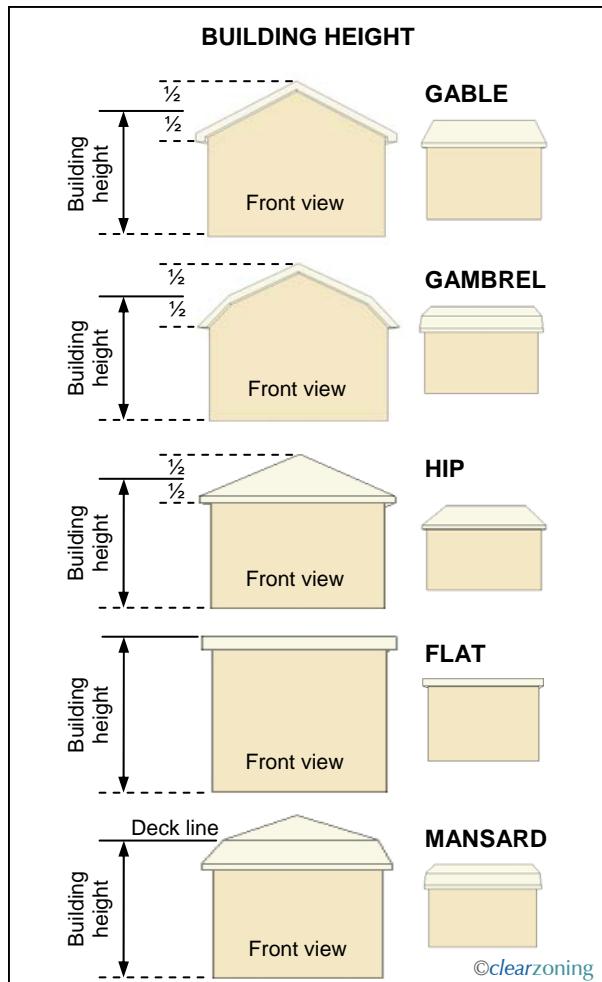


**Bed and breakfast establishment** means a use within a detached single-family dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

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

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

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



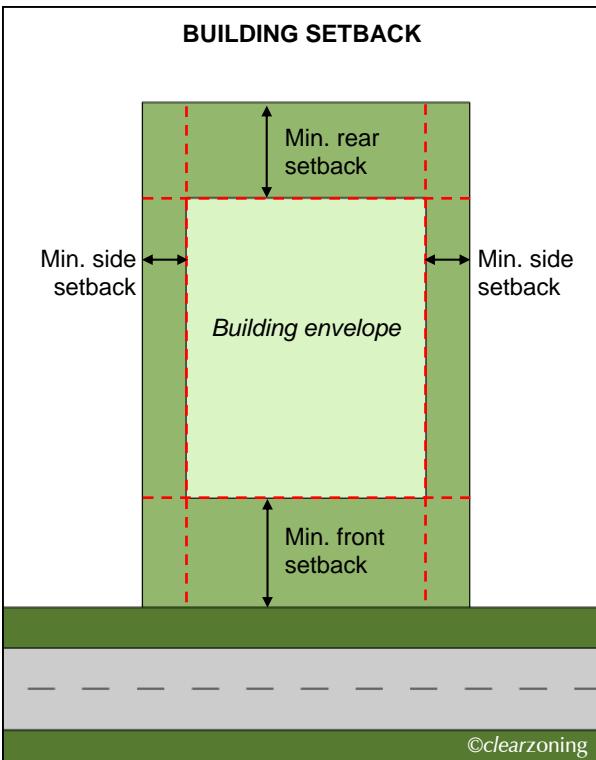
**Building height** means the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level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

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

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

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

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



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

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

**Commercial wireless telecommunication services** means licensed telecommunication services including cellular and mobile telephone or radio, paging, and similar services that are marketed to the general public.

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

**Day care, home.**

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

**District, zoning** means a portion of the township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this chapter.

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

**Driveway, private** means a private easement or accessway providing vehicular access to a public street for more than one lot or through another lot.

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

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

**Dwelling, quadruplex** means a detached building or structure containing four dwelling units designed for the use and occupancy by one family in each dwelling unit with each dwelling unit containing housekeeping facilities.

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

**Dwelling, triplex** means a detached building or structure containing three dwelling units designed for the use and occupancy by one family in each dwelling unit with each dwelling unit containing housekeeping facilities.

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

## 28-2.3 DEFINITIONS: E- H

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

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

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

**Excavating** means the removal of soil below the average grade of the surrounding land and/or road grade, whichever shall be highest, excepting common household gardening.

**Family.**

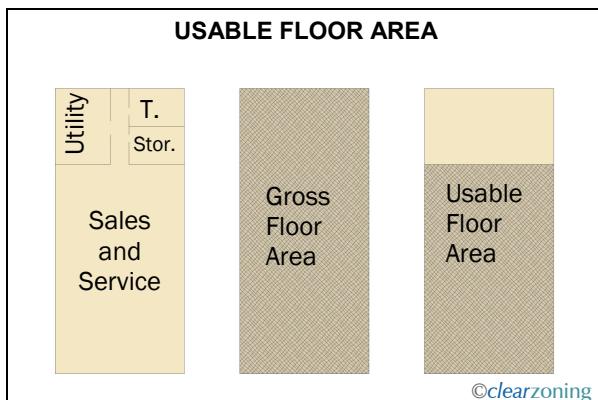
1. An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
2. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, halfway house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be permanent.

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

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

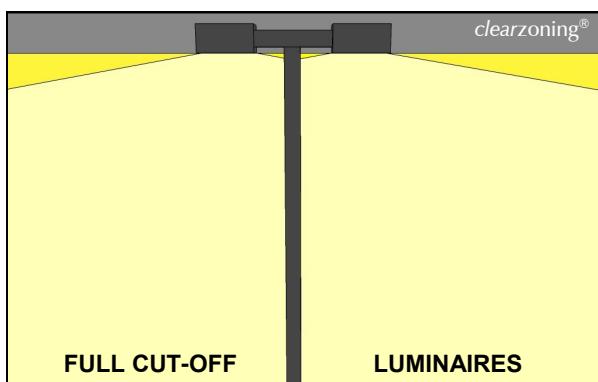
**Floor area, gross (GFA)** means the sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The gross floor area of a building shall include the basement floor area only if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

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



**Frontage.** See lot width.

**FULL CUT-OFF LUMINAIRES** shall mean a luminaire designed and installed where no light is emitted at or above a horizontal plane running through the lowest point on the luminaire. 



**Garage** means an accessory building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located. The foregoing definition shall not be construed to permit the storage on any one lot of commercial vehicles exceeding a rated capacity of one ton.

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

**Home occupation, class B** means a registered primary caregiver storing, growing and delivering marihuana to patients in compliance with the general rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, initiated law of 2008, MCL 333.26421 (the "act") and the requirements of this chapter as an incidental and secondary use of a residential dwelling. The term home occupation as used in this code, unless specifically designated as a class B home occupation, shall mean a class A home occupation.

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

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

## 28-2.4 DEFINITIONS: I-M

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

**Industrial plants** means processing manufacturing, compounding, packaging, treating, or assembling materials or products from previously prepared materials including the following in the Light Industrial District:

1. Agricultural products, including but not limited to, the production in greenhouses of flowers, plants, shrubs, trees, or other similar living products;
2. Food and kindred products including meat, dairy, fruit, vegetable, seafood, bakery, confectionery, beverage, and similar products (but not including slaughtering of animals, or rendering or refining of fats or oils);
3. Electrical machinery, equipment and supplies, electronic components and accessories;
4. Engineering, measuring, optical, medical, scientific, photographic, and similar instruments and goods;
5. Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other similar products;
6. Apparel and other finished products including clothing, leather goods, and canvas products;
7. Lumber and wood products including mill work, prefabricated structural work products and containers;
8. Paper and paperboard containers and products;
9. Biological products, drugs, medicinal chemicals and pharmaceutical preparations;
10. Glass products;
11. Jewelry, silverware and plated ware, musical instruments and parts, toys, amusements, sporting, and athletic goods, pens, pencils, and other office and artist supplies and materials, notions, signs and advertising displays; and
12. Pottery and figurines and other ceramic products using only previously pulverized clay.

**Industrial plants, manufacturing of fabricated products** means the processing, assembly, partial assembly or disassembly of components, machinery and related component materials. Such operations may include forging, stamping, punch pressing, heat treating, plating, hammering or other similar processing activities, subject to the requirements of **Section 28-4.64**.

**Junk** means, for the purpose of this chapter, miscellaneous solid waste, rubbish, scrap, debris, or reclaimable material located outside a fully enclosed building, including, but not limited to tires, dismantled motor vehicles, parts of machinery or motor vehicles, rags, discarded clothing, bedding, floor coverings, waste paper, newspaper or magazines, scrap metal, scrap equipment, glass, discarded furniture, household appliances, garbage, and construction debris (including, but not limited to, lumber, bricks, blocks, plumbing or heating materials, concrete, cement, electrical materials or siding which are no longer suitable for use or on land in which there is no active project).

**Junk motor vehicle** means any motor vehicle, excluding implements of husbandry as defined by the motor vehicle code; motor homes as defined by **Section 28-2.4**; and recreation vehicles or equipment as defined by **Section 28-2.5**, which:

1. Is not currently registered for use upon the highways of this state; or
2. Does not display a current, valid license plate; or
3. Is by reason of dismantling or disrepair incapable of being propelled under its own power or is otherwise not lawfully operable on the street or highways of this state; or
4. Which is stored or parked on the premises of another without the consent of the owner or occupant of the property or is stored or parked on the property 48 hours after the consent of the owner or occupant of the property has been revoked.

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

**Kennel, commercial** means any building and/or land used, designed or arranged for the commercial sale, boarding, breeding, care or treatment of three or more dogs, cats or other domestic animals for profit.

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

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

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

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

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

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

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

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

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

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

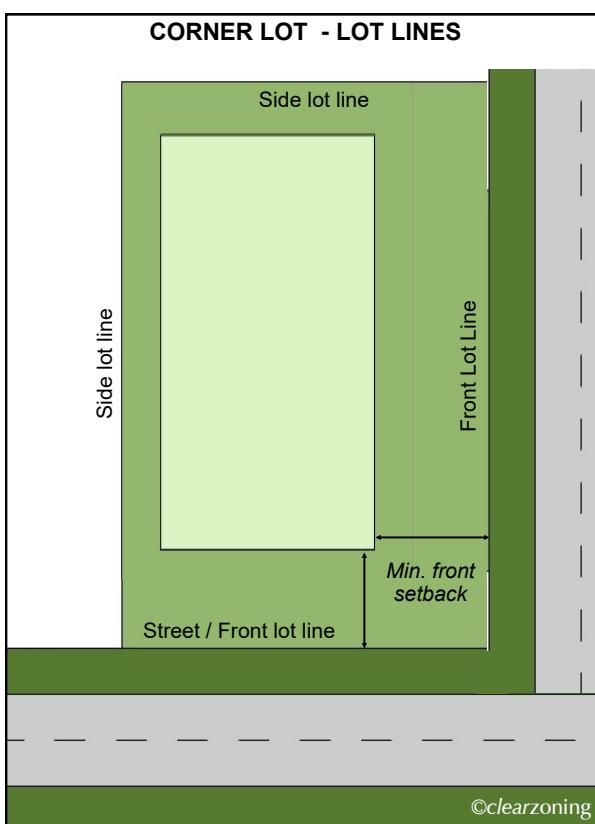
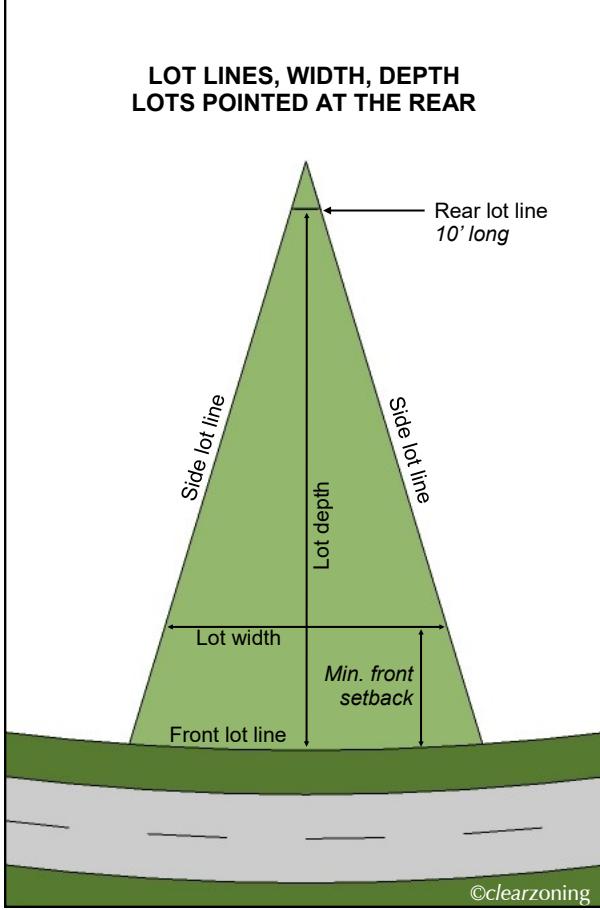
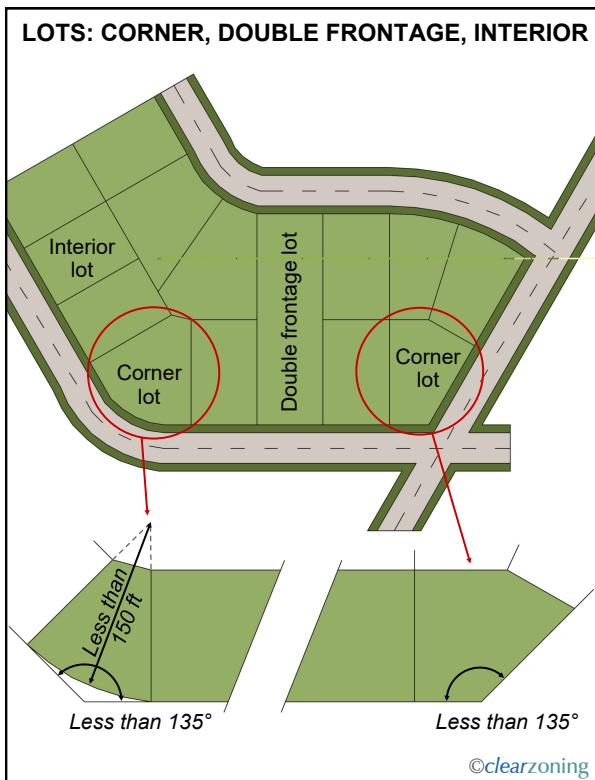
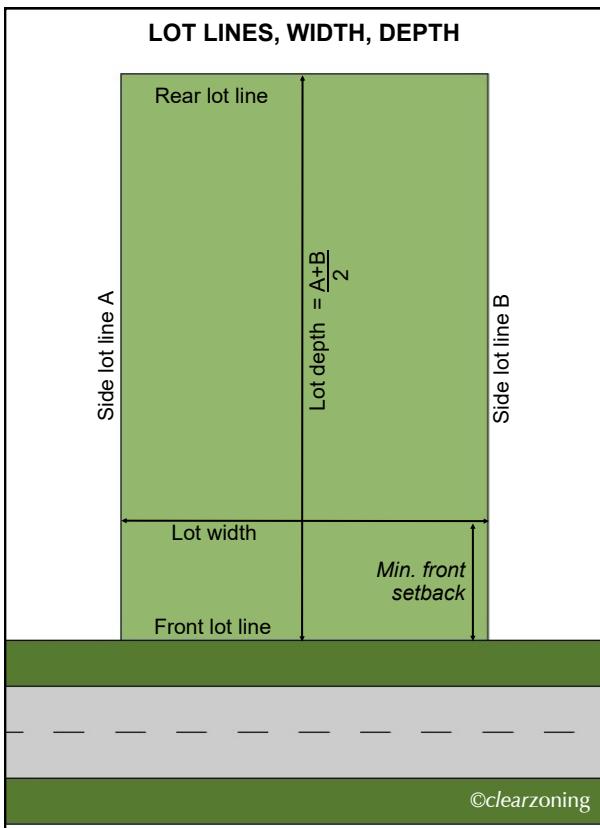
**Lot lines** means the property lines or other described lines bounding the lot.

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

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

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

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



**Luminaire** shall mean the complete lighting unit (fixture), consisting of a lamp, or lamps and ballast (s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

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

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

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

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

**Medical marihuana dispensary** means a dispensary, collective, cooperative or grow house where one or more primary caregivers are growing medical marihuana in the same non-residential building, structure or lot, storing medical marihuana in the same non-residential building, structure or lot, or providing patients with medical marihuana out of the same non-residential building, structure or lot.

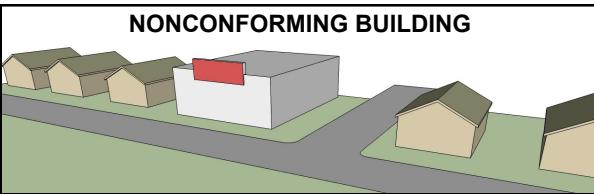
**Motel** means a series of attached, semi-attached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

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

## 28-2.5 DEFINITIONS: N-R

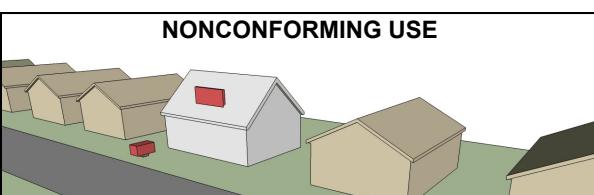
The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

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



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

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



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

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

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

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

**Open space** means any lands outside a building envelope, excluding easements for public or private streets.

**Ordinary high-water mark** means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high-water mark shall be the higher of the levels generally present.

**Outdoor boiler** means a boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

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

**Parking space** means an off-street space of at least 162 square feet exclusive, of necessary driveways, aisles, or maneuvering areas, suitable to accommodate one motor vehicle and having direct unobstructed access to a street or alley.

**Personal service establishments** means any commercial business conducting services that are performed primarily on the premises, such as barber shops, beauty and nail salons, day spas, shoe repair, tailoring and dry cleaning, fitness centers, travel agencies, and similar uses.

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

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

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

**Primary caregiver** means a primary caregiver with a registry identification card as defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

**Public utility** means any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, transportation, sanitary sewer or water treatment services.

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

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

**Residential district** means and shall refer to the AP Agricultural Preservation district, AG Agricultural district, RR Rural Residential district, R-1 Single-family Residential district, R-2 Two-family Residential district, R-3 Multiple-family Residential district, VSC Village Service Center district, and MHP Manufactured Home Park district, as described in this chapter.

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

**Rural planned unit development (RPUD)** means any development of two or more single-family dwelling units meeting the qualifications of a RPUD as stated in **Section 28-4.19**. A rural planned unit development site shall be composed of all lots or parcels included as part of the application for the RPUD.



## 28-2.6 DEFINITIONS: S

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

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

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

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

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

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

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

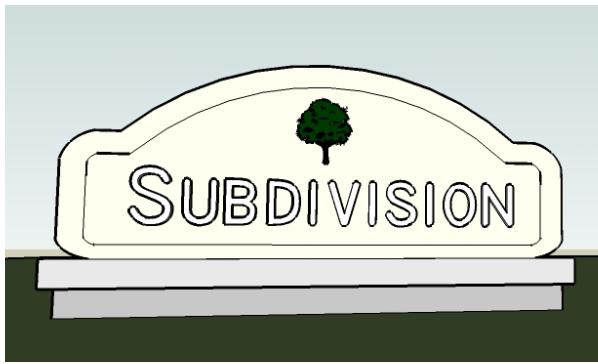
**Signs.**

1. **Awning** means a retractable or fixed shelter constructed of nonrigid materials on a supporting framework that projects from the exterior wall of a building.
2. **Awning sign** means a sign affixed flat against the surface of an awning.



3. **Balloon sign** means a sign composed of a nonporous bag of material filled with air.
4. **Banner sign** means a fabric, plastic, or other sign made of nonrigid material without an enclosing structural framework.
5. **Billboard** means a sign with one or more sides with a display area over 100 square feet and visible to viewers traveling along streets and interstate highways.
6. **Canopy** means a freestanding roof-like structure built on one or more support posts, designed to offer protection from the weather.
7. **Canopy sign** means a sign painted or attached directly to and parallel to the exterior face of a canopy roof and extending no greater than 12 inches from the exterior face of the canopy to which it is attached.
8. [Reserved]
9. [Reserved]

10. **Freestanding sign** means a sign supported on poles not attached to a building or wall.
11. **Government sign** means a temporary or permanent sign erected by Watertown Charter Township, Clinton County, or the state or federal government.
12. **Ground sign** means a sign resting directly on the ground or supported by short poles not attached to a building or wall. ↗



13. [Reserved]
14. **Mural** means a purely artistic design or representation painted or drawn on a wall.

15. [Reserved]
16. [Reserved]
17. **Placard** means a sign not exceeding two square feet.
18. [Reserved]
19. **Portable sign** means a sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
20. **Projecting sign** means a double-faced sign attached to a building or wall that extends more than 18 inches but not more than 36 inches from the face of the building or wall. ↗



21. **Reader board** means a portion of a sign on which copy is changed manually.
22. [Reserved]

23. **Roof line** means the top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
24. **Roof sign** means a sign erected above the roof line of a building.
25. **Secondary freestanding sign** means a freestanding sign permitted for a property which has a minimum lot width for the district in which the lot is located abutting a limited access highway (I-96, I-69).
26. **Sign** means a device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
27. [Reserved]
28. **Temporary sign** means a sign not permanently attached to the ground, a structure, or a building. Temporary signs may include banners, portable signs, and any other sign displayed for a limited period of time.
29. **Wall sign** means a sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 18 inches from the exterior face of the wall to which it is attached. 
30. **Window sign** means a sign installed inside a window and intended to be viewed from the outside. 

3. Either the condominium unit by itself or the condominium unit taken together with contiguous, appurtenant limited common elements, shall be considered to constitute a building site which is the equivalent of a "lot" for purposes of determining compliance with the requirements of the zoning ordinance and other applicable laws, ordinances and regulations.
4. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project.
5. Subject to the district zoning provision applicable to the project's location, any land use permitted by the Watertown Charter Township Zoning Ordinance may be permitted in a site condominium project.

**Solar energy system** means a utility-scale commercial facility that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices or any other various and similar solar technologies, and including solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware, or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed for the primary purpose of wholesale or retail sales of generated electricity offsite.

Solar energy systems do not include small-scale solar panels or technologies installed at individual residences or commercial locations (e.g. roof- or ground-mounted panels) that are used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid. These installations are regulated as accessory buildings, structures, or uses in [Sec. 28-5.24](#).

#### Site condominiums.

1. Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium lot owner.
2. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit.

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

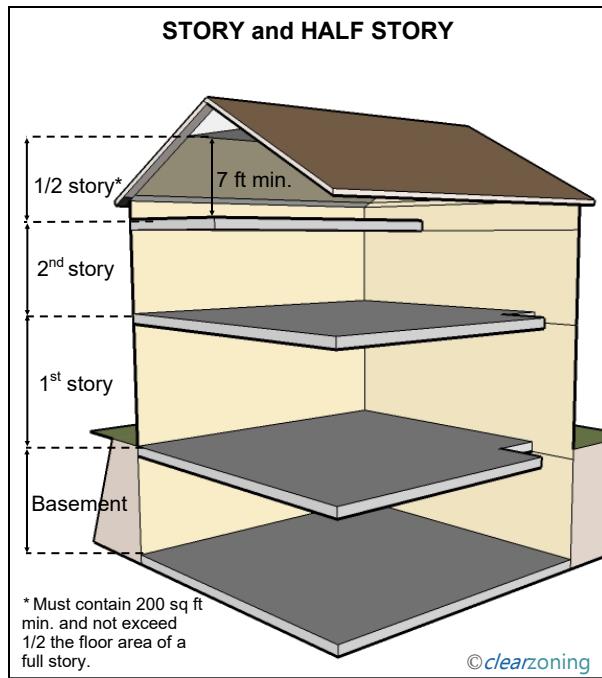
1. A family home facility includes a state licensed residential facility providing resident services to six or fewer persons.
2. A group home facility includes a state licensed residential facility providing resident services to more than six persons.

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

**Story, half** means that part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half the floor area of said full story, provided the area contains at least 200 square feet and which contains a clear height of at least seven feet, at its highest point. 

**Street, private** shall mean a road or street serving more than three parcels in existence on the effective date of this ordinance under private ownership which has been constructed for the purpose of providing vehicular access to adjoining property which has not been accepted as a public road by the county road commission or the state department of transportation. This definition shall not include a private driveway, as defined.

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



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

#### Substantial improvement.

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

Amended by Ord. 59

## 28-2.7 DEFINITIONS: T-Z

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

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

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

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

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

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

1. **Adult book store.** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.
2. **Adult cabaret.** An establishment including, but not limited to, a cafe, restaurant or bar which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.
3. **Adult motion picture theater.** An establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.

4. **Massage establishment.** Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the state, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, the feet, or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. A massage is defined as a method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.

5. **Nude artist and photography studio.** Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display "specified anatomical areas" as defined herein for artists and photographers for a fee or charge.
6. **Specified anatomical areas.** Specified anatomical areas are defined as less than completely and opaquely covered:
  - A. Human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
  - B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
7. **Specified sexual activities.**
  - A. Human genitals in a state of sexual stimulation or arousal;
  - B. Acts of human masturbation, sexual intercourse or sodomy;
  - C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

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

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

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

**Wind energy conversion system (WECS)** means any system or assembly that contains any or all of the following characteristics:

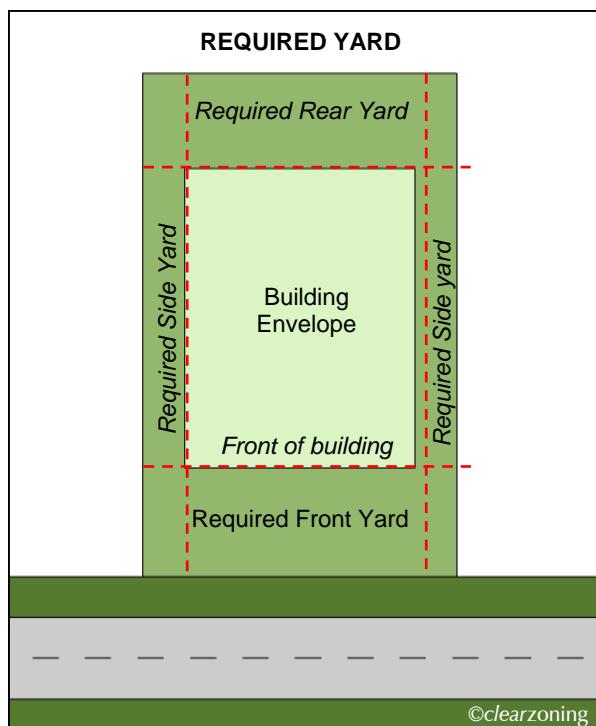
1. A windmill, turbine or any similar machine designed to be operated by the wind for the purpose of mechanical or electrical power generation;
2. A surface area, either variable or fixed, for utilizing the wind for electrical or mechanical power;
3. A shaft, gearing, belt, or coupling utilized to convey the rotation of the surface areas turned by the wind into a form suitable for driving a generator, alternator, or other mechanical or electricity producing device;
4. A generator, alternator, or other device utilized to convert the mechanical energy generated by the wind into electrical energy;
5. A tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

**Wind energy conversion system, small** means a wind energy conversion system consisting of wind turbines, towers, and associated control or conversion electronics, which is primarily intended to reduce or replace the on-site consumption of utility power.

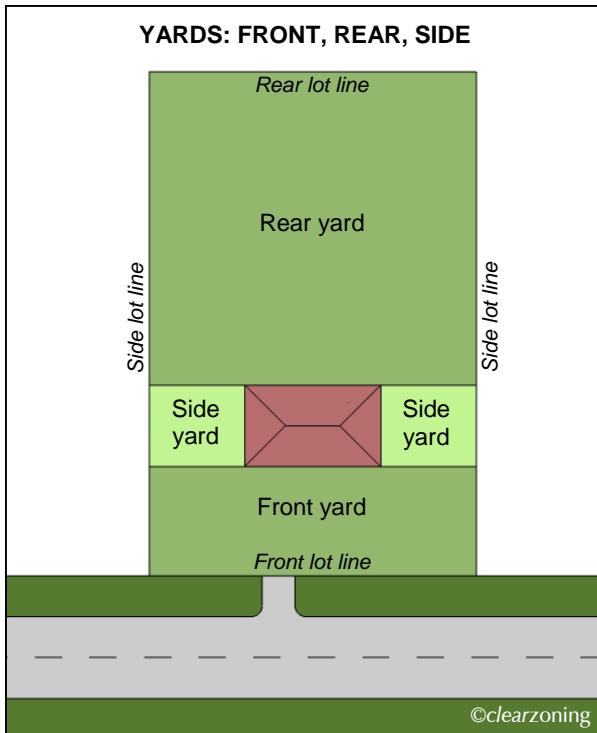
**Wholesale business** means the following in the light industrial district: automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products, and lumber.

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

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



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



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

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

# *Article 3.0*

## *Zoning Districts*

**1** Purpose and  
Introduction

**2** Definitions

**3** Zoning  
Districts

**4** Use  
Standards

**5** Site  
Standards

**6** Development  
Procedures

**7** Admin and  
Enforcement



<b>Article 3.0</b>	<b>Zoning Districts</b>
28-3.1	<a href="#">Districts Established</a>
28-3.2	<a href="#">The Zoning Map</a>
28-3.3	<a href="#">Conflicts with Zoning District Boundaries</a>
28-3.4	<a href="#">Zoning of Vacated Areas</a>
28-3.5	<a href="#">Zoning of Filled Land</a>
28-3.6	<a href="#">Zoning District Changes</a>
28-3.7	<a href="#">Prohibited Uses, Generally</a>
28-3.8	<a href="#">AP Agricultural Preservation District Regulations</a>
28-3.9	<a href="#">MHP Manufactured Home Park Regulations</a>
28-3.10	<a href="#">B-1, B-2, and LI District Regulations</a>
28-3.11	<a href="#">Building and Structure Height Exceptions</a>

# 3.0 Zoning Districts

## 28-3.1 DISTRICTS ESTABLISHED

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

 **Digital User Note:**  
Click on a district heading to go directly to the corresponding district regulations.

	Agricultural Preservation District
AG	Agricultural District
RR	Rural Residential District
R-1	Single-Family Residential District
R-2	Two-Family Residential District
R-3	Multiple-Family District
VSC	Village Service Center District
MHP	Manufactured Home Park District
B-1	Local Business District
B-2	Business District
LI	Light Industrial District
F-1	Floodplain District
LGR	Looking Glass River Overlay District
GR	Grand River Avenue Overlay District

**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement



# AP Agricultural Preservation District

## A. INTENT

This district is intended to ensure that large tracts of land well-suited for the production of food and fiber are retained for such purposes, and many of the problems often associated with scattered residential uses in agricultural areas that would hinder farm operations and deplete farmland resources are lessened. To this end, the preservation of large tracts of land for farming, or those which are idle, is necessary. This district is not intended for any use except agricultural and associated agricultural and other specialized rural uses requiring large tracts of land.

The purpose of this district is to guard the agricultural lands and open spaces of the township from loss due to pressures from development. In doing so, conflicts between homes and agricultural activities will be prevented, land lost for nonagricultural uses will be minimized, long-term investment in agricultural production will be possible, land speculation will be reduced, important aesthetic and scenic qualities will be maintained, rural character will be preserved, and the cost of providing public services will be affordable to the community.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. **Farms** §4.1
- ii. **Retail sales of produce grown on the premises** §4.2
- iii. Farm equipment sales, service
- iv. **Single-family dwellings** §4.3
- v. **Home occupations** §4.4
- vi. **Greenhouses and nurseries** §4.5
- vii. **Bed and breakfast establishments** §4.63
- viii. Family day care home
- ix. Group day care homes
- x. State licensed residential family home facility
- xi. Public utility or service buildings, not requiring outdoor storage or materials
- xii. Commercial storage and sales of products essential to agricultural production
- xiii. Accessory buildings
- xiv. **Small wind energy conversion systems** §4.59

## C. SPECIAL LAND USES

- i. **Farm labor housing** §4.9
- ii. **Greenhouses and nurseries** §4.5
- iii. **Airports and landing strips (private)** §4.11
- iv. Commercial riding stables
- v. **Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources** §4.12
- vi. **Commercial kennels** or veterinary services §4.7
- vii. **Towers in excess of 50 feet** §4.13
- viii. **Radio and television transmitting buildings and towers** §4.14
- ix. **Churches** §4.15
- x. **Public and private schools** §4.16
- xi. **Cemeteries** §4.17
- xii. **Landscaping, lawn service, snowplowing** (including other closely related operations) §4.18
- xiii. **Rural planned unit development (RPUD)** §4.19
- xiv. **Athletic grounds and parks** §4.20



## D. DEVELOPMENT STANDARDS

### Lot Size

Maximum lot area:	2 acres*
Minimum lot width:	150 ft

### Lot Coverage

Maximum lot coverage:	10 percent
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### Setbacks

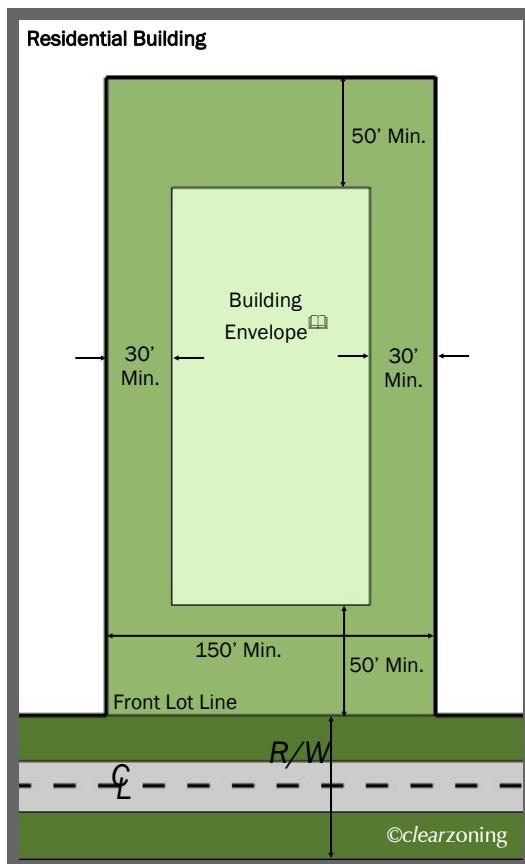
Minimum front yard setback:	50 ft
Minimum rear yard setback:	50 ft
Minimum side yard setback:	
Residential buildings	30 ft
Nonresidential buildings	40 ft
Accessory building setback:	
Drip edge from side and rear lot lines	5 ft
From main building	10 ft

### Building Height

Maximum building height:	35 ft or 2.5 stories, whichever is higher**
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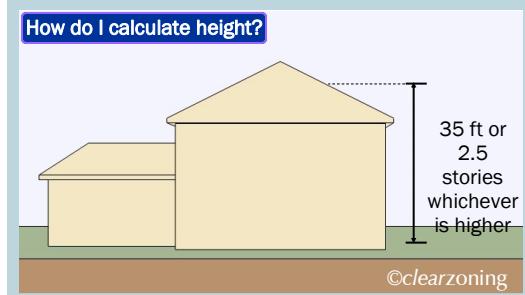
### Floor Area

Minimum floor area per dwelling:	
Total floor area	960 sq ft UFA
Ground floor area	600 sq ft UFA



\*unless a larger lot is required by the Mid-Michigan Health Department

\*\*Farm buildings and structures shall be permitted at their usual and customary heights.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- **Prohibited Uses** §3.7
- **Agricultural District Regulations** §3.8
- **Building and Structure Height Exceptions** §3.11

### 4. Use Standards

- **Outdoor Boilers** §4.60
- **Keeping of Animals** §4.61
- **Temporary Buildings and Uses** §4.62

### 5. Site Standards

- **Fences** §5.9
- **Swimming Pools** §5.10
- **Satellite Dish Antennas** §5.11
- **Storage of Recreation Equipment** §5.12
- **Storage and Repair of Vehicles** §5.13
- **Prohibited Dwellings** §5.14
- **Outdoor Lighting** §5.18
- **Earth Changes** §5.20
- **Signs** §5.21
- **Accessory Buildings, Structures, and Uses** §5.24
- **Filling of Land** §5.26

### 6. Development Procedures

- **Site Plan Review** §6.1
- **Special Land Uses** §6.2
- **Condominiums** §6.3
- **Special Land Uses Permits** §6.4

### 7. Admin and Enforcement

- **Permits** §7.2
- **Nonconforming Lots...** §7.7

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



# AG Agricultural District

## A. INTENT

This district is intended to minimize conflicts between homes and agricultural activities, ensure that long-term investment in agricultural production will be possible, land speculation will be managed, important aesthetic and scenic qualities will be maintained, rural character will be preserved, and the cost of providing public services will be affordable to the community.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. **Farms** §4.1
- ii. **Retail sales of produce grown on the premises** §4.2
- iii. **Single-family dwellings** §4.3
- iv. **Home occupations** §4.4
- v. **Greenhouses and nurseries** §4.5
- vi. **Kennels** §4.6
- vii. **Bed and breakfast establishments** §4.63
- viii. Family day care homes
- ix. Group day care homes
- x. State licensed residential family home facilities
- xi. Public utility or service buildings, not requiring outside storage or materials.
- xii. Accessory buildings
- xiii. **Small wind energy conversion systems** §4.59

## C. SPECIAL LAND USES

- i. **Farm labor housing** §4.9
- ii. **Farm equipment sales and service** §4.21
- iii. **Commercial storage and sale of products essential to agricultural production** §4.22
- iv. **Rural planned unit development (RPUD)** §4.19
- v. **Greenhouses and nurseries** §4.5
- vi. **Airports and landing strips (private)** §4.11
- vii. **Country clubs and golf courses** §4.24
- viii. **Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources** §4.12
- ix. **Public or private campgrounds** §4.25
- x. **Commercial kennels** or **veterinary services** §4.7
- xi. **Towers in excess of 50 feet** §4.13
- xii. **Radio and television transmitting buildings and towers** §4.14
- xiii. **Churches** §4.15
- xiv. **Public and private schools** §4.16
- xv. **Cemeteries** §4.17
- xvi. Commercial riding stables
- xvii. **Landscaping, lawn service, snowplowing** (including other closely related operations) §4.18
- xviii. **Athletic grounds and parks** §4.20
- xix. **Solar Energy Systems** §4.65

# AG Agricultural District

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area:	1 acre
Minimum lot width:	150 ft

### Lot Coverage

Maximum lot coverage:	10 percent
-----------------------	------------

### Setbacks

Minimum front yard setback:	50 ft
Minimum rear yard setback:	50 ft
Minimum side yard setback:	
Residential buildings	30 ft
Nonresidential buildings	40 ft
Accessory building setback:	
Drip edge from side and rear lot lines	5 ft
From main building	10 ft

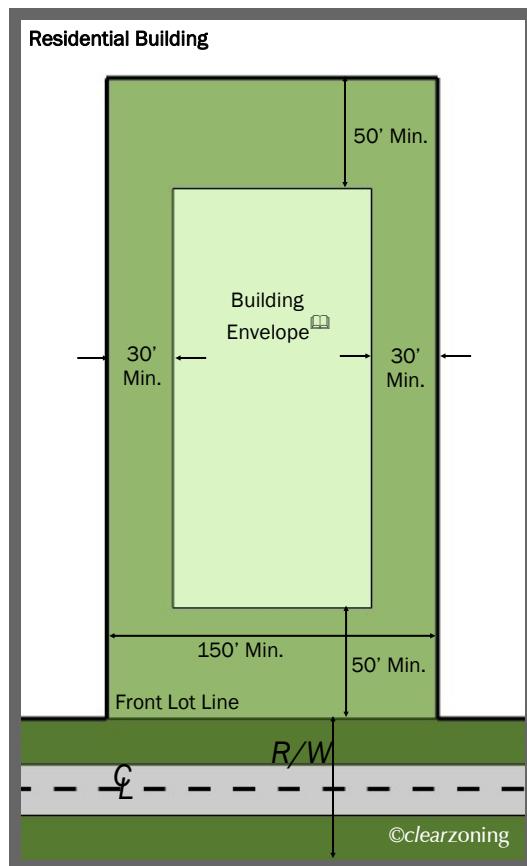
### Building Height

Maximum building height:	35 ft or 2.5 stories, whichever is higher*
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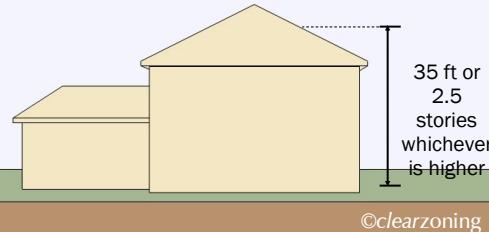
### Floor Area

Minimum floor area per dwelling:	
Total floor area	960 sq ft UFA
Ground floor area	600 sq ft UFA

\*Farm buildings and structures shall be permitted at their usual and customary heights.



### How do I calculate height?



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- **Prohibited Uses** §3.7
- **Building and Structure Height Exceptions** §3.11

### 4. Use Standards

- **Outdoor Boilers** §4.60
- **Keeping of Animals** §4.61
- **Temporary Buildings and Uses** §4.62

### 5. Site Standards

- **Fences** §5.9
- **Swimming Pools** §5.10
- **Satellite Dish Antennas** §5.11
- **Storage of Recreation Equipment** §5.12
- **Storage and Repair of Vehicles** §5.13
- **Prohibited Dwellings** §5.14
- **Outdoor Lighting** §5.18
- **Earth Changes** §5.20
- **Signs** §5.21
- **Accessory Buildings, Structures, and Uses** §5.24
- **Filling of Land** §5.26

### 6. Development Procedures

- **Site Plan Review** §6.1
- **Special Land Uses** §6.2
- **Condominiums** §6.3
- **Special Land Uses Permits** §6.4

### 7. Admin and Enforcement

- **Permits** §7.2
- **Nonconforming Lots...** §7.7

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## RR Rural Residential District

## A. INTENT

This district is intended for residential and farm uses, including other uses generally associated with agriculture, and related nonresidential uses. The purpose of this district is to preserve the rural residential and agricultural character of the lands within this district, minimizing public service costs, limiting urban influence, and preserving a maximum of open space. Careful consideration is given to environmental concerns related to groundwater quality and other related issues pertaining to development in rural areas with limited public services. All uses permitted within this district shall be conducted with due consideration for the potential effects which may result from authorized agricultural uses, in accordance with Public Act No. 93 of 1981 (MCL 286.471 et seq.), the state right to farm act.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. **Farms** §4.1
- ii. **Single-family dwellings** §4.3
- iii. **Home occupations** §4.4
- iv. **Bed and breakfast establishments** §4.63
- v. Family day care homes
- vi. Group day care homes
- vii. State licensed residential family home facilities
- viii. **Greenhouses and nurseries** §4.5
- ix. **Kennels** §4.6
- x. Public utility or service buildings, not requiring outside storage or materials
- xi. Accessory buildings
- xii. **Small wind energy conversion systems** §4.59

## C. SPECIAL LAND USES

- i. **Farm equipment sales and service** §4.21
- ii. **Rural planned unit development (RPUD)** §4.19
- iii. **Country clubs and golf courses** §4.24
- iv. **Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources** §4.12
- v. **Public or private campgrounds** §4.25
- vi. **Commercial kennels** or veterinary services §4.7
- vii. **Towers in excess of 50 feet** §4.13
- viii. **Radio and television transmitting buildings and towers** §4.14
- ix. **Churches** §4.15
- x. **Public and private schools** §4.16
- xi. **Cemeteries** §4.17
- xii. Commercial riding stables
- xiii. **Landscaping, lawn service, snowplowing** (including other closely related operations) §4.18
- xiv. **Athletic grounds and parks** §4.20
- xv. **Assembly buildings** §4.43

## D. ACCESSORY USES

- i. Accessory to a farm
  - a. Roadside stands for the sale of produce grown on the premises



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area:	2 acres
Minimum lot width:	165 ft

### Lot Coverage

Maximum lot coverage:	10 percent
-----------------------	------------

### Setbacks

Minimum front yard setback:	50 ft
Minimum rear yard setback:	50 ft
Minimum side yard setback:	
Residential buildings	30 ft
Nonresidential buildings	40 ft
Accessory building setback:	
Drip edge from side and rear lot lines	5 ft
From main building	10 ft

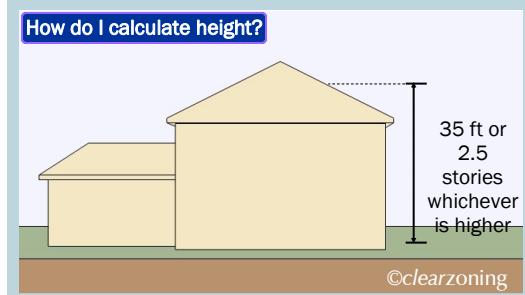
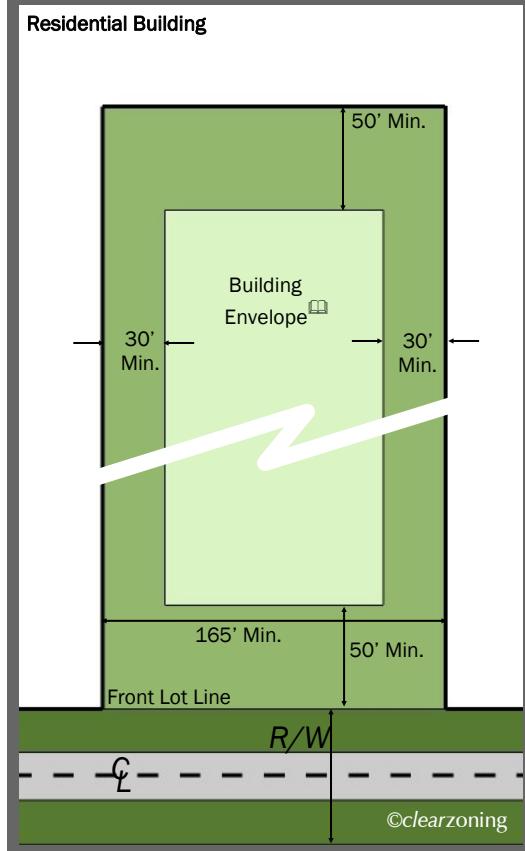
### Building Height

Maximum building height:	35 ft or 2.5 stories, whichever is higher*
--------------------------	--

### Floor Area

Minimum floor area per dwelling:	
Total floor area	960 sq ft UFA
Ground floor area	600 sq ft UFA

\*Farm buildings and structures shall be permitted at their usual and customary heights.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Prohibited Uses](#) §3.7
- [Building and Structure Height Exceptions](#) §3.11

### 4. Use Standards

- [Outdoor Boilers](#) §4.60
- [Keeping of Animals](#) §4.61
- [Temporary Buildings and Uses](#) §4.62

### 5. Site Standards

- [Fences](#) §5.9
- [Swimming Pools](#) §5.10
- [Satellite Dish Antennas](#) §5.11
- [Storage of Recreation Equipment](#) §5.12
- [Storage and Repair of Vehicles](#) §5.13
- [Prohibited Dwellings](#) §5.14
- [Outdoor Lighting](#) §5.18
- [Earth Changes](#) §5.20
- [Signs](#) §5.21
- [Accessory Buildings, Structures, and Uses](#) §5.24
- [Filling of Land](#) §5.26

### 6. Development Procedures

- [Site Plan Review](#) §6.1
- [Special Land Uses](#) §6.2
- [Condominiums](#) §6.3
- [Special Land Uses Permits](#) §6.4

### 7. Admin and Enforcement

- [Permits](#) §7.2
- [Nonconforming Lots...](#) §7.7

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# R-1 Single-Family Residential District

## A. INTENT

This district is intended to provide for single-family residential uses, and related nonresidential uses. The purpose of this district is to act as a transitional area between residential and agricultural lands near this district, particularly with respect to the areas surrounding Wacousta Village. Careful consideration is given to environmental concerns related to groundwater quality and other related issues pertaining to development in residential areas with limited public services.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. **Single-family dwellings** §4.3
- ii. **Home occupations** §4.4
- iii. Family day care homes
- iv. Group day care homes
- v. State licensed residential family home facilities
- vi. Public utility or service buildings, not requiring outside storage or materials
- vii. Accessory buildings
- viii. **Small wind energy conversion systems** §4.59

## C. SPECIAL LAND USES

- i. **Country clubs and golf courses** §4.24
- ii. **Churches** §4.15
- iii. **Public and private schools** §4.16
- iv. **Bed and breakfast establishments** §4.63
- v. **Commercial day cares** §4.10
- vi. **Towers in excess of 50 feet** §4.13
- vii. **Rural planned unit development (RPUD)** §4.19
- viii. **Site condominiums** / **condominium subdivisions** §6.3
- ix. Commercial riding stables
- x. **Athletic grounds and parks** §4.20

# R-1 Single-Family Residential District

28-3.1.5

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area:

No public sanitary sewer	40,000 sq ft
With public sanitary sewer	20,000 sq ft

Minimum lot width:

No public sanitary sewer	150 ft
With public sanitary sewer	100 ft

### Lot Coverage

Maximum lot coverage:

15 percent
------------

### Setbacks

Minimum front yard setback:

Minimum rear yard setback:

Minimum side yard setback:

Residential buildings	10 ft
Nonresidential buildings	20 ft

Accessory building setback:

Drip edge from side and rear lot lines	5 ft
From main building	10 ft

### Building Height

Maximum building height:

35 ft or 2.5 stories, whichever is higher\*

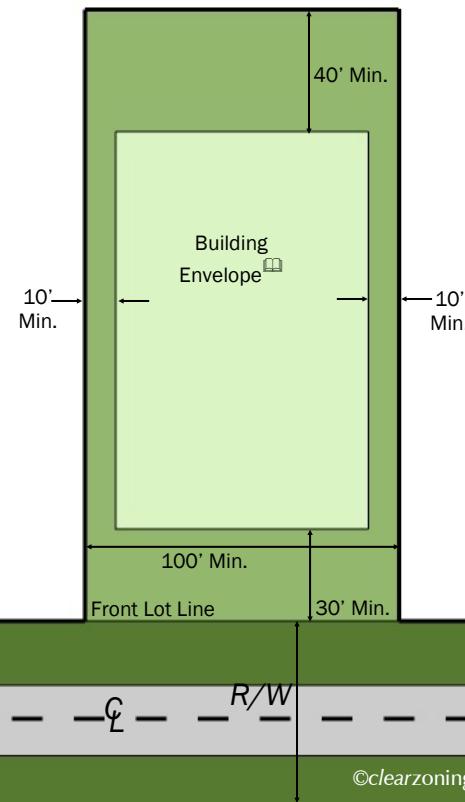
### Floor Area

Minimum floor area per dwelling:

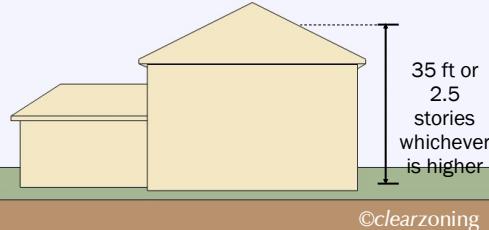
Total floor area	960 sq ft UFA
Ground floor area	600 sq ft UFA

\*Farm buildings and structures shall be permitted at their usual and customary heights.

### Residential Building with Public Sanitary Sewer



### How do I calculate height?



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Prohibited Uses](#) §3.7
- [Building and Structure Height Exceptions](#) §3.11

### 4. Use Standards

- [Keeping of Animals](#) §4.61
- [Temporary Buildings and Uses](#) §4.62

### 5. Site Standards

- [Fences](#) §5.9
- [Swimming Pools](#) §5.10
- [Satellite Dish Antennas](#) §5.11
- [Storage of Recreation Equipment](#) §5.12
- [Storage and Repair of Vehicles](#) §5.13
- [Prohibited Dwellings](#) §5.14
- [Outdoor Lighting](#) §5.18
- [Earth Changes](#) §5.20
- [Signs](#) §5.21
- [Accessory Buildings, Structures, and Uses](#) §5.24
- [Filling of Land](#) §5.26

### 6. Development Procedures

- [Site Plan Review](#) §6.1
- [Special Land Uses](#) §6.2
- [Condominiums](#) §6.3
- [Special Land Uses Permits](#) §6.4

### 7. Admin and Enforcement

- [Permits](#) §7.2
- [Nonconforming Lots...](#) §7.7

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28-3.1.6

# R-2 Two-Family Residential District

## A. INTENT

This district is intended to provide for two-family residential uses, and related nonresidential uses. The purpose of this district is to allow a density of housing opportunities with related development where public utilities are or may be made available.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. **Single-family dwellings** §4.3
- ii. **Home occupations** §4.4
- iii. Two-family dwellings
- iv. Family day care homes
- v. Group day care homes
- vi. State licensed residential family home facilities
- vii. Public utility or service buildings, not requiring outside storage or materials
- viii. Accessory buildings
- ix. **Small wind energy conversion systems** §4.59

## C. SPECIAL LAND USES

- i. **Churches** §4.15
- ii. **Public and private schools** §4.16
- iii. **Athletic grounds and parks** §4.20
- iv. **Bed and breakfast establishments** §4.63
- v. **Commercial day cares** §4.10
- vi. **State licensed residential group home facilities** §4.26
- vii. **Rural planned unit development (RPUD)** §4.19
- viii. **Site condominiums** /condominium subdivisions §6.3
- ix. **Triplex** or quadruplex dwellings §4.23



# R-2 Two-Family Residential District

28-3.1.6

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area:

No public sanitary sewer	40,000 sq ft
With public sanitary sewer	20,000 sq ft

Minimum lot width:

No public sanitary sewer	150 ft
With public sanitary sewer	100 ft

### Lot Coverage

Maximum lot coverage:

15 percent
------------

### Setbacks

Minimum front yard setback:

Minimum rear yard setback:

Minimum side yard setback:

Residential buildings	10 ft
Nonresidential buildings	20 ft

Accessory building setback:

Drip edge from side and rear lot lines	5 ft
From main building	10 ft

### Building Height

Maximum building height:

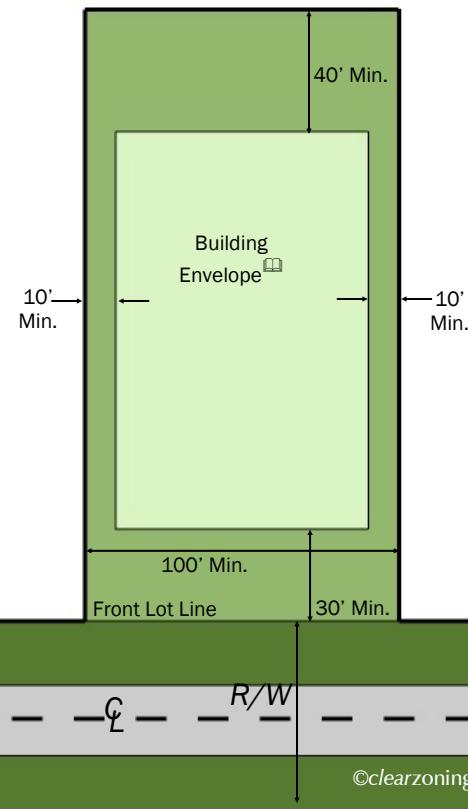
35 ft or 2.5 stories, whichever is higher

### Floor Area

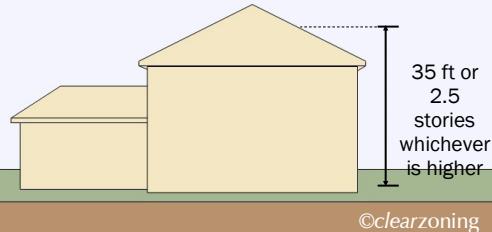
Minimum floor area per dwelling:

Total floor area	960 sq ft UFA
Ground floor area	600 sq ft UFA

### Residential Building with Public Sanitary Sewer



### How do I calculate height?



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Prohibited Uses](#) §3.7
- [Building and Structure Height Exceptions](#) §3.11

### 4. Use Standards

- [Keeping of Animals](#) §4.61
- [Temporary Buildings and Uses](#) §4.62

### 5. Site Standards

- [Fences](#) §5.9
- [Swimming Pools](#) §5.10
- [Satellite Dish Antennas](#) §5.11
- [Storage of Recreation Equipment](#) §5.12
- [Storage and Repair of Vehicles](#) §5.13
- [Prohibited Dwellings](#) §5.14
- [Outdoor Lighting](#) §5.18
- [Earth Changes](#) §5.20
- [Signs](#) §5.21
- [Accessory Buildings, Structures, and Uses](#) §5.24
- [Filling of Land](#) §5.26

### 6. Development Procedures

- [Site Plan Review](#) §6.1
- [Special Land Uses](#) §6.2
- [Condominiums](#) §6.3
- [Special Land Uses Permits](#) §6.4

### 7. Admin and Enforcement

- [Permits](#) §7.2
- [Nonconforming Lots...](#) §7.7

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# R-3 Multiple-Family Residential District

## A. INTENT

This district is intended to provide for higher density, two- and multiple-family residential uses, and related nonresidential uses. The purpose of this district is to allow greater densities of residential and related development where public utilities shall be required.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Two-family dwellings
- ii. **Home occupations** §4.4
- iii. Family day care homes
- iv. Group day care homes
- v. State licensed residential family home facilities
- vi. Public utility or service buildings, not requiring outside storage or materials
- vii. Accessory buildings
- viii. **Small wind energy conversion systems** §4.59

## C. SPECIAL LAND USES

- i. **Multiple-family dwellings** §4.41
- ii. **Churches** §4.15
- iii. **Public and private schools** §4.16
- iv. **Athletic grounds and parks** §4.20
- v. **Bed and breakfast establishments** §4.63
- vi. **Commercial day cares** §4.10
- vii. **State licensed residential group home facilities** §4.26
- viii. **Rural planned unit development (RPUD)** §4.19
- ix. **Commercial planned unit development (CPUD)** (no more than 50 percent of the underlying parcel may be considered part of the CPUD) §4.32
- x. **Nursing homes** §4.27



# R-3 Multiple-Family Residential District

28-3.1.7

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area:	
Two-family	40,000 sq ft
Minimum lot width:	
Two-family	150 ft
Multiple-family	250 ft

### Lot Coverage

Maximum lot coverage:	25 percent
-----------------------	------------

### Setbacks

Minimum front yard setback:	30 ft
Minimum rear yard setback:	40 ft
Minimum side yard setback:	
Residential buildings	25 ft
Nonresidential buildings	30 ft
Accessory building setback:	
Drip edge from side and rear lot lines	5 ft
From main building	10 ft

### Building Height

Maximum building height:	35 ft or 2.5 stories, whichever is higher
--------------------------	---

### Floor Area

Minimum floor area per dwelling:	
Two-family	
Total floor area	960 sq ft UFA
Ground floor area	600 sq ft UFA
Multiple-family	
1 bedroom	720 sq ft
2 bedroom	850 sq ft
3 bedroom	1,000 sq ft
4 bedroom	1,200 sq ft

### Permitted Density

Multiple-family maximum dwelling units per acre	
	8 dwelling units

### Building Length

Multiple-family maximum building length:	120 ft
--	--------

## SELECTED REFERENCES

### 3. Zoning Districts

- [Prohibited Uses](#) §3.7
- [Building and Structure Height Exceptions](#) §3.11

### 4. Use Standards

- [Keeping of Animals](#) §4.61
- [Temporary Buildings and Uses](#) §4.62

### 5. Site Standards

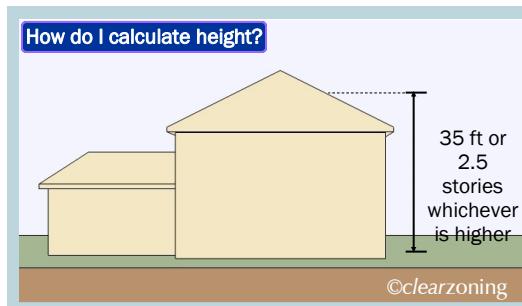
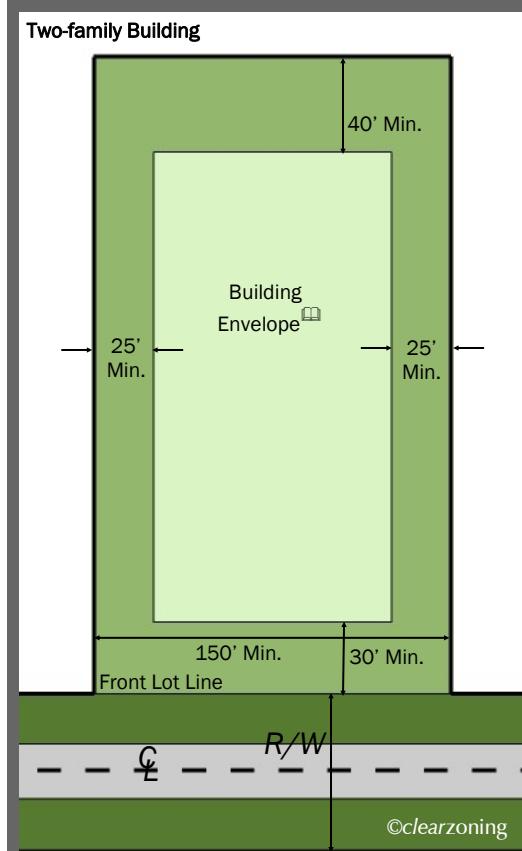
- [Fences](#) §5.9
- [Swimming Pools](#) §5.10
- [Satellite Dish Antennas](#) §5.11
- [Storage of Recreation Equipment](#) §5.12
- [Storage and Repair of Vehicles](#) §5.13
- [Prohibited Dwellings](#) §5.14
- [Outdoor Lighting](#) §5.18
- [Earth Changes](#) §5.20
- [Signs](#) §5.21
- [Accessory Buildings, Structures, and Uses](#) §5.24
- [Filling of Land](#) §5.26

### 6. Development Procedures

- [Site Plan Review](#) §6.1
- [Special Land Uses](#) §6.2
- [Condominiums](#) §6.3
- [Special Land Uses Permits](#) §6.4

### 7. Admin and Enforcement

- [Permits](#) §7.2
- [Nonconforming Lots...](#) §7.7



The above drawings are not to scale.

1 Purpose and Introduction

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## A. INTENT

This district is intended to provide for the wide mixture of land uses existing within the unincorporated area generally identified as Wacousta Village. These land uses will generally include higher density single-family uses, as well as smaller scale office, service, and commercial uses. The purpose of this district is to allow land uses to develop in a more town-oriented manner, yet maintain the rural village character of the area. Large scale nonresidential activities are not desired.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. **Single-family** and **two-family dwellings** §4.3
- ii. **Home occupations** §4.4
- iii. Family day care homes
- iv. Group day care homes
- v. State licensed residential family home facilities
- vi. **Bed and breakfast establishments** §4.63
- vii. **Personal service establishments** §4.29
- viii. **Office buildings** §4.31
- ix. Public utility or service buildings, not requiring outside storage or materials
- x. Accessory buildings
- xi. **Small wind energy conversion systems** §4.59

## C. SPECIAL LAND USES

- i. **Retail businesses** §4.28
- ii. **Restaurants, not including drive-through facilities** §4.30
- iii. **Churches** §4.15
- iv. **Public and private schools** §4.16
- v. **Commercial kennels** or **veterinary services** §4.7
- vi. **Athletic grounds and parks** §4.20
- vii. **Commercial day cares** §4.10
- viii. **State licensed residential group home facilities** §4.26
- ix. **Rural planned unit development (RPUD)** §4.19

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area:

Residential buildings	15,000 sq ft
Nonresidential buildings	20,000 sq ft

Minimum lot width:

Residential buildings	85 ft
Nonresidential buildings	100 ft

### Lot Coverage

Maximum lot coverage:

35 percent

### Setbacks

Minimum front yard setback:

Residential buildings	20 ft
Nonresidential buildings	30 ft

Minimum rear yard setback:

Residential buildings	20 ft
Nonresidential buildings	15 ft

Minimum side yard setback:

Residential buildings	20 ft
Nonresidential buildings	15 ft

Accessory building setback:

Drip edge from side and rear lot lines	5 ft
From main building	10 ft

### Building Height

Maximum building height:

35 ft or 2.5 stories, whichever is higher

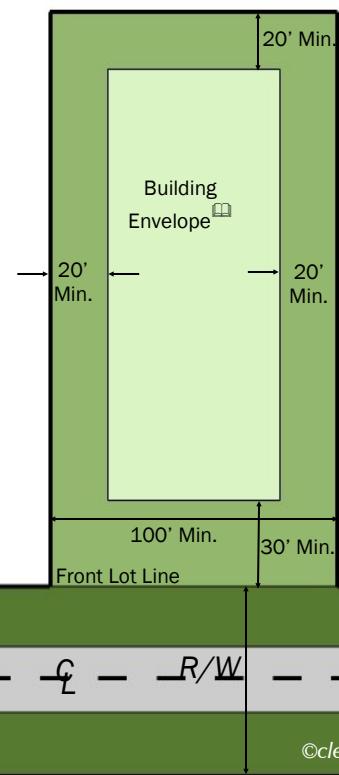
### Floor Area

Minimum floor area per dwelling:

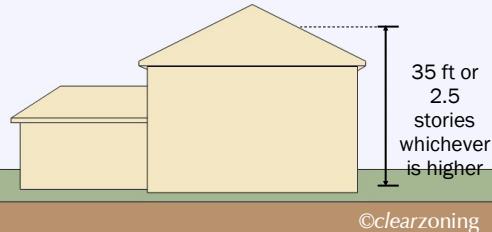
Residential Buildings

Total floor area	960 sq ft UFA
Ground floor area	600 sq ft UFA

### Nonresidential Building



### How do I calculate height?



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Prohibited Uses](#) §3.7
- [Building and Structure Height Exceptions](#) §3.11

### 4. Use Standards

- [Keeping of Animals](#) §4.61
- [Temporary Buildings and Uses](#) §4.62

### 5. Site Standards

- [Fences](#) §5.9
- [Swimming Pools](#) §5.10
- [Satellite Dish Antennas](#) §5.11
- [Storage of Recreation Equipment](#) §5.12
- [Storage and Repair of Vehicles](#) §5.13
- [Prohibited Dwellings](#) §5.14
- [Outdoor Lighting](#) §5.18
- [Earth Changes](#) §5.20
- [Signs](#) §5.21
- [Accessory Buildings, Structures, and Uses](#) §5.24
- [Filling of Land](#) §5.26

### 6. Development Procedures

- [Site Plan Review](#) §6.1
- [Special Land Uses](#) §6.2
- [Condominiums](#) §6.3
- [Special Land Uses Permits](#) §6.4

### 7. Admin and Enforcement

- [Permits](#) §7.2
- [Nonconforming Lots...](#) §7.7

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## A. INTENT

The intent of this district is to provide an area for the development of manufactured home parks in compliance with Public Act No. 96 of 1987 (MCL 125.2301 et seq.).



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Manufactured homes
- ii. Manufactured home parks

## C. SPECIAL LAND USES

- i. Reserved

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area:

Manufactured housing park	10 acres
Manufactured housing space	5,000 sq ft
Minimum lot width:	40 ft

### Setbacks

Minimum front yard setback:

20 ft\*

Minimum rear yard setback:

20 ft\*

Minimum side yard setback:

20 ft\*

Accessory building setback:

10 ft

Permanent community owned structures setback:

50 ft

Minimum setback from adjacent home parking space:

7 ft

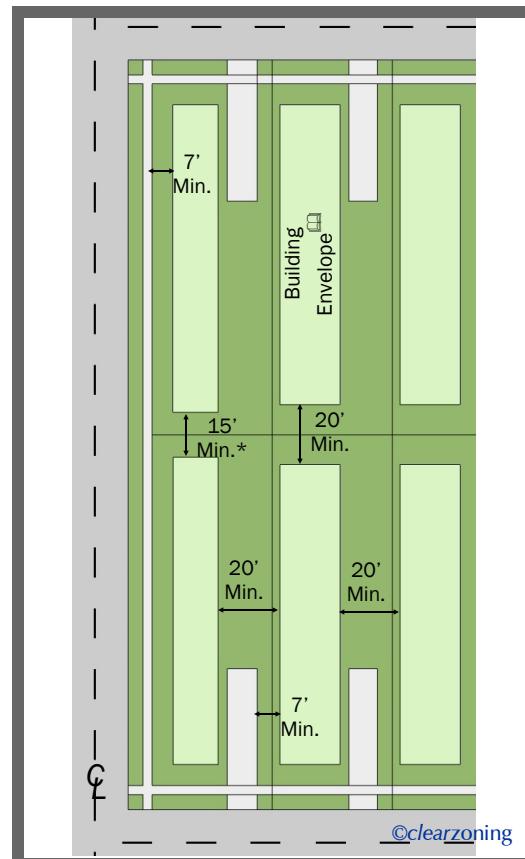
Minimum common sidewalk setback:

7 ft

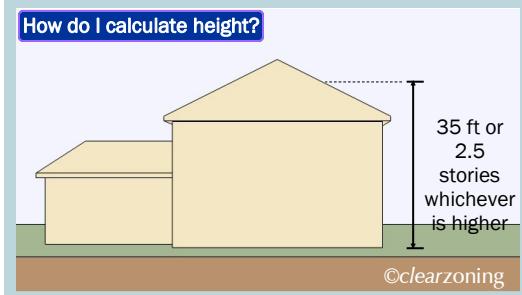
### Building Height

Maximum building height:

35 feet or 2.5 stories



\* For homes parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Prohibited Uses](#) §3.7
- [Manufacture Home Park Regulations](#) §3.9
- [Building and Structure Height Exceptions](#) §3.11

### 4. Use Standards

- [Keeping of Animals](#) §4.61
- [Temporary Buildings and Uses](#) §4.62

### 5. Site Standards

- [Fences](#) §5.9
- [Swimming Pools](#) §5.10
- [Satellite Dish Antennas](#) §5.11
- [Storage of Recreation Equipment](#) §5.12
- [Storage and Repair of Vehicles](#) §5.13
- [Prohibited Dwellings](#) §5.14
- [Outdoor Lighting](#) §5.18
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- [Signs](#) §5.21
- [Accessory Buildings, Structures, and Uses](#) §5.24
- [Filling of Land](#) §5.26

### 6. Development Procedures

- [Site Plan Review](#) §6.1
- [Special Land Uses](#) §6.2
- [Condominiums](#) §6.3
- [Special Land Uses Permits](#) §6.4

### 7. Admin and Enforcement

- [Permits](#) §7.2
- [Nonconforming Lots...](#) §7.7

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# B-1 Local Business District

## A. INTENT

The B-1, local business district provides locations within the township for small, convenient office and personal service areas. Uses considered to be appropriate for the B-1 district shall cater to the residents of the township and nearby areas, remain small enough in scale to be well integrated into a neighborhood setting, and possess appropriate traffic safety components which will limit potential negative impacts resulting from a nonresidential use. Uses are prohibited which may create hazards; offensive or loud noises; or excessive vibration, smoke, glare, or heavy truck traffic.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Banks, credit unions, and similar financial institutions, not including drive-through facilities
- ii. Personal service establishments
- iii. Professional and business offices
- iv. Commercial day care centers
- v. Public buildings and public utility offices, but not including storage yards, substations, or regulator stations
- vi. Accessory buildings and uses
- vii. **Small wind energy conversion systems** §4.59

## C. SPECIAL LAND USES

- i. **Retail business** §4.28.2
- ii. **Banks, credit unions, and similar financial institutions, including those with drive-through facilities** §4.33
- iii. **Restaurants, including those with drive-through facilities** §4.30
- iv. **Mortuaries and funeral homes** §4.34
- v. **Commercial planned unit development (CPUD)** §4.32
- vi. Assembly buildings, including auditoriums, theaters, clubs, lodges, banquet facilities including other closely related uses
- vii. **Country clubs and golf courses** §4.24
- viii. **Athletic grounds and parks** §4.20



# B-1 Local Business District

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area: 30,000 sq ft  
Minimum lot width: 100 ft

### Lot Coverage

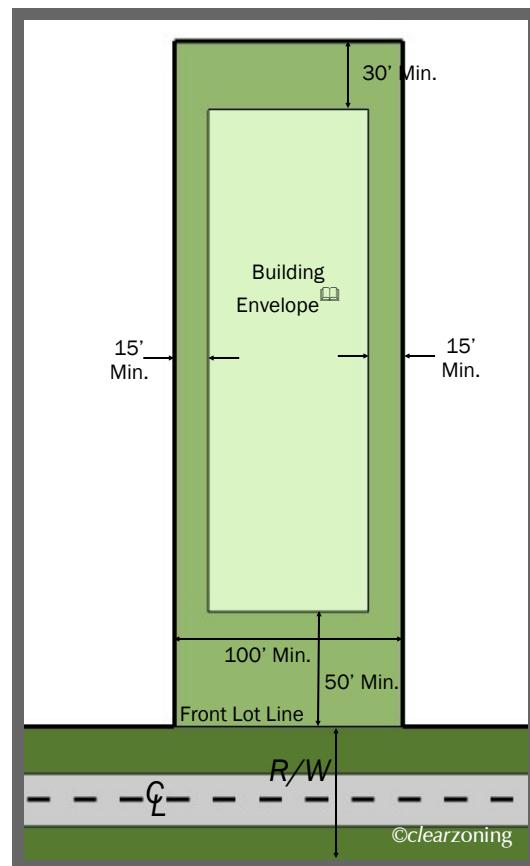
Maximum lot coverage: 40 percent

### Setbacks

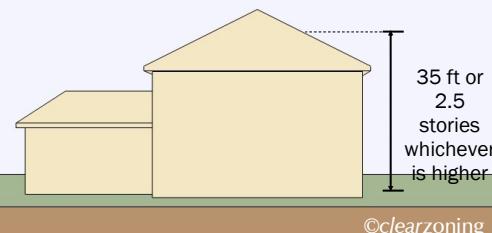
Minimum front yard setback: 50 ft  
Minimum rear yard setback: 30 ft  
Minimum side yard setback: 15 ft

### Building Height

Maximum building height: 35 ft or 2.5 stories, whichever is higher



### How do I calculate height?



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- **Prohibited Uses** §3.7
- **B-1, B-2, and LI District Regulations** §3.10
- **Building and Structure Height Exceptions** §3.11

### 4. Use Standards

- **Temporary Buildings and Uses** §4.62

### 5. Site Standards

- **Fences** §5.9
- **Prohibited Dwellings** §5.14
- **Mechanical Appurtenances** §5.16
- **Essential Public Services** §5.17
- **Outdoor Lighting** §5.18
- **Earth Changes** §5.20
- **Signs** §5.21
- **Off-Street Parking and Loading** §5.22
- **Landscaping and Screening** §5.23
- **Accessory Buildings, Structures, and Uses** §5.24
- **Filling of Land** §5.26

### 6. Development Procedures

- **Site Plan Review** §6.1
- **Special Land Uses** §6.2
- **Condominiums** §6.3
- **Special Land Uses Permits** §6.4

### 7. Admin and Enforcement

- **Permits** §7.2
- **Nonconforming Lots...** §7.7

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## B-2 Business District

### A. INTENT

The B-2, business district provides locations within the township for larger retail and professional office areas. Uses considered to be appropriate for the B-2 district shall cater to the residents of the township as well as residents of other nearby communities. Careful consideration shall be given to appropriate traffic safety components which will limit potential negative impacts resulting from the more intensive nature of the uses allowed in this district.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

### B. PRINCIPAL PERMITTED USES

- i. Restaurants, not including drive-through facilities
- ii. **Retail business** §4.28.3
- iii. Banks, credit unions, and similar financial institutions, not including drive-through facilities
- iv. Personal service establishments
- v. Professional and business offices
- vi. Commercial day care centers
- vii. Public buildings and public utility offices, but not including storage yards, substations, or regulator stations
- viii. Accessory buildings and uses
- ix. **Small wind energy conversion systems** §4.59
- x. Building materials sales without outdoor storage

### C. SPECIAL LAND USES

- i. **Retail business** §4.28.3
- ii. **Banks, credit unions, and similar financial institutions with drive-through facilities** §4.33
- iii. **Restaurants with drive-through facilities** §4.30
- iv. **Service centers** §4.36
- v. **Vehicle service stations** §4.35
- vi. **Vehicle wash establishments** §4.37
- vii. **Open air businesses** §4.38
- viii. **Mortuaries and funeral homes** §4.34
- ix. **Sales and storage of building materials** §4.39
- x. **Public buildings and public utility offices, with storage yards, substations, or regulator stations** §4.40
- xi. **Commercial planned unit development (CPUD)** §4.32
- xii. **Hotel** and **motel** establishments §4.45
- xiii. **Landscaping, lawn service, snowplowing** (including other closely related operations) §4.18
- xiv. Mini-storage units
- xv. **Assembly buildings** §4.43
- xvi. **Athletic grounds and parks** §4.20
- xvii. **Hospitals** , **urgent care facilities**, **private ambulance services** and **outpatient surgery facilities** §4.44
- xviii. **Nursing homes** §4.27
- xix. **Country clubs and golf courses** §4.24

# B-2 Business District

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area: 60,000 sq ft  
Minimum lot width: 150 ft

### Lot Coverage

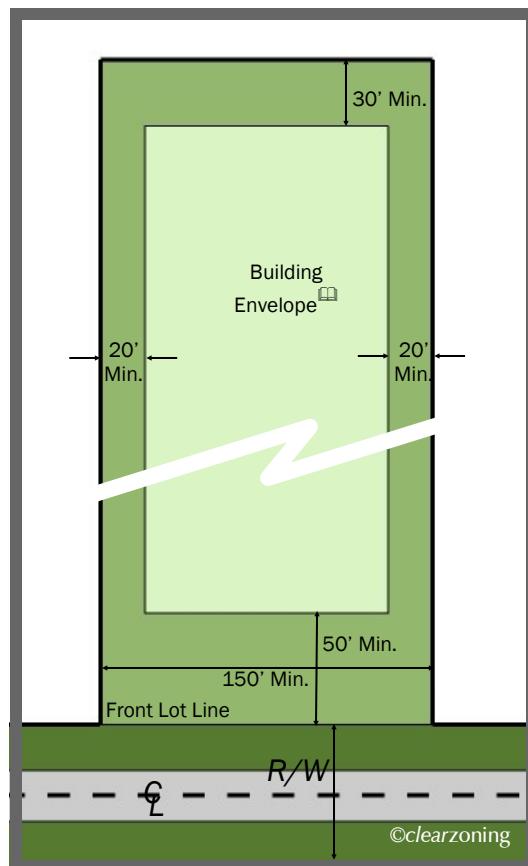
Maximum lot coverage: 40 percent

### Setbacks

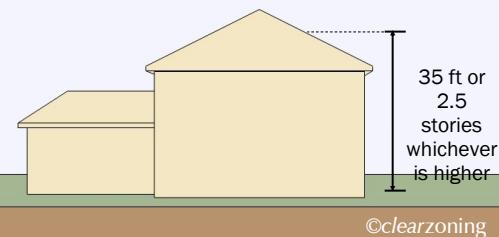
Minimum front yard setback: 50 ft  
Minimum rear yard setback: 30 ft  
Minimum side yard setback: 20 ft  
Accessory building setback:  
Drip edge from side and rear lot lines 5 ft  
From main building 10 ft

### Building Height

Maximum building height: 35 ft or 2.5 stories, whichever is higher



### How do I calculate height?



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- **Prohibited Uses** §3.7
- **B-1, B-2, and LI District Regulations** §3.10
- **Building and Structure Height Exceptions** §3.11

### 4. Use Standards

- **Temporary Buildings and Uses** §4.62

### 5. Site Standards

- **Fences** §5.9
- **Prohibited Dwellings** §5.14
- **Mechanical Appurtenances** §5.16
- **Essential Public Services** §5.17
- **Outdoor Lighting** §5.18
- **Earth Changes** §5.20
- **Signs** §5.21
- **Off-Street Parking and Loading** §5.22
- **Landscaping and Screening** §5.23
- **Accessory Buildings, Structures, and Uses** §5.24
- **Filling of Land** §5.26

### 6. Development Procedures

- **Site Plan Review** §6.1
- **Special Land Uses** §6.2
- **Condominiums** §6.3
- **Special Land Uses Permits** §6.4

### 7. Admin and Enforcement

- **Permits** §7.2
- **Nonconforming Lots...** §7.7

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# LI Light Industrial District

## A. INTENT

The LI, light industrial district provides locations within the township for light manufacturing, storage, or and other related activities and facilities which will not create hazards, offensive or loud noises, excessive vibration, smoke, or glare. These uses are characterized by moderate lot coverage, adequate setbacks, environmental sensitivity, and creative site design. Such uses will include appropriate traffic safety components which will limit potential negative impacts resulting from a nonresidential use.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Industrial plants
- ii. Wholesale businesses
- iii. Warehousing
- iv. Professional office buildings
- v. **Research and development facilities** §4.46
- vi. Trade or industrial schools
- vii. Sales and storage of building materials
- viii. Utilities and communications installations
- ix. Utility and public service buildings, including storage yards
- x. Accessory buildings and uses
- xi. Landscaping, lawn service, snowplowing (including other closely related operations)
- xii. Mini-storage units
- xiii. **Athletic grounds and parks** §4.20
- xiv. Hospitals , urgent care facilities, private ambulance services and outpatient surgery facilities
- xv. Restaurants
- xvi. **Small wind energy conversion systems** §4.59

## C. SPECIAL LAND USES

- i. **Truck and freight terminals, and maintenance facilities** §4.47
- ii. **Junkyards** and salvage yards §4.48
- iii. **Sanitary and hazardous waste landfills** §4.49
- iv. **Removal and processing of soil, sand, gravel, or other mineral resources** §4.12
- v. **Tool and die** §4.50
- vi. **Vehicle service stations** §4.35
- vii. **Industrial plants, manufacturing of fabricated products** §4.64
- viii. **Body shops and wrecker services, including storage yards** §4.52
- ix. **Vehicle repair** §4.54
- x. **Adult uses** §4.53
- xi. **Open air businesses** §4.38
- xii. **Assembly buildings** §4.43
- xiii. **Towers in excess of 50 feet** §4.13



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area: 40,000 sq ft  
Minimum lot width: 150 ft

### Lot Coverage

Maximum lot coverage: 50 percent

### Setbacks

Minimum front yard setback:

- A building 35 ft or less in height contiguous to or facing an agricultural or residential district 35 ft
- A building over 35 ft in height contiguous to or facing an agricultural or residential district 75 ft\*
- A building contiguous to or facing LI, B-1 or B-2 35 ft

Minimum rear yard setback:

- A building 35 ft or less in height contiguous to or facing an agricultural or residential district 50 ft
- A building over 35 ft in height contiguous to or facing an agricultural or residential district 75 ft\*
- A building contiguous to or facing LI, B-1 or B-2 50 ft

Minimum side yard setback:

- A building 35 ft or less in height contiguous to or facing an agricultural or residential district 30 ft
- A building over 35 ft in height contiguous to or facing an agricultural or residential district 45 ft\*
- A building contiguous to or facing LI, B-1 or B-2 30 ft

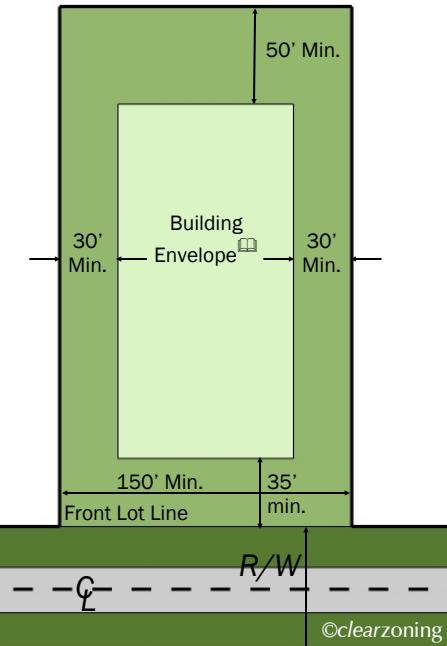
### Building Height

Maximum building height:

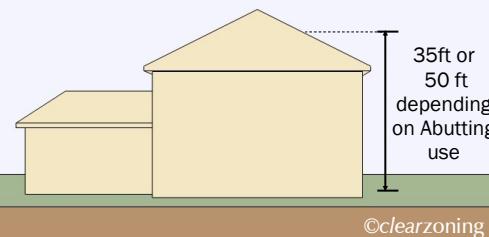
- A building 35 ft or less in height contiguous to or facing an agricultural or residential district 35 ft
- Contiguous or facing residential building exceeds 35 ft 50 ft\*
- A building contiguous to or facing LI, B-1 or B-2 50ft

\*The setbacks delineated apply only to the side of the building contiguous to or facing a residential or agricultural zoned district.

### LI Abutting or Facing LI, B1 or B-2



### How do I calculate height?



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- **Prohibited Uses** §3.7
- **B-1, B-2, and LI District Regulations** §3.10
- **Building and Structure Height Exceptions** §3.11

### 4. Use Standards

- **Temporary Buildings and Uses** §4.62

### 5. Site Standards

- **Fences** §5.9
- **Prohibited Dwellings** §5.14
- **Mechanical Appurtenances** §5.16
- **Essential Public Services** §5.17
- **Outdoor Lighting** §5.18
- **Earth Changes** §5.20
- **Signs** §5.21
- **Off-Street Parking and Loading** §5.22
- **Landscaping and Screening** §5.23
- **Accessory Buildings, Structures, and Uses** §5.24
- **Filling of Land** §5.26

### 6. Development Procedures

- **Site Plan Review** §6.1
- **Special Land Uses** §6.2
- **Condominiums** §6.3
- **Special Land Uses Permits** §6.4

### 7. Admin and Enforcement

- **Permits** §7.2
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# F-1 Floodplain Overlay District

## A. INTENT

This district is intended primarily to protect those undeveloped areas of the township which are subject to predictable flooding in the floodplain area of the Looking Glass River and its tributaries so that the reservoir capacity will not be reduced or impede, retard, accelerate or change the direction of flow or carrying capacity of the river valley or to otherwise increase the possibility of flood. The requirements of this division, while permitting reasonable use of properties within the floodplain, will help protect human life, prevent or minimize material and economic losses and reduce the cost to the public in time of emergency through public aid or relief efforts occasioned by the unwise occupancy of such flood areas.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PERMITTED USES

Notwithstanding any other provisions of this chapter, land in the F-1 district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of **Section 28-6.1.2:**

1. **Open space** **uses** §4.55
2. Industrial or commercial accessory use areas, such as loading and parking areas, and similar uses
3. Accessory residential uses such as lawn, gardens, parking areas, and play areas

## C. SPECIAL LAND USES

Land and/or buildings in the F-1 district may be used for the following purposes after approval by the township board as a special land use in accordance with the procedures of **Section 6.2.**

1. **Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources** §4.12
2. **Seasonal uses** §4.56
3. Docks and piers

## D. DELINEATION OF THE FLOOD HAZARD OVERLAY ZONE

1. The flood hazard area zone shall overlay existing zoning districts delineated on the official Watertown Charter Township Zoning Map.
  - A. The boundaries of the flood hazard area zone shall coincide with the boundaries of the areas indicated as within the limits of the 100-year flood in the current report entitled "The Flood Insurance Study, Watertown Charter Township," with accompanying flood insurance rate maps and flood boundary and floodway maps.

Within the flood hazard area zone a regulatory floodway shall be designated. The boundaries of the regulatory floodway shall coincide with the floodway boundaries indicated on the flood boundary and floodway map.

The study and accompanying maps are adopted by reference, appended, and declared to be part of this chapter.

The term flood hazard area as used in this chapter shall mean the flood hazard area zone and the term floodway shall mean the designated regulatory floodway.

- B. Where there are disputes as to the location of a flood hazard area zone boundary, the board of appeals shall resolve the dispute.
- C. In addition to other requirements of this chapter applicable to development in the underlying zoning district, compliance with the requirements of this division shall be necessary for all development occurring within the flood hazard area zone.

# F-1 Floodplain Overlay District

## E. DATA SUBMISSION

Prior to the issuance of a building permit for structures on or within 100 feet of floodplain areas, the building inspector shall require the applicant for such permit to submit an approved permit as required by the state department of environmental quality, topographic data, engineering studies, proposed site plan and/or other similar data needed to determine the possible effects of flooding on a proposed structure and/or the effect of the structure on the flow of water. All such required data shall be prepared by a licensed professional engineer, licensed land surveyor, or licensed architect in the state.

## F. LIABILITY

The township shall incur no liability whatsoever by permitting any use of a building within the floodplain within the township.

## G. GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION

1. Development within a flood hazard area, including the erection of structures as permitted by this division, shall not occur except upon issuance of a zoning compliance permit in accordance with the requirements of this chapter and the following standards:
  - i. The requirements of this division shall be met;
  - ii. The requirements of the underlying zoning district and applicable general provisions of this chapter shall be met;
  - iii. All necessary development permits shall have been issued by appropriate local, state, and federal authorities, including a floodplain permit, approval, or letter of no authority from the state department of environmental quality under authority of Part 31 of Public Act No. 451 of 1994 (MCL 324.3101 et seq.). Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.
2. The use pattern and structure proposed to accomplish said use shall be so designed as not to reduce the water impoundment capacity of the floodplain or significantly change the volume or speed of the flow of water.
3. Specific base flood elevation standards.
  - A. On the basis of the most recent available base flood elevation data all new construction and substantial improvements shall have the lowest floor, including basements, elevated at least one foot above the flood level, or for nonresidential structures, be constructed such that at or below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - B. A licensed professional engineer, licensed land surveyor, or licensed architect in the state shall certify that these standards are met and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the base flood in the location of the structure. Such certification shall be submitted as provided in this chapter and shall indicate the elevation to which the structure is floodproofed.
  - C. Available flood hazard data from federal, state, or other sources shall be reasonably utilized in meeting the standards of this division. The most recent flood elevation data received from the federal emergency management agency shall take precedence over data from other sources.
4. All new construction and substantial improvements within a flood hazard area, shall:
  - A. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
  - B. Be constructed with materials and utility equipment resistant to flood damage; and
  - C. Be constructed by methods and practices that minimize flood damage.
5. All new and replacement water supply systems shall minimize or eliminate infiltration of floodwaters into the systems.

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# F-1 Floodplain Overlay District

6. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of floodwaters into the systems and discharges from systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
7. All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
8. Adequate drainage shall be provided to reduce exposure to flood hazards.
9. The flood carrying capacity of any altered or relocated watercourses not subject to state or federal regulations designed to ensure flood carrying capacity shall be maintained.

## H. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled Clinton County, Michigan (all jurisdictions) and dated 5/3/11 and the Flood Insurance Rate Map(s) (FIRMs) panel number(s) of 26037c; 0276d, 0277d, 0278d, 0279d, 0283d, 0284d, 0286d, 0292d, 0303d, 0311d, and 0313d and dated 5/3/11 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "flood hazards" section of table r301.2(1) of the Michigan Residential Code.

## SELECTED REFERENCES

**3. Zoning Districts**

- **Prohibited Uses** §3.7
- **Building and Structure Height Exceptions** §3.11

**4. Use Standards**

- **Temporary Buildings and Uses** §4.62

**5. Site Standards**

- **Fences** §5.9
- **Essential Public Services** §5.17
- **Outdoor Lighting** §5.18
- **Junk** §5.19
- **Earth Changes** §5.20
- **Off-Street Parking and Loading** §5.22
- **Landscaping and Screening** §5.23
- **Accessory Buildings, Structures, and Uses** §5.24
- **Filling of Land** §5.26

**6. Development Procedures**

- **Site Plan Review** §6.1
- **Special Land Uses** §6.2
- **Condominiums** §6.3
- **Special Land Uses Permits** §6.4

**7. Admin and Enforcement**

- **Permits** §7.2
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# LGR Looking Glass River Overlay District

## A. INTENT

The Looking Glass River overlay district is a supplementary district which applies to designated lands, as described in this division, simultaneously with any of the other zoning districts established in this chapter, hereinafter referred to as the "underlying" zoning district. Lands included in the Looking Glass River overlay district are all such lands located along the shoreline areas of the Looking Glass River and are characterized by uses which are strongly oriented toward the residential and recreational experience and enjoyment of the surface waters and shorelines of the river within the township.

It is the intent of the Looking Glass River overlay district to provide regulations in addition to those contained in the underlying zoning district pertaining to lands located along the surface waters and shorelines of the river. The purpose of these regulations is to recognize the unique physical, economic, and social attributes of these shoreline properties and to ensure that the structures and uses in this district are compatible with and protect these unique attributes. Where specific requirements of the Looking Glass River overlay district vary or conflict with the regulations contained in the underlying zoning district, the stricter requirement shall govern.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PERMITTED USES

Land in the LGR district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of **Section 28-6.1.2:**

1. Any permitted use in the underlying zoning district.
2. **Private boat docks, accessory to residential uses** §4.57
3. **Private boat docks, accessory to nonresidential uses** §4.58

## C. SPECIAL LAND USES

Land and/or buildings in the Looking Glass River overlay district may be used for the following purposes after approval by the township board as a special land use in accordance with the procedures of **Section 6.2:**

1. Any special land use in the underlying zoning district
2. **Public or private campgrounds** §4.25
3. Public or private boat launches

## D. DISTRICT REGULATIONS

1. The regulations of this division apply to all waterfront lots (as defined in **Section 2.2**, "lot, waterfront") or parcels with a shoreline along the Looking Glass River.
2. All district regulations of the underlying zoning district apply to properties within the LGR

overlay district, except as modified in this Section.

3. Additional setbacks and lot widths for structures adjacent to the Looking Glass River.
  - A. A minimum lot width of 150 feet shall be required.
  - B. Notwithstanding any other provision of this chapter, no dwelling, accessory building, or septic system shall be hereafter constructed, erected, installed, or enlarged within a minimum of 150 feet (as measured from the shoreline or ordinary high-water mark) from the Looking Glass River, except that for every one foot of bank height above a minimum of seven feet above the ordinary high-water mark new structures may be placed five feet closer to the River, except that no structure shall be located closer than 100 feet to the shoreline or ordinary high-water mark.
  - C. New structures must be set back at least 50 feet from the top of the bluff on the cutting edges of the River.
  - D. No dwelling shall be constructed or placed on lands which are subject to flooding or on banks where a minimum of four feet between the finished grade level and high groundwater cannot be met. Land may be filled to meet the minimum requirement of four feet between the finished grade level and ordinary high-water mark only under the following conditions:

# LGR Looking Glass River Overlay District

- i. The vegetative strip is maintained, as required by **Section 28-3.1.14.D.4.**
- ii. No material is allowed to enter the water either by erosion or mechanical means.
- iii. Fill material is of a pervious material such as gravel or sand.
- iv. Any and all permits have been acquired as required by the laws of the state and the rules and regulations of the state department of environmental quality of the state, provided that it shall be unlawful to alter the shoreline of any river or creek in the township by soil removal or fill.
- v. All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.

4. Vegetative strip.

- A. Excepted as noted in by **Section 28-3.1.14.D.4.B**, a strip of 50 feet bordering each bank of the Looking Glass River, as measured from the shoreline or ordinary high water mark, shall be maintained in its natural vegetative state, except for the permitted clearing of dead or noxious plants.
- B. Within this strip a space of no greater than 50 feet in width may be selectively trimmed and pruned to allow for the placement of private boat docks (subject to the requirements of **Section 28-3.1.13.D**) and/or for a view of the waterway, with the approval of the zoning administrator. In addition, 40 percent of the lot width of the lot line adjacent to the river may be cleared.

C. The zoning administrator may allow limited clearing of the vegetative strip, only when required for construction of a permitted building or structure outside the vegetative strip, provided that the land cleared is returned to a vegetative state which is approximately the same quality and extent as that which existed prior to the clearing.

5. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the requirements of the underlying districts are met and maintained in connection with such building, structure, or enlargement, except as noted below:

- A. Except as otherwise required by this division, no main building shall be placed closer than 50 feet from the break of the bank, or from the shoreline if no break of the bank exists.
- B. Developments within the Looking Glass River overlay district shall maintain, to a reasonable extent, open and unobstructed views to the waterway from adjacent properties, roadways, and pedestrian ways.

## SELECTED REFERENCES

### **3. Zoning Districts**

- **Prohibited Uses** §3.7
- **Building and Structure Height Exceptions** §3.11

### **4. Use Standards**

- **Temporary Buildings and Uses** §4.62

### **5. Site Standards**

- **Fences** §5.9
- **Essential Public Services** §5.17
- **Junk** §5.19
- **Earth Changes** §5.20
- **Off-Street Parking and Loading** §5.22
- **Landscaping and Screening** §5.23
- **Accessory Buildings, Structures, and Uses** §5.24
- **Filling of Land** §5.26

### **6. Development Procedures**

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28-3.1.15

# GR Grand River Avenue Overlay District

## A. INTENT

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

The intent of the Grand River Avenue overlay zoning district is to provide specific standards for the corridor to preserve its traffic carrying capacity, natural features, and preservation of the rural character of the township while accommodating a reasonable amount of growth.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PURPOSE

Among the specific purposes of the corridor overlay zoning district are:

1. Encourage efficient flow of traffic by minimizing conflicts from turning movements.
2. Make land use and site plan review decisions with the transportation system to sustaining the capacity of the road by limiting and controlling the number and location of driveways and requiring alternate means of access through shared driveways, service drives, and access from cross streets.
3. Sustain the traffic carrying capacity of the roadway in order to delay or avoid premature widening which would detract from the character of the township.
4. Ensure that distractions to motorists are minimized by avoiding blight and clutter, promoting aesthetics, and providing property owners and businesses with appropriate design flexibility and visibility.
5. Encourage the rural and village character as expressed through the master plan by requiring buildings and parking to be set back from the roadway.
6. Encouraging landscaping in sites along the roadway as developed to preserve the rural character and complement existing natural features within the township.

## C. PERMITTED USES

Land and/or buildings in the Grand River Avenue overlay zoning district may be used for the following purpose by right, subject to site plan review in accordance with the provisions **Section 28-6.1.2**: Any permitted use in the underlying zoning district.

## D. SPECIAL LAND USES

Land and/or buildings in the Grand River Avenue overlay zoning district may be used for the following purpose after approval by the township board as a special land use in accordance with the procedures of **Section 6.2**: Any special land use in the underlying zoning district.

## E. DISTRICT REGULATIONS

1. Generally. The regulations of this division apply to all lots or parcels with any lot line abutting Grand River Avenue.
2. Compliance before erection of structure. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following district regulations are met and maintained in connection with such building, structure, or enlargement. Should any requirement of this district conflict with the requirement of the underlying zoning district, the stricter of the requirements shall prevail.
  - a. Driveways.
    - i. Each lot may be permitted one driveway, provided the spacing requirements of this Section can be achieved. One additional driveway may be permitted on parcels with lot widths exceeding 500 feet.
    - ii. Additional driveways may be permitted by the planning commission for any site, providing the spacing and alignment criteria listed in **Section 28-3.1.15.E.3.B** are met, and a traffic impact study is

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completed which justifies an additional driveway. The planning commission may permit two, one-way driveways rather than a single dual movement driveway for particular uses where safer, more efficient circulation and function of the drives can be demonstrated.

- iii. The applicant shall submit evidence indicating that the sight distance requirements of the state department of transportation (MDOT) or the county road commission, as appropriate, are met.

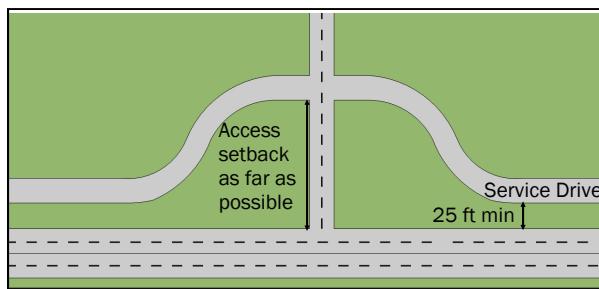
## B. Spacing and alignment.

- i. Driveways shall be spaced a minimum of 185 feet from driveways on the same side of the street, centerline to centerline.
- ii. Driveways shall be aligned with driveways on the opposite side of the street or spaced a minimum of 150 feet, centerline to centerline.
- iii. Driveways shall be spaced at least 125 feet from an intersection of a private road or public street measured from near pavement edge of the street to near pavement edge of the driveway throat.

## C. Frontage roads and service drives.

The planning commission may require the construction of frontage roads or rear service drives along parcels to connect future or existing developments. In particular the planning commission shall require development of service drives where service drives can provide access to signalized locations, where service

drives may minimize the number of driveways onto Grand River Avenue, and as a means to ensure that traffic is able to safely ingress and egress. Where service drives and frontage roads are constructed they shall be set back as far as reasonably possible from the intersection of the access driveway with the street. A minimum of 25 feet shall be maintained between the public street right-of-way and the pavement of the service drive.



## 4. Setbacks and landscaping.

- A. Notwithstanding the requirements of the underlying zoning district, main buildings along Grand River Avenue shall be set back a minimum of 75 feet from the right-of-way of Grand River Avenue, unless a greater setback is required by the underlying zoning district.
- B. Parking may be permitted in the front yard, except that no parking area shall be located nearer than 50 feet from the right-of-way of Grand River Avenue.
- C. The first 50 feet of the front yard, except for necessary entrance or service drives, shall be landscaped in accordance with the requirements of [Section 5.23](#).
- 5. Solar energy systems are permitted by special land use only as an accessory use to a principal permitted or special land use which is connected to a public water supply and sanitary sewer system.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Prohibited Uses](#) §3.7
- [Building and Structure Height Exceptions](#) §3.11

### 4. Use Standards

- [Temporary Buildings and Uses](#) §4.62

### 5. Site Standards

- [Fences](#) §5.9
- [Essential Public Services](#) §5.17
- [Junk](#) §5.19
- [Earth Changes](#) §5.20
- [Signs](#) §5.21
- [Off-Street Parking and Loading](#) §5.22
- [Landscaping and Screening](#) §5.23
- [Accessory Buildings, Structures, and Uses](#) §5.24
- [Filling of Land](#) §5.26

### 6. Development Procedures

- [Site Plan Review](#) §6.1
- [Special Land Uses](#) §6.2
- [Condominiums](#) §6.3
- [Special Land Uses Permits](#) §6.4

### 7. Admin and Enforcement

- [Permits](#) §7.2
- [Nonconforming Lots...](#) §7.7



**28-3.2 THE ZONING MAP**

Unless otherwise noted as "not mapped," the locations and boundaries of these descriptions are hereby established on a map entitled "Watertown Charter Township Zoning Map" which is hereby adopted and declared to be a part of this chapter.

1. Regardless of the existence of copies of the zoning map which may be made or published, the official zoning map shall be located in the office of the zoning administrator and shall be the final authority as to the current zoning status in the township. A record is to be kept by the zoning administrator of all changes made or required to be made to the official zoning map.
2. The official zoning map shall be identified by the signature of the zoning administrator, attested to by the township clerk.
3. The official zoning map is to be kept up to date, accessible to the general public, and shall be the final authority as to the current zoning district status of all land and buildings in the township which are subject to the provisions of this chapter.

**28-3.3 CONFLICTS WITH ZONING DISTRICT BOUNDARIES**

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

1. Where the boundaries are indicated as approximately following the street, alleys, or highways, the centerlines of said streets, alleys, or highways, or such lines extended shall be construed to be such boundaries.
2. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following township boundary lines shall be construed as following such township lines.
4. Boundaries indicated as approximately following railroad lines shall be construed to be the centerline of the railroad right-of-way.
5. Boundaries indicated as approximately parallel to the centerlines of streets or highways shall be construed as being parallel thereto and at such distances therefrom as indicated on the official zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official zoning map.

6. Boundaries following the shoreline of stream, lake, or other body of water shall be construed to follow such shoreline, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow such centerlines.
7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the zoning administrator.

**28-3.4 ZONING OF VACATED AREAS**

Whenever any street, alley or other public way within the township is vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley, or public way, such lands shall automatically be subjected to the same zoning regulations as are applicable to the adjoining lands.

**28-3.5 ZONING OF FILLED LAND**

Whenever any fill is placed in any lake or stream, after all required permits are obtained the land thus created shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations under this chapter for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

**28-3.6 ZONING DISTRICT CHANGES**

When district boundaries hereafter become changed, any use made nonconforming by such change may be continued, subject to the provisions of this chapter.

### 28-3.7 PROHIBITED USES, GENERALLY

Uses not specifically permitted and uses not clearly similar to permitted uses in a district, as determined by the zoning administrator, are hereby prohibited. Medical marihuana dispensaries, and medical marihuana facilities as defined in the Medical Marihuana Facilities Licensing Act, being Public Act 281 of 2016, including growers, processors, secure transporters, provisioning centers, safety compliance facilities and class B home occupations not expressly permitted in a zoning district are prohibited in that district.

Marihuana establishments, as that term is defined at MCL 333.27953 are completely prohibited within the township's boundaries and are a prohibited use in all zoning districts. A marihuana establishment does not include the transportation of marihuana through the township.

### 28-3.8 AP AGRICULTURAL PRESERVATION DISTRICT REGULATIONS

Permitted lot splits. The number of lots permitted shall be governed by the following: In total, the number of lots together with any previous divisions of the same parent parcel or parent tract, shall result in a number of lots not more than the sum of the following, as applicable:

1. For the first ten acres or fraction thereof in the parent parcel or parent tract, four parcels.
2. For each whole ten acres in excess of the first ten acres in the parent parcel or parent tract, one additional parcel, for up to a maximum of 11 additional parcels.
3. For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, one additional parcel.
4. For a parent parcel or parent tract of not less than 20 acres, the division may result in a total of two parcels in addition to those permitted by this Section if one or both of the following apply:
  - A. Because of the establishment of one or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under **Section 28-3.1.2.D** are created or required.
  - B. One of the resulting parcels under **Section 28-3.1.2.D** and this subsection comprises not less than 60 percent of the area of the parent parcel or parent tract.
5. A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels

permitted under this Section, if the parcel meets the requirements of this chapter.

6. Each lot created shall not exceed the maximum lot width to depth ratio of one to four. The depth to width ratio requirements of this ordinance shall not apply to those parcels greater than ten acres in size.
7. No further splits beyond those permitted by this Section are permitted, unless the property is rezoned to another zoning district permitting greater density.

### 28-3.9 MHP MANUFACTURED HOME PARK DISTRICT

1. Intent and purpose.
  - A. For the preservation of the interests of various types of residential developments which should be permitted in every community and for the protection of the residents of any manufactured home park development, these regulations are considered to be minimum standards to be applied to all manufactured home park developments in the township.
  - B. All manufactured home parks shall comply with the applicable requirements of Public Act No. 96 of 1987 (MCL 125.2301 et seq.), provided further that said developments meet the standards and conditions and all other provisions as herein established.
2. Installation and occupation of manufactured homes.
  - A. No manufactured home shall be placed or parked or installed in a manufactured home park until such time as a building permit is obtained from the building inspector. Such permit shall be issued by the building inspector after making a finding that said manufactured home meets construction standards as approved by the federal department of housing and urban development (HUD) code, or has been certified by a manufacturer as constructed according to the requirements of the federal HUD code.
  - B. No manufactured home shall be occupied by any person as a residence or for any other purpose until such time as said manufactured home is placed or situated on a specific lot in the manufactured home park and has been inspected by the building inspector and issued an occupancy permit. Such inspection shall



include the placement, the connection to utilities, and compliance with all necessary state, township, county, or other ordinances and regulations. Such permit shall be issued by the building inspector on payment of inspection fee as may be authorized by resolution of the township board from time to time. In the event said manufactured home is moved to another lot or another manufactured home is placed on the specific lot, a new certificate of occupancy must be obtained by the owner or resident from the building inspector.

3. Application procedures.
  - A. Generally. Application for approval of a manufactured home park shall not be considered by the township until an application for a rezoning has been approved by the township in accordance with the provisions of this chapter. Such application shall be accompanied by a site plan conforming with the provisions and requirements of **Section 28-6.1**.
  - B. Standards. The following standards shall be satisfied before a rezoning for the manufactured home park is granted:
    - i. Whether the proposal is in accordance with the master plan.
    - ii. Whether the proposal meets all the design standards of this chapter and other applicable local codes, regulations, or ordinances.
    - iii. Whether the density of the proposed development could adversely affect adjacent properties and land uses.
    - iv. Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.
    - v. Whether the proposed development produces an extreme or undue demand on available fire and police protection.
    - vi. Whether the traffic characteristics of the proposed development can be expected to place an extreme or undue burden on the adjacent publicly available vehicular and/or pedestrian circulation facilities.

- C. Site plan. Following approval of a rezoning, if required, any application for the extension, alteration, or construction of a manufactured home park shall be approved by the township board, following receipt of a recommendation by the planning commission.
4. Standards and regulations. All manufactured home parks shall be designed and developed in accordance with the following standards and regulations:
  - A. Minimum number of manufactured home spaces shall be 40. Required streets and utilities shall be completed for at least 25 manufactured home spaces along with related improvements before first occupancy.
  - B. Each manufactured home park shall have direct access only to a major street or state trunkline highway.
  - C. No access to the site shall be located closer than 200 feet from any public street intersection. Minimum street widths within the manufactured home park shall be accordance with MAC R 125.1920.
  - D. No more than one manufactured home shall be parked on any one lot, and no manufactured home shall be occupied by more than one family.
  - E. The minimum setback between any part of any manufactured home and/or structure permanently or temporarily attached thereto (excluding hitch), or used in conjunction therewith, including, but not by way of limitation, storage sheds, cabanas, and porches shall be as provided in MAC R 125.1941.
  - F. Each lot shall front on sidewalks as governed by MAC R 125.1928.
  - G. Each lot shall provide a minimum number of parking spaces as required by MAC R 125.1925 and R 125.1926.
  - H. The front, back and side yards of every lot shall be suitably landscaped and properly maintained with lawn area, and there shall be one shade tree, at least ten feet in height provided for each lot.
  - I. The manufactured home park shall provide a buffer zone in accordance with the requirements of this chapter.
  - J. Any buildings associated with the manufactured home park shall have minimum setback from any public street as

required by MAC R 125.1944, which shall be properly landscaped with grassed area and maintained by the owner and operator of the manufactured home park.

- K. All streets within the manufactured home park shall be constructed as required by MAC R 125.1922 and R 125.1923.
- L. The manufactured home park shall contain one or more open space areas intended primarily for the use of park residents on a minimum ratio of 250 square feet for every manufactured home lot provided that buffer zone areas shall not be included as part of such requirement.
- M. The manufactured home park shall provide one or more storm shelters of size and capacity so as to accommodate all the residents of the park.
- N. All street intersections and designated pedestrian crosswalks, all roads, parking bays and pedestrian walkways shall be illuminated as required by MAC R 125.1929.
5. Utility standards. The following utility standards shall apply to all manufactured home parks:
  - A. All utilities shall be underground.
  - B. All lots shall be provided with a water and sanitary sewer service approved by the Mid-Michigan Health Department and other applicable agencies. All manufactured homes shall be connected thereto and all expenses of installation and connection shall be borne by the owner or operator of the manufactured home park, and no costs shall be applied or taxed against owners of any adjacent property or along any main extended from the manufactured home park to the present public sanitary sewer system, unless such adjacent owners shall install a sewer connection to such main.
  - C. The manufactured home park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of either streets or lots within the park in accordance with the requirements of the county. All storm drainage and surface drainage facilities flowing from the park to adjacent areas shall be approved by the county.
6. Manufactured home standards.
  - A. Every manufactured home shall be supported on a permanent concrete pad or foundation for at least the width and length

of the manufactured home, and four inches thick, and all areas between the trailer and ground shall be enclosed by a fire resistant skirt.

- B. In the event the soil or topographic conditions of the proposed manufactured home park are such that other foundations or support are appropriate, and the developer provides to the building inspector a report by a certified engineer that piers are equal to or superior to the specifications as set forth in this chapter, such foundations may be approved by the building inspector, provided such construction includes provisions for proper drainage and covering ground under each manufactured home.
- C. Every manufactured home shall be at least 12 feet in width and have a minimum of 600 square feet of living area exclusive of porches and cabanas.
7. Inspections. The building inspector or such other person designated by the township board shall have the right to inspect the manufactured home park to determine whether or not the park owners or operators, or any owners or person occupying manufactured homes within the park are in violation of this chapter, or any other state ordinance or state or governmental regulations covering manufactured home parks affecting the health, safety and welfare of inhabitants, under the following conditions:
  - A. He has reasonable cause to believe that the owner or operator, or a resident or owner of a manufactured home in the park is in violation of any part of this or any other municipal ordinance.
  - B. That notice has been sent to the owner or operator of the manufactured home park at their last known address, and to the owner or resident of the manufactured home at their last known address as shown on the occupancy permit for said manufactured home, and that the township has not received satisfactory proof or indication that the purported violation is not a violation, or that the purported violation has been corrected within 15 days from the date of mailing said notice.
8. Lot rentals, sales.
  - A. No person desiring to rent a dwelling unit site shall be required, as a condition to such rental, to purchase a manufactured home from the owner or operator of the park as long as the manufactured home



intended to be located on such rented site conforms in size, style, shape, price, etc., as may be required by any reasonable rules and regulations governing the operation of the manufactured home park.

B. Nothing contained in this chapter shall be deemed as prohibiting the sale of a manufactured home lot by the individual owner or his agent, or those home occupations as permitted in the zoning ordinance; provided, however, that such sales and occupations are permitted by the park regulations; and provided further that a commercial manufactured home sales lot shall not be permitted in conjunction with any manufactured home park.

**28-3.10 B-1, B-2, AND LI DISTRICT REGULATIONS**

1. In the B-1, B-2, and LI district the following shall apply:
  - A. No uses, activities, or parking or loading areas, within the first 25 feet of the required front yard, except for entry and exit driveways, shall be located within the required front yard. The front yard shall be landscaped.
  - B. For side and rear yard setback areas, see **Section 28-5.23** for buffer zone requirements.
  - C. Parking lots shall be adequately lit to ensure security and safety and shall meet the following requirements:
    - i. Light fixtures shall be no higher than 20 feet and shall be provided with full cut-off luminaries that direct light downward.
    - ii. For parking lots serving a single building or groups of related commercial or office buildings in excess of 200 spaces the planning commission may permit a higher light fixture in selected locations within the parking lot where existing or planned residential areas will not be affected.
    - iii. Lighting shall not be permitted to illuminate areas not within the parking lot or other areas related to the use for which the parking is intended.

2. All development proposed in these districts shall be required to be serviced by a public water supply and sanitary sewer system, except for principal use solar energy systems in the light industrial district where permitted. In the LI district the following shall apply:

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

**28-3.11 BUILDING AND STRUCTURE HEIGHT  
EXCEPTIONS**

1. Height requirements may be exceeded by the following: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, radio and television antennas and towers, and penthouses or roof structures housing necessary mechanical appurtenances.
2. Height exceptions are not permitted for towers and structures for commercial wireless telecommunication services in excess of 50 feet in height (as measured from the ground level nearest the tower to the top of the tower) but such towers 50 feet or lower in height may be excepted from the height limitations of the district in which they are located.



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# *Article 4.0*

## *Use Standards*

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## Article 4.0

## Use Standards

- 28-4.1 **Farms**
- 28-4.2 **Retail Sales of Produce Grown on the Premises**
- 28-4.3 **Single-Family Dwellings**
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- 28-4.5 **Greenhouses and Nurseries**
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- 28-4.62 **Temporary Buildings and Uses**
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- 28-4.64 **Industrial Plants, Manufacturing of Fabricated Products**
- 28-4.65 **Solar Energy Systems**

# 4.0 Use Standards

## 28-4.1 FARMS

Farms are permitted for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms.

## 28-4.2 RETAIL SALES OF PRODUCE GROWN ON THE PREMISES

1. Retail sales of produce grown on the premises, including commercial "U-pick" operations, are permitted when conducted as an accessory use to a farm. Up to two off-premises signs may be permitted for each such use, provided that such signs are no greater than 16 square feet in area, are not placed within the right-of-way, and written permission for their display has been obtained from the property owner on whose property the sign is placed.
2. Commercial "U-pick" operations.
  - A. Such use shall only be permitted during the applicable crop growing season. When such operations involve activity totaling 90 days or more during any one-year period, such use shall require an annual approval by the township board.
  - B. Any building, structure or stand utilized for such use shall be set back a minimum of 25 feet from a public right-of-way line, and no closer than ten feet to any other lot line.
  - C. Adequate off-street parking and safe ingress and egress to the adjacent street shall be provided.
  - D. The use may have one sign, not exceeding 16 square feet in area, mounted flush against the building, structure, or stand, or in the front yard at least 15 feet from a side or rear lot line.

## 28-4.3 SINGLE-FAMILY DWELLINGS

Any single-family dwelling, whether constructed and erected on a lot or a manufactured home, shall be permitted outside a manufactured home park only if it complies with all of the following requirements:

1. If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer and/or appropriate inspection agency as meeting the mobile home construction and safety standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may

be promulgated, or used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced above, and found, on inspection by the building inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.

2. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which have been or may be adopted by the township.
  - A. However, where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by the township, then such federal or state standard or regulation shall apply.
  - B. Appropriate evidence of compliance with such standards or regulations shall be provided to the building inspector.
3. The dwelling unit and the lot on which it is placed shall comply with all restrictions and requirements of this chapter, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, required yards and maximum building height requirements of the zoning district in which it is located.
4. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed.
5. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as required by the state construction code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation shall fully enclose the chassis, undercarriage and towing mechanism.
6. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the state manufactured home commission, or any similar or successor agency having regulatory responsibility for manufactured home parks.

**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement



7. The dwelling unit shall have a minimum dimension of 24 feet across the shortest side.
8. A storage area of not less than 120 square feet shall be provided in conjunction with the single-family dwelling. This storage area may consist of a basement, closet area, attic, or in a garage attached to a main building, or in a detached accessory building.
9. Permanently attached steps or porch areas at least three feet in width shall be provided where there is an elevation difference greater than eight inches between the first floor entry of the dwelling unit and the adjacent grade.
10. The pitch of the main roof of the dwelling unit shall not be less than four feet of rise for each 12 feet of horizontal run, and shall have not less than a 12-inch overhang.
11. The exterior finish of the dwelling unit shall not cause reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.
12. The dwelling unit shall be so placed on the lot that the portions nearest the street frontage are at least 30 feet in dimension parallel to the street.
13. The dwelling unit shall have at least two exterior doors, with one being in either the rear or the side of the dwelling unit.

#### 28-4.4 HOME OCCUPATIONS

1. Class A home occupations.
  - A. Class A home occupations shall be approved by the zoning administrator, who shall issue an approval upon receipt of a letter from the applicant stating his intent to comply with the requirements of this Section.
  - B. No persons other than members of the immediate family residing on the premises and not more than two other persons, who need not be residents, shall be engaged in such occupation.
  - C. The use of the dwelling unit for the class A home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The class A home occupation shall be operated in its entirety within the principal dwelling or accessory building, but shall not in any case exceed a gross floor area equal to more than 25 percent of the gross floor area of the dwelling unit, excluding the basement.
- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such class A home occupation, other than one non-illuminated sign located on the same property as the home occupation.
  - i. Such sign shall not exceed six square feet in area or three feet in height.
  - ii. The permitted sign may be mounted flat against the wall of the main building facing the street or placed in any yard, except that such sign shall be at minimum of five feet from any lot line.
  - iii. The permitted sign shall not be placed within any street right-of-way.
- E. No retail or other sales of merchandise or products shall be conducted upon the premises except for incidental products related to the class A home occupation or those goods actually produced on the premises.
- F. No traffic shall be generated by such class A home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such class A home occupation shall be met off the street and other than in the required front yard.
- G. No equipment or process shall be used in such a class A home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
- H. Class A home occupations are permitted in all zoning districts when in compliance with this Section.

2. Class B home occupations.
  - A. Class B home occupations shall be allowed as a home occupation only in the AP, AG, RR, R-1, R-2, R-3 and VSC districts. Nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this code, is intended to grant,

nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that act and the general rules. Also, since federal law is not affected by the act or the general rules, nothing in this chapter, or any companion regulatory provision adopted in any provision of this code, is intended to grant, nor shall be construed as granting, immunity from criminal prosecution under federal law. The act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the federal controlled substances act. Class B home occupations shall be established and operated in compliance with the provisions of **Section 28-4.4** and this Section. For purposes of this chapter a class B home occupation shall not be considered to be a personal service establishment as defined in this chapter.

B. Class B home occupations shall conform to the following provisions:

- i. They shall be established, conform to and be operated in compliance with all of the provisions required of class A home occupations that are not in conflict with the provisions in this Section;
- ii. The home occupation shall comply at all times and in all circumstances with the act and the general rules of the Michigan Department of Community Health;
- iii. Not more than one primary caregiver shall be permitted to service qualifying patients on a lot;
- iv. All medical marihuana shall be contained within an enclosed, locked facility;
- v. All required building, electrical, plumbing and mechanical permits shall be obtained;
- vi. No lights used in conjunction with the home occupation shall be discernible to occupants of adjacent dwellings;
- vii. There shall be no signs visible from the exterior of the building which in any

manner advertise or identify the presence of the home occupation;

- viii. The occupation shall occur only in single-family dwellings that are unattached to any other dwelling unit;
- ix. All transfers and deliveries of medical marihuana to patients shall occur within the home of the primary caregiver or residence of the patient;
- x. The hours of operation for the home occupation shall be from 7am to 8pm;
- xi. There shall be no interior alterations for the purpose of conducting the home occupation which would render the dwelling unsuitable for residential use;
- xii. No part of any accessory structure, either attached or detached, shall be used to conduct the home occupation or produce or store inventory or materials used in conjunction with the home occupation.

C. All information regarding class B home occupations is confidential and any government official who becomes aware of a class B home occupation as a result of the requirements of this Section shall not disclose any such confidential information to any other person except to those officials performing duties necessary to comply with the provision of this Section. Records regarding class B home occupations are confidential and shall not be disclosed except upon order of a court of competent jurisdiction.

#### 28-4.5 GREENHOUSES AND NURSERIES

1. A residence meeting the requirements of the zoning district in which the property is located may also be located on the same property as the greenhouses and nurseries.
2. Greenhouses or other structures accessory to the greenhouse or nursery operation shall meet the setbacks required for accessory buildings.
3. Permitted Uses. In the AP, AG, and RR districts, greenhouses and nurseries, including retail operations for products grown on the premises are a permitted use subject to the following:
  - A. The lot area used for display or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to properly dispose of surface water.



- B. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or any other driveway.
- C. Any materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required vehicle parking or maneuvering areas.
- 4. Special Land Uses. In the AP and AG districts, greenhouses and nurseries, including retail operations for products not grown or produced on the premises are permitted as a special land use subject to the following:
  - A. The storage or materials display areas shall meet all the yard setback requirements applicable to a main building.
  - B. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

#### 28-4.6 KENNEL<sup>□</sup>, NONCOMMERCIAL

In the AG and RR districts, kennels, not including commercial kennels are a permitted use subject to the following.

- 1. A residence may also be located on the same property.
- 2. Buildings, dog runs and/or exercise areas, or any other area where animals are kept shall be set back 50 feet from any property line.

#### 28-4.7 KENNELS<sup>□</sup>, COMMERCIAL OR VETERINATY SERVICES

Commercial kennels or veterinary services are permitted as a special land use. A residence may also be located on the same property. Such uses shall be subject to the following:

- 1. Unless required elsewhere in this chapter, the minimum lot area shall be two acres.
- 2. Buildings wherein animals are kept, dog runs, and exercise areas shall not be located nearer than 150 feet to any adjacent occupied dwelling or any adjacent building used by the public. Runs and exercise areas shall not be located in any required front, rear or side yard setback area.
- 3. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed building.

#### 28-4.8 RESERVED

#### 28-4.9 FARM<sup>□</sup> LABOR HOUSING

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

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

Housing and Urban Development in 1976. If the abovementioned standards were not or are not applicable, then the unit must comply with the requirements of the state construction code.

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

#### 28-4.10 COMMERCIAL DAY CARES

When commercial day cares are permitted as a special land use the following regulations apply:

1. Principal buildings shall be set back at least 40 feet from all property lines and accessory buildings shall comply with the requirements for the specific zoning district.
2. The facility shall be designed to provide a minimum of 500 square feet of open space for every ten children, or fraction thereof. This open space may include landscaping but shall not include off-street parking, driveways, or other required accessory use areas.

#### 28-4.11 AIRPORTS AND LANDING STRIPS (PRIVATE)

1. No more than four aircraft may be regularly used, stored, sheltered, or supplied by owner or owners at the airport, and no more than two visiting aircraft may be used, stored, sheltered, or supplied during any 24-hour period.
2. The site plan, as required in **Section 28-6.1**, shall contain the following additional information:
  - A. The location of any homes within 2,000 feet of the boundaries of the property on which the airport or airport expansion would be located.
  - B. The location and height of any trees, groups of trees, mounds of earth, buildings, or other structures 25 feet or higher within 1,000 feet of the proposed airport.

#### 28-4.12 REMOVAL AND PROCESSING OF TOPSOIL, STONE, ROCK, SAND, GRAVEL, LIME OR OTHER SOIL OR MINERAL RESOURCE

When the removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources are permitted as a special land use, the township board shall not approve such use until the following information is provided and the commission finds that the proposed use will not adversely impact surrounding properties and the township in general, in accordance with the following:

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



7. The effect of such removal on the environment and the natural topography, and the potential destruction of any natural resources;
8. Potential traffic congestion and problems because of trucks or other vehicles or means utilized to haul and transport the materials removed;
9. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained in a safe condition;
10. No business or industrial buildings or structures of a permanent nature shall be erected, except where such building is a permitted use within the district in which the extraction activity is located;
11. No storage or truck parking shall be located within 200 feet of any adjacent residence or within 50 feet of any other adjacent property;
12. All of the operation shall be screened with an evergreen screen planting approved by the township board on any side adjacent to a residential district or use or occupied property;
13. As removal activities are completed that portion of the property shall be restored by the placement of topsoil where feasible;
14. All excavations shall be sloped to a gradient with not more than a 30 degree slope and the contour is caused to blend as nearly as possible with the natural surroundings;
15. All truck operations shall be directed away from residential streets and utilize paved county primary roads wherever possible;
16. The township board may require such performance guarantee as deemed necessary to ensure that requirements are fulfilled, in accordance with the provisions of **Section 28-7.3.1** and may revoke permission to operate at any time specified conditions are not maintained;
17. The applicant shall secure all necessary permits from county and state authorities;
18. The proposed operation will adhere to the following operational schedule:

#### 28-4.12.18 Operational Schedule

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

New Year's Day  
Easter Sunday  
Memorial Day  
Independence Day  
Labor Day  
Thanksgiving Day  
Christmas Eve  
Christmas Day

#### 28-4.13 TOWERS IN EXCESS OF 50 FEET

Towers in excess of 50 feet in height for commercial wireless telecommunication services are permitted as a special land use subject to the following:

1. Antennas for commercial wireless telecommunication services shall be required to locate on any existing or approved tower within a one-mile radius of the proposed tower unless one or more of the following conditions exists:
  - A. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
  - B. The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or building as documented by a registered professional engineer and the interference cannot be prevented at a reasonable cost.
  - C. Existing or approved towers and buildings within a two mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a registered professional engineer.
  - D. Other unforeseen reasons that make it unfeasible to locate the planned equipment upon an existing tower or building.

2. Any proposed tower for commercial wireless telecommunication services shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.
3. Towers for commercial wireless telecommunication services shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers shall be of a monopole design unless the township board determines that an alternative design would better blend into the surrounding environment.
4. Any part of the structures or equipment placed on the ground pertaining to the tower for commercial wireless telecommunication services shall be set back for a distance equal to the setbacks for main buildings for the district in which it is located, except that in no case shall such structures or equipment be located less than 25 feet from any adjacent lot line or main building. This provision shall not apply to towers located on existing buildings, towers, or other existing structures. The township board may require such structures or equipment on the ground to be screened by a landscaped screen, fences, berms, or a combination of these elements.
5. Towers for commercial wireless telecommunication services shall not be illuminated unless required by other state or federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
6. Towers for commercial wireless telecommunication services which are abandoned or unused shall be removed, along with any associated structures or equipment, within 12 months of the cessation of operations, unless a time extension is granted by the zoning administrator. Only one, three-month extension shall be permitted and then only if the zoning administrator finds that the owner or former operator of the facility is taking active steps to ensure removal.
7. The township board shall not approve any tower for commercial wireless telecommunication services or any part of

which that is located within 200 feet of any residential district lot line.

**28-4.14 RADIO AND TELEVISION  
TRANSMITTING BUILDINGS AND  
TOWERS**

1. Minimum lot size shall be 20,000 square feet or as required by the district in which it is located, whichever is greater.
2. Any towers shall be of monopole design.
3. A security fence at least six feet in height shall be constructed around the tower and any other related appurtenances.
4. The tower base shall be set back from all lot lines a minimum distance equal to one-half the height of the tower. All other buildings, structures, and guy wires shall meet the minimum setback requirements of the district in which it is located.
5. Where possible, joint use of tower facilities shall be required in order to minimize the number of separate towers and individual locations throughout the township. As a condition of approval, the applicant shall agree to permit future users to share the tower facility and shall demonstrate that it is not feasible to locate the proposed tower on public lands, or collocate on an existing tower.
6. Unless located on the same site or tower with another user, no new tower shall be erected within a two mile radius of an existing radio, television, or cellular communication tower.
7. No signs, except warning or other cautionary signs shall be permitted.

**28-4.15 CHURCHES**

Churches are permitted as a special land use provided they have a minimum lot width of 200 feet.



## 28-4.16 PUBLIC AND PRIVATE SCHOOLS

1. Minimum lot sizes for schools shall be as follows:
  - A. Elementary schools ten acres;
  - B. Middle schools 20 acres;
  - C. High schools 30 acres.
2. There shall be a minimum lot width of 200 feet abutting a paved street. At least one means of ingress and egress shall be located on such street.
3. Playground equipment may only be located in the side or rear yard of the lot. The playground must be at least 50 feet from any side or rear property line.
4. The off-street parking shall be arranged so the bus loading and unloading area will not be in the path of vehicular traffic.
5. Sidewalks shall be required connecting the off-street parking area to the main entrance to the school, and to the required sidewalk along the adjacent road right-of-way line.
6. The main school building shall be a minimum of 100 feet from any property line.
7. Athletic fields shall not be located closer than 200 feet from any property line abutting a residential district or use.
8. Access driveways shall be located at least 75 feet from any intersection of any street or any other driveway.
9. Parking areas shall have a minimum front yard setback of 50 feet, and side and rear yard setbacks of at least 20 feet.

## 28-4.17 CEMETERIES

1. Minimum lot size of ten acres is required.
2. In addition to the requirements of **Section 28-6.1**, the site plan shall indicate all internal roads and burial plot areas.

28-4.18 LANDSCAPING, LAWN SERVICE,  
SNOWPLOWING (INCLUDING OTHER  
CLOSELY RELATED OPERATIONS)

When landscaping, lawn service, snowplowing (including other closely related operations) are permitted as a special land use, retail service businesses with no retail operations on the premises, including, but not limited to: landscaping, lawn service, snow removal/plowing, tree removal/brush chipping, etc., the nature of such business being that services are rendered off site are also permitted as a special land use. The SLU would be for those instances where the intensity of the business exceeds the definition of a home occupation.

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

1. Any outdoor storage area shall be completely enclosed by a fence or wall at least six feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that the stored material/vehicles are not visible from outside storage area. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
2. Materials stored outdoors shall not be stacked higher than ten feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall material be stored at a height exceeding the height of the storage area fence or wall.
3. The fence or wall enclosing the storage area shall meet the setback requirements applicable to a main building. No storage area shall be permitted in the required front yard setback.
4. Conditions within the facility shall be controlled to minimize the hazards of fire and other threats to health and safety.
5. The storage of any salt, soil, fertilizer, or similarly loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
6. All chemical and hazardous substances shall be contained and stored within the requisite areas provided within federal, state and local government regulations.
7. All portions of the facility shall be accessible to emergency vehicles.

8. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the storage area.
9. The township board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and welfare of the township.

**28-4.19 RURAL PLANNED UNIT DEVELOPMENT<sup>□</sup> (RPUD)**

1. Purpose and objectives. The rural planned unit development (RPUD) is intended to implement the township master plan, which calls for the promotion of "opportunities for managed growth and development in a manner which preserves the township's open spaces." The objective of the RPUD is to provide a sense of rural character for the residents of the RPUD as well as for the township as a whole. These regulations also foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be altered from their natural condition.
2. Qualifications and application processing.
  - A. In order to apply for review of a RPUD, the property proposed for development shall meet all of the following minimum qualifications:
    - i. The minimum RPUD site shall be 40 acres and a minimum width on an existing public street of 660 feet, as measured at the front lot line.
    - ii. The applicant shall demonstrate that the property proposed for RPUD contains unique site conditions, significant natural features, large open spaces, or active agricultural lands which would otherwise be developed but which are preserved from development as a result of the RPUD.
    - iii. The applicant shall demonstrate, in writing and other appropriate material, that the proposed RPUD meets the purpose and objectives of these regulations.
  - B. Applications shall include the following information, in addition to those that are required in **Section 28-6.1** (Site Plan Review) of this chapter:
    - i. Location of building envelopes and permitted clearance limits for all lots.

- ii. Location of all preserved landmark trees and locations of landmark tree replacements, if any.
- iii. Location and description of any areas to be included as sensitive lands, as defined in **Section 28-2.2**.
- iv. Parallel development plan.

3. Design requirements.

A. Land classification.

- i. The land area within the RPUD shall be classified into either sensitive or unconstrained lands. This classification shall be provided on a separate topographic survey or aerial photograph of the proposed development site.
- ii. The proposed classification map shall indicate the acreage included in each area of the classified lands.
- iii. Any area classified as sensitive lands shall include a detailed description of the character of such lands, including a breakdown of the approximate square footage/acreage of major types of significant natural features (wetlands, woodlands, steep slope, etc.).

B. Development regulations.

- i. Landmark trees; replacement ratio. Landmark trees shall be preserved unless the township board deems removal necessary to preserve other significant natural features or for purposes of safety. Landmark trees shall be replaced with an equivalent type of tree having a diameter of not less than four inches. The replacement ratio shall be four replacement trees for every landmark tree removed. Replaced trees shall be kept in a living condition or replaced. The planning commission or zoning administrator shall approve the location of replacement trees.
- ii. Building setback. Main and accessory buildings shall maintain at least a 30-foot setback from the boundaries of the RPUD site, unless a greater distance is required by this Section 28-4.19.3.B.
- iii. Floor area. Minimum floor area and height regulations for dwelling units within the RPUD shall conform to the



zone district in which the site is located. Where more than one zone district lies within the site, regulations regarding minimum floor area and height for the stricter of the districts shall apply.

- iv. Units allowed per building. Two- or multiple-family dwellings, with up to twelve units per building, may be permitted as part of the RPUD.
- v. Commercial uses. Commercial uses shall be permitted in accordance with the requirements of [Section 28-4.19.3.B.ix](#) (commercial uses).
- vi. Access to public or private streets. No building site shall be permitted to gain direct access to any public or private street not constructed or planned as part of the RPUD.
- vii. Sensitive lands. The following development regulations apply to all lands classified as sensitive:
  - a. The total clearance limit area of any lot shall be limited to that necessary to construct buildings, drives, sidewalks, or other facilities or structures related to the use, but shall be limited to 15,000 square feet, or 25 percent of the area of the lot, whichever is less. The township board may allow additional lot clearance area upon finding that any of the following conditions exists:
    - (1) The applicant demonstrates to the township board that such a limitation does not allow sufficient area for building and lot development, due to the presence of natural features or other limitations related to the physical features of the site.
    - (2) Where the Mid-Michigan Health Department, or other applicable agency, requires additional land clearance for septic systems, water wells, roadways, or other similar requirements.
    - (3) The applicant demonstrates to the township board that the

clearance limit prevents development of the site in a manner that would contribute significantly to the purpose and objectives of the RPUD.

- b. Clearance limits shall be clearly staked on each lot prior to any construction activity or land clearing and no disturbance of the site shall take place outside of the clearance limit.
- viii. Development setbacks.
  - a. No building envelope shall be located nearer than 200 feet to any existing public street right-of-way, not included as part of the RPUD.
  - b. No native or natural vegetation shall be removed from the development setback, except for that necessary for entrance roads. The township board may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the RPUD.
  - c. No grading or changes in topography shall be permitted, except as may be necessary to construct entrance roads, or provide screening, as noted in [Section 28-4.19.3.B.vii](#).
  - d. This setback may be reduced to 100 feet if an opaque natural screen is present for at least 70 percent of the lineal distance of the property line abutting any public street right-of-way and having a depth of at least 50 feet and is either present or provided within the design of the rural development. The natural screen shall be approved by the township board and shall have at least 50 percent opacity from the roadside view, as determined by the township board, and consist of either existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.

- e. Rural development sites abutting more than one public street for at least 300 feet shall be permitted to reduce the setback on the shortest side of the abutting streets to 100 feet without a natural screen. The other relevant provisions of this subsection shall apply.
- ix. Commercial uses. The township board may allow the permitted uses in the B-1 district, within the RPUD, subject to the requirements of this Section and the requirements of the B-1 district.
  - a. All commercial uses allowed in the RPUD shall occupy not more than five percent of the acreage of the RPUD included as unconstrained lands.
  - b. All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
  - c. Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood and/or the RPUD.
  - d. All merchandise for display, sale or lease shall be entirely within an enclosed building.
  - e. Buildings designed for nonresidential uses shall be constructed according to the following requirements:
    - (1) If the entire RPUD contains fewer than 20 dwelling units, 75 percent of these units must be constructed prior to construction of any nonresidential use.
    - (2) If the RPUD contains more than 20 dwelling units, 50 percent of these units shall be constructed prior to the construction of any nonresidential use.
- x. Density calculation.
  - a. Base density. The base density for the proposed RPUD shall be calculated for the entire open space development which is intended to be used for residential purposes, or any individual phase thereof, through the use of a parallel development plan.
  - b. Parallel development plan. The applicant shall prepare, and present to the township board for review, a parallel design for the project that is consistent with state and township requirements and design criteria for a tentative preliminary plat.
    - (1) All lots or buildings shown on the parallel plan shall be located on buildable lots, which, for the purposes of this subsection shall mean lots or building areas that have an area of sufficient size and shape to accommodate the proposed main building, septic and well systems (where no public sanitary sewer or water system is to be used), and required driveways, streets, or other means of permitted access.
    - (2) Areas of wetlands, water bodies, and other unbuildable areas shall not be used as buildable areas, but may be included in the lot area calculations.
    - (3) The township board shall review the design and determine the number of lots that could be feasibly constructed following the parallel design.
    - (4) The number of lots, as determined by the township board, shall be the base density for the number of dwelling units allowed in the open space development.
- xi. Open space requirements.
  - a. Land outside the building envelope. Any land outside a building envelope, excluding any easements for public or private streets, used for the calculation of overall density, shall be considered open space and designated as such on the RPUD plan.



- b. Minimum open space. The RPUD shall provide a minimum open space area according to the following chart.

28-4.19.3.B.xi.b Minimum Open Space Requirements	
Unconstrained Lands	Open Space
70% or greater	40% min.
40% to 69%	30% min.
Less than 40%	20% min.

- c. Density bonus. A density bonus shall be based on an aggregate of one or more of the following elements, provided the total density bonus shall not exceed a maximum of 40 percent:
  - (1) Density bonus for open space. A density bonus of not more than 30 percent shall also be available for open space developments which provide open space in addition to that required by this subsection. Each full increment of ten percent additional open space shall be permitted a density bonus above the base density equal to that percentage of open space provided. For example, an additional ten percent open space shall be permitted an additional number of lots equal to ten percent of those lots permitted above the base density.
  - (2) Density bonus for providing public sanitary services. A density bonus of 25 percent shall also be available for open space developments which provide public sanitary sewer and public water for all uses within the development.
- d. Open space areas; dimensions. To the extent possible, open space areas shall be continuous and contiguous throughout the RPUD. Open space areas shall be large enough and of proper dimensions

so as to contribute significantly to the purpose and objectives of the RPUD.

- e. Open space maintenance.
  - (1) All open spaces shall be in the joint ownership of the property owners within the RPUD. A property owner's association shall be formed which shall be responsible for the maintenance of the open space; or evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the township of the future maintenance thereof.
  - (2) The maintenance requirements of dedicated open space are not intended to include regular clearing and mowing or other active maintenance. For the purposes of this Section, maintenance is intended to include such items as the removal of any accumulation of trash or waste material within the dedicated open space area, cleanup of storm damage, or removal of diseased plant materials.
- f. Applicants for development; restrictions; requirements. The applicant for the proposed development shall provide the township with a recordable maintenance or restrictive covenant agreement between the owner of the open space, or other documentation satisfactory to the township which shall provide for and ensure that the open space shall be preserved in perpetuity and maintained as needed. Open space may be deed restricted, placed in a conservation easement, or otherwise held as open space in perpetuity. Suitable recorded instruments shall be submitted to the township for review prior to final approval of the RPUD.

4. Review standards.

A. The following review standards will be used by the township board in their consideration of a RPUD, in addition to those of this Section and **Section 28-6.1** (Use Standards and Site Plan Review). Before such developments may be approved the township board shall find:

- i. That the RPUD does not substantially alter the residential quality of the general neighborhood in which the development is proposed;
- ii. That the location of the buildings of the RPUD do not unduly impact other single-family uses on adjacent properties;
- iii. That the RPUD preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land. The applicant must demonstrate to the satisfaction of the township board that the land preserved would otherwise be capable of development under the existing zoning;
- iv. That the RPUD can accommodate adequate and safe disposal of sanitary sewer and provide an adequate, assured source of water for domestic use;
- v. That the RPUD meets the purpose and objectives of this Section.

B. The planning commission or township board may require specific evidence that groundwater sources will be protected and that environmental, traffic, or other concerns are met. Approval of the Mid-Michigan Health Department, the county road commission, or other agencies, while required to develop the site, shall not be the sole determining factor in this regard.

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

**28-4.20 ATHLETIC GROUNDS AND PARKS**

1. The use shall be located on property with direct access to a public street.
2. Any outdoor activity areas, such as ball fields, playground equipment, and pavilions shall be set back a minimum of 100 feet from any residential district or property line.
3. Buildings for storage of equipment, or other similar buildings shall be located at least 25 feet from any lot line.
4. Minimum lot sizes for such uses shall be 2 acres.
5. The hours of operation shall be determined by the planning commission and township board based on nuisance potential to adjoining property owners.

**28-4.21 FARM EQUIPMENT SALES AND SERVICE**

Farm equipment sales, service, including general repair and welding of farm implements and farm machinery are permitted as a special land use subject to the following:

1. In the AP, AG and RR districts.
  - A. Minimum lot width shall be 200 feet, unless a greater width is required by the zoning district requirements of the lot on which the site is located.
  - B. The township board may require a six foot fence or wall to be constructed along the rear and/or sides of the activity areas of the use to keep trash, paper, and other debris from blowing off the premises.
  - C. Ingress and egress shall be at least 100 feet from a street intersection or any other driveway.
  - D. The storage or materials display areas shall meet all the yard setback requirements applicable to a main building.
2. In the RR district. All such storage and activity related to the use is conducted entirely within an enclosed building.

#### 28-4.22 COMMERCIAL STORAGE AND SALE OF PRODUCTS ESSENTIAL TO AGRICULTURAL PRODUCTION

Commercial storage and sale of seed, feed, fertilizer, and other products essential to agricultural production are permitted as a special land use subject to the following:

1. The storage or materials display areas shall meet all the yard setback requirements applicable to a main building.
2. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
3. Ingress and egress shall be provided as far as practicable from two intersecting streets and shall be at least 100 feet from an intersection.
4. The open storage of bulk fertilizer and other soil amendments, herbicides, and pesticides, and similar products shall be setback not less than 660 feet from a residential district or use and shall be securely enclosed by a fence and locked gate approved by the zoning administrator.

#### 28-4.23 TRIPLEX OR QUADRUPLEX DWELLINGS

Each dwelling unit shall have an attached garage.

#### 28-4.24 COUNTRY CLUBS AND GOLF COURSES

Country clubs and golf courses are permitted as a special land use subject to the following:

1. Any outdoor activity areas shall be set back a minimum of 100 feet from any residential district, including swimming pools.
2. No building or spectator seating facility shall be located within 100 feet of a property line.
3. Outdoor lighting shall meet the requirements of **Section 28-5.18**.
4. Accessory uses shall include, but are not limited to meeting rooms, ballrooms, restaurants, bars, and recreational uses, provided such accessory use is conducted within the main building.

#### 28-4.25 PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds are permitted as a special land use in the AG district subject to the following:

1. Access driveways shall be located no less than 50 feet from an intersection of any street or any other driveway.
2. Minimum lot area shall be ten acres.
3. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
  - A. All commercial uses allowed shall occupy no more than five percent of the lot for building and parking areas.
  - B. No merchandise for display, sale or lease shall be placed or stored outside the main building.

#### 28-4.26 STATE LICENSED RESIDENTIAL GROUP HOME FACILITIES

State licensed residential group home facilities are permitted as a special land use in the R-2 district, subject to the following:

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

#### 28-4.27 NURSING HOMES INCLUDING ASSISTED LIVING, LONG -TERM CARE, AND SIMILAR FACILITIES

1. All nursing homes shall be operated and maintained in conformance with applicable state and federal laws.
2. Parking lots shall be set back at least 50 feet from the property line of any residential district or use.
3. The planning commission and township board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and welfare of the township.

#### 28-4.28 RETAIL BUSINESSES

1. In the VSC district, retail businesses not exceeding 5,000 square feet gross floor area and conducting business entirely within an enclosed building shall be permitted as a special land use subject to the following:
  - A. Public access to the site shall be located at least 25 feet from the intersection of any street or any other driveway.
  - B. Any main building shall be generally compatible with respect to materials and color with the surrounding neighborhood.
  - C. The township board may require landscaping or a six-foot fence or wall along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
  - D. No mechanical rooms or loading area shall be located nearer than 50 feet to any residential district or use.
2. In the B-1 district, retail business establishments which supply commodities of a neighborhood character such as drug, variety, dry goods, clothing, notions, music, book, or hardware stores, conducting business entirely within enclosed buildings including those with drive-through facilities are permitted as a special land use subject to the following:
  - A. Parking areas shall have minimum setbacks of 20 feet in the front yard and 15 feet in the side and rear yards.
  - B. The site shall have access to at least one paved street.
  - C. The design of the site shall ensure that vehicular circulation patterns, reduce conflicts between vehicles and pedestrians on-site, and the impacts of traffic generated by the retail establishment on adjacent streets.
  - D. Any delivery areas shall be located in the rear or interior side yard.
  - E. Access driveways shall be located no less than 100 feet from the intersection of any street or any other driveway.
  - F. Outside storage of materials, merchandise, or products for sale may only be displayed in an area adjacent to the main building and parking area, provided such display area does not encompass more than five square feet for each one linear foot of wall length adjacent to said parking area.

#### 3. B-2 district

- A. Retail business establishments not including drive-through facilities which supply commodities such as drug, variety, dry goods, clothing, notions, music, book, or hardware stores, are a permitted use when conducting business entirely within enclosed buildings.
- B. Retail business establishments which supply commodities such as drug, variety, dry goods, clothing, notions, music, book, or hardware stores, including display and sales areas outside enclosed buildings, and/or having drive-through facilities shall be permitted as a special land use.

#### 28-4.29 PERSONAL SERVICE ESTABLISHMENTS

In the VSC district, where the personal service establishment site abuts a residential district or use, the planning commission may require a landscape greenbelt, or approved fence or wall along such property line.

#### 28-4.30 RESTAURANTS

1. All restaurants permitted as a special land use shall be permitted subject to the following:
  - A. Parking areas shall have minimum setbacks of 20 feet in the front yard and 15 feet in the side and rear yards.
  - B. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent, as approved by the township board.
2. Restaurants, not including drive-through facilities. Public access to the site shall be located at least 50 feet from any intersection.
3. Restaurants, including those with drive-through facilities.
  - A. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into a public right-of-way. A minimum of ten stacking spaces for the service ordering station shall be provided and shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive through area.

- B. In addition to parking space requirements, at least three parking spaces shall be provided in close proximity to the exit of the drive-through area to allow for customers waiting for delivery of orders.
- C. Public access to the site shall be located at least 50 feet from any intersection or driveway.
- D. Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

#### 28-4.31 OFFICE BUILDINGS

In the VSC district, office buildings for executive, governmental, administrative, professional, designers, accounting, drafting, and other similar professional activities are permitted subject to the following:

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

#### 28-4.32 COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD)

1. Intent and purpose. The intent of the commercial planned unit development (CPUD) is to provide specific standards for preplanned development of commercial areas within the township. These standards are meant to promote the opportunities for managed commercial growth and development that is consistent with the township master plan. Among the specific purposes of the CPUD are:

- A. Encourage efficient flow of traffic by minimizing conflicts from turning movements.
- B. Make land use and site plan review decisions in conjunction with the transportation system to sustain the capacity of the road by limiting and controlling the number and location of driveways and requiring alternate means of access through shared driveways, service drives, and access from cross streets.
- C. Sustain the traffic carrying capacity of the roadway in order to delay or avoid premature widening which would detract from the character of the township.

- D. Ensure that distractions to motorists are minimized by avoiding blight and clutter, promoting aesthetics, and providing property owners and businesses with appropriate design flexibility and visibility.
- E. Encourage the rural and small town character as expressed through the master plan by requiring buildings and parking to be set back from the roadway.
- F. Ensure landscaping on sites along the roadway to preserve the rural atmosphere of the area and complement existing natural features within the township.

#### 2. Uses within the commercial PUD.

- A. Permitted uses. Land and/or buildings in the CPUD may be used for the following purposes, subject to the approval of a site plan, in accordance with the requirements of this Section.
  - i. Any permitted use in the B-1 or B-2 district.
  - ii. Any special land use in the B-1 or B-2 district.
  - iii. Multiple-family dwellings in accordance with the following requirements:
    - a. Multiple-family dwellings shall comply with **Section 28-4.41** unless stricter requirements are provided as part of the CPUD requirements.
    - b. All residential uses allowed in the CPUD shall occupy not more than 25 percent of the gross site acreage of the CPUD site.
    - c. All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
    - d. Such uses shall be permitted only if they will not materially alter the commercial character of the CPUD.
- B. Special land uses. Land and/or buildings in the CPUD may be used for the following purposes, subject to the approval of a site plan and special land use approval, in accordance with the requirements of this chapter: Permitted uses in the light industrial district, provided that such uses shall occupy not more than 20 percent of the gross site acreage of the CPUD site.

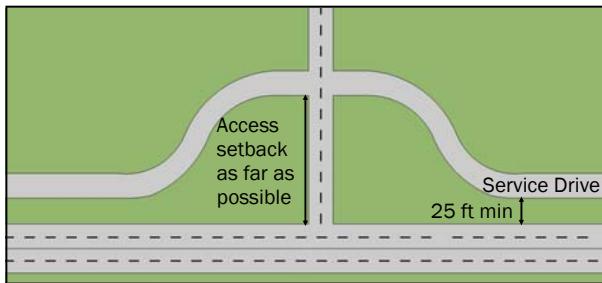
3. Development regulations. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement. Should any requirement of this district conflict with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

- A. Minimum regulations. The minimum site development size for a CPUD shall be 10 acres.
- B. Driveways. Driveways within the CPUD shall be located as follows:
  - i. Each lot may be permitted one driveway, provided the spacing requirements of this Section can be achieved.
  - ii. One additional driveway may be permitted on parcels with lot widths exceeding 500 feet.
  - iii. Additional driveways may be permitted by the township board for any site, providing the spacing and alignment criteria listed below are met, and a traffic impact study is completed which justifies an additional driveway.
  - iv. The township board may permit two, one-way driveways rather than a single dual movement driveway for particular uses where safer, more efficient circulation and function of the drives can be demonstrated.
  - v. The applicant shall submit evidence indicating that the sight distance requirements of the state department of transportation (MDOT) or the county road commission, as appropriate, are met.
  - vi. Spacing and alignment:
    - a. Driveways shall be spaced based on the intended roadway speeds in the following table:

28-4.32.3.B.vi.a Driveway Spacing	
Posted Speed	Center-to-Center of Access
25 mph	130 ft
30 mph	185 ft
35 mph	245 ft
40 mph	300 ft
45 mph	350 ft
50 mph and above	455 ft

- b. Driveways shall be aligned with driveways on the opposite side of the street or offset spaced a minimum of 150 feet, centerline to centerline.
- c. Driveways shall be spaced at least 150 feet from an intersection of a private road or public street measured from near pavement edge of the street to near pavement edge of the driveway throat.
- d. The township board may require greater spacing if traffic or pedestrian safety, traffic circulation, or site conditions warrant a greater distance between driveways.
- C. Frontage roads and service drives. The township board may require the construction of frontage roads or rear service drives along parcels to connect future or existing developments.
  - i. In particular the township board shall require development of service drives where service drives can provide access to signalized locations, where service drives may minimize the number of driveways onto abutting roadway, and as a means to ensure that traffic is able to safely ingress and egress.
  - ii. Where service drives and frontage roads are constructed they shall be set back as far as reasonably possible from the intersection of the access driveway with the street.

- iii. A minimum of 25 feet shall be maintained between the public street right-of-way and the pavement of the service drive.



D. Setbacks.

- i. Where service drives are placed in the front yard, front yard setbacks for main buildings within the CPUD shall be set back not less than 60 feet from the right-of-way of the adjacent roadway.
- ii. Where service drives are placed in the rear yard, or no service drive exists, front yard setbacks for main buildings within the CPUD shall be set back not less than, nor more than 35 feet from the right-of-way of the adjacent roadway.
- iii. Parking is not permitted in the front yard setback. The front yard setback, except for necessary entrance or service drives, shall be landscaped.
- 4. Landscaping plans. The township board shall consider a landscape plan submitted in conjunction with any site plan in the CPUD.
- 5. Outside storage. No outside storage shall be permitted in any yard adjacent to the road right-of-way.
- 6. Off-street parking. Off-street parking areas for uses in the CPUD shall be adequately lit to ensure security and safety, and shall meet the requirements of **Section 28-5.18**.
- 7. Additional evidence to ensure compliance. The planning commission or township board may specify any additional evidence it deems necessary to ensure compliance with the review standards and other requirements of this subsection, including additional soil borings, soil reports, hydrological tests, traffic studies, or other such evidence which shall be submitted by the applicant prior to approval.

8. Site design requirements.

- A. Buildings shall be sited to protect natural features. Natural features such as natural grade, trees, vegetation, water bodies, and others are encouraged to be incorporated into the site plan.
- B. Mechanical equipment and service areas shall be visually screened from adjacent properties, public roadways, or other public areas.
- C. Buildings with exterior walls greater than 50 feet in horizontal length should be constructed using a combination of architectural features (see definitions, **Section 28-2.2**) and a variety of building materials and landscaping near the walls.
- D. On-site landscaping should be located so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.
- E. The predominant building materials should be those characteristic of the township such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products.
- F. Exterior colors should be of low reflectance, subtle, neutral or natural tone colors.
- 9. Lot and building requirements.

#### 28-4.32.9 Lot and Building Requirements

Front yard	With front service drive	60 ft
	Without front service drive	35 ft
Minimum side yard	Side abutting residential districts or uses	35 ft
	Side abutting other districts	20 ft
	Side yard abutting perimeter boundary of CPUD site	30 ft
Minimum rear yard	Abutting residential districts or uses	30 ft
	Abutting perimeter boundary of CPUD	50 ft
Maximum lot coverage	40 percent	
Maximum building height	35 ft or 2 1/2 stories	

#### 28-4.33 BANKS, CREDIT UNIONS, AND SIMILAR FINANCIAL INSTITUTIONS

In the B-1 and B-2 districts, banks, credit unions, and similar financial institutions, including those with drive-through facilities, are permitted as a special land use subject to the following:

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of three stacking spaces for each outdoor service station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
2. Parking areas shall have side and rear yard setbacks of at least ten feet.
3. Public access to the site shall be located at least 100 feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
4. Where parking and maneuvering areas abut a residential district or use they shall be fenced and screened from view by a decorative fence or wall, or a landscaped equivalent meeting the requirements of [Section 28-5.23](#).
5. Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward neighboring properties.

#### 28-4.34 MORTUARIES AND FUNERAL HOMES

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

#### 28-4.35 VEHICLE SERVICE STATIONS

1. All buildings, structures, and equipment shall be located not less than 50 feet from any right-of-way line and not less than 50 feet from any side or rear lot line abutting a residential district.
2. No more than one curb opening shall be permitted for every 100 feet of frontage (or major fraction thereof) along any street, with a maximum of one per street when located on a corner lot.
3. No drive or curb opening shall be located nearer than 75 feet to any street intersection nor less than 25 feet to any adjacent residential district property line. No drive shall be located nearer than 50 feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the township board, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.

4. A raised curb of six inches in height shall be constructed along the perimeter of all paved and landscaped areas.
5. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with a concrete or bituminous surface. All areas not paved or occupied by buildings or structures shall be landscaped.
6. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than 35 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
7. When adjoining residentially zoned property, parking and storage areas shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent.
8. All outside storage areas for trash, used tires, autos under repair, auto parts and similar items shall be enclosed by a six-foot sight-obscuring wall or fence. No such outside storage area shall exceed an area of 200 square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles (not to exceed a maximum of five such vehicles) shall not be permitted for a period exceeding ten days.
9. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the township board. If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the township board.
10. The lot shall be located such that it is at least 300 feet from an entrance or exit to any property on which is situated a public library, public or private school, playground, play field, park, church or hospital.
11. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this chapter.
12. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two vehicles.
13. Canopy roofs shall have a minimum setback of ten feet from any property line. The height of such roof shall not exceed 14 feet and be open on all sides. The colors and design of the canopy shall be compatible with the main building. No part of any lighting, including fixtures, lenses, or other parts associated with such lighting, on or within the canopy shall be mounted other than flush to the canopy (rather than extending down from the canopy) to limit any negative effects associated with glare beyond the lot. Signs on the canopy shall comply with the sign provisions of this chapter.
14. Site lighting shall comply with the requirements of [Section 28-5.18](#).

#### 28-4.36 SERVICE CENTERS

Service centers with vehicle service stations, retail convenience goods, and food service, with or without drive-through facilities shall be permitted as a special land use subject the requirements in [Section 28-4.35](#), Vehicle Service Stations. If a drive-through facility is included, the service center shall also be subject to the requirements in [Section 28-4.30.3](#).

#### 28-4.37 VEHICLE WASH ESTABLISHMENTS

Vehicle wash establishments shall be permitted as a special land use subject to the following:

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

#### 28-4.38 OPEN AIR BUSINESSES

Open air businesses shall be permitted as a special land use subject to the following:

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

4. The lot area used for storage or display or materials shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to properly manage all storm water.
5. Ingress and egress shall be at least 100 feet from an intersection.

#### 28-4.39 SALES AND STORAGE OF BUILDING MATERIALS

Sales and storage of building materials including building trade contractors and related outdoor storage yards shall be permitted as a special land use. Any business related to the use shall be conducted wholly within a completely enclosed building, except that outside storage of materials, equipment, or vehicles and loading operations are permitted, subject to the following:

1. Minimum lot width shall be 200 feet.
2. Any outdoor storage area shall be completely enclosed by a fence or wall at least six feet in height constructed of a sturdy, durable material. Said fence or wall shall be continuously maintained in good condition and shall contain only signs in accordance with [Section 28-5.21](#). In no case shall material be stored at a height exceeding the height of the storage area fence or wall.
3. The fence or wall enclosing the storage area shall meet all setback requirements applicable to an accessory building. No storage area shall be permitted in the required front yard setback.
4. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface.
5. Conditions within the facility shall be controlled to minimize the hazards of fire and other threats to health and safety. All chemical and hazardous substances shall be contained and stored within the requisite areas provided within federal, state and local government regulations.
6. The township board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and welfare of the township.

#### 28-4.40 PUBLIC BUILDINGS AND PUBLIC UTILITY OFFICES

Public buildings and public utility offices, including storage yards, substations, or regulator stations shall be permitted as a special land use subject to the following:

1. Any such building shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
2. Any such building shall comply with the main building setback requirements of the district in which it is located.

#### 28-4.41 MULTIPLE-FAMILY DWELLINGS

Multiple-family dwellings shall be permitted as a special land use subject to the following:

1. Parking areas shall have a front yard setback of a minimum of 20 feet and side and rear yard setbacks of a minimum of 10 feet.
2. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or any other driveway.
3. Buildings shall not be constructed closer to one another than a distance equal to 1 1/2 times the height of the taller building.
4. A buffer zone is required between multiple-family dwellings as required in [Section 28-5.23](#).
5. All parking lots and drives shall be curbed as required in [Section 28-5.22.6.D](#).

#### 28-4.42 MINI-STORAGE

Mini-storage (commercial storage warehouse) shall be permitted as a special land use subject to the following:

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

**28-4.43 ASSEMBLY BUILDINGS**

Assembly buildings, including auditoriums, theaters, clubs, lodges, banquet facilities including other closely related uses shall be permitted as a special land use subject to the following:

1. Parking lots shall be set back at least 50 feet from the property line of any residential district or use.
2. Main building(s) shall be setback at least 100 feet from the property line of any residential district or use.
3. The hours of operation shall be determined by the planning commission and township board based on nuisance potential to adjoining property owners.
4. The planning commission or township board may require additional vegetative or other measures to reduce the noise level.
5. The planning commission and township board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and welfare of the township.

**28-4.44 HOSPITALS<sup>■</sup>, URGENT CARE FACILITIES, PRIVATE AMBULANCE SERVICES AND OUTPATIENT SURGERY FACILITIES**

Hospitals, urgent care facilities, private ambulance services and outpatient surgery facilities shall be permitted as a special land use subject to the following:

1. All hospitals, urgent care facilities, private ambulance services and outpatient surgery facilities shall be operated and maintained in conformance with applicable state and federal laws.
2. Any ambulance and emergency entrance areas shall be screened from view from any residential district or use with major buffer zone in accordance with [Section 28-5.23](#).
3. Any mobile, transportable or relocatable units on site shall be in accordance with [Section 28-4.62](#), Temporary Buildings and Uses.
4. The planning commission and township board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and welfare of the township.

**28-4.45 HOTEL<sup>■</sup> AND MOTEL ESTABLISHMENTS**

Hotel and motel establishments shall be permitted as a special land use subject to the following:

1. Each guest unit shall contain not less than 250 square feet of floor area.
2. Minimum lot size shall be one acre, provided there shall be no less than 800 square feet of lot for each guest unit.
3. The main building shall be setback from all lot lines at least 50 feet. When the lot is adjacent to a residential zoning district, the main building shall be setback from the residential property line at least 100 feet.
4. Ingress and egress shall be from a paved public road.
5. Accessory uses shall include, but are not limited to meeting rooms, ballrooms, restaurants, bars, recreational uses including swimming pools, and gift shops, provided such accessory use is conducted within the main building.

**28-4.46 RESEARCH AND DEVELOPMENT FACILITIES**

In the LI district, research and development facilities, including production activities, which shall be limited to 50 percent of the floor area of the building are a permitted use.

**28-4.47 TRUCK AND FREIGHT TERMINALS, AND MAINTENANCE FACILITIES**

In the LI district, truck and freight terminals, and maintenance facilities shall be permitted as a special land use subject to the following:

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

#### 28-4.48 JUNKYARDS AND SALVAGE YARDS

In the LI district, junkyards and salvage yards shall be permitted as a special land use subject to the following:

1. Requests for a salvage or junk yard shall also require submission of detailed information identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and township laws.
2. The site shall be provided with suitable access to a county primary or state highway to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within 200 feet of any residential district or use property line.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least eight feet in height, notwithstanding the provisions of **Section 28-5.9**, constructed of a sturdy, durable material as approved by the township board and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two nontransparent gates not exceeding 48 feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
5. Stored materials shall be stacked and stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
6. The fence or wall enclosing the storage area shall meet the applicable main building setback requirements.
7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator meeting the requirements of the R-1 zone district.
8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
9. All portions of the storage area shall be accessible to emergency vehicles.

10. Vehicles or vehicle bodies shall be stored in rows with a continuous loop drive with a minimum width of 20 feet, separating each row of vehicles.

11. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
13. Minimum site size for such facilities shall be six acres.
14. All fences shall be set back a minimum of 50 feet from any residential district or use property line.
15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to 8:00 a.m. to 6:00 p.m.
16. The township board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the township. These conditions can include a provision for an annual inspection by the zoning administrator to ensure continuing compliance with the above standards.

#### 28-4.49 SANITARY AND HAZARDOUS WASTE LANDFILLS

In the LI district, sanitary and hazardous waste landfills shall be permitted as a special land use subject to the following:

1. Approval of site plan. Approval of the general site plan and geologic suitability must be obtained from the department of environmental quality, waste management section, prior to the issuance of a special land use permit.
2. Qualifications and application requirements.
  - A. Minimum qualifications. In order to apply for review of a sanitary or hazardous waste landfill, the property proposed for development shall meet all of the following minimum qualifications:
    - i. The minimum site area shall be 40 acres.

- ii. A landfill of any type shall not be located within a floodplain or wetland.
- iii. A landfill shall not be located over a sole source aquifer or the recharge zone of a sole source aquifer.
- iv. A landfill shall not be located within 1,000 feet of a residential well.
- v. A landfill shall not be located near an earthquake fault.
- vi. A landfill shall not be within 5,000 feet of a navigable waterway.
- vii. The following minimum setbacks shall apply:

**28-4.49.2.A.vii Minimum Setbacks**

Setback Distance	Setback from
500 ft	Residential district
400 ft	AG district
300 ft	Public right-of-way
250 ft	B-1, B-2 districts
100 ft	LI district

- viii. Access to the landfill shall be from a paved county primary road or state highway. A hard surface, all weather, nonseasonal road which satisfies the criteria of the county road commission shall connect the landfill to the county roadway.
- ix. The entire perimeter of any landfill site shall be enclosed by a six-foot high chain-link fence along any portion of the site having frontage. A four-foot woven wire farm fence, with one strand of barbed wire at the top shall be placed along all property lines to deter trespassers and effectively retain blown papers and other waste. Additional fencing may be required by the township board to minimize loose garbage leaving the site, control views, and/or control access.
- x. There shall not be more than one gated entrance to the landfill site. The entrance gate shall be not less than six feet high and securely locked when the landfill is not in operation.

B. Application. Landfill applications shall include the following information, in addition to that required in **Section 28-6.1** (Site Plan Review):

- i. Name, address, and telephone number of the person, firm, or corporation who will be conducting the actual filling operation (operator).
- ii. Location, size and legal description of the total site area to be filled.
- iii. The progressive phase unit filling and reclamation plan for the total project. Each phase unit shall include the following information:
  - a. The method and direction of filling.
  - b. Surface overburden stripping and stockpiling plan. Provisions for grading, revegetation, and stabilization that will minimize soil erosion and sedimentation.
  - c. Provisions for buffering, landscaping, and screening.
  - d. Legal description and physical location of each phase, number of acres included in each phase unit, estimated length of time to complete filling of each successive phase unit. Each phase unit shall not be greater than 20 acres.
- e. Cross section drawings showing present elevations, invert elevations, and the final elevation.
- f. Proposed use of parcel after completion.
- g. Drainage on and away from the fill area showing directional flow of water in drainage ways, natural watercourses and streams, intermittent and flowing, including discharge from the filling operation.
- h. Demonstrated on-site capacity to store the expected volume of leachate generated during a 72-hour period during the active life of the landfill.
- i. Minimum thickness of natural clay base of 20 feet with a leachate collection and removal system installed over the natural clay base. Leachate shall not be reintroduced into the landfill.

**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement

- j. A fire control plan shall be submitted to the township board for approval for spontaneous combustion in the landfill waste, not to include fire protection and control measures in the accessory buildings for equipment which will be the responsibility of the local fire department.
- k. A siren warning system shall be installed at the landfill site to be used in the event toxic pollutants are emitted into the air and pose a threat to surrounding residents including a plan for evacuation of the surrounding areas.

C. Financial guarantee.

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

- 3. Conditions and safeguards. The township board may impose such additional conditions and safeguards deemed necessary for: the public health, safety, and general welfare; the protection of individual property rights; and for ensuring the intent and purpose of this chapter. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.
- 4. Maintenance, completion of phases, and closure.
  - A. The landfill permit shall be issued to the operator. When an operator disposes of his interest in an extraction area prior to final reclamation by: sale, lease, assignment, termination of lease, or otherwise, the township board may release the operator from the duties imposed by this chapter as to the operation but only if the successor, operator, or owner, specifically assumes, in writing, the obligations of the former operator with reference to reclamation activities. At that time the special land use permit may be transferred.
  - B. Prior to excavating or filling of any phase, written notification must be submitted a minimum of five days in advance to the zoning administrator. An approved zoning permit shall be issued by the zoning administrator upon compliance with the chapter and the submitted general plan.
  - C. Reestablishment of vegetation on the areas to be abandoned, as outlined on the plans and specifications on file, shall be accomplished prior to moving to the next phase to ensure conformance.
  - D. Vegetative cover shall be inspected quarterly by the licensee and measures taken to establish and maintain the cover throughout the post-closure by the licensee.
  - E. All types of landfill to the post construction settlement of earth shall be monitored by the licensee periodically during a 15-year maintenance period and, if necessary, final cover shall be adjusted by the licensee periodically to compensate for anticipated future settlement.
  - F. Owner/operator shall be required to retain the same liability coverage throughout the post-closure period as that which is required by state law during operation periods.

- G. The township board shall charge "tipping" fees to the operator for use in maintaining the township's share of county roads or for recycling projects within the township.
- H. Final slope for a sanitary landfill shall not be less than four percent.
- 5. Hours of operation. Operating hours shall be determined by the township board based on nuisance potential to adjoining property owners.
- 6. Covered loads. All refuse collection vehicles shall be covered with a rigid or fabric cover upon entering the site. The cover must be securely attached to prevent any loss of materials from the vehicle during transit.
- 7. Litter. Policing of the adjoining property, perimeter berms, and/or fencing to prevent unauthorized dumping and limit wind blown debris shall be required at the expense of the operator.
- 8. Nuisances. Litter, odor, smoke, fumes, and dust shall be controlled so as not to cause a nuisance or hazard.
- 9. Provisions specific to hazardous waste landfills.
  - A. A treatment, storage, or disposal facility for hazardous wastes shall not be located in a wetland.
  - B. Heavy metals and other hazardous wastes where possible shall not be placed in the same landfill cell unless segregated within the cell and adequately protected from contact with each other.
  - C. Hazardous metal containers shall not be disposed of unless first emptied and flattened.
  - D. Hazardous waste landfills shall have at least 90 cm of additional material (60 cm topsoil and 30 cm of subsurface drainage media, or cobbles to prevent animal burrowing) such that any synthetic components of the cover will be protected from the effects of temperature, erosion, and rooted vegetation.
  - E. A plan shall be submitted by hazardous waste landfills to the township which will provide for the temporary restriction of traffic through the area of the landfill in the event of spontaneous toxic emissions or accidental "hauler" spills occur in the immediate vicinity of the landfill area which would be dangerous to the public health.
- F. A 24-hour citizen hot-line for citizen complaints or questions will be established and maintained by the owner/operator of hazardous landfill during the active life and throughout post closure.

#### 28-4.50 TOOL AND DIE

In the LI district, tool and die shops shall be permitted as a special land use subject to the following:

- 1. The principal and accessory buildings and structures shall not be located within 200 feet of any residential district or use property line.
- 2. Access driveways shall be located no less than 100 feet from the intersection of any street or any other driveway.
- 3. Outside storage of materials shall be limited to the rear yard of the lot, and screened from view from any public right-of-way or adjacent property. Screening may be achieved by the use of a solid wall or fence, or a chain-link fence with proper landscaping as approved by the township board.

#### 28-4.51 RESERVED

#### 28-4.52 BODY SHOPS AND WRECKER SERVICES, INCLUDING STORAGE YARD

In the LI district, body shops and wrecker services, including storage yards, shall be permitted subject to the following

- 1. All storage yards must be enclosed and screened from view of adjacent roadways.
- 2. The site shall be provided with suitable access to a paved road.
- 3. No portion of any storage area shall be located within 200 feet of any residential district or use property line.
- 4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that the stored material/vehicles are not visible from outside the storage area. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.

5. Materials stored outdoors shall not be stacked higher than ten feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall material be stored at a height exceeding the height of the storage area fence or wall.
6. The fence or wall enclosing the storage area shall meet the setback requirements applicable to a main building.
7. Conditions within the facility shall be controlled to minimize the hazards of fire and other threats to health and safety.
8. All portions of the facility shall be accessible to emergency vehicles.
9. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the storage area.
10. The township board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the township.

#### 28-4.53 ADULT USES

In the LI district, adult uses shall be permitted as a special land use subject to the following:

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

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

- E. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two inches in height, that:
  - i. "Persons under the age of 18 years are not permitted to enter the premises."
  - ii. "No alcoholic liquor of any type is permitted within the premises unless specifically allowed pursuant to a license duly issued by the state liquor control commission."
- F. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
- G. No adult use shall be open for business prior to 10:00 a.m., nor after 10:00 p.m. However, employees or other agents, or contractors of the business are permitted to be on the premises at other hours for legitimate business purposes such as maintenance, cleanup, preparation, recordkeeping, and similar purposes.

#### 28-4.54 VEHICLE REPAIR

- 1. A vehicle repair facility shall be located not less than 50 feet from any right-of-way line or from any side or rear lot line abutting residentially zoned property unless separated therefrom by a street or alley.
- 2. Where adjoining residentially used or zoned property, a landscape screen, solid wall and/or solid fence having a minimum height of four feet and a maximum height of six feet shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line.
- 3. If gasoline or other pumps are provided, they shall be located a minimum of 40 feet from any public right-of-way or lot line.
- 4. Accessory sales of merchandise related to the vehicle repair facility shall take place exclusively within the enclosed building.
- 5. All storage of material, merchandise and equipment other than liquid fuel shall be within the building. No outside storage or display of materials for sale shall be permitted.
- 6. Accessory vehicle wash facilities are allowed subject to the same setback and location

requirements of the principal buildings for the vehicle repair facility.

- 7. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties in compliance with **Section 28-5.18**. There shall be no flashing or revolving lights.
- 8. All lubrication, repair and servicing equipment, and all repair work shall be done within the principal building.
- 9. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six-foot high solid wall or solid fence.
- 10. No operator shall permit outside storage of automobiles, trucks or trailers for a period in excess of 72 hours, unless enclosed by a six-foot high solid wall or solid fence.
- 11. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the township board. If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the township board.
- 12. Gasoline or other flammable mixtures shall not be used to wash down the premises.
- 13. In the event that a vehicle repair facility has been abandoned or not used as a vehicle repair facility for a period of more than one year all underground gasoline storage tanks shall be removed from the premises, in accordance with the requirements of state and federal laws.

#### 4.55 OPEN SPACE USES

In the F-1 district, open space uses such as farms, truck gardens, nurseries, parks, playgrounds, golf courses, nature preserves, bridle trails, natural trails, and recreation are permitted uses provided no alteration is made to the existing level of the floodplain or erected structure which may interfere with the flow of the river or floodplain capacity.

#### 28-4.56 SEASONAL USES

In the F-1 district, seasonal uses shall be permitted as a special land uses subject to the following:

1. The zoning administrator, upon receiving an application, may issue a permit for the temporary sale of merchandise in any nonresidential district, related to a seasonal or periodic event. Such seasonal uses shall include the sale of Christmas trees, fireworks, and similar activities, but shall not include roadside stands.
2. Signs for seasonal uses are permitted subject to the following restrictions:
  - A. No more than two such signs located on the lot on which the seasonal use is conducted shall be displayed.
  - B. The display of such signs shall be limited to the period of time during which the seasonal use is conducted.
  - C. Such signs shall have a maximum size of 16 square feet in area, and a maximum height of five feet and shall be set back from any property line a minimum of 10 feet.
3. In considering a request for a seasonal use permit, the zoning administrator must determine that the operation of such a use is seasonal in nature and will not be established as a permanent use. The zoning administrator will also determine:
  - A. That the use does not have an unreasonable detrimental effect upon adjacent properties;
  - B. That the use does not impact the nature of the surrounding neighborhood; that access to the area will not constitute a traffic hazard due to ingress or egress; and
  - C. That adequate off-street parking is available to accommodate the use.
4. Each permit shall be valid for a period of not more than 90 days and may be renewed by the zoning administrator for up to one additional 30-day period, provided the season or event to which the use relates is continued.

#### 28-4.57 PRIVATE BOAT DOCKS, ACCESSORY TO RESIDENTIAL USES

In the LGR district, private boat docks, accessory to residential uses shall be permitted subject to the following provisions:

1. One private boat dock per dwelling shall be permitted for each single- and two-family dwelling unit. No dock shall extend for more than four feet from the bank or shoreline of the Looking Glass River, nor extend for more than 12 feet in width parallel to and along any shoreline.
2. Boat docks shall be used only by persons residing on the premises or their guests, and shall not be leased, rented, or otherwise made available for compensation, except in conjunction with the lease or rental of the dwelling unit on the same lot.
3. Docks shall be designed, constructed, and maintained to blend with natural surroundings. The use of natural, native materials is encouraged.

#### 28-4.58 PRIVATE BOAT DOCKS, ACCESSORY TO NONRESIDENTIAL USES

In the LGR district, private boat docks accessory to nonresidential uses shall be permitted subject to the following provisions:

1. One boat dock shall be permitted for each lot or parcel.
2. Docks shall not extend for more than four feet from the bank or shoreline of the Looking Glass River nor more than 12 feet in width along any shoreline.
3. Boat docks shall be used only by patrons of the premises or their guests, and shall not be leased, rented, or otherwise made available for compensation.
4. Docks shall be designed, constructed, and maintained to blend with natural surroundings. The use of natural, native materials is encouraged.

**28-4.59 ALTERNATIVE ENERGY SYSTEMS**

Small wind energy conversion systems (WECS)

1. Intent: It is the intent of this Section to regulate the safe, effective, and efficient use of small wind energy conversion systems (WECS) installed to reduce or replace the on-site consumption of electricity supplied by utility companies.
2. Permitted locations: Small WECS shall be permitted as an accessory structure in every zoning district provided that they comply with the standards and requirements of this Section. In the R1, R2, R3, VSC and MHP zoning districts, a principal structure must first be established on the parcel before a small WECS may be constructed/installed.
3. Application: Prior to any installation or construction taking place on the subject property, an application for a zoning permit must be filed with and approved by the Zoning Administrator. Information required will include the following:
  - A. Name of property owner(s), parcel identification number and address.
  - B. Zoning classification of parcel.
  - C. Proposed type, number and height of the small WECS to be constructed.
  - D. A scale map depicting the parcel's property lines, locations of existing roads and access drives, all structures, easements, utilities including overhead utility lines and the location of the small WECS, including setbacks from property lines.
  - E. Building permits are required for the construction of a small WECS.
4. Additional turbines: Small WECS may include more than one turbine and/or tower on any property zoned AP, AG, RR, B1, B2, or LI, provided that all other requirements of this ordinance are met. On parcels zoned R1, R2, R3, VSC or MHP only one turbine and/or tower shall be permitted.
5. Height/ towers:
  - A. Total height is the vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the small WECS, whichever is greater.
  - B. For any parcel located in the R1, R2, R3, VSC or MHP zoning district, the maximum total height for a small WECS shall not exceed 50 feet.
6. Visual Appearance: Small WECS shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by state or other federal authorities.
7. Setbacks:
  - A. The base of the tower shall be setback from all property lines at least the tallest height of the entire structure.
  - B. The base of the tower shall not be located in the required front yard.
  - C. No component of the small WECS, including guy wires and anchors, may extend over or beyond the property lines on which the WECS is located.
  - D. The base of the tower shall be setback from all overhead utility lines at least the tallest height of the entire structure.
8. Certification required: In order to be constructed, erected or installed in Watertown Charter Township, all drawings and calculations for small WECS must be certified by a Professional Engineer licensed in the state of Michigan and indicate that the system complies with all applicable local and State building codes.
9. FAA Compliance: Small WECS shall comply with all applicable FAA regulations, including any necessary approvals for installations close to airports.
10. Lighting: Artificial lighting associated with small WECS shall comply with the requirements of **Section 28-5.18**, and requirements of the FAA, if applicable.
11. Noise: Small WECS shall comply with the requirements of Chapter 10, Article II of the Watertown Charter Township Code. All WECS shall be exempt from this requirement during rare short term events such as utility outage and/or severe wind storms, or other unique weather events.

12. Utility Interconnection: No small WECS shall be installed until documentation is provided that the Michigan Public Service Commission and the subject utility company have been informed of and approved the applicant's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
13. Anemometers:
  - A. Anemometers or other wind monitoring stations must meet the setback requirements for small WECS for the zoning district in which they are located.
  - B. A temporary zoning permit must be obtained for anemometers or other wind monitoring stations, in accordance with **Section 28-4.62**.
14. Abandonment: Any small WECS that remains non-functional or inoperative for a period of at least 365 continuous days shall be deemed abandoned, and the zoning administrator may order the removal of the turbine, tower and any associated equipment. Only one, three-month extension shall be permitted and then only if the zoning administrator finds that the owner or former operator of the facility is taking active steps to ensure removal.

#### 28-4.60 OUTDOOR BOILERS

An outdoor boiler may be installed and used in Watertown Charter Township, only in accordance with all of the following provisions:

1. The outdoor boiler shall be installed and used only on a parcel zoned AP, AG, or RR.
2. Permissible fuels shall include wood, corn, biomass, coal and other closely related materials.
3. The outdoor boiler shall not be used to burn refuse, including, but not limited to household garbage, building waste materials, shingles, insulation, treated lumber, paint or painted items, wiring, plastics, rubber, tires, animal carcasses, chemicals, any toxic substance, and rubble that results from construction, remodeling, repair and demolition operations on a house, commercial or industrial building, or other structure.
4. The outdoor boiler shall be located at least 300 feet from the nearest building which is not on the same property as the outdoor boiler.
5. The outdoor boiler shall have a chimney that extends at least 15 feet above the ground surface.
6. The outdoor boiler shall meet the setback requirements applicable to a main building.
7. The outdoor boiler shall comply with the requirements of **Section 28-7.2, Permits**.

#### 28-4.61 KEEPING OF ANIMALS

1. The keeping of household pets, including dogs, cats, fish, birds, hamsters and similar animals generally regarded as household pets is permitted as an accessory use in any residential district.
2. Any land, building or structure where three or more cats and/or dogs six months of age or older are boarded, housed or bred for commercial purposes shall be considered a kennel and shall only be permitted in the zoning districts where such uses are allowed.
3. Any other provision of this chapter notwithstanding, the keeping, housing, raising, or use of land for medical care for fowl or animals other than household pets of an occupant of the premises, is subject to the following provisions:
  - A. Any pen or building or structure housing containing these animals shall be a minimum of 10 feet from any property line.
  - B. The keeping and raising of domesticated animals as part of a farming operation shall be permitted on parcels zoned AP, AG, RR and LI. Domesticated animals kept and raised as part of a farming operation shall be maintained in compliance with the rules, regulations and accepted management practices established by the state department of agriculture and applicable state laws. No domesticated animals shall be permitted on parcels zoned R-1, R-2, R-3, VSC, B-1 or B-2, with the following exceptions:
    - i. Large animals, as defined, shall be permitted on parcels five or more acres in size zoned R-1, R-2, R-3 or VSC.
    - ii. Medium animals and poultry, as defined, shall be permitted on parcels three or more acres in size zoned R-1, R-2, R-3 or VSC.
  4. Where animals other than household pets of the owner or occupant of the premises are kept or allowed outside, a fence of such construction as to keep said animals from leaving the premises at will shall be provided and regularly maintained.

**28-4.62 TEMPORARY BUILDINGS AND USES**

1. Upon application, the zoning administrator may issue a permit for the following temporary buildings or uses. Each permit shall specify a location for such building or use and shall be valid for a period of not more than 12 calendar months. Permits may be renewed by the zoning administrator for one additional successive period of six calendar months or less at the same location and for the same purpose.
2. In considering authorization for all temporary uses or buildings, the zoning administrator shall consider the following standards and may attach reasonable conditions to temporary uses or structures to ensure that the standards of this Section are met. The zoning administrator shall determine that:
  - A. The use or structure will not have an unreasonable detrimental effect upon adjacent properties;
  - B. The use or structure is reasonably necessary to the convenience and safety of the construction proposed;
  - C. The use or structure does not adversely impact the character of the surrounding neighborhood;
  - D. Access to the use or area is located at a safe location.
3. Construction building and structures are subject to the following:
  - A. Construction buildings and structures incidental to construction work on a lot may be placed on that same lot for use as storage of construction materials, tools, supplies, and equipment, for construction management and supervision offices, and for temporary on site sanitation facilities, related to construction activity on the same lot, provided the use received site plan approval.
  - B. No construction building or structure shall be used as a dwelling unit.
  - C. A building permit shall be issued by the building inspector prior to installation of a construction building or structure.
  - D. Construction buildings and structures shall be removed from the lot within 15 days after an occupancy permit is issued by the building inspector for the permanent structure on such lot, or within 15 days after the expiration of a building permit issued for construction on such lot.

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

- A. The manufactured home will be used only as a temporary use on the same lot while the individual is constructing a permanent residence.
- B. A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary manufactured home permit.
- C. The manufactured home dwelling meets the requirements of the Mid-Michigan Health Department and all applicable township ordinances.
5. Upon applying for a temporary building or use, the applicant shall pay a fee to the township treasurer as determined by the township board. The fee shall also be collected for any extensions granted by the zoning administrator.
6. Temporary storage containers that are typical of the type available from commercial sources which do not exceed eight feet in width by 16 feet in length by eight feet in height are permitted in all zoning districts for a time period not to exceed 30 days per year. A 30-day extension may be granted by the zoning administrator if deemed necessary. A maximum of three storage containers are permitted at any one time, and must be located at least five feet from any side or rear property line, or may be within the required front yard setback for the zoning district. The temporary storage container may also be stored in the driveway, provided that emergency access to all structures and proper clear vision areas are maintained.

**28-4.63 BED & BREAKFAST ESTABLISHMENTS**

Bed and breakfast establishments, in such district where a special use permit is required, are subject to the following conditions:

1. Each premises must be operated by its owner and occupied as the owner's primary residence.
2. The establishment is limited to the principal residential structure only. Accessory structures and buildings such as garages or pole barns may not be converted into use for the bed and breakfast establishments.

3. The total number of sleeping rooms is limited to six, inclusive of the rooms occupied by the innkeeper. No sleeping room shall be permitted that does not comply with all applicable state laws.
4. There shall be no cooking facilities separate from the principal kitchen used for a bed and breakfast stay. There shall be no food preparation allowed in any guest sleeping room, and food service shall be provided only to guests lodging in the facility.
5. Bed and breakfast rooms shall be a minimum of 120 square feet for the first two occupants and an additional 30 square feet for each additional occupant.
6. The stay of bed and breakfast guests shall be no more than 14 consecutive days and not more than 30 days in any one calendar year.
7. One bathroom for every three sleeping rooms shall be provided, with a minimum of two bathrooms provided for the sole use of the operation. A bathroom shall be comprised of, at a minimum, a water closet, lavatory, and tub or shower.
8. One non-illuminated sign identifying the establishment, not to exceed six square feet in area and not closer than five feet from any lot line or street right-of-way.
9. One off-street parking space shall be provided in the interior side yard or rear yard area for each bed and breakfast bedroom. The planning commission and township board of trustees may increase or decrease required parking in order to meet the purposes of this Section and protect the public health and safety.

**28-4.64 INDUSTRIAL PLANTS,  
MANUFACTURING OF FABRICATED  
PRODUCTS**

Industrial plants, manufacturing of fabricated products, may be permitted as a special land use. Any business related to the use shall be conducted wholly within a completely enclosed building, except that outside storage of materials, equipment, or vehicles and loading operations may be permitted, subject to the following:

1. The plant shall be constructed and conditions within the enclosed building shall be controlled so as to eliminate noise or vibrations being heard or felt outside the building.

2. The principal and accessory buildings and structures and outdoor storage areas shall not be located within 400 feet of a residential district
3. The lot location shall be such that at least one property line abuts a county primary road or state highway. The ingress and egress for all vehicles shall be directly from said thoroughfare.
4. Materials stored outdoors shall not be stacked higher than ten feet, and shall be completely enclosed by a fence or wall, constructed of a sturdy, durable material and sufficiently opaque to ensure the stored material is not visible from adjoining properties or rights-of-way. In no case shall material be stored at a height exceeding the height of the storage area fence or wall. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
5. A major buffer, as defined by **Section 28-5.23.2.G** shall be required.

**28-4.65 SOLAR ENERGY SYSTEMS**

1. Purpose and objectives. It is the intent of this section to regulate the safe, effective, and efficient use of solar energy systems in order to reduce or replace the consumption of electricity supplied by utility companies, subject to reasonable conditions intended to protect the public health, safety, and welfare.
2. Site development requirements. In accordance with section 28.6.1.2., all applications for a special land use shall be accompanied by an application for final site plan review.
  - A. Zoning districts. All solar energy systems are subject to sec. 28-6.2, special land uses.
  - B. Minimum lot size. There is no minimum lot size. Solar energy systems are permitted by special land use permit, the process by which reviews and considers its compatibility with the surrounding area.



C. Height restrictions. All solar energy system components, including photovoltaic panels or other collection device(s) oriented at maximum tilt, support structures, and buildings shall not exceed 16 feet. Substation and electrical equipment are permitted at their usual and customary heights and are excluded from this maximum height requirement. Substation and electrical equipment must comply with all local, state and federal requirements, including but not limited to the Michigan Tall Structures Act and Federal Aviation Administration requirements, as applicable.

D. Setbacks.

- In the AG-Agricultural district, all solar energy systems components, excluding perimeter fencing, shall meet a minimum setback of 50 feet.
- In the LI-Light Industrial district, all solar energy systems, whether principal or accessory uses, shall meet the minimum setback requirements for the zoning district.
- All solar energy systems components, including perimeter fencing, shall be setback at least to the limit of any established county drain right-of-way or easement.

E. Maximum lot coverage. Solar energy systems are exempt from maximum lot coverage requirements. Any other regulated structures on the parcel are subject to the maximum lot coverage requirements for the zoning district.

F. Safety and access. All solar energy systems shall be completely enclosed by a perimeter security fence to restrict unauthorized access. The height and material of the fence shall be reviewed for appropriateness and compatibility during the special land use process. A lock box approved by the fire department serving the township shall be required.

G. Glare. All solar panels shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of day.

H. Landscaping.

- When the proposed solar energy system abuts a residential district or use, the landscaping plan shall meet the requirements of a major buffer zone as described in Sec. 28-5.23.2.g.
- For principal or accessory solar energy uses in the LI-Light Industrial zone, a major buffer shall only be required on any side abutting a residential zone or use.
- Sec. 28-5.23.1.d shall not apply to any principal or accessory solar energy system use in the LI-Light Industrial zoning district. The minimum buffer requirements shall apply if a public road or street separates the zoning districts.
- The proposed landscape plan shall also include a revegetation plan for the installation and maintenance of the vegetative cover on the entire site. The planting shall control site soil erosion and must be maintained throughout the life of the solar energy system. The primary purpose is control of erosion and maintenance of soil quality. The plan shall include the plant species and the rate of application or planting. Grazing, cropping and wildlife habitat are acceptable secondary uses in the AG-Agricultural district. Use of native plants is strongly encouraged. Invasive species listed by the Michigan Department of Environment, Great Lakes and Energy as restricted or that are on the watch list are prohibited. The plan shall address seedbed preparation, fertilization, mulching, and irrigation, if needed. The plan shall include maintenance schedules and methods (mowing, replanting, etc.). The site is subject to annual inspection including for maintenance of the vegetative cover and control of erosion.

- I. Signage. No signage or graphics shall be on any part of the solar energy systems components or the perimeter fencing. This exclusion does not apply to the entrance gate(s) signage which shall be placed on the gate in a visible area and not exceed six square feet in size. Gate signage shall be weather-durable and include the name of the owner/operator, a phone number, and contact person for whom additional information may be obtained. Any required emergency information signage shall be permitted.
- J. Lighting. Solar energy systems shall comply with Sec. 28-5.18 Outdoor lighting.
- K. Transportation plan. The applicant shall provide a proposed access plan during construction and operational phases. This shall show proposed project service road ingress/egress locations on to adjacent roadways and the layout of the facility service road system. Due to infrequent access following construction, it is not required to pave or curb solar panel access drives, but they should be constructed so as to minimize dust conditions.
- L. Distribution, transmission, and interconnection. All electrical interconnections or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. All collection lines and interconnections from the solar array(s) to any electrical substations shall be located and maintained underground inside the solar energy system facility. This requirement shall exclude transmission equipment meant to connect the project substation to the local transmission system.
- M. Environmental and safety impacts.
  - i. An environmental impact statement/study shall be provided at the time of application and shall include, but not be limited to, a review of the following factors:
    - I. Water quality and supply.
    - II. Air quality.
    - III. Wildlife.
    - IV. Floodplains and wetlands.
    - V. Identification of solid and/or hazardous waste generated.
    - VI. Any other environmental factors typically evaluated for the proposed use or as requested.
  - ii. A public safety impact statement/study shall be provided at the time of application and shall include, but not be limited to, a review of the following factors:
    - I. Identification of emergency and normal shutdown procedures.
    - II. Identify potential hazards to adjacent properties, public roadways and to the general public that may be created.
    - III. Identify potential hazards to aviation and indicate how state and federal requirements will be met.
- N. Abandonment and decommissioning. A solar energy system shall be decommissioned following the useful life or at which time it remains non-operational for six months and is considered abandoned. The applicant shall submit a decommissioning plan, prepared by a licensed professional engineer, at the time of application for a special land use permit. The decommissioning plan shall include, but not be limited to the following:
  - i. Steps to remove the system
  - ii. Steps to dispose of or recycle system components
  - iii. Restoration of land

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- iv. Estimated cost schedule to meet the following requirements:
  - I. Removal of all equipment, conduit, structures, fencing, roads, building foundations, including any equipment or materials below grade, offsite for disposal.
  - II. Restoration of ground to original condition.
  - III. Revegetation of site to blend with existing surrounding vegetation within six months of decommissioning.
  - IV. For agricultural lands, restoration of soils to their original USDA classification, as confirmed by a soil survey conducted in accordance with the standards of the national cooperative soil survey.
  - O. Financial guarantees. To ensure proper removal of the project upon decommissioning or abandonment of the solar energy system, the applicant shall include a description of the financial security guaranteeing the removal of the system which shall be posted with the township within 15 days after the project is approved or prior to issuance of a building permit for the project. The financial guarantee shall be in the form of a cash bond or an irrevocable bank letter of credit or a performance bond, in a form approved by the township board. The amount shall be reasonably sufficient to restore the property to its previous condition as agreed upon by the township board and the applicant. The amount may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the applicant, and shall be subject to approval by the township, with guidance from the township's engineer. The financial guarantee shall be returned when all conditions of the special land use permit and the decommissioning/abandonment plan have been completed. There shall be no partial release of the financial guarantee. The financial guarantee shall be kept in full force and effect during the entire time the solar energy system exists or is in place, and it shall be irrevocable and non-cancelable.

# *Article 5.0*

## *Site Standards*

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# 5.0 Site Standards

## 28-5.1 REQUIRED ACCESS AND FRONTAGE

The purpose of this section is to provide regulations and standards that will promote safe, unobstructed and continuous vehicular access to all lots within the township. The standards contained herein are intended to protect the health, safety and welfare by providing for accessibility to property under emergency conditions.

1. Any lot created shall have direct access to a public or private street or private driveway.
2. Any lot created shall have a minimum lot width on a public or private street or private driveway easement equal to that required by the zone district in which it is located.
3. Any lot not having frontage on a public street shall be served by a private street or a private driveway having a minimum easement width of 66 feet. A private driveway easement is not permitted abutting a private street. The private driveway shall be contiguous to a public street, be properly maintained, and dust shall be controlled at all times by hard surfacing or chemical treatment.
4. A permit application (for private driveway designated for a lot which does not front on a public road) shall be submitted to the Zoning Administrator, accompanied by an application fee established by the Township Board. Two inspections will be conducted, the first when the topsoil is stripped and the final when the gravel or hard surface is placed. These inspections must be completed before a building permit can be obtained.
5. A private driveway shall provide access to no more than three lots or parcels. The three lots shall include all lots on which the easement for the shared driveway exists or which are served by the easement and shall not exclude a lot that may also be provided access from the public street.
6. Any private driveway easement shall be properly recorded with the county register of deeds and a copy submitted to the township. The deed shall clearly indicate that the maintenance of the private driveway is the responsibility of the owners of the benefitting parcel(s).

7. A private driveway serving more than one parcel shall be of adequate width and construction that permits a safe and unimpeded route of travel and be of sufficient construction as to accommodate any fire, police, rescue, or other emergency vehicle which may be utilized by the township. In no case shall the width of the traveled portion of a driveway be less than 12 feet and the edge of the traveled portion of the driveway shall not be located less than 16.5 feet from the edge of the easement line. Adequate space shall be provided for drainage and the installation and maintenance of public and private utilities.
8. A Township-approved property address post and driveway must be installed to Township specifications before a building permit can be issued.
9. The private driveway shall be constructed in accordance with the standards set in **Section 5.25 Private Drive Standards for Emergency Access** of this ordinance.

## 28-5.2 REQUIRED AREA OR SPACE

1. No individual lot or 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 chapter.
2. If already less than the minimum requirements of this chapter, a required yard, parking area or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this chapter, except as may be provided in **Section 28-7.7**.
3. Lots or yards created after the effective date of the ordinance from which this chapter is derived shall comply with the requirements of this chapter.

## 28-5.3 CUL-DE-SAC LOTS

1. The cul-de-sac shall be determined to commence at the intersection of the circumference of the cul-de-sac with the adjoining street right-of-way line.
2. The minimum lot width for a lot on a cul-de-sac shall be measured at a line drawn between the two points (located at the intersection of a line) extending along the side lot lines equal to the distance of the required front setback.

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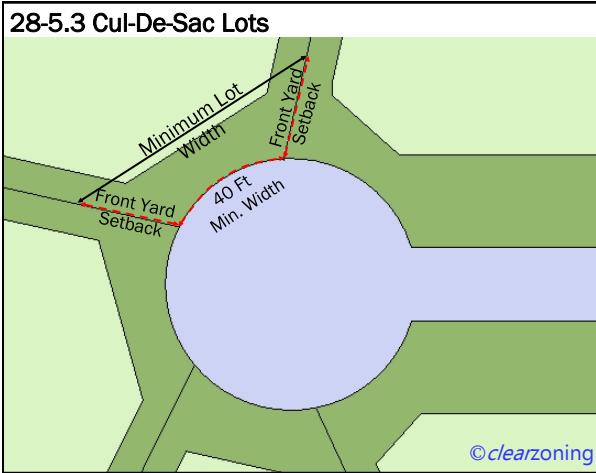
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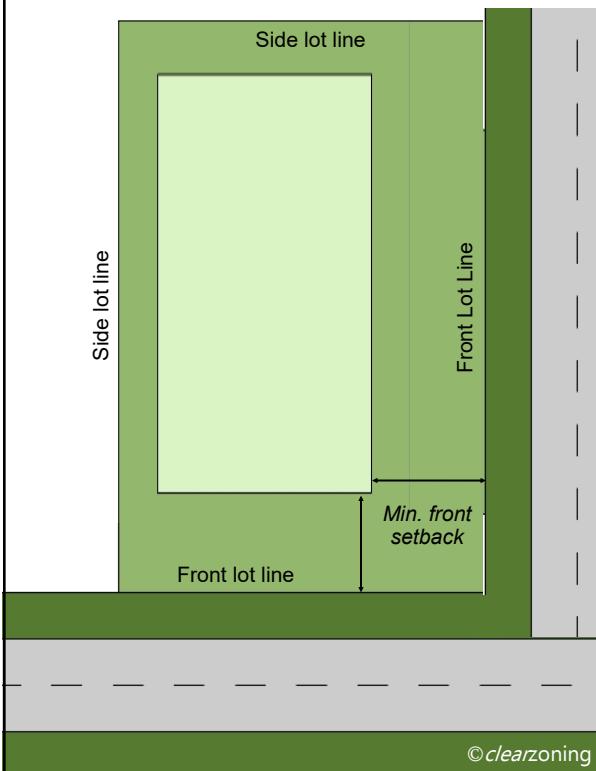
3. A lot on a cul-de-sac shall have not less than 40 feet of lot frontage as measured along the front lot line. 



**28-5.4 CORNER LOTS**

1. A corner lot shall have two front lot lines, two side lot lines, and no rear lot line. 
2. Required front yard setbacks shall be measured from both front lot lines. 
3. For a corner lot with three front lot lines, the remaining lot line shall be a rear lot line.

**28-5.4 Corner Lots**

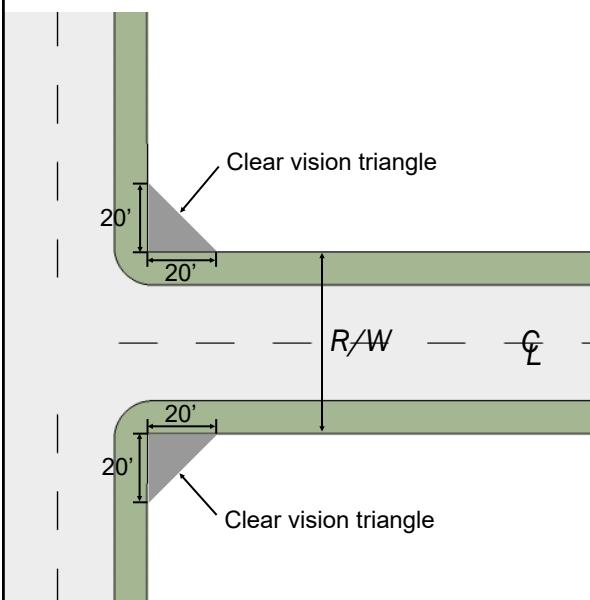


4. The minimum lot width of a corner lot shall be determined at the shorter of the two front lot lines.

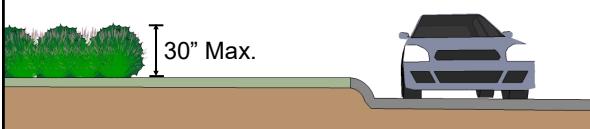
**28-5.5 CLEAR VISION AREAS**

1. No plantings shall be established or maintained on any lot which will obstruct the view of a vehicle driver approaching a street intersection. There shall be maintained an unobstructed triangular area formed by the street property lines and a line connecting them at points 20 feet from the intersection of the street lines, or, in the case of a rounded property corner, from the intersection of the street property lines extended. This shall not prohibit the planting of landscaping which will be less than 30 inches in height at maturity and maintained at that height or lower. 
2. No vegetation shall be maintained in any yard which, in the opinion of the zoning administrator, will obstruct the view of vehicles entering or leaving the site from driveways or adjacent roadways.

**28-5.5 Clear Vision Area - Clear Vision Triangles**



**28-5.5 Clear Vision Areas - Corner Clearance Height Limit**



#### 28-5.6 PROJECTIONS INTO YARDS

1. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters, and similar features may project no further than three feet into a required front, rear, or side yard.
2. An open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning extending higher than 12 inches above the average grade may project no further than:
  - A. Five feet into a required front yard;
  - B. Ten feet into a required rear yard; and
  - C. Shall not project into a required side yard.
3. In no case shall an open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning (excluding necessary stairs, steps, or ramps) extending higher than 12 inches above the average grade be placed closer than 5 feet to any front or rear lot line, with the exception of the VSC district where such structures may extend to any lot line except where a lot line abuts a residential district, in which case a 5-foot setback shall be maintained from such lot line.

4. The provisions of this Section shall not apply to necessary stairs, steps, or to ramps for disabled persons. Such structures shall be permitted in any yard, provided, however, that sufficient access is provided between such structures and adjacent property lines.
5. Canopy roofs.
  - A. Canopy roofs, such as those for gas pump islands accessory to automobile service stations and other uses, drive-in restaurants, banks, and other similar uses shall be permitted to encroach into any required yard, provided that a minimum setback of 12 feet is maintained from any property line.
  - B. The height of the canopy roof shall not exceed 16 feet and be open on all sides.
  - C. The colors and design of the canopy shall be compatible with the main building.
  - D. Lighting and signs on or within the canopy shall comply with the requirements of this chapter. Lights, including lenses and other portions of the lighting fixture, used for canopies shall be completely recessed in the canopy structure and shall not extend below the underside surface of the canopy. Such fixtures may also be surface mounted, provided that the fixtures are designed and constructed to achieve the same effect as the flush-mounted fixture.

#### 28-5.6.5 Canopy Roofs



## 28-5.7 RESERVED

## 28-5.8 MAIN BUILDING OR PRINCIPAL USE

Each parcel shall contain only one main building or principal use, except for groups of related commercial, industrial, and office buildings, and multiple-family dwellings, contained within a single, integrated complex, sharing parking, signs, access, and other similar features which together form a unified function and appearance.

## 28-5.9 FENCES

1. Fences in any zoning district not otherwise specified herein shall not exceed 6 feet in height, measured from the surface to the uppermost portion of the fence.
2. Fences within the required front yard which exceed 4 feet in height shall be of a type which is not more than 25 percent solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed. Fence gates shall not be designed or permitted to open over public property. Fences used to enclose vacant land or land used for agricultural purposes may be erected within any yard up to a height of 8 feet. Such fences shall be of an open type so as to not obstruct vision.
3. Barbed or electrified fences.
  - A. Fences in residential districts or enclosing residential uses shall not contain barbed wire or be electrified, except for barbed wire or electrification necessary for agricultural purposes or for the protection of public utility buildings or improvements.
  - B. Fences in the industrial district which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence not be nearer than 6 feet from the surface of the ground.
  - C. The total height of fences in the industrial district shall not exceed 8 feet, including the barbed portion.
4. Fences shall be located on the lot for which the fence is intended and shall not be erected within any public right-of-way in any district.
5. Fences shall not be erected or maintained in a clear vision area, as described in **Section 28-5.5**.



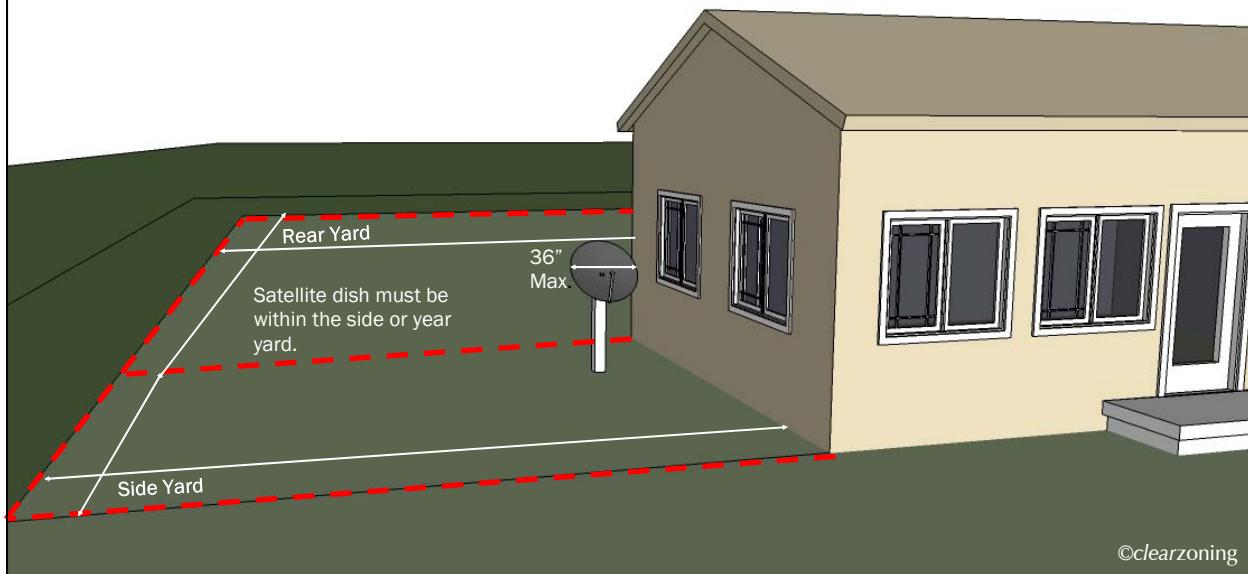
## 28-5.10 SWIMMING POOLS

1. Fencing.
  - A. Every person owning land on which there is located a swimming pool, spa, hot tub, or similar device (below ground or above ground) which contains 24 inches or more of water in depth at any point, shall erect and maintain thereon a fence, enclosure or in some other manner approved by the building inspector or zoning administrator sufficient to make such device inaccessible to small children.
  - B. Such fence, enclosure, or other protective measure, including gates, shall not be less than 4 feet nor greater than 6 feet above grade.
  - C. All gates shall be self-latching with latches placed no less than 4 feet above grade or otherwise made inaccessible from the outside.
2. Location.
  - A. Swimming pools, spas, hot tubs and similar devices that are 2 feet or less above grade at any point shall not be located less than 5 feet from any lot line.
  - B. Swimming pools, spas, hot tubs and similar devices higher than 2 feet above grade at any point shall not be located less than 10 feet from any lot line.
  - C. Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard.

## 28-5.11 SATELLITE DISH ANTENNAS

1. A satellite dish antenna shall be permitted only in a side or rear yard, or mounted or attached to a building.
2. A satellite dish antennas shall comply with the side and rear yard setback requirements applicable to accessory buildings in the district in which it is located.
3. No satellite dish antennas, except those approved on a site plan as accessory to a business or institutional use, shall exceed thirty-six (36) inches in diameter.

### 28-5.11. Permitted Satellite Dish Location and Dimensions



## 28-5.12 STORAGE OF RECREATION EQUIPMENT

Recreational equipment may be located outside of an enclosed building on any occupied lot within a residential district provided that the following requirements are met:

1. Recreational equipment shall not be located within the required front yard or nearer than three feet to a side or rear lot line.
2. Despite the provisions of this Section, recreational equipment may be parked within any yard, but not within the required yard, for cleaning, loading, or unloading purposes for not more than 48 hours within any seven-day period.
3. Recreational equipment may be used for living or housekeeping purposes for a period not exceeding 14 days in any calendar year.
4. Where physical features of a property, such as, but not limited to, immovable structures, or a tree with a diameter of four inches or greater, prohibit a recreational vehicle from being parked in compliance with this Section, the owner may apply to the zoning administrator for a permit to park the recreational vehicle on the lot. This permit shall be granted, provided that the following requirements are met:
  - A. A 20-foot setback shall be maintained from the recreational vehicle to the edge of the street pavement or curb; or, if a sidewalk exists, the 20-foot setback shall be measured from the inside edge of the sidewalk.
  - B. Parking approval, if granted by the zoning administrator, shall be effective for up to five years following the date of issuance. Additional approvals may be granted by the zoning administrator in accordance with this Section.

## 28-5.13 STORAGE AND REPAIR OF VEHICLES

The following limitations shall apply to the storage of vehicles and to the carrying out of repair, restoration and maintenance procedures or projects on vehicles in any residential district, when such work is not conducted entirely within the interior of a building:

1. Procedures or projects exceeding 48 hours in duration or which require the vehicle to be immobile or inoperable in excess of 48 hours shall be carried out within a fully enclosed building.

2. Junk motor vehicles and vehicle parts shall be stored inside a fully enclosed building. Junk motor vehicles are also subject to [Section 28-5.19](#)

## 28-5.14 PROHIBITED DWELLINGS

The use of any portion of the basement of a partially completed building, any commercial or industrial building, or any garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited.

## 28-5.15 WATER AND SANITARY SEWER SERVICE

1. No structure for human occupancy shall, after the effective date of the ordinance from which this Section is derived, be erected, altered or moved upon any lot and used in whole or part for dwelling, business, industrial, or recreation purposes unless provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment and disposal of human, domestic, commercial and industrial waste.
2. Such installations and facilities shall conform with the minimum requirements for such facilities set forth by the State, the Mid-Michigan District Health Department, and the subdivision regulations, building code and water and sewer ordinances of the township. All development proposed in either the B-1, B-2 or LI Zoning District shall be required to be serviced by a public water supply and sanitary sewer system.

## 28-5.16 MECHANICAL APPURTENANCES

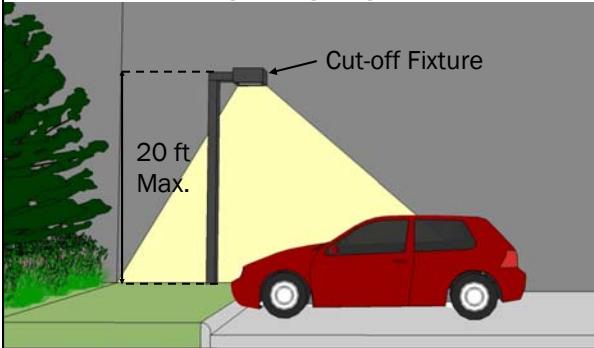
Except in the VSC district, mechanical appurtenances, such as blowers, ventilating fans and air conditioning units, shall be placed not closer than 12 feet to any lot line. In all other nonresidential districts ground-mounted mechanical appurtenances abutting residential districts or uses shall be screened by landscaping or other materials compatible in appearance with the main building with which it is associated. The zoning administrator may waive the screening requirement where adjacent residential districts or uses are not affected by the direct proximity of a mechanical appurtenance.

**28-5.17 ESSENTIAL PUBLIC SERVICES**

The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district; it being the intention thereof to exempt such erection, construction, alteration or maintenance from the application of this chapter.

**28-5.18 OUTDOOR LIGHTING**

1. Intent. The intent of this Section is to provide reasonable regulations for the location and use of outdoor lighting to accomplish the following:
  - A. Reduce light pollution from outdoor lighting sources and avoid light trespass onto adjacent properties.
  - B. Eliminate intrusive artificial light and lighting that contributes to sky glow.
  - C. Improve travel conditions for persons and vehicles on public ways by reducing glare and excessively lit surfaces.
  - D. Preserve the rural community character of the township.
  - E. Promote lighting which provides security but is not unduly intrusive or a nuisance to nearby residents or drivers.
2. General standards. Except as specifically provided in this chapter, all outdoor lighting in all zoning districts shall meet the following criteria:
  - A. Exterior lighting for security or visibility on any site shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from adjacent properties.
  - B. Exterior lighting shall be so arranged so that it is deflected away from adjacent properties and so that it does not impeded the vision of traffic along adjacent streets.
  - C. Flashing, moving, oscillating, blinking, or variable intensity lighting shall not be permitted.
  - D. Lighting fixtures shall be no higher than 20 feet and shall be provided with full cut-off luminaries or recessed cans that direct light downward. For parking lots serving a single building or group of related commercial, industrial, or office buildings in excess of 200 parking spaces, the planning commission may permit a higher fixture in selected locations within the parking lot where existing or planned residential areas will not be affected.

**28-5.18.2.D Parking Lot Lighting**

E. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.

3. Permitted exceptions. The following lighting is not subject to this Section:
  - A. Any lighting required by federal or state laws, rules, or regulations.
  - B. Temporary emergency lighting needed by police or fire departments or other emergency services, or hazard warning lighting required by and conforming to the standards of federal, state, or local regulatory agencies.
  - C. Lighting necessary for road or utility construction.
  - D. Temporary holiday or seasonal lighting.

**28-5.19 JUNK & JUNK MOTOR VEHICLES**

No person shall store, place, abandon, or allow to be stored, placed, abandoned, or allowed to remain, on property in his ownership or control, material defined as junk, or junk motor vehicles, except as otherwise permitted in this chapter or, in the case of junk motor vehicles, when stored within a fully enclosed building.

**28-5.20 EARTH CHANGES**

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

**28-5.21 SIGNS**

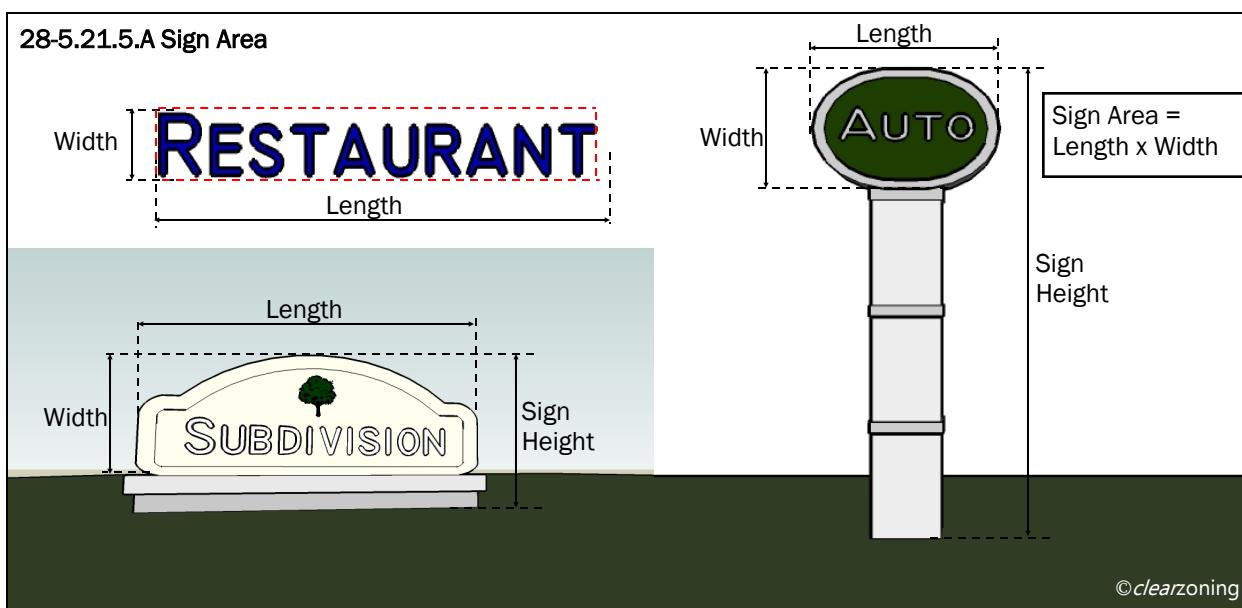
1. Intent. This Section is intended to protect and further the health, safety, and welfare of the residents of the township; to maintain and improve the appearance of the township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs.
2. General sign provisions.
  - A. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a building permit. The following signs shall not require a building permit:
    - i. Directional signs of six square feet or less in area.
    - ii. Government signs.
    - iii. Placards.
    - iv. Temporary signs of four square feet or less in area.
    - v. Window signs.
    - vi. Political signs.
  - B. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.
  - C. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.

D. Signs may be internally illuminated or externally illuminated, except for home occupation signs which shall not be illuminated. However, all lighting shall comply with the intent and general standards of **Section 28-5.18**.

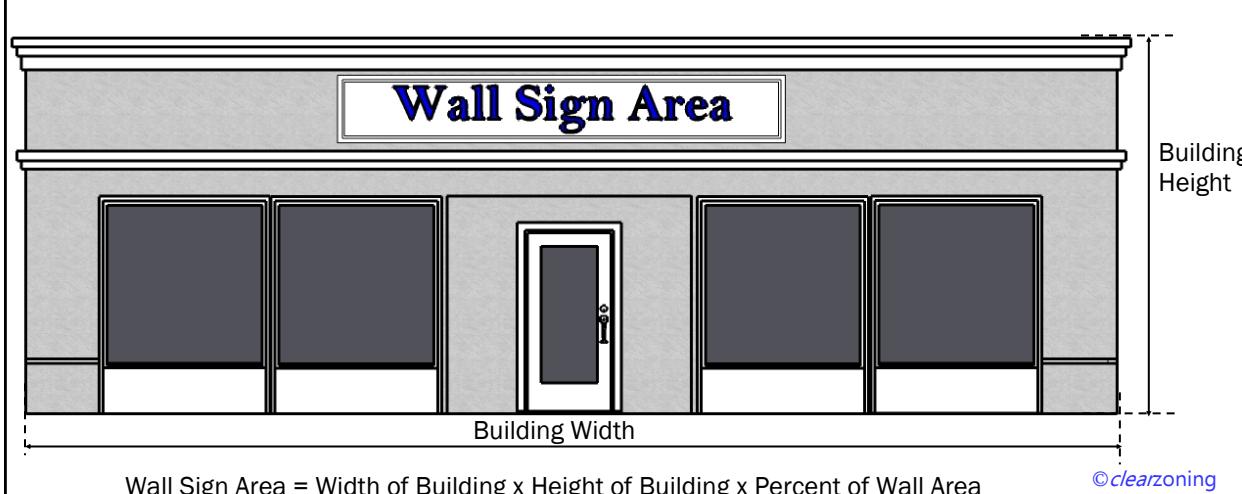
- E. No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Section.
- F. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
- G. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- H. No commercial vehicle, which in the opinion of the zoning administrator has the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.
- I. No sign shall contain any moving or animated parts or have the appearance of having any moving or animated parts.
- J. No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.
- K. No sign shall be erected above the roof line of a building, or on the roof of a building.
- L. No existing billboard or any off premises sign shall permit the advertising or other display of tobacco or alcohol products within 1,500 feet of any residential district or use, or any lot containing a church or school. The purpose of this provision is to promote the welfare and temperance of minors exposed to advertisements for alcoholic liquor by banning such advertisements in particular areas where children may be reasonably expected to walk to school, attend religious services, or play in their neighborhood.
- M. Except as otherwise permitted by this chapter, no off-premises sign shall be permitted.
3. Exempted signs. The following signs shall be exempt from the provisions of the township zoning ordinance, except for the provisions of **Section 28-5.21.7**:

- A. Government signs.
- B. Historical markers.
- C. Memorial signs or tablets.
- D. Signs not visible from any street.
- E. Signs for essential services.
- F. Placards not exceeding two square feet.
- G. Signs with address, owner, or occupant name, of up to one square foot in area attached to a mailbox, light fixture or exterior wall.
- H. Flags or insignia of any nation, state, county, township, community organization, or educational institution.
- I. Scoreboards for public or private schools or publicly owned and operated athletic fields.
- J. The following temporary signs:
  - i. Open house, garage sale, yard sale, auction/estate sale and similar signs posted on the day(s) of the event.
  - ii. Political signs, except that such signs shall be removed within five days of the election to which the signs refer.
- 4. Nonconforming signs, destroyed signs; signs accessory to nonconforming uses.
  - A. Every permanent sign which does not conform to the height, size, area, number, or location requirements of this Section as of the date of the adoption of the ordinance from which this chapter is derived, is hereby deemed to be nonconforming.
  - B. Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.
  - C. If a sign is nonconforming in its setback, this Section shall not apply, and the sign may not be replaced.
  - D. For purposes of this Section, a nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming use.
  - E. Any nonconforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than 50 percent of the value of the sign on the date of loss.
  - F. Any sign which for a period of one year or more no longer advertises a bona fide business conducted or product sold, shall be removed by the owner of the building, structure, or property upon which such sign is located, within 30 days of receipt of written notice by the zoning administrator.
  - G. A sign, accessory to a nonconforming use, may be erected in the township in accordance with the sign regulations for the subject zoning district.
- 5. Units of measurement.
  - A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.



**28-5.21.5.A Sign Area**

- B. The area of a freestanding, ground, or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.
- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.
- D. For buildings with multiple tenants, the sign areas for wall signs, projecting signs, and awning signs shall be determined by taking that portion of the front wall of the building, applicable to each tenant space, and computing sign requirements for that portion of the total wall. In the case of a corner lot, the wall area adjacent to the tenant space on the second street frontage shall be used to calculate the sign area for a second wall sign, awning sign, or projecting sign. Each sign shall be attached to the same wall which is used to determine its size. *✓*

**28-5.21.5.D Wall Sign Area**

Wall Sign Area = Width of Building x Height of Building x Percent of Wall Area

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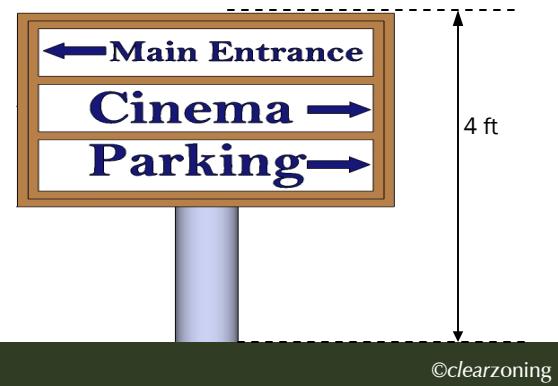
6. Sign regulations applicable to all zoning districts.
  - A. Billboards, portable signs and temporary signs are prohibited, except as otherwise permitted by this Section.
  - B. All ground, wall, projecting, and freestanding signs may include reader boards.
  - C. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground.
  - D. Balloons, strings of lightbulbs, pennants, streamers, or flags (other than those of a governmental nature not used for the purpose of commercial advertisement or attraction) hung overhead to draw attention to a business or its merchandise on display, shall be prohibited.
  - E. Real estate signs shall be removed within seven days after completion of the sale or lease of the property.
  - F. Construction signs are permitted within any zoning district, subject to the following restrictions:
    - i. One sign may be placed on the lot where the construction is taking place, each of which shall be no larger than 32 square feet in area, and not exceed eight feet in height.
    - ii. Construction signs shall not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has begun.
    - iii. Signs must be set back at least 15 feet from the front property line.
    - iv. Construction signs shall be removed within 15 days of the issuance of any occupancy permit for the building or structure which is the subject of the construction sign.
  - G. Special event signs, including temporary and banner signs, are permitted in any zoning district, subject to the following restrictions:
    - i. No more than five such signs shall be displayed for each special event. Such signs may be located either on or off the lot on which the special event is held.

- ii. The display of such signs shall be limited to the ten days immediately preceding the special event which is being advertised.
- iii. Such signs shall have a maximum size of 32 square feet in area, and a maximum height of eight feet and shall be set back from any side or rear property line a minimum of 15 feet.
- iv. A banner over a public right-of-way may be installed only after the applicant has received approval from the township board, the county road commission, and the state department of transportation, if applicable. Banners over streets are not limited to the 32 square foot area maximum or the setback requirement.
- v. Such signs shall be removed within 48 hours of the conclusion of the special event which is being advertised.

H. Directional signs where permitted are subject to the following restrictions:

- i. A directional sign may contain a logo of an on-premises establishment, but no advertising copy.
- ii. No such sign shall exceed six square feet in area or four feet in height.
- iii. Directional signs shall be limited to traffic control functions.

#### 28.5.21.6.H Directional Signs



- I. Incidental signs pertaining to any conforming accessory activity being conducted on the premises are permitted in any district, subject to the following restrictions:
  - i. No individual sign shall exceed three square feet in area.



ii. Only those signs which, in the opinion of the zoning administrator, are necessary to indicate entrances, exits, safety precautions, including identifying logos without text, and other such incidental language shall be permitted.

7. Schedule of sign regulations. Signs in each zoning district shall be subject to the following regulations:

28-5.21.7 Permitted Signs					
Permitted Signs	District or Use	Number	Size	Location	Height
Ground Sign					
	Residential subdivisions, agricultural operations, manufactured home parks, multiple-family complexes, schools, or non residential uses allowed in the district	1 per major entrance	32 sq ft max.	15 ft min. from any property line	6 ft max.
	VSC and B-1 districts	One Per Lot or Parcel	32 sq ft max.	15 ft min. from side or rear property lines	6 ft max.
	B-2 district	One per lot or parcel (may only have one ground or freestanding sign)	32 sq ft max.	15 ft min. from any property line	6 ft max.
	LI district	One per parcel	32 sq ft max.	5 ft from front property line 14 ft from all others	6 ft max.
Home Occupation Sign (see 28-569)					
	AP, AG, RR, R-1, R-2, R-3, and MHP districts	One per lot	6 sq ft max.	Mounted flat on wall of house facing street or placed in any yard. 5 ft min. from any side lot line	3 ft max.
Wall Sign					
	Nonresidential Uses in the AP, AG, RR, R-1, R-2, R-3, and MHP districts	One per street frontage	10% max. of wall area	Mounted flat on wall of building facing street	None specified
	VSC and B-1 districts	One per street frontage plus one for each wall facing a parking lot to identify the location of any public entrance	Street frontage - 10% max. of wall area Parking lot frontage - 5% max. of wall area	On wall of building facing street and wall facing public or private parking area	None specified

<b>28-5.21.7 Permitted Signs (continued)</b>					
Permitted Signs	District or Use	Number	Size	Location	Height
Wall Sign (cont.)					
	B-2 district	One per street frontage	15% max. or wall area	On wall of building facing street	None specified
	LI district	One per street frontage	5% max. of wall area	On wall of building facing street	None specified
Projection Sign					
	VSC and B-1 districts	One per street frontage plus one for each wall facing a parking lot to identify the location of any public entrance	Street frontage - 10% max. of wall area Parking lot frontage - 5% max. of wall area	On wall of building facing street and wall facing public or private parking area	7 ft min. clearance from bottom of sign
Awning Sign					
	VSC, B-1, B-2, and LI districts	One per awning face	30% max. of awning face	On face of awning	8 ft min. clearance from bottom of awning
Political Sign					
	AP, AG, RR, R-1, R-2, R-3, MHP, B-2 districts	One per issue or candidate	6 sq ft max.	15 ft min. from any side or rear property line	6 ft max.
	VSC and B-1 districts	One per issue or candidate	6 sq ft max.	15 ft min. from any property line	6 ft max.
	LI district	One per issue of candidate	6 sq ft max.	5 ft min. from front property line 15 ft min. from all other property lines	6 ft max.



28-5.21.7 Permitted Signs (continued)					
Permitted Signs	District or Use	Number	Size	Location	Height
Freestanding Sign					
	B-2 district	One per lot or parcel (may only have one ground or freestanding sign)	100 sq ft max.	15 ft min. from side or rear property line	30 ft max. 8 ft min. clearance from bottom of sign
Secondary Freestanding Sign					
	B-2 district	One per lot that abuts a limited access highway Lot must have min. frontage on said highway required by the district in which the lot is located	100 sq ft max.	Rear yard only 12 ft min. and 30 ft max. from rear lot line	30 ft max. 8 ft min. clearance from bottom of sign
Real Estate Sign					
	AP, AG, RR, R-1, R-2, R-3, and MHP districts	One per lot or parcel	6 sq ft max. on lots less than 1 acre 32 sq ft max. on lots over 1 acre	15 ft min. from side or rear lot line	6 ft max.
	VSC, B-1, and B-2 districts	One per lot or parcel	16 sq ft max.	15 ft min. from side or rear lot line	6 ft max.
	LI	One per lot or parcel	16 sq ft max.	5 ft min. from front lot line 15 ft min. from all others	6 ft max.

## 28-5.22 OFF-STREET LOADING AND UNLOADING

1. General provisions (off-street parking and loading).
  - A. There shall be provided by the owner, lessee, and occupant of any property in all districts prior to the issuance of a certificate of occupancy for the erection or enlargement of any building or structure, or the commencement or expansion of any use, off-street parking spaces meeting the requirements of this Section.
  - B. The zoning administrator may require a performance guarantee prior to the issuance of the certificate of occupancy where full completion of a parking area would not be possible due to adverse weather conditions or similar reasonable circumstances beyond the control of the applicant.
  - C. Required off-street parking spaces shall not be removed unless an equal number of parking spaces as required by this Section are provided elsewhere on the premises.
  - D. Parking lots required by this chapter shall be used for the convenience of patrons, occupants, and employees of the use intended to be served and shall not be used for storage of goods, merchandise, unrelated commercial vehicles, or the repair or sale of vehicles.
  - E. No signs other than signs designating entrances, exits and conditions of use shall be erected within the parking lot, except as otherwise permitted by this chapter.
  - F. In the VSC district the provisions of this Section may be met by participation in a township or community parking program designed to serve a larger area, provided plans for such parking have been approved by the planning commission.
  - G. In the case of mixed uses on the same premises, the total requirements for off-street parking lots shall be the sum of the requirements of the individual uses computed separately, provided that this provision shall not apply where a use is accessory to the main use and is not intended to serve additional patrons or employees.
  - H. Off-street parking lots for any use shall not be considered as providing required parking spaces for any other separate use.

- I. If fewer spaces are available to serve a use than the minimum requirement of this Section, the extent and occupancy of the use shall be restricted proportionately to the number of parking spaces available.
- J. Where not specifically listed, the zoning administrator shall use the parking requirements most similar to the use not listed.
- K. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- L. In the R-1, R-2, R-3, VSC and MHP zoning districts, parking in the required front yard setback is prohibited, except in a designated driveway. Except vehicles may not be parked for a period not to exceed eight hours for purposes including, but not limited to, delivery, pick-up, or service to a dwelling.

2. Existing nonconforming parking and loading areas.
  - A. Any building or use which fully or partially meets the off-street parking or loading requirements of this chapter on the effective date thereof or at any subsequent time, thereafter continue to comply with these requirements at the highest degree of compliance reached.
  - B. Existing off-street parking and loading areas, stall sizes, and number of spaces either installed or part of an approved construction project for which a permit has been issued by the effective date of the ordinance from which this chapter is derived in excess of that required by this Section shall not be reduced unless and until all other requirements in this Section and all landscaping requirements in this chapter have been met.
  - C. Whenever there is any change in use or an increase in number of employees, or an increase in floor area, or in any other unit of measurement specified in this Section, additional off-street parking and loading facilities shall be provided on the basis of the resultant change.
  3. Single- and two-family residential parking requirements.



- A. Required residential off-street parking spaces shall consist of a clearly defined parking strip, parking bay, or driveway, or combination thereof and shall be located on the premises they are intended to serve. Parking spaces provided within a carport or enclosed garage shall be counted toward meeting the minimum parking space requirement.
- B. The amount of paving or gravel for the parking strip, parking bay, or driveway shall not cover more than 25 percent of the front yard area.
- C. The minimum driveway width shall be eight feet. A driveway may be located in a side yard provided that the side yard has a minimum width of ten feet.
- D. Maximum driveway entrance width shall comply with the county road commission requirements.
- E. All driveways and parking areas shall be improved with concrete with a minimum thickness of four inches, asphalt with a minimum thickness of 2 1/2 inches over a six-inch gravel base, or brick pavers manufactured for use as a driving course, or with a minimum of six inches of compacted gravel, or other equivalent material.
- F. For the purpose of this Section, tandem parking is the authorized parking of one vehicle behind another parked vehicle to meet the parking requirements of this Section (Not intended to include a parallel parking arrangement). Tandem parking is permitted only to provide parking space for single- and two-family residential use and may be a part of the driveway, provided no parking space extends into a public or private right-of-way.
- 4. Nonresidential and multiple-family residential parking requirements.
  - A. Parking facilities for nonresidential and multiple-family residential uses shall be on the premises or within 300 feet thereof, as measured from the closest building entrance to the nearest portion of the lot.
  - B. Adequate radii shall be provided to permit the turning of all vehicles, including trucks and emergency vehicles, intended to use the site such that any vehicle may enter the street facing forward.
  - C. All entrances and exits for off-street parking lots located in a nonresidential

district shall be not less than 25 feet from any residential district property line.

- D. The minimum driveway width shall be 16 feet for one-way traffic and 24 feet for two-way traffic or any greater dimension as may be required by any agency having jurisdiction.
- E. All driveways, required aisles, parking, and loading areas shall be improved with concrete with a minimum thickness of four inches, asphalt with a minimum thickness of 2 1/2 inches over a six-inch gravel base, or brick pavers manufactured for use as a driving course.
- F. All paved parking spaces, except parking lots with less than four spaces, shall be delineated by single or double striping.
- G. Vehicle backing or maneuvering directly into a street, alley or service drive intended for travel by the general public or patrons is prohibited. Maneuvering area shall be provided on the premises for any delivery or other similar vehicles.
- H. Vehicles shall enter and leave the parking area only at clearly marked and established driveways.
- I. Ingress and egress to a parking lot located in a nonresidential district shall not be across land in a residential district.
- J. Covered parking such as parking ramps, parking garages, carports, and basement parking may serve as required parking areas.
- K. It shall be unlawful for any person to park or store any vehicle on any lot or parcel without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of such property.
- L. Parking lot landscaping shall be provided in accordance with the requirements of **Section 28-5.23.4**.
- M. Parking lots shall be adequately lit to ensure security and safety and shall comply with the intent and general standards of **Section 28-5.18**.
- 5. Disabled parking requirements. Off-street parking areas shall include spaces for the disabled in accordance with the provisions of Public Act No. 230 of 1972 (MCL 125.1501 et seq.), and shall be included in the count of required spaces.

6. Construction, layout and maintenance standards.
  - A. No parking lot shall be constructed, altered, or enlarged without a permit being issued by the township. Applications for a permit shall be submitted to the zoning administrator and shall be accompanied with not less than three sets of site plans for the development and construction of the parking lot showing that the project will fully comply with all provisions of this chapter.
  - B. All parking areas shall meet the minimum standards contained in the following parking space dimensions:

**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

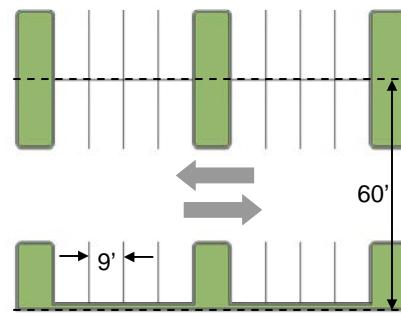
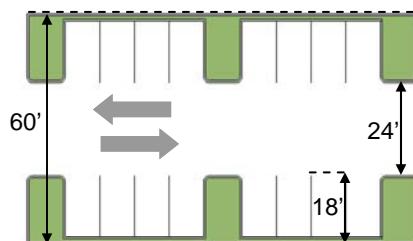
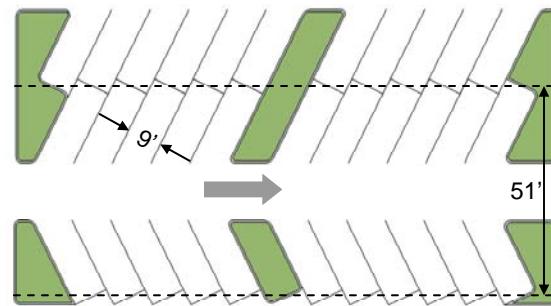
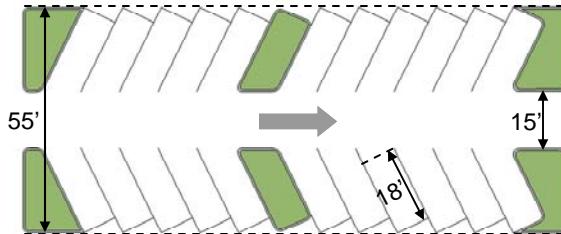
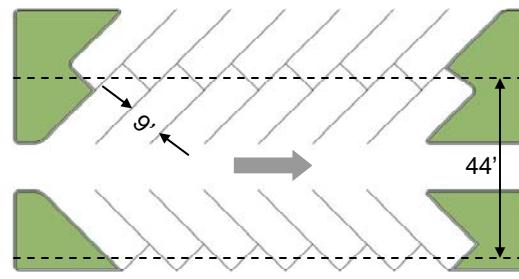
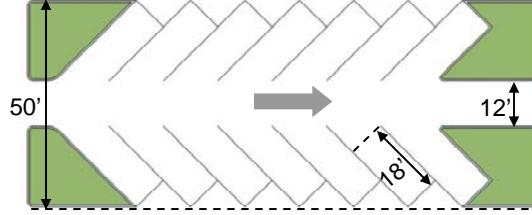
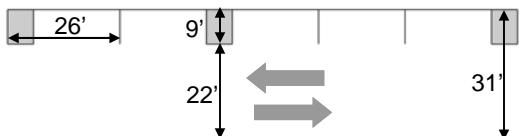
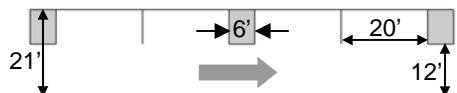
**6** Development Procedures

**7** Admin and Enforcement



**28-5.22.6.B Minimum Parking Space Requirements**

Parking Pattern	Maneuvering Lane Width (Feet)	Parking Space Width (Feet)	Parking Space Length (Feet)
0 degrees (parallel parking)	12	9	20 (plus maneuvering)
45 degrees	12	9	18
60 degrees	15	9	18
90 degrees	24	9	18

**Parking Lot Layouts**90 Degree60 Degree45 DegreeParallel

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

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

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

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

7. Off-street truck and equipment parking.

A. The owner, tenant, or lessee of any lot, parcel, or tract of land in the R-1, R-2, R-3, MHP, and VSC districts or lot used for residential purposes shall not permit allow the storage or parking, at any time thereon, of trucks, semi-trucks and tractor trailers, manufactured homes (used for other than residential purposes), bulldozers, earth carriers, draglines, cranes, steam shovels and/or any other heavy equipment or machinery.

B. It is provided, however, that the owner, tenant, or lessee of a farm may openly store the machinery and equipment used on the farm; and it is further provided that equipment necessary to be parked on a lot or parcel during the construction work thereon shall be excepted from this restriction. This restriction shall not apply to pickup or panel trucks. Taxi cabs, limousines, and similar vehicles may be parked on the owner, tenant or lessee's property only for pick-up or drop-off of passengers.

8. Off-street loading and unloading.

A. On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehousing, retailing, display or other uses involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services.

B. General loading/unloading requirements.

i. Loading/unloading spaces shall not use any portion of any street, alley or service drive or other space intended for general public travel.

ii. Vehicle backing or maneuvering directly into a street, alley or service drive intended for travel by the general public is prohibited. Maneuvering area shall be provided on the premises for any delivery or other similar vehicles.

iii. If truck wells are used, a protective railing or wall shall be provided along the sides of the well.

iv. Loading/unloading spaces or truck wells shall not be located within the required front yard.

v. Loading/unloading spaces exposed to a residential district shall be screened from view by a wall and/or landscaping.

vi. Required loading/unloading spaces shall not be included in calculations for parking spaces needed to meet general parking requirements.

9. Off-street parking requirements for individual uses.

A. Where weather conditions or phased projects prevent full construction, the planning commission may defer construction of a portion of the required number of parking spaces for nonresidential uses if the following conditions are met:

**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement



- i. Areas shown for deferred parking shall be shown on a site plan and shall be of sufficient area to permit the construction of the total number of parking spaces required by this Section. Such areas shall not be used for any other purpose required by this chapter (such as landscaped buffers, etc.) and shall be kept open.
- ii. Alterations to the deferred parking area to add parking spaces may be initiated by the owner or required by the zoning administrator based on parking needs and shall require the submission and approval of an amended site plan, as required by **Section 28-6.1**.

B. The following parking tables contain the minimum required parking spaces for the uses listed. Parking requirements for any use not listed shall be determined by the zoning administrator using the requirements for the use which is most similar in characteristics to the unlisted use.

#### 28-5.22.9.B Minimum Required Parking Spaces

Use	Parking Space Per Unit Of Measurement
A. Residential	
i. Single-family, two-family or multiple-family with three or more bedrooms	Two for each dwelling unit.
ii. Multiple-family with one or two bedrooms	Two for each two bedroom dwelling unit and 1 1/2 for each one bedroom dwelling unit.
iii. Efficiencies	One for each dwelling unit.
iv. Manufactured home parks	As required by MAC R 125.1925 and R 125.1926.
v. Elderly housing	For independent living units, one for each unit. For interim or intermediate care units, one for each two beds, plus one per employee. Should the units revert to another use, then the required parking shall be redetermined based on the new use.
B. Institutional	
i. Churches or Temples	One for each three seats.
ii. Hospitals	One for each two beds plus one for each staff doctor, plus one for each additional employee in the largest working shift.
iii. Nursing homes, homes for the aged and convalescent homes	One for each bed, plus one for each staff doctor, plus one for each additional employee in the largest working shift.
iii. Group day care homes	Two spaces, plus one for every eight children licensed capacity.
v. Schools, Elementary and Middle	One per teacher, plus one for each additional employee or administrator, plus the requirements of the auditorium or assembly hall provided at a rate of 50 percent of the requirements for these uses as specified herein.
vi. Schools, secondary, trade, industrial, and institutions of higher learning	One for each teacher, plus one for each ten students, plus one for each employee or administrator, plus the requirements of the auditorium or assembly hall provided at a rate of 50 percent of the requirements for these uses as specified herein.
vii. Theaters	One for each four seats, plus one for each employee in the largest working shift.
viii. Auditoriums and assembly halls	One for each three seats, plus one for each employee in the largest working shift.

28-5.22.9.B Minimum Required Parking Spaces (Continued)	
Use	Parking Space Per Unit Of Measurement
B. Institutional (cont.)	
ix. Stadium, sports arenas or similar places of outdoor assembly	One for each three seats.
x. Dance and union halls, civic clubs, fraternal orders, exhibit halls, ballrooms or similar type of use	One space for every four persons allowed within the maximum occupancy load as determined by the state construction code.
xii. Private golf clubs, ski clubs, swimming clubs or beaches, tennis clubs, or similar uses	One per every four persons of maximum anticipated capacity as determined by the state construction code.
xii. Golf courses open to the general public	Five for each golf hole and one for each employee in the largest working shift, plus the amount required for accessory uses.
C. Commercial	
i. Retail centers	Five spaces per 1,000 square feet of UFA.
ii. Freestanding and other retail not otherwise specified herein	Five spaces per 1,000 square feet of UFA.
i. Personal service establishments not otherwise specified herein	One space per 50 square feet UFA.
i. Furniture and home furnishing store (not including appliance stores)	One for each 800 square feet of UFA.
iv. Supermarket, self-service food or beverage shop	One for each 200 square feet of UFA.
v. Motor vehicle and manufactured home sales establishments	One for each 1,000 square feet of UFA of the showroom, plus one for each employee in the largest working shift, plus the requirements of any on-site vehicle repair facility as specified herein.
vi. Restaurants, taverns, bars, and nightclubs	One space for each three persons allowed within the maximum occupancy load as established by the state construction code, plus one for each employee in the largest working shift.
vii. Drive-in, drive-through, and self-service restaurants	One for each 2 1/2 persons allowed within the maximum occupancy load as established by the state construction code, plus one for each employee in the largest working shift.
viii. Laundromats and coin-operated dry cleaners	One for each two washing machines.
ix. Automatic carwashes	One for each employee on the largest working shift, plus ten vehicle stacking spaces at the carwash entrance.
x. Self-service carwashes	Two stacking spaces per wash bay at the entrance, and one space at the exit.
xi. Full-service gas station	Two for each service bay, plus one for each employee in the largest working shift, plus one for each road service vehicle, plus one per each 200 square feet of UFA devoted to nongasoline sales of auto service, at each fuel pump.



28-5.22.9.B Minimum Required Parking Spaces (Continued)	
Use	Parking Space Per Unit Of Measurement
C. Commercial (cont.)	
xii. Self-service gas station with the sale of convenience goods	One per each 200 square feet of UFA, plus one for each employee in the largest working shift, plus one at each fuel pump.
xiii. Bowling alley	Five for each bowling lane, plus a reasonable amount for accessory uses.
xiv. Miniature or Par 3 golf course	Two for each hole, plus one for each two employees.
xv. Funeral home or mortuary	One for each 50 square feet in service parlors, chapels and reception areas plus one for each funeral vehicle maintained on the premises.
xvi. Hotel, motel or other commercial lodging establishment	One space for each guest room, plus one for each employee in the largest working shift, plus the amount required for accessory uses at the rate of 50 percent of the requirements for such uses as specified herein.
xvii. Outdoor sales areas	One for each 1,000 square feet of outdoor sales area.
xviii. Health clubs	One for each four persons allowed within the maximum occupancy load as established by the state construction code, Plus one for each employee in the largest working shift.
xix. Amusement center	One for each game table, one space for each amusement device, and one for each employee in the largest working shift.
xx. Tanning salons and massage parlors	One for each tanning bed or massage table, plus one for each employee in the largest working shift.
xxi. Athletic facilities	One for each four persons allowed within the maximum occupancy load as established by the state construction code, plus one for each employee in the largest working shift.
D. Offices	
i. Banks, credit unions, and savings and loan establishments	One for each 200 square feet of UFA, plus one for each employee, plus two for each automatic teller machine.
ii. Business and professional offices, not otherwise specified herein.	One for each 200 square feet of UFA.
iii. Office space in a retail shopping center occupying greater than ten percent of the center's gross leasable area	One for each 200 square feet of UFA.
iv. Medical and dental offices or clinics	One for each 200 square feet of UFA.
E. Industrial	
Industrial or manufacturing establishment, research and testing labs	Two for each three employees in the largest working shift plus one for each company vehicle stored on the premises.
Warehouse, truck terminals	One for each employee in the largest working shift.

## 28-5.22.9.B Minimum Required Parking Spaces (Continued)

Use	Parking Space Per Unit Of Measurement			
E. Industrial (cont.)				
Mini-warehouse, storage		One parking space shall be provided for each ten storage cubicles, equally distributed throughout the storage area. The parking requirement can be met with the parking lanes required for the storage area.		
		Two parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.		
		One parking space shall also be required for every 20 storage cubicles up to a maximum of ten spaces, to be located adjacent to the rental office for the use of prospective clients.		
		The following parking lanes and access aisles shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.		
		Aisle/ Lane Width (ft.)	Aisle/ Lane Width (ft.)	No. of Lanes/ Aisles Required
		One-Way	Two-Way	One-way
Parking Lane		10	10	1
Access Aisle		15	24	1
All driveways, parking, loading, storage and vehicular circulation areas shall be paved.				

## 10. Units of measurement.

## A. Floor area.

- i. Where floor area is the unit for determining the required number of off-street parking and loading spaces, said unit shall mean the gross floor area (GFA), except as otherwise noted in this Section.
- ii. Where floor area measurement is specified as usable floor area (UFA), parking requirements shall apply to all building areas except floor area for storage or processing of merchandise, for hallways, or utilities. For buildings where use areas are not defined, the gross floor area may be reduced by 15 percent to calculate net UFA. When

use areas are defined, the actual usable floor area shall be used to compute parking requirements.

- B. Places of assembly. In stadiums, sports arenas, churches and other places of assembly in which any portion of the seating consists of benches, pews or other such seating, each 18 inches of such seating shall be counted as one seat.
- C. Employees. 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.

## 28-5.23 LANDSCAPING AND SCREENING

1. Purpose. It is the intent of this Section to require buffer zones, landscaping, and screening to reduce the negative impacts between land uses. It is further intended to preserve and enhance the aesthetic qualities, value, character, privacy, and living environment of the township. This Section further recognizes that the proper management and use of native trees, plants and other types of vegetation will improve and promote resourceful site planning and creative design.
2. Required buffer zones.
  - A. A buffer zone shall be required on any parcel proposed for development which borders a different zone district, as indicated in **Section 28-5.23.2.F**. Where the adjacent zone district is more intensive, for example, B-1 bordering R-1, the required buffer shall be installed only on the property which is in the more intensive district.
  - B. The specified buffer shall be required on the subject parcel even if the adjacent parcel is unimproved land. A performance bond may be submitted in lieu of the required buffer where adjacent land is unimproved. The buffer shall be installed
- C. When any developed parcel existing as of the date of this chapter, or amendment thereto, is changed to a less restrictive zone district, for example, R-2 to B-1, any required buffer shall be installed in compliance with this Section within six months of the effective date of the rezoning. This provision shall not apply to rezonings initiated by the township.
- D. If two zoning districts requiring a buffer zone are separated by a street, the design of the required buffer zone shall be reduced by one level, for example, a required major buffer shall be reduced to a moderate buffer. Notwithstanding the foregoing, the minimum buffer installed shall be a minor buffer.
- E. Detention/retention areas shall be permitted within buffer zones provided they do not hamper the screening intent of the buffer or jeopardize the survival of the plant materials.
- F. The following chart defines the required buffers between adjacent zone districts.

## 5.23.2.F Required Buffers

		District Of Proposed Use					
Adjacent District	AP, AG, R-R, R-1, R-2	R-3 <sup>1</sup>	MHP	VSC	B-1	B-2	LI
AP	NR	Minor	Moderate	NR	Moderate	Moderate	Major
AG	NR	Minor	Moderate	NR	Moderate	Moderate	Major
R-R	NR	Minor	Moderate	NR	Moderate	Moderate	Major
R-1	NR	Minor	Moderate	NR	Moderate	Moderate	Major
R-2	NR	Minor	Moderate	NR	Moderate	Moderate	Major
R-3 <sup>1</sup>	NR	Minor	Moderate	NR	Minor	Moderate	Major
MHP	NR	Minor	Moderate	NR	Minor	Moderate	Major
VSC	NR	Minor	Minor	NR	NR	NR	Major
B-1	NR	Minor	Minor	NR	NR	Minor	Major
B-2	NR	Minor	Minor	NR	NR	NR	Major
LI	NR	Minor	Moderate	Major	NR	NR	NR

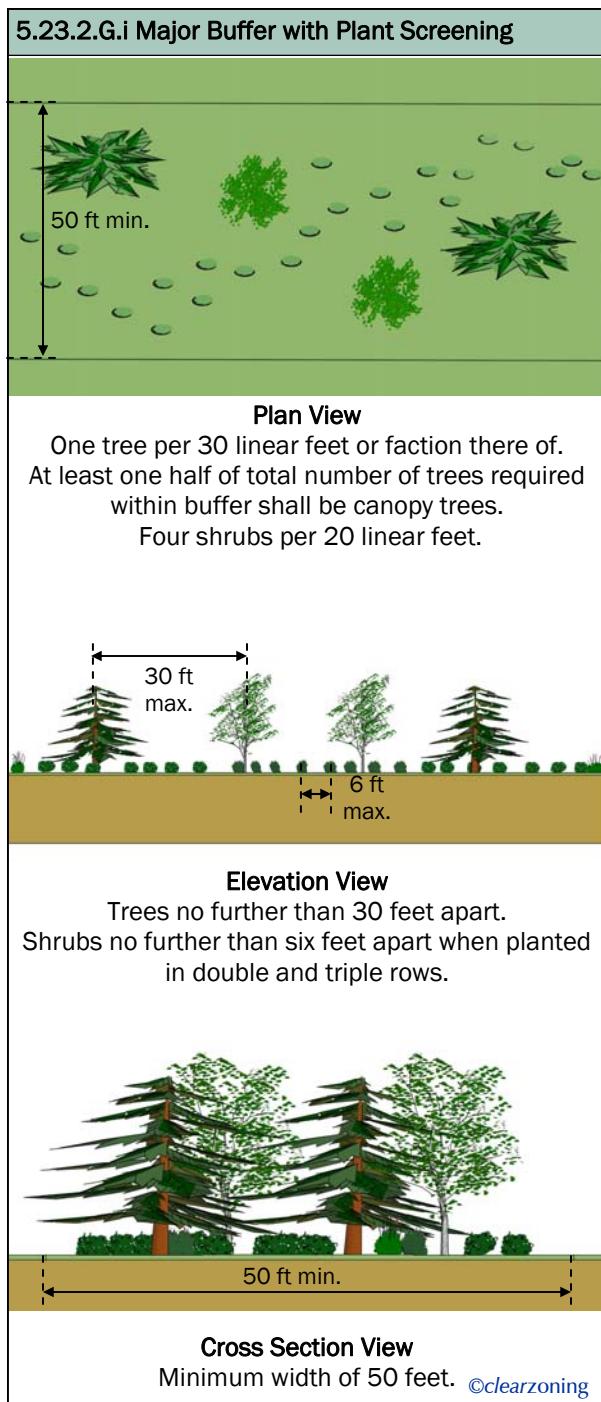
Multiple-family and nonresidential uses only

NR=None required

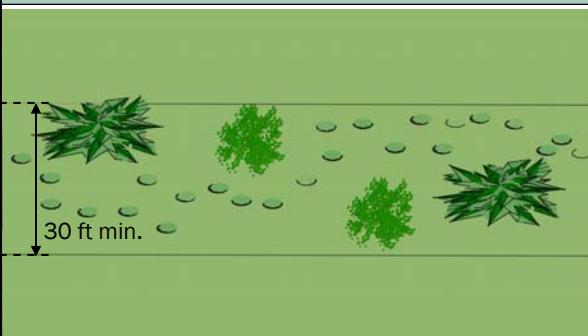


G. Buffer zone development standards.

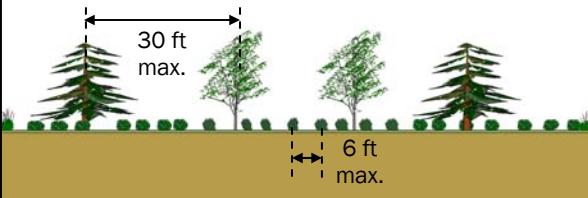
- Major buffer zone.
  - Minimum width of 50 feet.
  - The buffer zone shall contain one tree for each 30 linear feet or fraction of buffer zone length. At least one half of the total number of trees required within the buffer zone shall be canopy trees.
  - The buffer shall contain a three-foot high screen comprised of plant material, berthing screen walls or fences, or any combination of these elements.
  - If berthing is used for all or part of the buffer zone screen, the berm shall contain a minimum of one shrub for each ten linear feet or fraction of berm length. All required plant material shall be placed on the top and exterior side slope of the berm.
  - If a screen wall or fence is used for all or part of the buffer zone screen, a minimum of one shrub for each ten linear feet or fraction of wall or fence shall be placed on the exterior side of the wall or fence.
  - If plant material is used for all or part of the required buffer zone screen, the screen shall consist of a minimum of four shrubs for each 20 linear feet or fraction of screen length. The shrubs shall be a minimum of 24 inches high at the time of planting.
  - The balance of the required buffer shall be covered with grass or approved ground cover in accordance with this Section.
  - All applicable standards in **Section 28-5.23.3** shall be met.



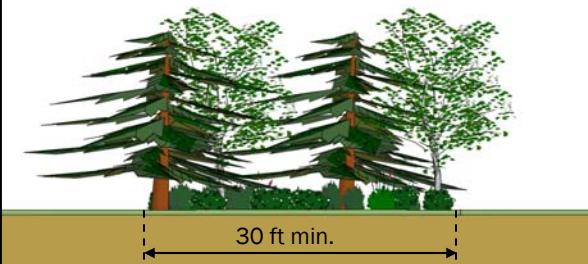
- ii. Moderate buffer zone.
  - a. Minimum width of 30 feet.
  - b. The buffer zone shall contain one tree for each 30 linear feet or fraction of buffer zone length. At least one-half of the total number of trees required within the buffer zone shall be canopy trees.
  - c. The buffer zone shall contain a three-foot high screen comprised of plant material, berthing, screen walls or fences, or any combination of these elements.
  - d. If berthing is used for all or part of the buffer zone screen, the berm shall contain a minimum of one shrub for each ten linear feet or fraction of berm length. All required plant material shall be placed on the top and exterior side slope of the berm.
  - e. If a screen wall or fence is used for all or part of the required buffer zone screen, a minimum of one shrub for each ten linear feet or fraction of wall or fence shall be placed on the exterior side of the wall or fence.
  - f. If plant material is used for all or part of the required buffer zone screen, the screen shall consist of a minimum of four shrubs for each 20 linear feet or fraction of screen length. The shrubs shall be a minimum of 24 inches high at the time of planting.
  - g. The balance of the required buffer shall be covered with grass or approved ground cover in accordance with this Section.
  - h. All applicable standards in **Section 28-5.23.3** shall be met.

**5.23.2.G.ii Moderate Buffer with Plant Screening****Plan View**

One tree per 30 linear feet or fraction thereof.  
At least one half of total number of trees required  
within buffer shall be canopy trees.  
Four shrubs per 20 linear feet.

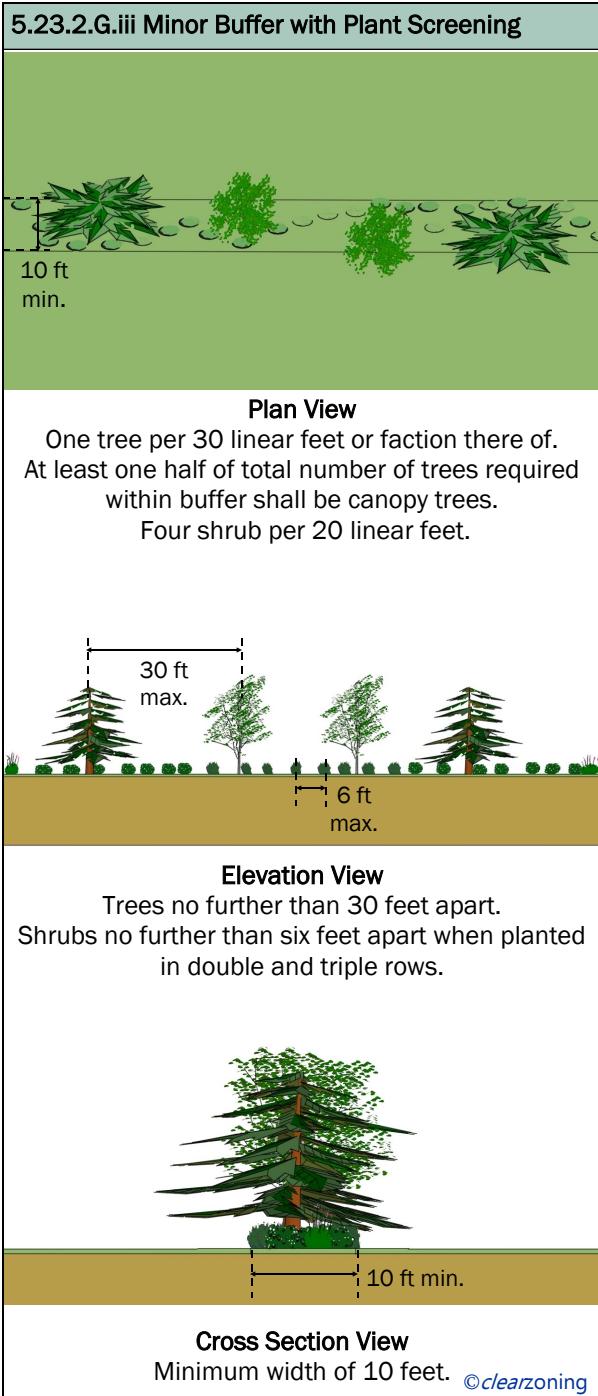
**Elevation View**

Trees no further than 30 feet apart.  
Shrubs no further than six feet apart when planted  
in double and triple rows.

**Cross Section View**

Minimum width of 30 feet. ©clearzoning

- iii. Minor buffer zone.
  - a. Minimum width of ten feet.
  - b. The buffer zone shall contain one tree for each 30 linear feet or fraction of buffer zone length. At least one-half of the total number of trees required within the buffer zone shall be canopy trees.
  - c. The buffer zone shall contain a three-foot high screen comprised of plant material, berthing, screen walls or fences, or any combination of these elements.
  - d. If berthing is used for all or part of the buffer zone screen, the berm shall contain a minimum of one shrub for each ten linear feet or fraction of berm length. All required plant material shall be placed on the top and exterior side slope of the berm. The minimum buffer zone width shall be increased as necessary to accommodate a side slope with a one-foot rise to three-foot run ratio (see [Section 28-5.23.3.G](#)).
  - e. If a screen wall or fence is used for all or part of the buffer zone screen, a minimum of one shrub for each ten linear feet or fraction of wall or fence shall be placed on the exterior side of the wall or fence.
  - f. If plant material is used for all or part of the required buffer zone screen, the screen shall consist of a minimum of four shrubs for each 20 linear feet or fraction of screen length. The shrubs shall be a minimum of 24 inches high at the time of planting.
  - g. The balance of the required buffer shall be covered with grass or approved ground cover in accordance with this Section.
  - h. All applicable standards in [Section 28-5.23.3](#) shall be met.



3. General landscape development standards.

- Whenever a landscape planting screen or landscape planting is required by the provisions of this Section, a detailed planting plan for the landscape planting screen or landscape planting shall be submitted to the township. A planting plan shall consist, at a minimum, of a diagram of the property, drawn to scale, which shows the locations, starting size, spacing, and descriptions of all the landscape materials proposed for use. A building permit shall not be issued until the planting plan has been approved.
- All planting screens and landscape plantings shall be planted in accordance with the approved planting plan and an occupancy certificate shall not be issued until the planting screen or landscape planting has been completed in accordance with the approved plan.
- If weather conditions or other factors determined by the zoning administrator sufficient enough to warrant a delay in installing landscaping, a performance guarantee of a sufficient amount to insure the installation of all required landscaping shall be required in compliance with the requirements of **Section 28-5.23.3.B**, to ensure that landscaping is installed within a reasonable period of time.
- The planning commission may approve landscape plans that use innovative landscaping plans and techniques that may not comply with all of the requirements of the Section if the plan substantially preserves and encourages continued conservation of native vegetation and habitat.
- Any plant material, berm, screen or other landscape feature shall be installed in such a manner so as not to alter drainage patterns on the site or on adjacent properties; obstruct vision for reasons of safety, ingress or egress; or cause damage to utility lines (above and below ground) and public roadways.
- Minimum material and planting standards:
  - All plant materials shall be certified to be hardy to the county, free of disease and insects and conform to the standards of the American Association of Nurserymen.

- All plantings shall contain a minimum of 75 percent native species, as determined by generally accepted sources and approved by the planning commission or zoning administrator. All plantings shall be properly planted so that they are in a healthy, growing condition. Required plantings shall be maintained in an attractive and presentable condition, free of weeds, refuse, and debris. All plantings shall be maintained in a sound, healthy, and vigorous growing condition.
- Dead or diseased plants included as part of the approved landscape plan shall be replaced.
- Grass areas shall be planted and grown as permanent lawns. Grass may be sodded, or seeded and mulched, and shall be protected from erosion by appropriate means until the grass is established.
- All scraped or disturbed ground areas shall be provided with coverage of grass, ground cover, shrubs, or other appropriate materials. Materials that

#### 5.23.3.F.vi Minimum Plant Size

Tree type	Minimum size at planting
Deciduous canopy tree	2 1/2-inch caliper
Deciduous ornamental tree	Two-inch caliper
Evergreen tree	Six-foot height
Deciduous shrub	Two-foot height
Upright evergreen shrub	Two-foot height
Spreading evergreen shrub	12- to 24-inch spread

inhibit or restrict percolation of water into soils shall not be considered appropriate for these areas.

- Minimum plant sizes at time of installation:
- Plant materials shall not consist of more than 50 percent of any one plant species.

<b>5.23.3.F.viii Trees Not Permitted</b>	
Common name	Horticultural name
Boxelder	Acer negundo
Ginkgo	Ginkgo biloba, female only
Honey Locust	Gleditsia triacanthos (with thorns)
Mulberry	Morus species
Poplars	Populus species
Black Locust	Robinia species
Willows	Salix species
American Elm	Ulmus americana
Siberian Elm	Ulmus pumila
Slippery Elm; Red Elm	Ulmus rubra
Chinese Elm	Ulmus parvifolia

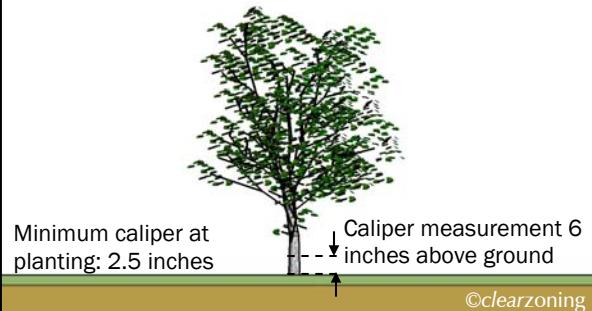
- ix. When plants are placed in two or more rows, the plantings shall be staggered in rows.
- x. Evergreen trees shall be at least six feet in height and planted eight feet to ten feet apart from the next tree in the planting, as measured from tree center to tree center.



- xi. Deciduous trees shall be planted not more than 30 feet from the next tree in the planting, or as otherwise may be required by this Section.
- xii. When planted in a double or triple row, large shrubs (those exceeding 30 inches in height) shall be planted no farther than six feet apart. Large shrubs, when planted in single rows shall be planted no farther than four feet from the next large shrub. All other shrubs shall be planted no farther than four feet from the next shrub.

- xiii. Trunk calipers shall be measured at six inches above the ground. Evergreen tree heights shall be measured from the average grade to the top of the highest branch.

**5.23.3.F.xiii Deciduous Tree Caliper Measurements**



- xiv. Landmark trees shall be preserved unless the planning commission deems removal necessary to preserve other significant natural features or for purposes of safety. Landmark trees shall be replaced with an equivalent type of tree having a diameter of not less than four inches. The replacement ratio shall be four replacement trees for every landmark tree removed. Replaced trees shall be kept in a living condition or replaced. The planning commission or zoning administrator shall approve the location for replacement trees.

**G. Minimum standards for berms:**

- i. Berms shall maintain an earthen side slope not to exceed a one foot rise to a three-foot width in ratio.
- ii. Berm areas not containing planting beds shall be covered with grass or living ground cover maintained in a healthy growing condition.
- iii. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

**H. Minimum standards for screen walls and fences:**

- i. All screen walls and fences shall be constructed with new, durable, weather resistant and easily maintained materials. Chainlink and barbed wire fences are not permitted (see [Section 28-5.23.2.G.ii](#) for a definition of screen).

- ii. The screen wall or fence may be constructed with openings that do not exceed 20 percent of the wall surface. The openings shall not reduce the intended obscuring effect of the wall.
- I. Outdoor solid waste dumpsters shall be screened by a continuous screen at least six feet high. The screen may be comprised of berming, plant material, screen walls or fences or any combination of these elements. Dumpsters may be installed within buffer zones.
- J. If a project is constructed in phases, the landscape screen may also be constructed in phases. The zoning administrator shall determine the extent of landscaping required for each phase based on:
  - i. Adjacent land uses.
  - ii. Distance between land uses.
  - iii. Operational characteristic both on and off site.
  - iv. Building heights.
  - v. Physical characteristics of the site such as topography, existing vegetation, etc.
- K. Should the zoning administrator determine, upon inspection, that adequate landscape screening on a site already exists or that a landscaping screen is not required, the applicable provisions of this Section may be waived in whole or in part by the zoning administrator or planning commission. Criteria which shall be used when considering a landscaping screen waiver shall include, but shall not be limited to:
  - i. Topography variations.
  - ii. Existence of natural vegetation.
  - iii. Existing and proposed building placement.
  - iv. Sight distances.
  - v. Adjacent land uses.
  - vi. Existence of floodplain and areas of soils unsuitable for plantings.

4. Parking lot landscaping.

- A. Applicability. This Section is applicable to parking lots exceeding six spaces serving any nonresidential or multiple-family use in any district. A parking lot landscape plan shall be submitted with any application for a building permit or when otherwise required by this Section.
- B. Existing parking areas.
  - i. These requirements shall be met for any parking lot existing as of the effective date of the ordinance from which this Section is derived which is expanded or substantially altered (e.g., removal and replacement of existing pavement) for an area of more than 25 percent of its original existing area.
  - ii. Any landscaping existing within or bordering any existing parking area shall not be removed unless replaced with landscaping meeting the requirements of this Section.
- C. General requirements.
  - i. Landscaping shall be planned and installed such that, when mature, it does not obscure traffic signs, fire hydrants, or lighting, and does not alter drainage patterns on the site or on adjacent properties; obstruct vision for reasons of safety, ingress or egress; or cause damage to utility lines (above and below ground) and public roadways.
  - ii. Any landscaped area required by this Section shall be constructed outside any public street right-of-way.
- D. Parking areas. Off-street parking areas containing six or more parking spaces shall be provided with landscaping in accordance with the following:
  - i. Six through 100 spaces: one canopy tree and 100 square feet of landscaped area per six spaces.
  - ii. One hundred and one through 200 spaces: one canopy tree and 100 square feet of landscaped area per eight spaces.
  - iii. More than 200 spaces: one canopy tree and 100 square feet of landscaped area per ten spaces.
- E. Buffer zones. In no case shall any buffer zones or greenbelts required in Sections **28-5.23.2**, **28-5.23.3** and **28-5.23.5** be considered as part of the off-street parking landscape area. Required parking lot landscape areas shall comply with the following standards:
  - i. The minimum size of a landscaped area shall be 60 square feet and at least six feet wide.

- ii. All landscaped areas shall be covered by grass, shredded bark, stone or a living ground cover.
- iii. All landscaped areas shall contain at least one canopy tree. The tree shall be located so as not to be damaged by any surrounding vehicle.
- iv. The zoning administrator shall approve the location of required off-street parking landscaping using the following criteria:
  - a. Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for reason of safety, ingress or egress.
  - b. Trees shall be installed in such a manner that parked motor vehicles are shaded whenever possible.
  - c. Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of impervious surfaces.
  - d. At least one-half of the required landscaping shall be installed in the interior of the parking area. The interior shall be considered as any point ten feet from the outside boundary of the parking area.
- i. In the R-3 district all landscaped areas shall be protected by a raised standard or rolled concrete curb.
- ii. All applicable requirements of **Section 28-5.23.3** shall be complied with.

5. Greenbelts.

- A. Greenbelts shall be required where any developed parcel abuts or faces a public thoroughfare in the R-3, B-1, B-2 and LI districts.
- B. If a buffer zone is required along a thoroughfare then the greenbelt requirement shall be waived.
- C. In no case shall off-street parking lot landscaping requirements in **Section 28-5.23.4** be considered as part of any greenbelt requirement.
- D. All greenbelts shall comply with the following standards:
  - i. One tree for each 40 linear feet or fraction of frontage abutting a public

thoroughfare. At least one-half of the total number of trees required within the greenbelt shall be canopy trees.

- ii. One shrub for each ten linear feet or fraction of frontage abutting a public thoroughfare. The shrubs shall be a minimum of 24 inches high at the time of planting.
- iii. In no case shall a greenbelt be less than ten feet in width.
- iv. All greenbelts shall be covered by grass.
- v. All applicable standards in **Section 28-5.23.3** shall be met.

6. Additional landscaping and screening.

- A. Where deemed appropriate by the planning commission or other approving authority for site plans, additional landscaping or screening may be required where it is needed to minimize visual, noise, or other impacts from the proposed development or where there may be some other adverse effect caused by the use being reviewed. Such adverse effect may include, but shall not be limited to, noise, lighting, hazard, traffic conflict, or other such effect.
- B. The nature of such landscaping or screening shall be that required by **Section 28-5.23.3**. The planning commission or other approving authority for site plans may designate which buffer zone is appropriate for the required landscaping or screening.
- C. No landscaping, other than ground cover, shall be provided or extend into a public right-of-way.

**28-5.24 ACCESSORY BUILDINGS<sup>□</sup>,  
STRUCTURES, AND USES<sup>□</sup>**

1. Accessory buildings-General.

- A. Where accessory buildings or structures, including but not limited to, enclosed porches or garages, are attached to a main building in a substantial manner, such as by a wall or roof, they shall conform to all regulations of this chapter applicable to a main building.
- B. Accessory buildings shall not be permitted in the required front yard.
- C. Farm accessory buildings, used for purposes related and accessory to agricultural operations shall be exempt from the size, number, and height

provisions of this Section. Such buildings, however, shall be subject to the setback provisions applicable to residential accessory buildings.

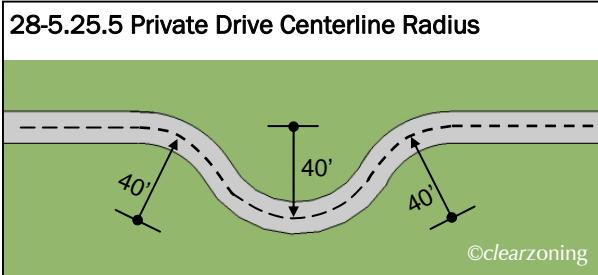
2. Accessory uses—General.
  - A. Accessory uses are permitted only in connection with, incidental to, and on the same lot with a principal use which is permitted in the particular zoning district.
  - B. An accessory use must be in the same zoning district as the principal use on a lot.
  - C. Unless otherwise specifically permitted by this chapter, accessory uses shall not be permitted in the required front yard.
3. Residential district accessory buildings and structures. Accessory buildings shall be permitted within any residential district or with any residential use provided that the following restrictions are met:
  - A. The total area of all accessory buildings shall not exceed the following:
    - i. For lots of 10,000 square feet in area or less: 1,280 square feet.
    - ii. For lots greater than 10,000 square feet in area, up to one acre: 1,600 square feet.
    - iii. For lots greater than 1 acre, up to 5 acres, an additional 400 square feet for each additional acre.
    - iv. For lots greater than five acres: no area restriction, except that the lot coverage for the district in which the accessory building is located shall not be exceeded.
  - B. An accessory building located in the rear yard shall not occupy more than 30 percent of the required rear yard area.
  - C. Accessory buildings in excess of 200 square feet must be designed, constructed, and finished such that the exterior appearance is compatible with that of the main building, and shall be subject to requirements of **Section 28-7.2**. Accessory buildings 200 square feet or less shall be exempt from the requirements of **Section 28-7.2**.
  - D. No detached accessory building shall be located closer than ten feet to any main building. The drip edge of any detached accessory building shall not be located closer than five feet to any side or rear lot line.
- E. No detached accessory building shall exceed 18 feet in height.
- F. Accessory buildings shall not be permitted on a lot or parcel which does not have a principal use or main building.

4. Nonresidential districts accessory buildings and structures.
  - A. No more than two detached accessory buildings shall be permitted on any lot.
  - B. The total area of all accessory buildings shall not exceed 25 percent of the floor area of the main building.
  - C. Detached accessory buildings shall meet all setback requirements for the zone district in which they are located.
  - D. No detached accessory building shall be located nearer than ten feet to any main building.
  - E. No detached accessory building shall exceed the permitted height for main buildings in the zoning district in which it is located.

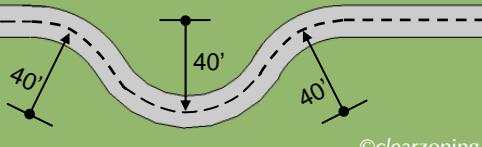
#### 28-5.25 PRIVATE DRIVE STANDARDS FOR EMERGENCY ACCESS

In order to improve response time and insure adequate access by emergency services vehicles, all principal uses shall install a driveway meeting the standards of this Section prior to issuance of any certificate of occupancy. The following standards shall apply to all private driveways for all principal uses, in all zoning districts in Watertown Township:

1. All trees and brush shall be kept cleared for a minimum width of fourteen (14) feet for the full length of all private drives.
2. All topsoil, stumps, and unstable soil shall be removed and backfilled with appropriate granular material and surfaced with gravel, crushed limestone, finely crushed concrete or similar material for a minimum width of twelve (12) feet for the full length of the driveway.
3. The surface of the driveway shall be properly drained so that water damage and frost heave will not impede access by emergency vehicles.

4. Driveways shall provide a minimum clearance from trees and brush of eighteen (18) feet through all curved sections and a minimum centerline radius of forty (40) feet for all curves to insure access by fire fighting equipment. 

**28-5.25.5 Private Drive Centerline Radius**



5. No bridges shall be permitted as part of driveway construction.
6. No structures shall be over or across any driveway unless they maintain not less than fourteen (14) feet vertical and horizontal clearance.

**28-5.26 FILLING OF LAND WITH SOIL, SAND,  
GRAVEL, CLAY OR SIMILAR  
MATERIALS**

The filling of land with soil, sand, gravel, clay or similar natural materials may be permitted as a principal activity to improve property or as an activity accessory to other development when the following standards are met:

1. Only naturally occurring soil, sand, stone and like materials shall be permitted. Processed materials, such as crushed concrete, may be permitted. The following materials are hereby prohibited: garbage, refuse, construction wastes, fill that has been contaminated by hazardous substances, and similar materials. Used concrete, asphalt, or similar paving materials are hereby prohibited unless they have been properly processed and approved for use by the Township Board.
2. A site plan shall be submitted to the Zoning Administrator, conforming to the requirements of **Section 6.1**, for any filling of land that exceeds two hundred (200) cubic yards of material in any twenty-four (24) consecutive months. For filling activities that involve less than two hundred (200) cubic yards of material, a sketch plan shall be submitted for approval by the Building Inspector. No separate permit shall be required for any filling activity that is authorized by a valid building permit issued by Watertown Township.

3. No fill shall be placed or deposited in or upon a flood plain, wetland, watercourse, natural drainageway, river, stream, county drain, or similar feature, or in a manner that adversely affects drainage from, to, or through adjacent properties.
4. Plans shall include detailed statements of:
  - A. The type of natural materials to be deposited.
  - B. The number and types of equipment to be used.
  - C. The estimated length of time to complete the filling activities.
5. The following days and hours of operation are permitted:

**28-5.26.5 Operational Schedule**

Monday–Saturday:	8am–5pm
Sunday:	No operation allowed
Holidays: New Year's Day Easter Sunday Memorial Day Independence Day Labor Day Thanksgiving Day Christmas Eve Christmas Day	No operation allowed

6. At the direction of the Township Board, filling operations in excess of (200) cubic yards may be required to submit a performance guarantee to ensure completion of the proposed work and compliance with requirements of this Ordinance during filling operations.
7. The filling of land with anything other than soil, sand, gravel, clay or similar natural materials shall require approval by the Township Board based upon a finding that the material is similar in quality and characteristics to those permitted by this Section.
8. No filling shall commence until a permit has been issued by the Township.

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# *Article 6.0*

## *Development Procedures*

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## Article 6.0 Development Procedures

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# 6.0 Development Procedures

## 28-6.1 SITE PLAN REVIEW

1. Purpose. The purpose of this division is to provide for consultation and cooperation between the applicant and the township in order that the applicant may realize planned objectives in the use of land within the regulations of this chapter. It is also intended to ensure that the development be completed with minimum adverse effect on the use of adjacent streets and highways, and on the existing and future uses and the environment in the general vicinity.
2. Use requirements needing review.
  - A. Site plan. In accordance with the provisions of this Section, the planning commission or the township board, when considering an application for a special land use, shall be furnished a site plan of the proposed development prior to the creation of a use or the erection of a building in the districts and conditions cited below, unless such use or building falls under the provisions of **Section 28-6.1.2.B.**
    - i. All permitted uses within any district as follows:
      - a. The construction of a new building or construction of a structure enclosed floor area equal to or greater than 5,000 square feet;
      - b. Any addition to a building or structure adding an enclosed floor area greater than 25 percent of the existing enclosed building or structure floor area, except that such addition shall be at least equal to or greater than 5,000 square feet.
    - ii. Special land uses in all zoning districts, including any site plan amendments for any special land uses.
    - iii. Site condominiums in any district.
    - iv. Planned unit developments.
  - B. Zoning administrator review. Single and two-family dwellings (except for those that are part of a site condominium), farms, roadside stands, state licensed residential family care facilities, family and group day care homes, and home occupations, or any other use or structure not covered in **Section 28-6.1.2.A.** shall not be required to submit a site plan for review by the planning commission. The zoning

administrator shall review such plans to determine compliance with the requirements of this chapter and any other applicable ordinances. With the exception of state licensed residential family care facilities and family and group day care homes, the zoning administrator may elect to send a site plan under review in compliance with this Section to the planning commission under the procedures of Section **28-6.1.2.A.** for review where he considers the potential effects of the proposed use to warrant a more comprehensive review by the planning commission.

## 3. Application requirements.

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

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(3) Parking lots and access points.

(4) Proposed buffer strips or screening.

(5) Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.

(6) Location of all preserved landmark trees and locations of landmark tree removals and replacements, if any.

(7) Land uses and proposed buildings.

(8) General topographical features including contour intervals no greater than ten feet.

(9) All buildings and driveways within 100 feet of all property lines.

c. A narrative (shown on the site plan or submitted separately) describing in general terms:

- (1) An overall description of the proposed development.
- (2) Dwelling unit densities by type, if applicable.
- (3) Proposed method of providing sewer and water service, as well as other public and private utilities.
- (4) Proposed method of providing storm drainage.

d. An application fee, as may be established by the township board from time to time, shall also be submitted.

iii. The planning commission shall review the preliminary site plan and make such recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this Section. The planning commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance or denial of the plan.

B. Final site plan review.

- i. If desired by the applicant, a final site plan may be submitted for review without first receiving approval of a preliminary site plan.
- ii. Applications for final site plan reviews shall include the following information, unless deemed unnecessary by the zoning administrator:
  - a. A completed application form, as provided by the township.
  - b. An application fee, as may be established by the township board from time to time.
  - c. The narrative required by **Section 28-6.1.3.A.ii.c.**
  - d. Twenty copies of a final site plan signed and sealed by a professional competent in such matters. The final site plan shall include the following information, unless deemed unnecessary by the zoning administrator.
    - (1) The date, north arrow, and scale. The scale shall be not less than one inch equals 30 feet for property under five acres and at least one inch equals 100 feet for those five acres or more, unless another scale is approved for submission by the zoning administrator.
    - (2) The name and firm address, and the name of the professional individual responsible for the preparation of the site plan or as directed by the zoning administrator.
    - (3) The name and address of the property owner or petitioner.
    - (4) A location sketch.
    - (5) Legal description of the subject property.
    - (6) The size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.

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(7) Property lines and required setbacks shown and dimensioned.

(8) The location of all existing structures, driveways, and parking areas within 100 feet of the subject property's boundary.

(9) The location and dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable.

(10) The location of all existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting plan, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas in accordance with respective township ordinances.

(11) The location, pavement width and right-of-way width of all roads, streets, and access easements within 100 feet of the subject property.

(12) The existing zoning and use of all properties abutting the subject property.

(13) The location of all significant natural features and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls. The location of all preserved landmark trees and locations of landmark tree removals and replacements, if any, shall also be shown.

(14) Size and location of existing and proposed public, or private community sewer or water supply systems, including any proposed connections thereto.

(15) The location and size of all surface water drainage facilities.

(16) Existing, proposed and final (as built) topographic contours at a minimum of two foot intervals.

(17) Recreation areas, common use areas, floodplain areas and areas to be conveyed for public use and purpose.

(18) Any other physical improvements.

(19) Signature block and case number, as received from the zoning administrator, on lower right corner of the front page.

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

4. Review procedure; determination process.

A. The planning commission, or the township board when considering an application for a special land use, shall have the responsibility and authorization to approve, disapprove, or approve subject to conditions, the site plan, in accordance with the review standards of **Section 28-6.1.5**. Reasons for approval, denial, or approval with conditions, and any conditions or modifications desired by the planning commission, or the township board when considering the site plan as part of an application for a special land use, shall be recorded in the minutes.

B. As part of an approval to any site plan, the planning commission, or township board when considering the site plan as part of an application for a special land use, may impose any additional conditions or limitations as in their judgment may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review standards of this Section [chapter] are met and shall meet the requirements of the Zoning Act. The conditions shall remain unchanged



unless an amendment to the site plan is approved in accordance with this chapter.

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

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

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

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

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

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

- Master plan. The general purposes and spirit of this chapter and the master plan of the township shall be maintained.
- Health, safety and welfare. The uses proposed will not adversely affect the public health, safety, or welfare. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.
- Access. Safe, convenient, uncontested, efficient and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. All streets and driveways shall be developed in accordance with the township subdivision control ordinance, the county road commission, and the state department of transportation specifications, as applicable. The proposed development shall be serviced by an adequate road system, and shall not adversely impact the level of service on adjacent roads.
- Emergency vehicle access. All buildings and groups of buildings shall be arranged so as to permit reasonable necessary emergency vehicle access as requested by the fire department serving the township.
- Pedestrian circulation. A pedestrian circulation system which is separated from the vehicular circulation system may be required. In order to ensure public safety, pedestrian measures such as sidewalks, crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, shopping areas, or other uses which generate a considerable amount of pedestrian traffic.
- Natural features. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this chapter.
- Topography. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in

accordance with the requirements of this chapter.

H. Drainage. To provide areas for natural habitat, preserve natural drainage patterns and maintain the natural characteristics of the land, areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state.

I. Stormwater management. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust.

J. Landscaping. Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with **Section 28-5.23**.

K. Privacy. To minimize or prevent trespassing or other adverse effects of adjacent lands, the site plan shall provide reasonable visual and sound privacy for all uses located therein, and adjacent thereto.

L. Lighting. To reduce artificial light pollution, avoid light trespass on to adjacent property and improve travel conditions by reducing glare and excessively lit surfaces, exterior lighting shall be in accordance with **Section 28-5.18**, Outdoor Lighting.

M. Outside approvals. Site plans shall conform to all applicable requirements of county, state, federal, and township statutes and ordinances. Approval may be conditioned on the applicant receiving necessary county, state, federal, and township permits before final site plan approval is granted.

6. Changes to approved site plan. Changes to the approved site plan shall be permitted only under the following circumstances:

A. The holder of an approved site plan shall notify the zoning administrator of any proposed change to an approved site plan.

B. Minor changes may be approved by the zoning administrator upon determining that the proposed revision will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

i. Change in the building size, up to five percent in total floor area.

ii. Movement of buildings or other structures by no more than ten feet.

iii. Replacement of plant material specified in the landscape plan with comparable materials of an equal or comparable size.

iv. Changes in floor plans which do not alter the character of the use or require an increase in parking requirements.

v. Changes required or requested by the township, the county road commission, or other county, state, or federal regulatory agency in order to conform to other laws or regulations.

C. A proposed change not determined by the zoning administrator to be minor shall be submitted as a site plan amendment and shall be reviewed in the same manner as the original application.

7. Appeal.

A. An appeal in writing may be taken to the board of appeals by any person aggrieved by the action of the planning commission, or township board when considering the site plan as part of an application for a special land use, regarding a site plan review, but not including any part of the decision related to the approval of the special land use.

B. Such appeal shall be filed within 21 days after the date of the final vote taken for such action. The board of appeals shall fix a time and place for a public hearing to be noticed as required by the Zoning Act.

C. After such hearing, the board of appeals shall affirm or reverse the action of the planning commission or township board, stating its findings and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant and to the planning commission and/or township board.

8. Plat requirements. In those instances in which Public Act No. 288 of 1967 (MCL 560.101 et seq.), the land division act, is involved, the owner shall, after site plan approval, submit the preliminary and final plats to the proper officer in conformance with such act, and in accordance with all other applicable codes, acts and ordinances. Such plats shall remain in conformance with the approved site plan.



## 28-6.2 SPECIAL LAND USES

1. Scope.
  - A. This Section provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics and the potential for adverse effects on adjacent properties or the township, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow, practical latitude for the applicant, and to maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the township.
  - B. For purposes of this chapter, all special land uses within the various districts are subject to the conditions and standards of this Article 6 and 7. In addition, the uses in Article 4 shall conform to the specific requirements cited in Article 4, as applicable.
2. Application and review procedures.
  - A. An application shall be submitted through the zoning administrator. Each application shall be accompanied by:
    - i. The payment of a fee as established by the township board
    - ii. A completed application form, as provided by the township, and
    - iii. A complete site plan as specified in Division 2.
  - B. The application, along with the required site plan, shall be forwarded to the planning commission no later than 60 days after the completed application is received.
  - C. The planning commission shall hold a public hearing on the application, providing notice in accordance with the Zoning Act. Following the hearing, the planning commission shall review the application and such other information available to it from any source, including recommendations or reports from township staff, consultants, or other parties. The planning commission shall then forward to the township board a recommendation of approval, approval with conditions, or denial of the application. The planning commission shall incorporate the basis for the recommendation into its minutes.
- D. Within a reasonable time following receipt of the planning commission's recommendation, the township board shall review the application and such other information available to it from any source, including recommendations or reports from township staff, consultants, or other parties. The township board may elect to conduct its own public hearing providing notice in accordance with the Zoning Act. The township board shall approve, approve with conditions, or deny the special land use application and shall incorporate the basis for the decision, and any conditions imposed, into its action.
- E. Each special land use shall be reviewed for compliance with the general review standards of **Section 28-6.2.3**, the applicable use standard specific requirements of Article 4, and the review standards for site plans in **Section 28-6.1.5**. Before any application for a special land use may be approved, the applicant shall demonstrate to the township board, and the township board shall find, that each of the applicable standards of review are met.
- F. As part of an approval of any special land use, the township board may impose any additional conditions or limitations as, in its judgment, may be necessary for the protection of the public interest. Such conditions shall be related to and ensure that the applicable review standards of this Section are met and shall meet the requirements of the Zoning Act. The conditions shall be recorded in the minutes and shall remain unchanged unless a new special land use approval is granted in accordance with this chapter.
- G. No petition for special land use approval which has been disapproved shall be resubmitted for a period of one year from the date of disapproval. The zoning administrator may permit a new application upon submission by the applicant of new and significant facts or conditions which might reasonably require reconsideration of the application.
- H. A special land use approved pursuant to this chapter shall be valid for one year from the date of approval. Each development shall be under construction within one year after the date of approval of the special land use, except as noted below:

- i. The planning commission may grant one six-month extension of such time period, provided the applicant requests the extension prior to the date of the expiration of the special land use approval.
- ii. The extension shall be approved if the applicant presents reasonable evidence that the approved special land use has encountered unforeseen difficulties beyond the control of the applicant, and the project will likely proceed within the extension period.
- iii. If neither of the provisions of Section **28-6.2.2.H.i** or **Section 28-6.2.2.h.ii** are fulfilled or the six-month extension has expired prior to construction, the special land use approval shall be null and void.

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

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

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

3. General review standards. Each application shall be reviewed for the purpose of determining that the proposed special land use meets all of the general standards. Each special land use will:

- A. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;

- B. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;
- C. Not create excessive additional requirements at public cost for public facilities and services;
- D. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive effects of traffic, noise, smoke, fumes, glare, or odors affecting adjacent properties, streets, or uses;
- E. The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will not be adversely impacted; and
- F. The proposed use shall not be detrimental to existing and/or other permitted land uses in the zoning district.

**28-6.3 SITE CONDOMINIUM/CONDOMINIUM  
REVIEW AND APPROVAL  
PROCEDURES**

Application for review and approval of a site condominium subdivision shall be in accordance with **Section 6.1** "Site Plan Review" and **Section 6.2**, "Special Land Uses" of the Watertown Charter Township Zoning Ordinance, as well as the Watertown Charter Township Subdivision Ordinance, as amended.

**28-6.4 SPECIAL LAND USE PERMITS**

- A. Transfer of special land use permit. In order to ensure continued compliance with the terms of this ordinance and a Special Land Use Permit (SLU) issued under it, each SLU shall specify reasonable terms for transfer of a valid SLU from the present landowner or operator to a subsequent owner or operator. The responsibility for said transfer in accordance with the terms of the SLU shall be that of the permit holder of record with the Watertown Charter Township Zoning Department. Failure of an SLU holder to properly transfer a SLU shall not release the permit holder from Ordinance penalties for any subsequent action undertaken on the land in violation of the terms of the SLU. Transfer of an SLU shall be made on a form



supplied by the zoning department for that purpose. Proper completion of the form shall require documentation of assumption by the new owner of an interest in the land/operation in question and a written agreement that the new owner/operator will assume obligations and responsibilities specified in the SLU, including deposit of a bond or other performance guarantee deposited properly with the zoning department by the new permit holder. Any bond or performance guarantee on deposit with the township by the previous permit holder shall be returned in accordance with the terms of this chapter.

- B. Expiration of special land use permit. A Special Land Use permit (SLU) shall be valid for as long as the permitted use continues in accordance with the terms stated herein, unless otherwise stated in the SLU. If there is not compliance within six months from the date of issuance then it shall automatically expire and be of no further effect or validity. Approval of a SLU shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by the subsequent owner. The zoning department shall notify the applicant, in writing, mailed to the address listed on the application, that such SLU has expired.
- C. Expansion and/or modification of the special land use permit. Expansion and/or modification of an existing Special Land Use Permit (SLU) shall be considered and processed according to **Section 28-6.2.2** application and review procedures, except that the original SLU permit cannot be revoked.

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# *Article 7.0*

## *Administration, Appeals and Enforcement*



## Article 7.0 Administration, Appeals and Enforcement

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# 7.0 Administration, Appeals, and Enforcement

## 28-7.1 ZONING ADMINISTRATOR

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

1. Issue zoning permits;
2. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this ordinance;
3. Issue and serve municipal civil infraction notices and municipal civil infraction citations in accordance with Article VI of Chapter 2, Administration, of the Code of Ordinances, Charter Township of Watertown, Clinton County Michigan; and
4. Perform such other functions necessary and proper to enforce and administer the provisions of this ordinance.

## 28-7.2 PERMITS

1. Zoning permits.
  - A. No building, structure, or sign shall be erected, altered, moved, or use changed unless a zoning permit shall have been first issued for such work.
  - B. No zoning permit shall be issued for the erection, alteration, or use of any building or structure, including a change in use, or for the use of any land which is not in accordance with all provisions of this Articles 6 and 7.
  - C. A record of all zoning permits issued shall be kept on file in the office of the zoning administrator and copies shall be furnished upon request to any person owning or renting the property which is the subject of the permit.
  - D. No vacant land shall be used and no existing use of land shall be changed to a different class of use unless a zoning permit is first obtained for the new or different use.
2. Building permits and certificates of occupancy.
  - A. No building permit for the construction, erection, alteration, repair, or moving of any building or structure shall be issued until a zoning permit, or zoning approval for

such work has been issued by the zoning administrator.

- B. No building or structure which is hereafter erected or altered shall be occupied or used unless and until a certificate of occupancy shall have been issued for such building or structure.
- C. Certificates of occupancy, as required by the currently adopted state construction for the township, shall also constitute certification of compliance with this chapter.
- D. A record of all certificates of occupancy issued shall be kept on file in the office of the building inspector, and copies shall be furnished upon request to any person owning or renting the property which is the subject of the certificate.
3. Fees. Fees for the inspection and issuance of zoning permits, building permits, or certificates of occupancy, or copies required or issued under the provisions of this chapter, may be collected by the township in advance of issuance. The amount of such fees shall be established by resolution of the township board and shall cover the cost of inspection and supervision resulting from the enforcement of Articles 6 and 7.

## 28-7.3 ENFORCEMENT

1. Violations.
  - A. Any person or any owner of any building, structure, or premises, or part thereof, where any condition in violation of this chapter exists, or has been created, and who has assisted knowingly in the commission of such violation, shall be guilty of a municipal civil infraction, for which the fine shall be not less than \$100.00 nor more than \$500.00 for the first offense and not less than \$500.00 nor more than \$1,000.00 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, and expenses provided by law.
  - B. For purposes of this Section, the term "subsequent offense" means a violation of the provisions of this chapter committed by the same person within 12 months of a previous violation of the same provision of this chapter for which said person admitted responsibility, or was adjudicated to be responsible; provided however, that

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offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

- C. Active violations are violations, which involve ongoing construction, excavation, or other activities which increase the extent of the violation as time passes. All active violations shall be issued a written stop work order, which shall be posted on the site and either delivered in person or by first class mail to the property owner and/or lessee. A stop work order shall state the nature of the violation, the date the violation was observed, the corrective action necessary, and the penalty for continued violation. If the person responsible fails to stop all work upon receipt of a stop work order, the zoning administrator shall either issue a civil infraction citation or, with assistance of the designated zoning authority, seek an immediate temporary restraining order from circuit court.
- D. Any building which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this chapter, and is in violation of any of the provisions herein, is hereby declared to be a public nuisance per se.
- E. Each day the violation occurs or continues shall be deemed a separate offense.
- F. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

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

similar items. Performance guarantees shall be processed in the following manner:

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

F. A record of authorized performance guarantees shall be maintained by the zoning administrator.

#### 28-7.4 AMENDMENTS

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

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

changed that justify the proposed amendment?

- ii. What, if any, error was made in the original ordinance that justifies the proposed amendment?
- iii. What are the precedents and the possible effects of such precedent that might result from the approval or denial of the amendment?
- iv. What is the impact of the amendment on the ability of the township and other governmental agencies to provide adequate services and facilities and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
- v. Does the petitioned district change adversely affect environmental conditions, or the value of the surrounding property?
- vi. Does the petitioned district change generally comply with the adopted Watertown Charter Township Master Plan?
- vii. Is the property in question able to be put to a reasonable economic use in the district as it is presently zoned?

#### 28-7.5 FEES

A schedule of fees for any reviews required by this chapter shall be established by resolution of the township board and revised periodically, as necessary.

#### 28-7.6 BOARD OF APPEALS

1. Authorization. In order that the objectives of the ordinance may be more fully and equitably achieved, that there shall be provided a means of competent interpretation of this chapter, that adequate but controlled flexibility be provided in the application of this chapter, that the health, safety, and welfare of the public be secured, and that justice be done, there is hereby established a board of appeals.
2. Membership; terms of office.
  - A. The board of appeals shall consist of five members.
    - i. The first member of the board of appeals shall be a member of the township planning commission; the second member may be a member of

the township board; the additional members shall be selected from the electors residing in the township.

- ii. All members shall be appointed by the township board. The additional members shall not be elected officers of the township or employees of the township board.
- iii. The additional members shall be appointed for three-year terms; the planning commission and township board representatives, who shall not be the same member, shall only serve while holding membership on those respective bodies.

B. The township board may appoint up to two alternate members with the same qualifications and terms as regular members.

- i. An alternate may be called to serve in the absence of a regular member if the regular member is absent from or will be unable to attend two or more consecutive meetings or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days.
- ii. An alternate member 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 of conflict of interest.
- iii. The alternate member shall serve in the case until a final decision is made and shall have the same voting rights as a regular member.

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

- A. Appeals. The board of appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by the zoning administrator or other administrative officer or body of the township in the administration of this chapter.
- B. Interpretation. The board of appeals shall have the power to:
  - i. Hear and decide upon request for the interpretation of the provisions of this chapter; and
  - ii. Determine the precise location of boundary lines between zoning

districts upon appeal from a decision by the zoning administrator upon said subject.

- C. Variances. The board of appeals shall have the power to authorize specific variances from the requirements of this chapter.
- D. Change of nonconforming use. The board of appeals shall have the power to permit the change from one nonconforming use to another nonconforming use subject to a determination based upon the standards in **Section 7.7.4.E.**
- 4. Meetings. Meetings shall be open to the public, and shall be held at the call of the chairman and at such other times as the board of appeals shall specify.
- 5. Applications and hearings.
  - A. An application to the board of appeals shall consist of a completed application form, provided by the township, a fee as established by the township board, which shall be paid to the township clerk at the time of filing, and a scaled drawing with sufficient detail to indicate the nature and necessity of the request. The board of appeals may request additional detail on the drawing or other information which they deem necessary to make a decision on the application.
  - B. Upon receipt of a complete application the township shall cause notices stating the time, place and subject of the hearing to be given as required by the Zoning Act.
- 6. Decisions.
  - A. The concurring vote of a majority of the membership of the board of appeals shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator; to decide in favor of any application on any matter upon which the board is required to pass under this chapter; or to effect any variance from the requirements of this chapter.
  - B. The board of appeals shall return a decision upon each case within a reasonable time after the scheduled hearing has been held.
  - C. Any decision of the board shall not become final until the expiration of five days from the date of such decision, unless the board shall find the immediate effect of such order is necessary for the preservation of

property or personal rights and shall so certify on the record.

- D. The decision of the board of appeals shall be final; however, any person having an interest affected by any such decision shall have the right of appeal to the circuit court on questions of law and fact.
- E. Each decision under the provisions of Articles 6 and 7 shall become null and void unless the construction or other action authorized by such decision has been started within one year after the decision was made and is being carried forward to completion or occupancy of land, premises, or buildings.
- F. No application which has been denied wholly or in part by the board shall be resubmitted for a period of one year from the date of the denial, except on grounds of changed conditions that would significantly change the nature of the request or affect the reasons for denial first ordered by the board.

7. Appeals.

- A. An appeal to the zoning board of appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of the state or local unit of government. In addition, a variance from the zoning ordinance may be applied for and granted under Section 4 of the Uniform Condemnation Procedures Act, Public Act No. 87 of 1980 (MCL 213.54), and as provided under Articles 6 and 7. The zoning board of appeals shall state the grounds of any determination made by the board.
- B. An appeal under this Section shall be taken within such time as shall be prescribed by the zoning board of appeals by general rule, by the filing with the officer from whom the appeal is taken and with the zoning board of appeals of a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the zoning board of appeals all of the papers constituting the record upon which the action appealed from was taken.
- C. An appeal to the zoning board of appeals stays all proceedings in furtherance of the action appealed from unless the body or officer from whom the appeal is taken certifies to the zoning board of appeals

after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, in which case proceedings may be stayed by a restraining order issued by the zoning board of appeals or a circuit court.

8. Review standards for variances. A nonuse or dimensional variance may be allowed by the board of appeals only where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:
  - A. Granting the variance will not be contrary to the public interest and will ensure that the spirit of this chapter is observed.
  - B. Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or in the district in which the subject property is located.
  - C. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practicable.
  - D. That there are practical difficulties in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions may include:
    - i. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this article;
    - ii. Exceptional topographic conditions;
    - iii. By reason of the use or development of the property immediately adjoining the property in question; or
    - iv. Any other physical situation on the land, building or structure deemed by the board of appeals to be extraordinary.
  - E. That granting such variance is necessary for the preservation of a substantial property right possessed by other



properties in the vicinity in the same zoning district.

F. That the variance is not necessitated as a result of any action or inaction of the applicant.

#### 28-7.7 NONCONFORMING LOTS, BUILDINGS, STRUCTURES, AND USES

1. Intent.
  - A. It is recognized that there exists within zoning districts certain lots, buildings and structures, and uses which were lawful before this chapter was passed or amended, which would be prohibited, regulated, or restricted under the terms of this chapter. It is the intent of this chapter to permit legal, nonconforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their continuation.
  - B. Nonconforming lots, buildings and structures, and uses are declared by this chapter to be incompatible with permitted uses in the districts in which they are located. It is the intent of this chapter that these nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.
  - C. Nothing in this chapter shall be deemed to require a change in the 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 chapter and upon which actual building construction has been diligently conducted.
2. Acquiring nonconforming lots. The township may acquire, through purchase or condemnation, private nonconforming lots, buildings and structures, and uses. The township board may take such actions in the manner provided for by law.
3. Nonconforming lots of record.
  - A. Where a lot of record in existence at the time of the initial adoption or amendment thereto of the ordinance from which this chapter is derived does not meet the minimum requirements for lot width or lot area, such lot of record may be used for any purposes permitted by the district in which the lot is located, provided that any building or structure constructed on the lot complies with all applicable yard setback requirements.
- B. Contiguous nonconforming lots in common ownership.
  - i. For any two or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of the ordinance from which this chapter is derived, or an amendment thereto, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter if they:
    - a. Are in common ownership;
    - b. Are adjacent to each other or have continuous frontage; and
    - c. Individually do not meet the lot width or lot area requirements of this chapter.
  - ii. Such parcels shall be combined into such lot or lots complying as nearly as possible to the lot width and lot size requirements of this chapter. No portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements of this chapter.
4. Nonconforming uses.
  - A. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this chapter.
  - B. No part of any nonconforming use shall be moved within the lot or to another lot unless such movement eliminates the nonconformity.
  - C. If a nonconforming use is abandoned for any reason for a period of more than one year, any subsequent use shall conform to the requirements of this chapter.
  - D. A nonconforming use shall be determined to be abandoned if at least two or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
    - i. Utilities, such as water, gas and electricity to the property, have been disconnected;

- ii. The property, buildings, and grounds, have fallen into disrepair;
- iii. Signs or other indications of the existence of the nonconforming use have been removed;
- iv. Removal of equipment or fixtures which are necessary for the operation of the nonconforming use;
- v. Other actions which, in the opinion of the zoning administrator, constitute an intention on the part of the property owner to abandon the nonconforming use.

E. A nonconforming use may be changed to another nonconforming use provided that all of the following determinations are made by the board of appeals:

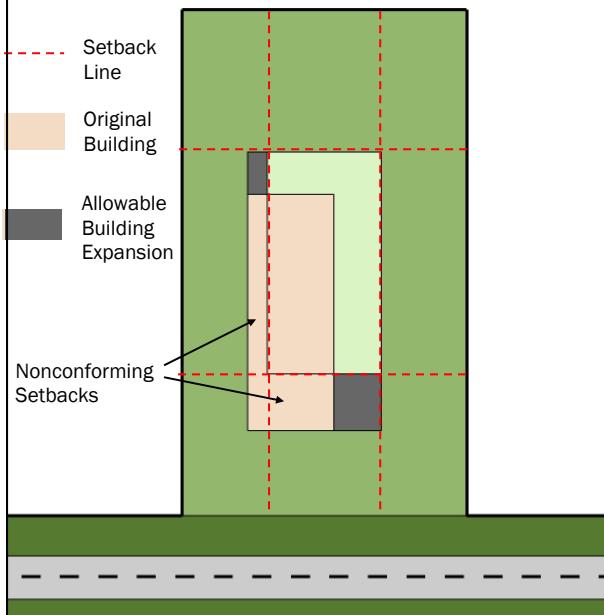
- i. The proposed use shall be as compatible or more compatible with the surrounding neighborhood than the previous nonconforming use. In determining compatibility of the proposed nonconforming use, as compared to the previous nonconforming use, the board of appeals shall find that the proposed use creates a lesser degree of effect on adjacent uses with respect to such factors as noise, traffic characteristics, general level of activity, parking needs, lighting, and other factors deemed relevant by the board of appeals.
- ii. The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous nonconforming use.
- iii. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this chapter.

5. Nonconforming buildings and structures.

- A. Where a lawful building or structure exists at the effective date of the ordinance from which this chapter is derived, or an amendment thereto, that does not comply with the requirements of this chapter because of restrictions such as lot area, coverage, width, height, or yards, such building or structure may be continued so long as it remains otherwise lawful.
- B. Extensions of nonconforming buildings and structures.

- i. No such nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity, except as noted in **Section 28-7.7.5.B.ii.**
- ii. Where the nonconforming setback of a building or structure is equal to or less than one-half of the distance required by this chapter the nonconforming setback of the building may be extended along the same horizontal plane as the existing nonconforming setback, provided that in so doing, the setback distance does not become more nonconforming. This provision shall not be construed to apply to proposed extensions of buildings that are nonconforming by reason of height.
- iii. Nonconforming buildings and structures under **Section 28-7.7.5.B** shall be limited to an extension that is no greater than 100 percent of the existing portion of the nonconforming building being extended.

**7.7.5.B Extensions of Nonconforming Buildings**



**C. Reconstruction or movement.**

- i. Should a nonconforming building or structure be destroyed to an extent of more than 75 percent of its replacement value, exclusive of the foundation, it shall be reconstructed only in conformance with the provisions of this chapter.

- ii. Should a nonconforming building or structure be destroyed to an amount equal to or less than 75 percent of its replacement value, exclusive of the foundation, it may be reconstructed in its previously nonconforming location.
- iii. Should a nonconforming building or structure be moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this chapter.

D. None of the provisions of this Section are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would strengthen or correct any unsafe condition of the building or structure.

#### 28-7.8 WITHHOLDING APPROVAL

Any body or official charged with the administration of this chapter or responsible for granting approvals may withhold the granting of any approval required by this chapter pending approvals which may be required by county, state or federal agencies or departments.

#### 28-7.9 TIMELY COMPLETION OF CONSTRUCTION REQUIRED

Following the initiation of the construction, erection, reconstruction, modification, expansion or enlargement of any building or other structure authorized under the provisions of this chapter, completion of such work shall be diligently pursued and completed in a timely manner. Unless otherwise specified as a condition of approval of a site plan or special land use by the planning commission or township board, any construction authorized under the provisions of this chapter shall be completed or be diligently pursued within one year from the date of issuance of a building permit for such construction.

#### 28-7.10 STATE CONSTRUCTION CODE

1. Agency designated. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of act 230, of the public acts of 1972, as amended, the building official of the Charter Township of Watertown is hereby designated as the enforcing agency to discharge the responsibility of the Charter Township of Watertown under act 230, of the public acts of 1972, as amended, State of

Michigan. The Charter Township of Watertown assumes responsibility for the administration and enforcement of said act throughout the corporate limits of the community adopting this ordinance.

2. Code appendix enforced. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of act 230, of the public acts of 1972, as amended, appendix g of the Michigan Building Code shall be enforced by the enforcing agency within the Charter Township of Watertown.

#### 28-7.11 CONSTRUCTION HOURS OF OPERATION

1. Operating or permitting the operation of any tools or equipment used in construction or demolition work is prohibited during the following time periods:
  - A. Between the hours of 9pm and 7am, Monday through Friday;
  - B. Between the hours of 9pm and 8am, Saturday and Sunday; and
  - C. On the holidays of New Year's Day, Easter Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve and Christmas Day.
2. The following operations are exempt from Section 28-7.11.1:
  - A. Otherwise lawful regular or permitted activities or operations of governmental units or agencies; and
  - B. Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster or to restore public utilities, or to protect persons or property from an imminent danger.

# Appendix A Schedule of Amendments

## Ordinances to Amend Chapter 28 of the Code of Ordinances of Watertown Township

Ordinance 56 March 28, 2021

Section 28-3.1.12	LI Light Industrial District – C. Special Land Uses
Section 28-5.1	Required access and frontage
Section 28-5.23	Landscaping and screening – 1. Purpose
Section 28-5.23	Landscaping and screening – 3. General landscape development standards, F. Minimum material and planting standards

Ordinance 59 Adopted June 16, 2025, Effective June 29, 2025

Section 28-2.6	Definitions: S (repeal and replace)
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