



# ZONING ORDINANCE

OCEOLA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

**EFFECTIVE**  
APRIL 3, 2023



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APRIL 3, 2023



**MCKENNA**



# PREFACE

**OCEOLA TOWNSHIP ZONING ORDINANCE  
#4 MASTER COPY 8/84  
TOWNSHIP OF OCEOLA LIVINGSTON COUNTY  
ZONING ORDINANCE**

**ORDINANCE NO. 4**

AN ORDINANCE enacted under Act 184, Public Acts, of 1943, as governing the unincorporated portions of the Township of Oceola, Livingston County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings and other structures; to regulate and determine the size of yards, courts, and open spaces, to regulate and limit the density of population; and for said purposes to divide the Township into districts and establishing the boundaries thereof; providing for changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of this Ordinance.

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ARTICLE 1:  
**TITLE AND  
PURPOSE**

1

**SECTION 1.01:****Short Title**

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This Ordinance shall be known and may be cited as the "Township of Oceola Zoning Ordinance."

**SECTION 1.02:****Purpose**

---

The purpose of this Ordinance is to promote the public health, safety, and general welfare of the community and a wholesome, serviceable and attractive Township by having regulations and restrictions that increase the safety and security of home life; that preserve and create a more favorable environment in which to rear children; that develop permanent good citizenship; that stabilize and enhance property and civic values; that facilitate adequate provisions for increased safety in traffic and transportation; that provide for adequate and efficient vehicular parking, transportation systems, parks, parkways, recreation, schools, public buildings housing, light, energy, air, water supply, sewage disposal, sanitation and other public service and facility requirements; that lessen congestion, disorder and danger which often inherent in unregulated Township development and reduce hazards to life and property; that prevent overcrowding of land and undue concentration and congestion of population, transportation systems and other public facilities; that assist in carrying out a Master Plan of the Township; and that provide more reasonable and serviceable means and methods of protecting and safeguarding the economic structure upon which the good of all depends.

In order to more effectively protect and promote the public health, safety and general welfare and to accomplish the aims and purposes of the master plan, the Township is divided into districts of such number, shape and area, and of such common unity of purpose, and adaptability of use, that are deemed most suitable to provide for the best general civic use, carry out this Ordinance, protect the common rights and interests within each district, preserve the general rights and interests of all, and to promote improved wholesome, slightly harmonious and economic results in civic service, activities and operations; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, places of residence or other purposes, and also the location, height, bulk, occupancy and uses of buildings and other structures, including the percentage of lot occupancy and coverage, street setback lines, sizes of yards, and other open spaces.



ARTICLE 2:  
**DISTRICTS**

2

**SECTION 2.01:****Districts**

The Township is hereby divided into the following districts, which shall be known by the following symbols and names, respectively:

<b>AR</b>	Agricultural Residential District	<b>R-3</b>	Residential District	<b>CR</b>	Commercial Recreational District
<b>RR</b>	Rural Residential District	<b>MHP</b>	Manufactured Housing Parks	<b>C</b>	Commercial District
<b>R-1</b>	Residential District	<b>RM</b>	Residential Multiple Family District	<b>OS</b>	Office Service District
<b>R-2</b>	Residential District	<b>PUD</b>	Planned Unit Development	<b>M-1</b>	Industrial District

**SECTION 2.02:****Map and Boundaries**

The boundaries of these zoning districts are shown upon the map attached hereto and made a part of this Ordinance, being designated as the Zoning Map of the Township. The Zoning Map attached hereto and on file with the Clerk of the Township, and all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if those notations, references and other information shown on it were fully set forth or described herein.

**SECTION 2.03:****District Boundaries Interpreted**

1. Unless otherwise shown by dimensions from street lines or other designated lines, the zoning district boundary lines follow lot lines or the center lines of the streets or alleys or such lines extended and the corporate limits of the Township.
2. Questions concerning the exact location of district boundary lines shall be determined by the Zoning Board of Appeals, according to rules and regulations which may be adopted by the Zoning Board of Appeals.

**SECTION 2.04:****Zoning of Streets and Alleys**

All streets and alleys, if not otherwise designated, shall be deemed to be in the same district as the property immediately abutting upon those rights-of-way. Where the centerline of a street or alley serves as a district boundary, the zoning of the street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting land property up to the street or alley centerline.

The boundary line of districts affected by vacation of a right-of-way shall remain at the centerline of the vacated right-of-way. If this conflicts with the affected lot boundary line, the district line shall follow the nearest boundary line of the lots created at the time of vacation.

**SECTION 2.05:****District Requirements**

All buildings and uses in any district shall be subject to the provisions of Article 10, General Provisions.

ARTICLE 3:  
**PURPOSE AND  
PROVISIONS OF  
DISTRICTS**

3

## SECTION 3.01:

**AR: Agricultural Residential District**

---

1. **Intent.** The purpose of the Agricultural Residential District is to provide an area to retain the rural atmosphere and quality of life for very low density, large lot residential development, while accommodating agricultural production and services which benefit the agricultural community, This district is also intended to protect vital natural resources, such as high quality groundwater, flood prone areas, substantial wetlands, and major wooded areas, thereby encouraging the use of lands in accordance with their character and adaptability and preventing the improper use of land. Proper development patterns in Agricultural Residential Districts will prevent otherwise unnecessary tax expenditures for roads, storm drainage, and utilities and protect the public health in areas where it is not likely that public water and sewer services will be provided. The permitted uses and densities of developments in the Agricultural Residential District are necessary to protect the health, safety, and welfare of the public and to not overly burden the road system. Non-agricultural or non-residential uses may be permitted by special use permit if it is determined that such use(s) is compatible with the immediate and general area.
2. **Right to Farm.** It is not the intent of this Ordinance to infringe upon the Right to Farm, as defined in the Michigan Right to Farm Act (Act 93 of 1981), and nothing in this ordinance shall be construed to supersede that act.

## SECTION 3.02:

**RR: Rural Residential District**

---

1. **Intent.** The Rural Residential District is intended as a district primarily for single-family dwellings on large lots which do not require public services such as public water and public sanitary sewer facilities. The specific intent of this Article is to establish high standards of residential development in a rural environment. Development in this district may be clustered using the Residential Planned Unit Development (RPUD) of the Zoning Ordinance, which encourages the preservation of open space.
2. **Provisions.** The following restrictions and regulations apply only to uses in the Rural Residential District:
  - A. Public sewer and water systems shall not be required for new development.
  - B. Changes in water quality and quantity of site discharge and run-off shall be mitigated on site unless adequate, approved public facilities are available.
  - C. Unpaved roads may be permitted, provided they meet all applicable standards of the Township and/or the Livingston County Road Commission.

## SECTION 3.03:

**R-1: Residential District 1**

---

1. **Intent.** The Residential District 1 is intended as a district to accommodate single family dwellings on moderately large lots. This district is designed to establish high standards of residential occupancy in both a rural and suburban environment.
2. **Provisions.** The following restrictions and regulations apply only to uses in the Residential District 1:
  - A. If public sewer and water service are available adjacent to an R-1 District, then all developments involving more than one dwelling unit shall be required to connect to the public water and sewer system. However, if public water and sewer is not available, then private well and/or septic systems shall be permitted.
  - B. Changes in water quality and quantity of site discharge and run-off shall be mitigated on site unless adequate, approved public facilities are available.

- C. Roads must be paved, but shall not be required to have curb and gutter, unless required by the Livingston County Road Commission.

**SECTION 3.04:****R-2: Residential District 2**

---

1. **Intent.** The Residential District 2 is intended as a district in which the principal use of the land is for single-family dwellings. The specific intent of this Article is to establish high standards of residential occupancy in a suburban type setting and to discourage any land use which would generate traffic on minor or local streets other than normal traffic to service single-family residences on those streets.
2. **Provisions.** The following restrictions and regulations apply only to uses in the Residential District 2:
  - A. Approved public sewer and water systems shall be required for all new developments involving more than one dwelling unit, and all non-residential developments. A public sewage treatment system is required and must be operated to comply with the sewage disposal standards as set forth in Section 10.03, General Provisions.
  - B. Changes in water quality and quantity of site discharge and run-off shall be mitigated on site unless adequate, approved public facilities are available.
  - C. All newly constructed roads within the district must be paved, with curbs and gutters.

**SECTION 3.05:****R-3: Residential District 3**

---

1. **Intent.** The Residential District 3 is intended as a district which permits 1 and 2 family dwellings. This District is designed to provide for compatible land uses in a denser environment which is served by municipal sanitary sewer and/ water facilities as well as to discourage any land use which would generate traffic on minor or local streets other than normal traffic to service the residences on those streets.
2. **Provisions.** The following restrictions and regulations apply only to uses in the Residential District 3:
  - A. Approved public sewer and water systems shall be required for all new developments involving more than one dwelling unit, and all non-residential developments. A public sewage treatment system is required and must be operated to comply with the sewage disposal standards as set forth in Section 10.03, General Provisions.
  - B. Changes in water quality and quantity of site discharge and run-off shall be mitigated on site unless adequate, approved public facilities are available.
  - C. All newly constructed roads within the district must be paved, with curbs and gutters.

**SECTION 3.06:****RM: Residential Multiple Family District**

---

1. **Intent.** The Residential-Multiple Family District is designed to permit higher density residential use of land with various types of multiple dwellings and related uses. The purpose of this section is to encourage use of various types and sizes of residential units to meet the needs of different age, income, and family groups in the community.
2. **Provisions.** The following restrictions and regulations apply to uses in Residential-Multiple Family Districts.
  - A. Sewage disposal shall conform to the standards set forth in Section 10.03, General Provisions.

- B. Safe ingress and egress to the site shall be required, including deceleration lanes and/or center turn lanes, if necessary.
- C. Changes in water quality and quantity of site discharge and run-off shall be mitigated on site unless adequate, approved public facilities are available.
- D. All newly constructed roads within the district must be paved, with curbs and gutters.
- E. No Residential–Multiple Family Districts shall be established on less than 5 acres of land. Individual lots within an RM District may be smaller than 5 acres, but no RM District shall be created unless the lots within it form a contiguous areas of at least 5 acres.
- F. No land shall be rezoned to the RM District unless it is part of a contiguous set of parcels, totaling at least 5 acres in area, with at least one of the parcels abutting either M-59, Latson Road, or both.

## SECTION 3.07:

**CR: Commercial Recreational District**

1. **Intent.** The Commercial Recreational District is intended to provide for the establishment of areas to be used for recreational activities which predominantly require open spaces. The intent and purpose of this Article is to encourage recreational uses of the outdoors in order to take full advantage of the land in its natural state and to encourage outdoor recreational activities that are not easily provided for in urbanized portions of the metropolitan area.
2. **Provisions.** The following restrictions and regulations apply only to uses in the Commercial Recreational District:
  - A. The site shall be accessible to a major hard surface artery without creating a safety hazard to other land uses in the area. Adequate provisions should be made for handling traffic surges to safely remove traffic from public roads entering the site during peak periods and to minimize the disruption to adjacent districts. Adequate traffic control must also be provided on the site.
  - B. Adjoining parking lots shall provide for a two-way common drive between parking lots.
  - C. A minimum of eighty percent (80%) of the exterior finish material of all building facades (excluding the roof) visible from one or more publicly accessible spaces (public streets, private streets, parking lots, other spaces as determined by the Planning Commission), or adjacent residentially zoned land, exclusive of window areas, shall consist of one or more of the following.
    - Facing Brick
    - Cut Stone
    - Split Face Block
    - Fluted Block
    - Scored Block
    - Native Field Stone
    - Cast Stone
    - Wood with an Opaque or Semi-Transparent Stain, or Bleaching Oil

The remaining maximum twenty percent (20%) of the façade may utilize materials for architectural detailing such as fiberglass reinforced concrete, polymer plastic (fypon), or EIFS.

Any other building material not specifically listed may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features, and promotes a high-quality image to those traveling through the Township.

- D. All newly constructed roads within the district must be paved, with curbs and gutters.

**SECTION 3.08:****C: Commercial District**

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1. **Intent.** The purpose of this Article is to encourage the concentration of Commercial development. Commercial development shall mean establishing stores and facilities to provide goods and services to the general public. This does not include the recreational services included in Article 4. This district is intended to provide a well-defined area for highly concentrated commercial development with appropriate provisions for the public safety, health, and well-being of persons using the development and adjacent land uses. Development shall further be designed to provide for the most efficient use of related municipal services and protect conservation and open spaces.
2. **Provisions.** The following restrictions and regulations only apply to uses in the Commercial District:
  - A. Adjoining parking lots shall provide for a two-way common drive between parking lots.
  - B. A minimum of eighty percent (80%) of the exterior finish material of all building facades (excluding the roof) visible from one or more publicly accessible spaces (public streets, private streets, parking lots, other spaces as determined by the Planning Commission), or adjacent residentially zoned land, exclusive of window areas, shall consist of one or more of the following.
    - Facing Brick
    - Cut Stone
    - Split Face Block
    - Fluted Block
    - Scored Block
    - Native Field Stone
    - Cast Stone
    - Wood with an Opaque or Semi-Transparent Stain, or Bleaching Oil

The remaining maximum twenty percent (20%) of the façade may utilize materials for architectural detailing such as fiberglass reinforced concrete, polymer plastic (fypon), or EIFS.

Any other building material not specifically listed may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features, and promotes a high-quality image to those traveling through the Township.

- C. All newly constructed roads within the district must be paved, with curbs and gutters.

## SECTION 3.09:

**OS: Office Service District**

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1. **Intent.** This OS Office Service zoning district is intended to accommodate various types of office uses performing administrative, professional and personal services. These uses can serve as a transitional use between more intensive land uses such as commercial districts or major thoroughfares and less intensive land uses such as single family districts. It is also intended to allow for users which do not generate large volumes of traffic, traffic congestion or parking problems.
2. **Provisions.** The following restrictions and regulations apply only to uses in the Office Service District:
  - A. Adjoining parking lots shall provide for a two-way common drive between parking lots.
  - B. A minimum of eighty percent (80%) of the exterior finish material of all building facades (excluding the roof) visible from one or more publicly accessible spaces (public streets, private streets, parking lots, other spaces as determined by the Planning Commission), or adjacent residentially zoned land, exclusive of window areas, shall consist of one or more of the following.
    - Facing Brick
    - Cut Stone
    - Split Face Block
    - Fluted Block
    - Scored Block
    - Native Field Stone
    - Cast Stone
    - Wood with an Opaque or Semi-Transparent Stain, or Bleaching Oil

The remaining maximum twenty percent (20%) of the façade may utilize materials for architectural detailing such as fiberglass reinforced concrete, polymer plastic (fypon), or EIFS.

Any other building material not specifically listed may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features, and promotes a high-quality image to those traveling through the Township.

- C. All newly constructed roads within the district must be paved, with curbs and gutters.



## SECTION 3.10:

**M-1: Industrial District**

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1. **Intent.** The purpose of this Article is to encourage the concentration of industrial developments by:
  - A. Providing guidelines for the establishment of these districts which will promote the best use of land at strategic locations and avoid the encouragement of strip development along major roads.
  - B. Providing regulations within these districts which will provide for the free movement of vehicles on the proper streets and highways of the Township; protect industry, commerce, and residence against incongruous and incompatible uses of land; assure the provision for the parking of customers and employees using these establishments; assure that all uses of land be so related so as to provide economy in infrastructure and public services; and promote high quality site design that ensures economic prosperity and sustainability.
2. The result of this purpose will promote and protect the public health, safety, and general welfare of the community and provide a wholesome, serviceable and attractive Township. Provisions. The following restrictions and regulations apply only to uses in the M-1 Industrial District:
  - A. **Size of District.** No Industrial District shall be established which is less than forty (40) acres in size including the road right-of-way. The minimum depth of any portion of the district from the center of the road to the back line shall be 1,300 feet.
  - B. **Location of Districts.** Parcels shall only be rezoned to M-1 if they are contiguous to an M-1 District that is larger than 40 acres in total area (including the areas of all contiguous parcels within the district).
  - C. Roads must be paved, but shall not be required to have curb and gutter, unless required by the Livingston County Road Commission.

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ARTICLE 4:  
**USES AND  
DIMENSIONS  
TABLES**

4

**SECTION 4.01:**

### Table of Uses

	ZONING DISTRICT											ADDITIONAL STANDARDS
	AR	RR	R-1	R-2	R-3	MHP	RM	CR	C	OS	M-1	
<b>COMMUNITY USES</b>												
Accessory buildings and accessory uses customarily incidental to the permitted use	P	P	P	P	P	P	P	P	P	P	P	5.02
Airport	S											5.03
Campground	S											5.09
Cemetery	S	S						S	S			5.11
Child Care Facility (non-home-based)	S	S	S	S	S	S	S	S	P	P		5.12.A
Essential Service	P	P	P	P	P	P	P	P	P	P	P	
Funeral Home or Mortuary									P	P		5.16
Family Day Care Home	P	P	P	P	P	P	P					5.12.B
Group Day Care Home	S	S	S	S	S	S	S					5.12.C
Recreation—Indoor (including bowling alleys, rollerskating, tennis/racquetball, etc)								S	S			5.33
Institution of Higher Education									S	S	S	5.20
Municipal buildings and uses	S	S	S	S	S	S	S	S	S	S	S	5.23
Nature Preserve	S							S				5.32
Non-Motorized Bicycle Track								S				
Outdoor Event	S							S	S	S	S	5.27
Recreation—Outdoor, as a principal use and/or an accessory use on lots under one acre								P	P			5.34
Recreation—Outdoor, all other uses	S	S										5.34
Parking Lot with No Other Principal Use	S								S	S	S	5.30
Outdoor Storage	S								S		S	5.29
Religious Institution	S	S	S	S	S	S	S	S	S	S	S	5.35
Seasonal Event, such as a Haunted Houses	S							S	S			
Storage Structure (Principal Use)	S											5.43
Water Treatment Plants, Reservoirs, Sewage Treatment Plants, including outdoor storage										S	S	
Wireless Telecommunications	S	S	S	S	S	S	S	S	S	S	S	5.53

<b>KEY</b>	P = Principal permitted use
	S = Special use
	■ = Not permitted

	ZONING DISTRICT											ADDITIONAL STANDARDS
	AR	RR	R-1	R-2	R-3	MHP	RM	CR	C	OS	M-1	
<b>COMMERCIAL USES</b>												
Art Studio									P	P		5.06
Assisted Living and Nursing Homes							S		S			5.04
Bank									P	P		5.07
Bed and Breakfast Establishment	S											5.08
Brewpub/Microbrewery/Distillery									P	S	S	5.09
Drive-in Restaurant									P			5.14
Drive-Thru									S			5.15
Hospital									S	S		5.19
Medical and Dental Clinics									P	S		5.23
Motels and Hotels									S			5.18
Office									P	P		5.25
Open Air Business	S							S	S			5.26
Outdoor Gun Range -Commercial Scale	S											5.28
Personal Service Business									P	P		5.31
Restaurant									P	P		5.37
Retail Business									P	S	S	5.38
Self-Storage	S								S		S	5.39
Sexually Oriented Business									S			5.40
Veterinary Clinic	S								P			5.50
Vehicle Dealership									S			5.45
Vehicle Filling Station (Gas or Electric)									S			5.46
Vehicle Wash									P			5.48
<b>INDUSTRIAL USES</b>												
Vehicle Repair									S		S	5.47
Vehicle Storage and Staging									S		S	5.48
Research/Design/Pilot/ Experimental Product Development											P	5.36
Contractor's Yard									S		S	5.13
Manufacturing											P	5.22
Solar Energy Facility	See Section 5.41											
Warehousing and Wholesale Distribution											P	5.51
Wind Energy Facility	S								S		S	5.52

<b>KEY</b>	P = Principal permitted use
	S = Special use
	■ = Not permitted

	ZONING DISTRICT											ADDITIONAL STANDARDS
	AR	RR	R-1	R-2	R-3	MHP	RM	CR	C	OS	M-1	
<b>RESIDENTIAL USES</b>												
Swimming Pool (Accessory Use)	P	P	P	P	P	P	P	P	P	P	P	5.44
Swimming Pool (Principal Use)	S	S	S	S	S	S	S	S	S	S	S	5.44
Home Occupation Type 1	P	P	P	P	P	P	P					5.17
Home Occupation Type 2	S	S										5.17
Mobile Home Park						P						Article 6
Multiple Family Residential							P					
Outdoor Gun Range – Residential Scale	P											5.28
Residential uses accessory to other permitted uses								S				
Single Family Residential	P	P	P	P	P							
State-Licensed Residential Facility -6 or fewer residents	P	P	P	P	P							5.42
State-Licensed Residential Facility -7 or more residents	S	S	S	S	S							5.42
Two-Family Residential				S	S							
<b>AGRICULTURAL USES</b>												
Agritourism	S											5.05
Commercial Kennel	S								P			5.21
Farm Animals – Home Use	P	P	P									
Farm Animals – Commercial Use	P	S	S									
Farms and Farm Buildings	P		S									
Gravel Pits and Quarries	S											
Horse Riding Stable – Public	P							S				
Horse Riding Stable – Private	P		P									
Non-Commercial Kennel	P											5.21
Roadside Produce Market	P	P										
<b>USES NOT LISTED</b>												
Uses determined by the Planning Commission to be similar in character and intensity to the listed uses in a given zoning district	S	S	S	S	S	S	S	S	S	S	S	

<b>KEY</b>	P = Principal permitted use
	S = Special use
	☐ = Not permitted

SECTION 4.02:

**Schedule of Regulations**

All buildings, uses, and parcels of land shall comply with the dimensional standards set forth in the table below. Exceptions to the standards for each zoning district are provided in the footnotes following the table.

ZONING DISTRICT	LOT REGULATIONS (i)				MINIMUM SETBACKS (ft)(a)			STRUCTURE REGULATIONS		
	Minimum Lot Area (sq. ft.)	Minimum Lot Width* (or road frontage ft.)	Maximum Lot Coverage**	Lot Depth	Front Yard (h)	Side Yard (h)	Rear Yard	Maximum Building Height		Minimum Dwelling Unit Floor Area (sq. ft.)
								Stories	Height (ft.)	
AR	50,000	120	15%	Min: 150 Max: 4 times the width	70	20	50	2.5(g)	30(g)	1,200
RR	50,000	120	20%	Min: 150 Max: 4 times the width	70	20	50	2.5	30	1,200
R-1	40,000 (no sewer) 30,000 (sewer)	120 (no sewer) 80 (sewer)	30%	No Min. Max: 4 times the width	50	20	35	2.5	30	1,200
R-2	30,000 (no sewer) 20,000 (sewer)	120 (no sewer) 70 (sewer)	30%	No Min. Max: 4 times the width	50	15	35	2.5	30	1,200
R-3	12,000 (1 D.U.) 20,000 (2 D.U. and Non-Residential)	70 (1 D.U.) 120 (2 D.U. and Non-Residential)	30%	No Min. Max: 4 times the width	35	10	35	2.5	30	1,200
MHP	(b)	6.02	none	6.03	6.03			2.5	30	Article 6
RM (c)	217,800	240	70%	No Min. Max: 4 times the width	70	50 (e)	50 (e)	2.5	35	(d)
CR	450,000	120	70%	No Min. Max: 4 times the width	50	30 50 if abutting residential	30 75 if abutting residential	2	35	(f)
C	20,000	100	70%	No Min. Max: 4 times the width	50	15 50 if abutting residential	25 75 if abutting residential	3	40	N/A
OS	20,000	100	70%	No Min. Max: 4 times the width	50	15 30 if abutting residential	25 50 if abutting residential	2	35	none
M-1	45,000	100	70%	No Min. Max: 4 times the width	50	15 50 if abutting residential	25 75 if abutting residential	3	40	none

\* Minimum lot width is measured at front yard setback line.

\*\* Lot coverage refers to the percentage of the lot covered by buildings and structures.

- (a) Platted lots or parcels or lots of record in the Oakwoods Country Club, the Oakcrest Beach, the Howell Lake Manor or the Howell Lake Oak Grove subdivisions, shall be subject to the following minimum yard setbacks for a single-family dwelling:
- Front: 25 feet
  - Side: Least One – 15 feet, Total of Two – 20 feet.
  - Rear: 35 feet
- (b) **Manufactured Housing Park Parcel Size.** The minimum parcel size for manufactured housing parks shall be fifteen (15) acres. Site Size. The manufactured housing parks shall be developed with sites having a minimum size of five-thousand-five-hundred (5,500) square feet per manufactured housing unit. This square foot minimum for any one site may be reduced twenty percent (20%) provided that the individual site shall be equal to at least four-thousand- four-hundred (4,400) square feet.
- (c) The maximum residential density in the RM District shall be 10 units per acre.
- (d) The minimum dwelling unit size for multi-family units shall be 500 square feet for a one-bedroom or studio unit, 700 square feet for a two-bedroom unit, and 900 square feet for a unit with three or more bedrooms. The Planning Commission may approve smaller unit sizes for assisted living, convalescent homes, nursing homes, and similar uses.
- (e) The minimum setback between any two buildings in a multi-family complex shall be 10 feet.
- (f) In the CR District, the minimum single family dwelling unit size shall be 1,000 square feet. Multi-family dwelling units shall comply with Footnote d.
- (g) Bonafide agricultural buildings in the AR District are exempt from the maximum height requirement.
- (h) **Corner Lots.** Corner lots and lots that abut more than 1 street shall have a front yard along each street and shall provide the required front yard setback from each street.
- (i) For Flag Lot Requirements, see Section 12.23.



ARTICLE 5:  
**STANDARDS  
FOR USE**



## SECTION 5.01:

## Intent

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Each use listed in this Article, whether permitted by right or subject to approval as a special land use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to alleviate the impact from a use that is of a size or type, or that possesses characteristics which are unique or atypical in the district in which the use is located. These standards are further intended to assure that such uses will be compatible with surrounding uses and the orderly development of the district. Conformance with these standards shall be subject to site plan review.

## SECTION 5.02:

## Accessory Uses and Buildings

---

1. **Definition.** Uses and buildings located on the same lot as a principal use and/or building, and subordinate in both use and design to the principal building and/or use.
2. **Permitted by Right.** All Zoning Districts.
3. **Permitted by Special Use Permit.** None.
4. **Standards.**
  - A. All accessory buildings and structures must meet all applicable requirements of the Building Code.
  - B. **Attached Accessory Buildings.** Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations in this Ordinance applicable to main buildings, including but not limited to, setbacks and height.
  - C. **Detached Accessory Buildings.**
    - (1) No detached accessory building shall extend in front of the front building line of the principal building except
    - (2) **Setback Requirements.**
      - a. **Front.** Accessory buildings shall not be located in the Front Yard, except in the following circumstances:
        - (i) On lakefront lots, where accessory buildings may be located in the front yard without a Special Use permit, provided that the accessory building is set back at least 10 feet from the front lot line.
        - (ii) When approved for a Special Use Permit under Subsection D.
      - b. **Side.** The minimum setback from a side lot line shall be 5 feet. However, along at least one side lot line, a clear 15 foot path must be maintained from the front yard to the back yard, for access by emergency vehicles.
      - c. **Rear.** The minimum setback from a rear lot line shall be 5 feet.
      - d. **From Another Building.** The minimum setback between an accessory building and any other building (principal or accessory) shall be 10 feet.
    - (3) A detached accessory building may occupy not more than thirty-five percent (35%) of the rear yard.

- (4) No detached accessory building in any district except AR or RR shall exceed one (1) story or fourteen (14) feet in height. Accessory buildings in AR or RR Districts may be constructed to equal the permitted height of principal structures in the respective district.
  - (5) When an accessory building is located on a corner lot, it shall not be located so that it is visible from windows on the front wall of any principal building on an adjacent lot.
- D. **Accessory Buildings in Front Yard – Special Land Use.** The Planning Commission may approve a Special Land Use to allow an accessory building in a front yard. In determining whether to grant a Special Land Use permit for an accessory structure in a front yard, the Planning Commission shall determine whether or not the proposed structure meets the following criteria:
- (1) The structure meets the minimum front setback requirement for principal buildings for the district it is located within.
  - (2) The structure meets all requirements for accessory buildings, other than being located in the front yard.
  - (3) The accessory structure cannot be located in the side or rear yards due to at least one of the following factors:
    - a. Natural Features
    - b. The dimensions of the lot.
    - c. Existing structures.
    - d. The stated purpose of the accessory structure, which must accessory to the principal use of the site.
- E. **Timing of Accessory Building Construction.** No accessory building shall be constructed on a lot that does not contain a principal structure.
- F. **Accessory Dwelling Units Prohibited.** Accessory Buildings shall not be used as dwelling units.
- G. **Business Restriction.** Accessory Buildings on residential lots shall only be used for business purposes if the business in question is an approved Home Occupation.
- H. **Temporary Occupation of Trailer Coaches.** The temporary occupancy of trailer coaches shall be subject to the following conditions, upon application to Zoning Administrator:
- (1) During the period of construction of a new building but not to exceed a period of one (1) year, the owner of such dwelling premises, and members of such owner's immediate family, shall be permitted to occupy as a temporary residence one trailer situated at such construction site provided that such owner intends to occupy as a residence such dwelling upon completion of its construction.
  - (2) Such trailer coach shall not be located between the established set-back line and the public roadway or curb line of such premises.
  - (3) The trailer coach shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.
  - (4) The sanitary facilities of the trailer coach for the disposal of sewage and waste shall be properly connected to the public sewage system available at such premises, and in case such a system is not then available then properly connected to the existing septic tank sewage disposal system which is approved by the Livingston County Health Department for the dwelling to be constructed thereat.
  - (5) No occupant of the trailer coach shall cause or permit waste to be discharged upon the ground surface of the premises, nor cause or permit refuse to accumulate or remain thereat.

- (6) The water facilities of the trailer coach shall be properly connected to the public water system available at such premises and in case such system is not then available, then properly connected to the existing well stem which is approved by the Livingston County Health Department for the dwelling to be constructed thereat.
  - (7) A performance bond in the amount of One Thousand Dollars (\$1,000.00) shall be provided to ensure the removal of the trailer coach at the termination of the permit.
- I. **Electric Vehicle Charging Stations.** Electric Vehicle Charging Stations shall be exempt from the requirements of this Section (5.02), and may be placed anywhere on a lot, provided that any adjacent parking lot or driveway maintains all minimum dimensions required by this Ordinance.

**SECTION 5.03:****Airport**

1. **Definition.** Runways, landing fields, platforms, hangers, masts, and other facilities for the operation of aircraft.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** AR
4. **Standards.**
  - A. The plans for such facility shall be given approval by MDOT and the Federal Aviation Agency prior to submittal to the Planning Commission for their review of a special use permit.
  - B. The standards for determining obstructions to air navigation, as announced in the FAA Technical Order N-18, April 26, 1950 (as amended by July 30, 1954), and any other amendments thereto shall be complied with. This standard shall be applied by the class of airport as determined by the FAA.
  - C. The area of the "clear zone" (see FAA definition) shall be provided for within the land area under airport ownership.
  - D. No such use may be conducted within the Township without a valid special use permit.

**SECTION 5.04:****Assisted Living and Nursing Homes**

1. **Definition.** A state-licensed facility with sleeping rooms, where persons in need of long-term 24-hour nursing care reside and are furnished with meals, nursing and medical care. Homes may also include short-term rehabilitation services.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** RM, C
4. **Standards.**
  - A. Assisted living facilities shall conform and qualify for license under State Law even though State Law has different size regulations.
  - B. The minimum building size shall be 1,400 square feet.
  - C. The minimum dwelling unit/patient room size shall be 300 square feet, except that convalescent homes may rent rooms of a minimum of 90 square feet if other amenities are provided.

- D. No such use may be conducted within the Township without a valid special use permit.

**SECTION 5.05:****Agritourism**

1. **Definition.** The practice of visiting an agribusiness, horticultural, or farm, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation. Wedding barns shall be considered Agritourism, and shall be subject to this section.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** AR
4. **Standards.** The following provisions shall apply to Agritourism operations:
  - A. **Purpose and Intent.** The purpose and intent of this section is to allow and regulate operations and businesses that invite the public to engage with and experience the inner workings of agriculture and food production. In combination with a conventional farm, the following activities may constitute an agricultural tourism event: ongoing uses such as a winery and tasting room, event uses such as wedding barns, frequent seasonal uses such as a cider mill, or one-time events such as carnivals, or other events of varying time frames including bonfires, cooking demonstrations, corn mazes, fishing pond, food service, petting farms, seasonal you-pick fruits and vegetables, animal displays, pony rides, wagon/sleigh/hay-rides, nature trails, picnic facilities, educational classes, historical agriculture exhibits, and playscapes. This list is not intended to be all inclusive of activities that may be considered agricultural tourism.
  - B. **Impact on Surrounding Properties.** The location, layout, design and operation of such a facility shall not impair the continued enjoyment, use, and future development of adjacent and nearby properties.
  - C. **Dates and Times of Operation.** The applicant shall submit the proposed dates and times of operation for Planning Commission approval. The Planning Commission may approve or alter the proposed dates and times.
  - D. **Buildings.** More than one (1) Principal Building may be permitted per parcel.
  - E. **Trash Containers.** A sufficient number of trash containers shall be placed on the premises for public use, based on evaluation of the following features: type of event, anticipated number of attendees, duration of event, geographic size of the event, and use of disposable beverage or food containers.
  - F. **Restrooms.** A sufficient number of restrooms shall be available for public use, based on an evaluation, by the Planning Commission, of the following features: type of event, number of attendees, duration of event, availability of food and beverages, and special needs of attendees (e.g., families with children, people with disability needs, etc.).
  - G. **Building Setbacks.** Buildings shall comply with the setbacks for the district in which they are located.
  - H. **Parking.**
    - (1) The number of parking spaces shall be determined on a case-by-case basis, upon consideration of the character of the specific agricultural tourism use being proposed. For uses that will include regular gatherings of more than 50 people, at least one parking space for every 2 people in the maximum capacity of the venue must be provided on the site.

- (2) The Planning Commission may waive any requirement for parking lot paving, upon making the determination that a grass or gravel surface will be adequate to handle the anticipated level of traffic. In making a determination regarding paving the Planning Commission shall consider the types of vehicles anticipated (e.g., volume of bus traffic, size and weight of vehicles, etc.). If paving is not required, then the site plan shall include a commitment to provide dust control. Regardless of whether the lot is paved or not, all requirements of Article 9 must be met.
- (3) The Planning Commission may waive parking lot lighting requirements upon making the determination that the facility will be used only during daylight hours. Parking lots that will be used after dark must provide adequate lighting, although the lights may be temporary fixtures installed during specific events when necessary.
- I. **Landscaping and Fencing.** Landscaping and fencing shall be provided to ensure that neighboring properties are not impacted by noise, light, debris, or other impacts from the Agritourism use. The applicant shall propose landscaping in order to meet this provision, and the Planning Commission shall determine whether it is sufficient.
  - (1) The Planning Commission may waive parking lot landscaping requirements in Article 10 upon making the determination that existing vegetation to be retained on the site satisfies the objectives of the Ordinance and maintains the rural, non-commercial character of the site.
- J. **Overnight Accommodations.** Overnight accommodations related to an Agritourism operation shall comply with the regulations for bed-and-breakfast establishments in Section 5.08.
- K. All requirements of the County Building Department, County Health Department, County Drain Commission, and other relevant agencies must be met.
- L. **Exclusions.** The provisions in this subsection do not apply to the following uses, which are regulated elsewhere in this Ordinance:
  - (1) Nature centers or demonstration farms.
  - (2) Recreation facilities.
  - (3) Outdoor events, as defined in Section 5.26.A. Wedding barns shall be considered Agritourism, not Outdoor Events, and shall be subject to this Section, not Section 1.26.
  - (4) Roadside stands.
  - (5) Bed-and-breakfast establishments, as defined in Section 5.08.A.
  - (6) Brewpubs, Microbreweries, and Distilleries, as defined in Section 5.09.A.
  - (7) Any use for which zoning regulations are superseded by Generally Accepted Agricultural and Management Practices (GAAMPS), such as farm markets. "You pick" operations shall be permitted accessory to these uses, and shall not require approval as Agritourism.

## SECTION 5.06:

**Art Studio**

1. **Definition.** A facility for the creation and sale of artwork.
2. **Permitted by Right.** C, OS
3. **Permitted by Special Use Permit.** None.
4. **Standards.** No additional standards.

SECTION 5.07:

**Bank**

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- 1. **Definition.** A financial institution dedicated to accepting monetary deposits and providing loans. Credit unions shall be considered banks for the purposes of this Ordinance
- 2. **Permitted by Right.** C, OS
- 3. **Permitted by Special Use Permit.** None.
- 4. **Standards.** No additional standards.

SECTION 5.08:

**Bed and Breakfast Facility**

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- 1. **Definition.** A private residence that is also the innkeeper’s residence; has sleeping accommodations meant for lodgers; and serves breakfast at no extra charge to the lodgers. A lodger is defined as a person who rents a room in a bed and breakfast.
- 2. **Permitted by Right.** None.
- 3. **Permitted by Special Use Permit.** AR
- 4. **Standards.** No additional standards.
  - A. **Principal Residence.** The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.
  - B. The minimum size of rental room shall be 120 square feet.
  - C. The minimum size for manager/owner living quarters shall be 450 square feet.
  - D. A common room or area for guest relaxation is required.
  - E. The owner shall show proof that the facility has been inspected and approved by the Fire Marshal.
  - F. There shall be no separate cooking facilities for the bed and breakfast operation, other than those that serve the principal residence. Food may be served only to those persons who rent a room in, or the residents of, the bed and breakfast facility. Dining space sufficient to seat all guests shall be provided.
  - G. One off-street parking space shall be provided for each rental room in addition to the 2 off-street spaces required for the single family dwelling.
  - H. Bathrooms must be furnished for guestrooms at a ratio of not less than 1 bathroom per 2 rental rooms.
  - I. The premises (including corner lots) may be permitted a maximum of 1 advertising sign not exceeding 24 square feet in area.
  - J. Approval of the Livingston County Health Department is required if other than a continental breakfast is served.
  - K. The maximum stay at a bed and breakfast facility shall be 30 continuous days.
  - L. **Bed and Breakfast Establishments as an Accessory Use.** A bed and breakfast establishment shall be clearly incidental to the principal residence on the site. Accordingly, the bed and breakfast operations shall be confined to the single-family dwelling unit that is the principal dwelling on the site. Not more than sixty-six percent (66%) of the total floor area of the dwelling unit may be used for bed and breakfast sleeping rooms.

- M. **Maximum Number of Sleeping Rooms.** Seven (7) Sleeping Rooms. Any establishment otherwise meeting the definition of a bed and breakfast, but containing more than seven (7) units shall be considered a hotel under this ordinance.

**SECTION 5.09:****Brewpub/Microbrewery/Distillery**

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**1. Definitions:**

- A. **Brewpub.** An eating or drinking establishment that includes the brewing of beer or ale as an Accessory Use for sale on the same premises of not more than five thousand (5,000) barrels per year. (A barrel is equivalent to thirty-one (31) U. S. gallons.)
- B. **Microbrewery.** A brewery that produces less than thirty thousand (30,000) barrels of beer or ale per year, as allowed by state law (a barrel is equivalent to thirty-one (31) US gallons). A microbrewery may also include retail sales, and/or a restaurant, bar, or tasting room.
- C. **Distillery.** An establishment licensed by the State of Michigan to manufacture spirits.

**2. Permitted by Right.** C

3. **Permitted by Special Use Permit.** CR, OS. Microbreweries and distilleries, but not brewpubs, may also be permitted by Special Use in the M-1 District.

**4. Standards.**

- A. The following regulations shall apply to brewpubs:
- (1) Brewpubs must obtain all required County, State, and Federal approvals.
  - (2) Hops, barley, wheat or other grain used in the brewing process may be stored in a detached structure, such as a silo, provided that:
    - a. Any such accessory structure complies with the setback requirements for the district in which it is located.
    - b. Is compatible in color and materials with the Main Building.
    - c. No outdoor storage of bottles, pallets, or other containers shall be permitted.
    - d. Storage in tractor trailers shall be permitted for periods not exceeding twenty-four (24) hours.
  - (3) Brewpubs shall include a taproom or restaurant that provides full meal service for consumption by patrons while seated on the premises. Twenty-five percent (25%) of the gross sales of the restaurant shall be derived from the sale of food and nonalcoholic beverages.
  - (4) No more than fifty percent (50%) of the total gross floor space of the establishment shall be used for the brewery function, such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling and storage, serving tanks and boiler and water treatment areas.
  - (5) Outdoor dining may be permitted, subject to the regulations in Section 5.37.E.
- B. The following regulations shall apply to microbreweries:
- (1) A microbrewery and a brewpub may occupy the same lot, provided that all standards for both uses are met.



- (2) A microbrewery may sell beer it manufactures to a licensed wholesaler who may resell the beer to licensed retailers, pursuant to the relevant Michigan state law.
  - (3) Hops, barley, wheat or other grain used in the brewing process may be stored in a detached structure, such as a silo, provided that any such accessory structure 1) complies with the setback requirements for the district in which it is located, and 2) is compatible in color and materials with the principal building. Open storage of bottles, pallets, or other containers must be surrounded by a 6 foot high privacy fence.
- C. The following regulations shall apply to distilleries:
- (1) Copies of all required state and federal licenses shall be submitted to the Township.
  - (2) Grains and other products used in the distilling process may be stored in a detached structure, provide that any such structure 1) complies with the setback requirements for the district in which it is located, and 2) is compatible in color and materials with the principal building. Open storage of bottles, pallets, or other containers must be surrounded by a 6 foot high privacy fence.

**SECTION 5.10:****Campground**

1. **Definition.** A facility for overnight stays in non-permanent structures, cabins, tents, or recreational vehicles.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** AR, CR
4. **Standards.** The following regulations shall apply to campgrounds.
  - A. No site shall be occupied by the same tenant for more than 90 consecutive days during the period of June 1 through September 15. Occupancy during the period of September 16 through May 31 shall not exceed 14 consecutive days. The tenant must vacate the site for at least 14 days in between periods of occupancy.
  - B. A site in a campground shall have access from either a public or internal private roadway.
  - C. **Required Setbacks:**
    - (1) **Front:** 15 feet from the road right of way
    - (2) **Side or Rear** (from nearest adjacent cabin or lot line, whichever is closer): 10 feet
  - D. The maximum number of persons allowed to occupy a site shall be limited to eight (8).
  - E. All construction of amenities, including but not limited to, bath/shower houses, swimming pools, community buildings, laundry facilities, etc., shall be in accordance with the Michigan Building Code, as amended. All electrical, plumbing and mechanical work shall be in compliance with applicable State of Michigan Codes, as amended.
  - F. Internal private road rights-of-way shall not be less than forty (40) feet wide. The driving surface shall have an aggregate surface a least 20 feet of width and at least a 2-foot wide shoulder on each side. The right of way shall be free of obstructions, provide free and easy access to abutting sites, and shall be maintained in a passable and reasonably dust-free condition. The campground owner shall ensure that vehicles do not park in the road right of way.
  - G. A campground shall be served by municipal water and sewer, or an approved well and septic system, meeting Livingston County and State of Michigan requirements.

- H. All connections to the water distribution system, as well as the top of the site sewer connections, shall be located above the elevation defining the 100-year flood plain.

## SECTION 5.11:

**Cemetery**

1. **Definition.** Land used for the burial of the dead, including a columbarium, crematory, and mausoleum.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** AR, RR, CR, C
4. **Standards.** The following regulations shall apply to the establishment of new cemeteries or expansion of existing cemeteries:
  - A. **Location.** No portion of any cemetery that is located in a wetland or within the 100-year flood boundary shall be developed or platted for grave sites.
  - B. **Accessory Buildings.** A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery master plan, which plan shall be subject to Planning Commission review.
  - C. **Setbacks.** No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than one hundred (100) feet to the boundary line of any residential or commercial district. A crematorium located within a cemetery shall be set back a minimum of four hundred (400) feet from the boundary line of any residential district.
  - D. **Location of Entrances.** Entrances to cemeteries shall be from a major or secondary thoroughfare, and shall be designed to minimize traffic congestion.
  - E. **Private Cemeteries.** Private cemeteries, that are not maintained by a religious institution, must be approved by the State of Michigan and Livingston County, prior to Township approval.

## SECTION 5.12:

**Child Care Facility**

1. **Child Care Center (Non-Home Based)**
  - A. **Definition.** A facility, other than a private residence, receiving more than twelve (12) preschool or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks regardless of the number of hours of care per day. The facility is generally described as a child care center. "Child Care Center" or "Day Care Center" does not include instruction solely for religious purposes conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services
  - B. **Permitted by Right.** C, OS
  - C. **Permitted by Special Use Permit.** AR, RR, R-1, R-2, R-3, MHP, RM
  - D. **Standards.** No additional standards.

## 2. Family Day Care Home:

- A. **Definition.** A private home in which one (1) but fewer than seven (7) minor children received care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.
- B. **Permitted by Right.** AR, RR, R-1, R-2, R-3, MHP, RM
- C. **Permitted by Special Use Permit.** None.
- D. **Standards.**
  - (1) Appropriate fencing shall be provided for the safety of children in the group daycare home, as determined by Oceola Township.
  - (2) The property shall be maintained consistent with the visible characteristics of the neighborhood.
  - (3) A family day-care home shall not exceed 16 hours of operation during a 24-hour period.
  - (4) Off-street parking shall be provided for employees and shall meet the requirements of Article 15 of this Ordinance.
  - (5) A State licensed or registered family day-care home that operated before March 30, 1989 is not required to comply with the above requirements.

## 3. Group Day Care Home.

- A. **Definition.** A private home in which more than six but not more than 12 minor children are received for child day care, including a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.
- B. **Permitted by Right.** None.
- C. **Permitted by Special Use Permit.** AR, RR, R-1, R-2, R-3, MHP, RM
- D. **Standards.**
  - (1) The group day-care home shall not be located closer than 1,500 feet to any of the following:
    - a. Another licensed group day-care home.
    - b. Another adult foster care small group home or large group home licensed under the Adult Foster Care.
    - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code.
    - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
  - (2) Appropriate fencing shall be provided for the safety of children in the group day-care home, as determined by Oceola Township.
  - (3) The property shall be maintained consistent with the visible characteristics of the neighborhood.
  - (4) A group day-care home shall not exceed 16 hours of operation during a 24-hour period.

- (5) Off-street parking shall be provided for employees and shall meet the requirements of Article 15 of this Ordinance.
- (6) A State licensed or registered family or group day-care home that operated before March 30, 1989 is not required to comply with the above requirements.

**SECTION 5.13:**

## Contractor's Yard

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1. **Definition.** Any land or buildings where materials for construction, landscaping, or other similar activities, are stored for use off-site. Contractor's Yards shall not be considered Outdoor Storage, and shall instead be subject to this section.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** M-1, C
4. **Standards.**
  - A. Objects, substances, materials, or equipment which are not contained within a completely enclosed building shall be enclosed by an opaque fence not less than 6 feet in height.
  - B. Loose materials, such as mulch, gravel, or dirt, must be stored in such a way to reduce or eliminate the spread of dust or debris onto neighboring sites.

**SECTION 5.14:**

## Drive-In Restaurant

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1. **Definition.** A restaurant designed to serve customers in their cars, where the cars park in designated spaces and food and/or drink is brought to the car.
2. **Permitted by Right.** C
3. **Permitted by Special Use Permit.** None.
4. **Standards.** The following regulations shall apply to businesses with drive-thru service.
  - A. **Minimum Frontage.** The site shall have a minimum of two hundred (200) feet of frontage on primary road or highway.
  - B. **Location of Driveways.** Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets (measured from the nearest right of way line).
  - C. **Control of Sound Level.** Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
  - D. **Stacking Spaces.** At least seven stacking spaces must be provided leading up to the pick-up window. Spaces adjacent to menu boards shall be considered stacking spaces. Stacking spaces shall not block parking spaces or drive aisles.

## SECTION 5.15:

## Drive-Thru

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1. **Definition.** A facility designed to serve customers in their cars from a window in the building, so that the cars are idled while being served, rather than parked
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** C
4. **Standards.** The following regulations shall apply to businesses with drive-thru service.
  - A. **Minimum Frontage.** The site shall have a minimum of two hundred (200) feet of frontage on primary road or highway.
  - B. **Location of Driveways.** Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets (measured from the nearest right of way line).
  - C. **Control of Sound Level.** Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.

## SECTION 5.16:

## Funeral Home or Mortuary

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1. **Definition.** An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held.
2. **Permitted by Right.** C, OS
3. **Permitted by Special Use Permit.** CR
4. **Standards.** The following regulations shall apply to Funeral Homes and Mortuaries:
  - A. **Assembly Area.** Adequate assembly area shall be provided off-street for at least 15 vehicles to be used in funeral processions.
  - A. **Accessory Dwelling.** An accessory dwelling may be provided within the main building of the funeral home or within an accessory building.

## SECTION 5.17:

## Home Occupation

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1. **Definition.** Any use customarily conducted entirely within the dwelling and carried on by the inhabitant thereof, including giving instruction in a craft or fine art within the residence, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Provided, however, that no article or service is sold or offered for sale on the premises, except that such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary to residential areas. No use listed and defined elsewhere in this section shall be considered a Home Occupation, even if conducted on the same lot as a single family home, except for Commercial Kennels in the AR District, which shall be considered Type 2 Home Occupations and shall be subject to Section F.2 below.
2. **Type 1 Permitted by Right.** AR, RR, R-1, R-2, R-3, MHP, RM

3. **Type 1 Permitted by Special Use Permit.** None.
4. **Type 2 Permitted by Right.** None.
5. **Type 2 Permitted by Special Use Permit.** AR, RR
6. **Standards.**
  - A. **Type 1 Home Occupation.** A Type 1 home occupation is a profession or an occupation that is clearly a customary, incidental, and secondary use of a residential dwelling unit and does not negatively impact the character of the neighborhood in which the home occupation is located.
    - (1) Type 1 Home Occupations shall fall within the following categories, and shall not be permitted if not consistent with at least one of the descriptions below.
      - a. **Professional Office.** Work space for an accountant, lawyer, architect, engineer, or similar profession.
      - b. **Hairdresser/Nail Salon/Spa.** Facilities for the cutting of hair, decoration of nails, or other spa or beauty services.
      - c. **Medical Office.** Facilities for the provision of low intensity medical care. Physical therapy and therapeutic massage shall be permitted, but dental care shall be prohibited. Surgery and other invasive medical procedures shall be prohibited.
      - d. **Fine Arts/Craft Instruction.** Facilities for the provision of instruction in a craft or fine art, where no more than one student at a time is provided services on the premises.
      - e. **Online Sales.** Work space for a business that engages in online retail sales, where no sales are made to customers on-premises.
      - f. **Food or Drink Production.** Facilities for the preparation of edible products, where customers do not consume the edible products on-site. Pick-up of products by customers shall be permitted.
      - g. **Service Business Office.** Work space for the administrative staff of a service business, such as cleaning, handyman services, electronics repair, or a similar business, where all service work is provided off-site, and clients or customers visit the administrative work space infrequently or not at all.
      - h. **Marijuana Caregiver.** The physical premises of a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marijuana and who has not been convicted of any felony within the past 10 years, has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in section 9a of chapter 10 of the code of criminal procedure, 1927 PA 175, MCL 770.9a, and is licensed to distribute medical marijuana under Initiated Law 1 of 2008.
    - (2) **Location and Employees.** The home occupation shall be conducted solely within the dwelling unit, by residents of that dwelling unit. The only Type 1 Home Occupation that may operate within an accessory building is Marijuana Caregivers. All other Type 1 Home Occupations are prohibited from using accessory buildings, for any purpose, including storage. No person, employee or volunteer, shall be involved in the regular business of the home occupation, on a daily or frequent basis, who does not live within the residential home on the site.
    - (3) **Equipment or Process.** No equipment or process shall be used in the home occupation which creates vibration, glare, fumes, odor or electrical interference detectable to the normal human senses beyond the exterior walls of the dwelling unit in which the home occupation is conducted.

- (4) **Noise.** The home occupation shall not generate noise that is audible beyond the exterior walls of the dwelling.
  - (5) **Exterior Alterations.** There shall be no exterior alteration of the premises in connection with the home occupation.
  - (6) **Size Limitation.** No more than thirty percent (30%) of the total floor space (including basements) of the principal structure shall be devoted to the home occupation. The entirety of any permitted accessory building on the site may be used for the home occupation.
  - (7) **Storage.** All articles or materials used in connection with the home occupation shall be stored within the principal building, or within a permitted accessory building. No outside storage is permitted.
  - (8) **Limitation on Customers.** No more than one customer, client, or patient shall be provided goods or services at a Type 1 Home Occupation at any given time.
  - (9) **Signage Restriction.** No permanent signage be erected on the site of a Type I Home Occupation.
  - (10) **Marijuana Caregiver Co-Location Prohibited.** No more than one marijuana caregiver shall operate on any given lot.
  - (11) **Licensure and Regulations.** All professionals working in a home occupation shall carry proper licensure for their field of work, if required by State law. All County, State, and Federal regulations shall be met. In the event that a County, State or Federal regulation cannot be met while in compliance with the Type 1 Home Occupation regulations, then the use shall be deemed a Type 2 Home Occupation, and shall be required to receive Special Use Approval, and meet the standards in Subsection 2, in order to operate.
- B. **Type 2 Home Occupation.** A Type 2 Home Occupation is a business, institution, or non-profit that, while incidental and accessory to a residential use, is more intensive and larger in scale than a Type 1 Home Occupation. The following regulations are intended to ensure that Type 2 Home Occupations do not negatively impact their surroundings or the health, safety, and welfare of the Township.
- (1) Type 2 Home Occupations shall fall within the following categories, and shall not be permitted if not consistent with at least one of the descriptions below.
    - a. **Equipment Repair and Service.** Facilities for the repair or service of automobiles, boats, lawn mowers, motorcycles, electronics, appliances, bicycles, buggies, and other similar goods, where the repair or service takes place on-site.
    - b. **Artisan Production.** Facilities for the production and sale of hard goods, such as furniture, cabinets, artwork, decorative home goods, and other similar goods. Production of electronics or motorized vehicles shall be prohibited, but production of non-motorized vehicles, such as buggies or bicycles, shall be permitted. Retail sales shall be limited to goods produced on the site.
    - c. **Commercial Kennels in the AR District.** Must meet the standards of this Section and Section 1.20. Commercial Kennels in other districts shall not be subject to this section, and shall only be subject to Section 5.21.
    - d. **Type 1 Home Occupation Not Meeting Type 1 Standards.** A home occupation listed under Type 1 that does not meet the requirements for a Type 1 Home Occupation may be approved as a Type 2 Home Occupation, provided that all requirements of this section are met.
  - (2) **Location and Employees.** The home occupation shall be conducted solely within the dwelling unit. Accessory buildings may be used by Marijuana Caregivers for any permitted purpose associated with their Caregiving operation. For all other Type 2 Home Occupations, accessory buildings shall only be used for storage. No more than three people who do not live within the residential home on the site shall be involved in the regular business of the home occupation, on a daily or frequent basis, regardless of whether they are employees or volunteers.

- (3) **Equipment or Process.** No equipment or process shall be used in the home occupation which creates vibration, glare, fumes, odor or electrical interference detectable to the normal human senses beyond the property lines where the home occupation is taking place.
- (4) **Noise.** The home occupation shall not generate noise that is disturbing to the peace and quiet on properties in proximity to the home occupation. Animal noises shall be subject to this section.
- (5) **Size Limitation.** No more than fifty percent (50%) of the total floor space (including basements) of the principal structure shall be devoted to the home occupation. The entirety of any permitted accessory building on the site may be used for the home occupation.
- (6) **Floor Plan Requirement.** As part of the Special Use application, the applicant must submit a floor plan of the principal building, showing the space used for the business, as well as the space used for the residence. The residence must include at least one bedroom, at least one bathroom, and at least one kitchen, all of which must meet the requirements of the Building Code.
- (7) **Storage.** Outside storage shall conform to the requirements of Section 1.27.
- (8) **Parking Limitation.** No more than five (5) outdoor parking spaces may be located on the site on a Type 2 Home Occupation. Excessive and frequent parking outside of the approved parking spaces shall be considered a violation of this Ordinance.
- (9) **Signage.** One (1) freestanding sign, of up to six (6) square feet in area, shall be permitted on the premises of an approved Type 2 Home Occupation. No wall signage shall be permitted.
- (10) **Licensure and Regulations.** All professionals working in a home occupation shall carry proper licensure for their field of work, if required by State law. All County, State, and Federal regulations shall be met. In the event that a County, State or Federal regulation cannot be met while in compliance with this Ordinance, the Special Use permit shall not be approved.

## SECTION 5.18:

**Hotel/Motel**1. **Definition(s):**

- A. **Hotel.** A building occupied as a more or less temporary abiding place for individuals who are lodged, with or without meals, in rooms connected by interior hallways, consisting of a minimum of one bedroom and a bath, occupied for hire, and which typically provides hotel services such as maid service, the furnishing and laundering of linens, telephone and desk service, the use of furniture, a dining room and meeting rooms.
- B. **Motel.** A building or group of buildings occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of a bedroom and bath, occupied for hire, in which provision is not usually made for cooking within the rooms, and which provides customary motel services such as maid service, linen service, telephone and/or desk service, and the use of furniture. Motels typically provide exterior entrances and on-site parking for each unit. A motel may also include conference room or banquet facilities, an attached dining room, and/or an unattached standard restaurant.

2. **Permitted by Right.** None.3. **Permitted by Special Use Permit.** C4. **Standards.** The following regulations shall apply to motels and hotels:

- A. **Design.** Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.



- B. **Services.** Motels and hotels shall provide customary motel and hotel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

## SECTION 5.19:

**Hospital**

1. **Definition.** An institution that is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** C, OS
4. **Standards.** No additional standards.

## SECTION 5.20:

**Institution of Higher Education**

1. **Definition.** A facility dedicated to providing education and training primarily to persons that have already earned a high school diploma or equivalent.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** C, OS, M-1
4. **Standards.** No additional standards.

## SECTION 5.21:

**Kennel**

1. **Definition.** Lots where more than three (3), but less than six (6), dogs six (6) months or older are kept:
  - A. **Non-Commercial Kennels.** Any lot or premises, where more than three dogs are owned or kept, and for which commercial gain is not the primary objective.
  - B. **Commercial Kennels.** Any lot or premises where three or more dogs over six months of age are bred, boarded, and/or trained for compensation, and/or rescued/rehabilitated following abandonment, abuse, or neglect. Commercial kennels shall also include any lot or premises where six (6) or more dogs six (6) months or older are kept on a permanent basis, regardless of the purpose for keeping the dogs.
2. **Non-Commercial Kennels Permitted by Right.** AR
3. **Non-Commercial Permitted by Special Use Permit.** None
4. **Commercial Kennels Permitted by Right.** C
5. **Commercial Kennels Permitted by Special Use Permit.** AR
6. **Standards.**
  - A. **Non-Commercial Kennel.** Non-Commercial Kennels shall be subject to the following:
    - (1) **Lot Size.** The lot on which any such kennel is located shall be a minimum of 50,000 square feet in size.

- (2) **Number of Animals.** No more than a combined total of six (6) dogs over the age of six (6) months shall be housed in a Non-Commercial Kennel. Any lot with more than six (6) dogs shall be considered a Commercial Kennel and shall be subject to Subsection B below, as well as required to obtain a Special Use Permit in the districts noted in Section 3.01.
- (3) **Setbacks.** Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front, side, or rear yard setback area, and shall be located at least one hundred (100) feet from any dwellings or buildings used by the public on adjacent property.

B. **Commercial Kennels.** Commercial kennels shall be permitted subject to the following:

- (1) **Operation.** Any such kennel shall be subject to all permit and operational requirements established by County and State regulatory agencies.
- (2) **Lot Size.** The lot on which any such kennel is located shall be minimum of two (2) acres in size. If more than six (6) animals are housed in the kennel, an additional 0.25 acres shall be required for every additional ten (10) dogs.
- (3) **Maximum Number of Animals.** No commercial kennel shall house more than thirty (30) dogs over six (6) months in age.
- (4) **Setbacks.**
  - a. The minimum setback for fully-enclosed kennel buildings shall be fifty (50) feet from any property line and 100 feet from any residential structure on another parcel.
  - b. The minimum setback for outdoor runs, animal yards, or any other portion of the kennel where animals will be allowed outdoors shall be 150 feet from any property line and 200 feet from any residential structure on another parcel.
  - c. Animals shall not be kept outdoors between the hours of 9:00 p.m. and 7:00 a.m.
- (5) **Sound Control.** All animals shall be contained in a building which is fully soundproofed, using insulation, soundboards, and acoustic tile.
- (6) **Fully Enclosed Structure.** The kennel operation shall include a fully enclosed structure for the dogs to reside within. The structure must have at least 40 square feet of space per dog over six (6) months in age (calculated by dividing the total floor area of the structure by the number of dogs).
- (7) **Outdoor Exercise Area.** The kennel operation shall include an outdoor exercise area of at least 60 square feet per dog. The outdoor exercise area must be enclosed by fencing at least six (6) feet in height.
- (8) **Odor Control.** Non-absorbent surfaces (such as sealed concrete or ceramic tile) shall be used throughout the kennel. Dog waste shall be power flushed to an approved septic system no less than four (4) times daily. The Planning Commission may approve an alternate means of waste removal, but all waste that is removed via draining water must drain to an approved septic system.
- (9) **Home Occupation (AR District Only).** Commercial kennels in the AR District shall be considered Type 2 Home Occupations, and shall be subject to the provisions on Section 5.17.F.2.

## SECTION 5.22:

# Manufacturing

1. **Definition.** A use engaged in the creation of products, predominantly from previously prepared material of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

2. **Non-High Intensity:** Permitted by right in the M-1 District.
3. **High Intensity:** Permitted only throughout the Industrial Planned Unit Development (IPUD) Process described in Article 9.
4. **Determination of "High Intensity":** A manufacturing use shall be considered "High Intensity" if it, in the opinion of the Zoning Administrator, could have a substantial negative impact on surrounding residents, businesses, and/or the environment by virtue of any of the following: noise, dust, odor, vibration, aesthetics, truck traffic, rail traffic, structure height, environmental contamination, or causing land on neighboring lots to become unstable or unbuildable. Appeals of the Zoning Administrator's decision that a Manufacturing Use is "High Intensity" shall be to the Zoning Board of Appeals.

**SECTION 5.23:****Medical or Dental Clinic**

1. **Definition.** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A 'medical clinic' may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.
2. **Permitted by Right.** C
3. **Permitted by Special Use Permit.** OS
4. **Standards.** No additional standards.

**SECTION 5.24:****Municipal Buildings and Uses**

1. **Definition.** Principal structures dedicated to the use by the public or government operations. County, State, or Federal Offices, police and fire stations, and other buildings used by the public or government. Exceptions: Primary/Secondary Schools, Institutions of Higher Education, public recreational facility buildings shall be defined as described in this section, and shall not be considered Municipal Buildings and Uses. The following shall be included in Municipal Buildings and Uses.
  - A. Community recreation buildings, publicly owned and operated.
  - B. Water treatment plants, reservoirs, and/or sewage treatment plants.
  - C. Public buildings and uses, such as the Township Hall.
  - D. Public utility buildings.
  - E. Publicly owned and operated libraries, museums, and community centers.
  - F. Telephone exchange buildings, electric transformer stations and substations, and gas regulator stations.
  - G. Outdoor storage yards, accessory to any of the above uses.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** All Zoning Districts.
4. **Standards.**
  - A. Outdoor storage yards must meet the standards of Section 1.26.D.

- B. Utility structures, substations, and similar uses shall comply with the following regulations:
- (1) **Location.** Where feasible, utility structures and public service buildings shall be located so as to not hinder the development of the area or detract from the value of adjoining development.
  - (2) **Design.** All such uses shall be contained in buildings that are architecturally compatible with buildings in the vicinity and shall be screened in accordance with Section 10.02 (D).
  - (3) **Off-site Impact.** Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation.
  - (4) **Security Fencing.** Security fencing may be permitted, subject to the requirements in Article 11.00.
  - (5) **Landscape Screening.** All utility structures and substations shall be screened from all adjoining lots in accordance with the standards of Section 10.02.E.1, regardless of the zoning district of the utility structure of substation or the zoning district of the adjacent lots.

#### SECTION 5.25:

### Office

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1. **Definition.** A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases (accounting, filing, recording, communication and/or stenographic) equipment for current use in the office business and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties.
2. **Permitted by Right.** C, OS
3. **Permitted by Special Use Permit.** None.
4. **Standards.** No additional standards.

#### SECTION 5.26:

### Open Air Business

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1. **Definition.** Any commercial use that is conducted primarily out-of-doors. Open air business shall include, but not be limited to:
  - A. Retail sales of garden supplies and equipment, including trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
  - B. Outdoor display and sale of swimming pools, playground equipment, etc.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** AR, CR, C
4. **Standards.** The following regulations shall apply to Open-Air Businesses, whether operated year round or on an intermittent basis:
  - A. **Parking Setback.** Parking shall be setback a minimum of fifteen (15) feet from any road right of way line, unless otherwise noted. The area between the parking and the road right of way shall be landscaped in accordance with Section 10.02(B).
  - B. **Lot Width.** The minimum lot width for open-air businesses shall be two hundred (200) feet.

- C. **Loading and Parking.** All loading and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent roads.
- D. **Permanent Structure.** There must be an enclosed, permanent structure at least 500 square feet on the site, for use as office space, retail space, and/or public restrooms.

**SECTION 5.27:****Outdoor Event**

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- 1. **Definition.** A musical concert, festival, fair, carnival, show, or similar gathering at which music or entertainment is provided by performers or prerecorded means, at which members of the public are invited or admitted for a charge or for free, and at which the anticipated attendance is 500 people or greater, at a given time. Wedding barns shall be considered Agritourism, and shall not fall under this section.
- 2. **Permitted by Right.** None.
- 3. **Permitted by Special Use Permit.** AR, CR, C, OS, M-1
- 4. **Standards.**
  - A. **Parcel Size.** Outdoor Events shall be permitted only on parcels that are three (3) acres or larger.
  - B. **Hours of Operation.** Outdoor Events shall not begin before 10:00 a.m. nor extend later than 10:00 p.m., unless otherwise permitted by the Planning Commission upon finding that longer hours will have no impact on use of surrounding property.
  - C. **Fencing.** The premises shall be completely enclosed by a six (6) foot tall fence of sufficient strength to preclude persons in excess of the maximum permissible from gaining access and to aid in crowd control. The Township Fire Department shall determine the number of required gates in the fence based on the proposed number of attendees.
  - D. **Parking.** Adequate parking spaces shall be provided for persons attending the Outdoor Event by motor vehicle. At minimum, one (1) off-street parking space shall be provided for every three (3) persons expected to attend or be employed at an Outdoor Event. Parking along the shoulder of any road shall be prohibited. Properly-marked barrier-free spaces shall be provided in accordance with the schedule in Section 9.01. A plan illustrating the proposed parking layout, including method of delineating spaces and drive aisles, shall be submitted for approval. The parking layout shall comply with the dimensional and other applicable requirements in Section 9.01 of the Zoning Ordinance, although paving shall not be required for a temporary Outdoor Event.
  - E. **Traffic Circulation and Control.** A plan for traffic circulation and control shall be submitted for review. The plan shall include provisions for emergency vehicle access at all times. Provisions shall be made for an adequate number of traffic control officers to provide for the safe, orderly, and expeditious movement of traffic, prior to, during, and after the Outdoor Event. The adequacy of the plan shall be subject to approval by the County Sheriff and Township Fire Departments. The sponsors of the Outdoor Event shall pay for the cost of such traffic control.
  - F. **Security Guards.** A minimum of two (2) security guards shall be provided. One (1) additional security guard shall be provided for each two hundred (200) people (or fraction thereof) expected to be in attendance above the initial two (200) people, unless the County Sheriff determines that greater or fewer guards are needed to preserve order and protection of property on and around the site of the Outdoor Event.
  - G. **Potable Water.** Potable water shall be available in sufficient quantity and pressure for drinking and sanitation purposes for the entire Outdoor Event, including under conditions of peak demand. The water supply shall comply with applicable County and State laws and regulations.

- H. **Toilet Facilities.** A minimum of ten (10) toilet facilities shall be provided per five hundred (500) people anticipated to attend the Outdoor Event. In addition, two (2) toilet facilities shall be provided for each additional two hundred fifty (250) people. Public or common use toilets shall comply with Federal Americans with Disability (ADA) guidelines, which require that five percent (5%) of the total number, and not less than one (1) toilet facility per cluster of toilet facilities, shall be barrier-free. All toilet facilities shall be provided with soap and paper towels and shall comply with applicable County and State laws and regulations.
- I. **Liquid Waste Disposal.** Proper liquid waste disposal from the premises shall be provided so as to prevent a nuisance or menace to public health. If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with County and State laws and regulations.
- J. **Solid Waste Disposal.** Proper solid waste storage and removal shall be provided so as to prevent a nuisance or menace to public health. Storage shall be in covered containers having a minimum capacity of thirty-six (36) gallons, provided at a rate of one (1) container per one hundred (100) persons expected to attend the Outdoor Event. The sponsor of the Outdoor Event shall provide the Township with a true copy of an executed agreement with a licensed solid waste disposal firm, which agreement shall provide for proper removal of solid waste from the premises within twenty-four (24) hours following the Outdoor Event. For multiple day events, solid waste shall be removed from the premises every day.
- K. **Electrical Service.** A plan for providing electrical service to the site shall be submitted, which plan shall be subject to approval by the Building Official. All electrical wiring shall be installed in compliance with the Michigan Building Code.
- L. **Noise Control.** Sound or noise resulting from the Outdoor Event, when measured at the property line, shall not exceed the normal ambient sound level on adjacent property between the hours of 10:00 p.m. and 10:00 a.m. At all other times, the sound or noise level produced by the Outdoor Event shall not exceed normal ambient sound level on adjacent property by more than five (5) decibels. Furthermore, no sound or noise shall be produced that causes annoyance to or a threat to the health and safety of the occupants of the adjacent property.
- M. **Illumination.** Electrical illumination shall be provided to all areas that are intended to be occupied after dark. A lighting plan shall be submitted showing the location and types of lighting fixtures and level of illumination for open areas reserved for spectators, stage areas, parking areas, and restroom and concession areas.
- N. **Communications Facilities.** An emergency communication system shall be provided and maintained for the duration of the Outdoor Event, which system shall be subject to approval by the Township Police Department.
- O. **Overnight Facilities.** Those who attend an Outdoor Event shall not be allowed to remain on the premises overnight. Overnight use of the premises by performers or employees of the Outdoor Event may be permitted, however, subject to review of detailed plans for the accommodations for overnight use, such as camper or trailer parking, sanitation facilities, and bathing facilities.
- P. **Signs.** Signs shall comply with the standards for Approved Nonresidential Principal Uses in Section 12.07(C).
- Q. **Food Service.** If food service is made available, it shall be delivered only through concessions licensed and operated in accordance with State and County laws and regulations.
- R. **Medical Facilities.** If determined necessary by the County Sheriff, emergency medical facilities shall be provided on the premises for the duration of the event.
- S. **Prohibited Activities.** It shall be unlawful to conduct or permit any obscene display or entertainment; to cause or create a disturbance by obscene or disorderly conduct; to permit consumption or use of or make available liquor, narcotics, or narcotic drugs.

- T. **Fire Protection.** Adequate fire protection shall be provided in accordance with guidelines provided by the Township Fire Department. Flammable vegetation and other fire hazards shall be removed from the site of the Outdoor Event. Equipment to extinguish fires, as required by the Township Fire Department, shall be provided. Open fires are prohibited.
- U. **Clean Up Plan and Performance Guarantee.** A “clean up plan”, including an estimated cost to remove all facilities, temporary infrastructure, and waste associated with an outdoor event, shall be submitted as part of the application. A performance guarantee, to be determined by the Planning Commission based on the clean up plan, shall be deposited with the Township to assure proper clean-up of the site.
- V. **Insurance.** The applicant shall acquire and maintain, at its sole expense, public liability insurance, naming the Township as an additional insured. The insurance shall be purchased from companies approved by the Commissioner of Insurance of the State of Michigan, and shall cover bodily injury, property damage and personal injury in amounts specified by the Township Supervisor. The applicant shall furnish and deliver certificates of insurance demonstrating the existence of the insurance in the minimum amounts required by the Township. Each certificate shall provide that the Township shall receive not less than thirty (30) days written notice of cancellation, expiration, or termination.

**SECTION 5.28:****Outdoor Gun Range****1. Definition.**

- A. **Residential Scale Outdoor Gun Range:** An otherwise empty lot, or a lot containing a residential home, on which an outdoor facility has been created for the safe and secure use of archery, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting. The outdoor gun range shall have a capacity of no more than 10 shooters at any given time, and shall not charge admission or be in any other way a commercial business open to the general public. If this definition is not met, in the opinion of the Zoning Administrator, the Outdoor Gun Range shall be considered “commercial.” Appeals of the decisions of the Zoning Administrator in this regard shall be to the Zoning Board of Appeals.
- B. **Commercial Scale Outdoor Gun Range:** An outdoor commercial facility, open to the general public, for the safe and secure use of archery, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.

**2. Residential Scale Permitted by Right.** AR**3. Residential Scale Permitted by Special Use Permit.** None.**4. Commercial Scale Permitted by Right.** None.**5. Commercial Scale Permitted by Special Use Permit.** AR**6. Standards.**

- A. Each individual range shall be enclosed with a minimum six (6) foot fence. Range fencing shall enclose the range proper, backstop, side walls, or greenbelt, shotfall area for shotgun ranges, firing line, ready areas, and any other area in which a person might unwittingly subject himself to reasonable hazard.
- B. No-trespassing or danger signs designating the hazard, not less than two (2) square feet nor more than four (4) square feet in area, and spaced not more than two hundred (200) feet apart, shall be posted on the upper portion of the fence enclosing the range. The sign shall also be posted at each gate and other entry.

- C. Outdoor ranges may be operated for light arms only during the daylight hours between 9:00 AM and 6:00 PM. The ranges may be operated for heavy arms only during the daylight hours between 1:00 PM and 6:00 PM only. Light arms are defined as shotguns, .22 caliber rim fire cartridges only. All other firearms are to be considered heavy arms.
- D. Outdoor gun ranges must be operated in compliance with all County, State, and Federal laws.
- E. There shall be no very serious impairment to the quiet enjoyment of properties due to noise or stray bullets from the Outdoor Gun Range. The Township reserves the right to revoke the Special Use Permit of any Outdoor Gun Range found in violation of this provision. In the event of a dispute about the level of impairment, the Planning Commission shall determine whether or not to revoke the zoning approval based on a review of observations by the County Sheriff's Department regarding the use of the property.
- F. The following shall apply to Commercial-Scale Outdoor Gun Ranges:
  - (1) Trap, skeet or other shotgun ranges shall be placed such that the firing positions are not less than nine hundred (900) feet from the nearest property line in the direction of fire. No backstop is required for such shotgun ranges.
  - (2) All outdoor pistol and rifle ranges shall be provided with a secondary backstop and a primary bullet-stop immediately behind the target line. The primary bullet-stop shall consist of inclined steel plates with sand pits, or heavy timbers backed with earth. The steel plates shall be backed with sand or other sound deadening material. The secondary backstop shall be constructed of earth and shall be at least 20 feet tall. This backstop may be a natural rise of ground if free of stone and exposed rock and lying entirely within the fenced area. Alternative construction affording equivalent protection and noise reduction are allowed with the approval of the Planning Commission.
  - (3) In addition to the primary and secondary backstops, all outdoor pistol and rifle ranges shall be enclosed on the remaining three (3) sides by a dense greenbelt of bushes, brush or trees not less than ten (10) feet in height and not less than two hundred (200) feet in width. As an alternative to the greenbelt, an earthwork may be constructed such that the top of the earthwork subtends an angle of not less than six (6) degrees from the horizontal when viewed from any point on the firing line, or not less than ten (10) feet in height, whichever is greater. In case of the earthwork, the two hundred (200) feet distance between the firing line and the property line shall be maintained. Alternative construction affording equivalent protection and noise reduction may be allowed on petition to the Planning Commission.
  - (4) The Planning Commission may rest a written opinion on the design of the gun range from the County Sheriff, in order to ensure that the backstop meets all County, State, and Federal regulations, and is consistent with National Rifle Association best practices or other equivalent standards deemed to adequately address safety in the eyes of the Township. It shall be the applicant's responsibility to submit the safety standards that they wish to be evaluated on. The Township shall be under no obligation to accept submitted standards. The Township may hire a third party expert, at the expense of the applicant, to review the proposed standards and evaluate the proposed backstop against them.
  - (5) The range must meet the standards in Subsections F.1-5.
- G. The following shall apply to Residential-Scale Outdoor Gun Ranges:
  - (1) All Residential-Scale Outdoor Gun Ranges shall be provided with a backstop between the target line and the lot line that is in the direction of fire.
    - a. The backstop shall be constructed of dirt, and shall be soft enough to prevent bullet ricochet, but firm enough to provide a consistent shape and height. The backstop must be at least 10 feet tall, with a slope of between 35 and 55 degrees on either side.
    - b. The backstop must have a width at least equal to the distance between two lines, each emanating at a five degree angle from the firing position, as measured from the intended direction of firing.



- c. The backstop must be approved by the Zoning Administrator, who shall consult with the County Sheriff to ensure that the backstop meets all County, State, and Federal regulations, and is consistent with National Rifle Association best practices or other equivalent standards deemed to adequately address safety in the eyes of the Township. It shall be the applicant's responsibility to submit the safety standards that they wish to be evaluated on. The Township shall be under no obligation to accept submitted standards. The Township may hire a third party expert, at the expense of the applicant, to review the proposed standards and evaluate the proposed backstop against them.
- (2) The gun range must be located and designed so that no residential homes are within 300 feet of the firing line in the direction of fire.
  - (3) The range must meet the standards in Subsections F.1-5.

**SECTION 5.29:****Outdoor Storage**

1. **Definition.** Any land or buildings where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or storage of used clothing, used furniture and household equipment, used cars in operable conditions, used or salvaged materials as part of manufacturing operations.

Outdoor Storage may be a principal use or an accessory use. In both cases, it shall meet all requirements of this section.

The following shall not be considered Outdoor Storage and shall instead be subject to the following sections:

- A. **Contractor's Yards:** Section 5.13
  - B. **Self-Storage/Personal Storage Containers/RV Storage:** Section 5.39
2. **Permitted by Right.** None.
  3. **Permitted by Special Use Permit.** M-1, C, AR
  4. **Standards.**
    - A. Objects, substances, materials, or equipment which are not contained within a completely enclosed building shall be enclosed by an opaque fence not less than 6 feet in height.
    - B. All outdoor storage shall be located a minimum of 500 feet distant from any R-1, R-2, or R-3 zoning district.
    - C. The outdoor storage area must be paved, or must have a gravel surface determined to be durable and dust-free by the Planning Commission.

**SECTION 5.30:****Parking Lot with No Other Principal Use**

1. **Definition.** A lot used for the temporary storage of automobiles, for not more than 24 consecutive hours, and which has no other principal use on the lot.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** AR, C, OS, M-1

4. **Standards.** No additional standards.

**SECTION 5.31:****Personal Service Business**

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1. **Definition.** Any personal service establishment which performs services on premises including, but not limited to, repair shops (watches, radio, television, shoe, etc.) tailor shops, beauty parlors, barbershops, interior decorators, photographers and dry cleaners.
2. **Permitted by Right.** C, OS
3. **Permitted by Special Use Permit.** None.
4. **Standards.** No additional standards.

**SECTION 5.32:****Nature Preserve**

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1. **Definition.** A use of land solely dedicated to preserving or returning to a natural state of site, with few or no buildings or structures.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** AR, CR
4. **Standards.** No additional standards.

**SECTION 5.33:****Recreation – Indoor**

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1. **Definition.** Indoor uses that are designed to provide the user with the opportunity to relax, engage in athletic activity, or engage in other leisure pursuits.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** CR, C
4. **Standards.** Indoor recreation facilities, such as, but not limited to, bowling establishments, billiard halls, indoor archery and shooting ranges, indoor swimming pools, indoor tennis courts, indoor skating rinks, arcades, indoor driving ranges, theater, and similar indoor recreation uses shall comply with the following regulations:
  - A. **Adverse Impacts.** The location, design, and operation of an indoor recreation use shall not adversely affect the continued use, enjoyment, and development of adjacent properties through adverse impact resulting from noise, smoke, odor, dust, dirt, noxious gasses, glare, heat, or vibration generated by the use, and loitering on the premises.
  - B. **Accessory Uses.** Uses accessory to the principal recreation use are permitted, including refreshment facilities, retail shops that sell items related to the principal use, locker rooms, restrooms, administrative office, maintenance and storage facilities, spectator seating, and service areas.
  - C. **Access.** Indoor recreation uses shall have direct access onto a County primary road or State Highway.
  - D. **Approvals.** Indoor recreations facilities shall comply with applicable state and Federal regulations.

## SECTION 5.34:

**Recreation – Outdoor**

1. **Definition.** Outdoor uses that are designed to provide the user with the opportunity to relax, engage in athletic activity, or engage in other leisure pursuits. Examples include, but are not limited to, golf courses, archery ranges, off-road cycle tracks, ski facilities, courses for off-road vehicles and snowmobiles, baseball/softball facilities, and football/soccer/lacrosse fields.
2. **Permitted by Right.**
  - A. As a principal use on lots over one acre in CR, C,
  - B. As a principal use on lots under one acre in area in all zoning districts
  - C. As an accessory use on all lots in all zoning districts.
3. **Permitted by Special Use Permit.** AR (over one acre), RR (over one acre)
4. **Standards.** Outdoor recreation facilities shall comply with the following regulations:
  - A. **General Requirements: Setbacks.** Principal and accessory buildings shall be set back at least seventy-five (75) feet from all property lines, unless otherwise specified herein.
    - (4) **Access.** Outdoor recreation uses shall have direct access onto a county primary road or state highway.
    - (5) **Impact on Surrounding Properties.** The location, layout, design, or operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The Planning Commission may specify the hours of operation in order to assure compatibility with adjacent uses.
    - (6) **Nuisance Impacts.** Outdoor recreation uses shall not generate excessive noise, odors, dust, or other impacts, such that the continued use and enjoyment of adjacent properties would be impaired.
    - (7) **Parking.** All parking shall be set back a minimum of forty (40) feet from any residential district.
    - (8) **Screening.** Outdoor recreation uses shall be screened from view from adjacent property zoned for residential purposes, in accordance with Section 10.02.
    - (9) **Accessory Retail Facilities.** Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility, unless otherwise listed as a permitted use in the district in which the facility is located.
  - B. **Off-Road Vehicle and Snowmobile Trails.** Courses or trails for off-road vehicles, snowmobiles, or similar use, shall comply with the following regulations:
    - (1) **Minimum Parcel Size.** A minimum of eighty (80) acres shall be required for such uses.
    - (2) **Location.** The site shall be located in a predominantly undeveloped area so as to minimize adverse impact on adjacent uses.
    - (3) **Operations Plan.** The applicant shall provide a detailed operations plan clearly outlining the types, locations, and characteristics of uses proposed, including proposed hours of operation. The Township may regulate the operation and hours of activity to minimize adverse impacts on nearby properties.

## SECTION 5.35:

## Religious Institution

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1. **Definition.** Any church, synagogue, mosque, temple or building which is used primarily for religious worship and related activities.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** In all districts.
4. **Standards.** The following regulations shall apply to all religious Institutions, including churches, synagogues, temples, etc.:
  - A. The minimum lot area shall be 1 acre.
  - B. Adequate access to the site and required off-street parking shall be provided in compliance with Article 15.
  - C. The site shall abut and take access from a public road.
  - D. **Maximum Height.** Religious institutions shall be exempt from all maximum height requirements.
  - E. **Accessory Uses.** The following ancillary uses shall be permitted accessory to religious institutions as follows. All standards for each use, including parking requirements, must be met. Where a Special Use is required, it must be approved separately from the religious institution.
    - (1) **Cemeteries:** Special Use in AR, RR, CR, and C.
    - (2) **Child Care Facilities or Educational Facilities:** Permitted in CR, C, and OS. Special Use in AR, RR, R-1, R-2, R-3, MHP, and RM.
    - (3) **Indoor Recreation:** Permitted for members of the religious institution only in all districts. If open to the public, requires Special Use in CR and C.
    - (4) **Outdoor Recreation:** Permitted to be open to the public in CR, and C. Must be for use by members of the religious institution only in all other districts.
    - (5) **Event Facilities:** If open to the public, requires Special Use in C and AR. If for the use of the members of the religious institution only, permitted in all districts.

## SECTION 5.36:

## Research/Design/Pilot/Experimental Product Development

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1. **Definition.** Any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirements of enclosure.
2. **Permitted by Right.** M-1
3. **Permitted by Special Use Permit.** None
4. **Standards.** No Additional Standards

SECTION 5.37:

## Restaurant/Bar

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1. **Definition.** Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state.
2. **Permitted by Right.** C, OS
3. **Permitted by Special Use:** None.
4. **Outdoor Dining:** Outdoor dining shall be reviewed by the Zoning Administrator and shall be approved if it meets the following regulations.
  - A. **Locational Requirement.** Outdoor dining shall not take up space designated for required parking spaces or landscaping, nor shall it block barrier free access between a required barrier free parking space and the door of the restaurant.
  - B. **Fence.** Outdoor dining areas must be surrounded by a fence at least three feet high. The fence need not provide screening, but must form a clear delineation of the edge of dining area.
  - C. **Trash Receptacles.** Trash receptacles related to outdoor dining areas shall be provided at all outdoor dining areas.
  - D. **Hours of Operation.** Outdoor seating shall cease operation by 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday

SECTION 5.38:

## Retail Business

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1. **Definition.** A business that sells products or provides services on the premises directly to consumers. Uses that fit this definition but are defined elsewhere in this Ordinance shall be considered to fall under the more specific definition.
2. **Permitted by Right.** C
3. **Permitted by Special Use Permit.** OS
4. **Standards.** No additional standards.

SECTION 5.39:

## Self-Storage

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1. **Definition.** A building or group of buildings, each of which contains several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Mini-warehouses are typically contained within a fenced, controlled-access compound. Also known as self-storage facilities.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** AR, C, M-1
4. **Standards.**
  - A. **Lot Area.** The minimum lot size for self-storage shall be three (3) acres.

- B. **Permitted Use.** Mini-warehouse establishments shall provide for storage only. All such storage must be contained within an enclosed building. Use of semi-trailers for storage is prohibited. Portable storage units for lease or rent shall not be used for storage on the rental site. Electrical service, except for lighting, is prohibited within storage units.
- C. **Resident Manager.** Subject to Planning Commission approval, a resident manager may reside on the site for the purposes of maintaining the operation of the facility in conformance with the conditions of the approval.
- D. **Personal Storage Containers (PODS).** Personal Storage Containers may be stored at self-storage facilities. They shall not be considered “Outdoor Storage”, but must meet the following criteria:
  - (1) They must be stored in a dedicated area, in straight, neat lines, with safe and efficient ingress and egress.
  - (2) They may not be stored in required parking spaces.
  - (3) They may not be stacked on top of one another.
- E. **Vehicle Storage.** Vehicles, including, but not limited to, Recreational Vehicles, boats, and off-road vehicles, may be stored at self-storage facilities, provided they meet the following criteria.
  - (1) They must be stored in a dedicated area, in straight, neat lines, with safe and efficient ingress and egress. The dedicated area must be fenced in, and shall not be permitted within the required front setback.
  - (2) They may not be stored in required parking spaces.
  - (3) They must be operable and licensed.
  - (4) The vehicle storage area must be paved, or must have a gravel surface determined to be durable and dust-free by the Planning Commission.

#### SECTION 5.40:

### Sexually Oriented Business

#### 1. Definition.

- A. The following shall be considered sexually oriented businesses, and therefore subject to this section:
  - (1) **Adult Book or Supply Store:** An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items 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. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
  - (2) **Strip Club:** An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless wait persons or employees.
  - (3) **Adult Motion Picture Theater or Adult Live Stage Performing:** An enclosed building 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. Such establishment customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

- B. The following terms shall have the following meanings:
- (1) **Specified Anatomical Areas:** Portions of the human body defined as follows:
    - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola.
    - b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
  - (2) **Specified Sexual Activities:** The explicit display of one or more of the following:
    - 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, buttocks, or female breast.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** C
4. **Standards.**
- A. Sexually oriented businesses shall not be permitted within one thousand (1,000) feet of each other
  - B. Sexually oriented businesses shall be a minimum of one thousand (1,000) feet from all of the following:
    - (1) K-12 Schools.
    - (2) Day-care centers.
    - (3) Libraries.
    - (4) Municipal Buildings.
    - (5) Parks.
    - (6) Religious Institutions.
  - C. The facility shall not by way of architectural features, design, display, decoration, window decorations or other displays call attention to the nature of the internal activities to the general public which shall include minors.

**SECTION 5.41:****Solar Energy System (Small or Large)**

1. **Definition.** A facility designed to harness solar energy and convert it to electricity.
2. **General Requirements:** All Solar Energy Systems are subject to the following general requirements:
  - A. All Solar Energy Systems must conform to the provisions of this Ordinance and all County, State, and Federal regulations and safety requirements as well as applicable industry standards.
  - B. Solar Energy Systems shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or road roadways at any time of the day.
3. **Rooftop or Wall-Mounted Solar Panel Arrays:** Solar Panel Arrays attached to the roof or a wall of a building must comply with the Building Code, and shall not cause the building to exceed the maximum height or minimum setbacks in the zoning district.

4. **Small Freestanding Solar Panel Arrays.** Freestanding Solar Panel Arrays that are smaller than the footprint of the principal building on the same lot shall be considered permitted accessory structures in all Zoning Districts, and shall be subject to the following Standards.
  - A. Freestanding solar panel arrays shall not be located in the front yard.
  - B. Lot coverage for the district the solar panels are located within may not be exceeded.
  - C. The solar panel array must meet the setback requirements for accessory structures in the district they are located within.
  - D. Small freestanding solar panel arrays shall not exceed 15 feet in height.
5. **Large Freestanding Solar Panel Arrays.** Freestanding Solar Panel Arrays that are larger than the footprint of the principal building on the same lot, or which are the principal use of land shall be permitted by Special Use in the AR and M-1 districts, and shall be subject to the following Standards.
  - A. Large freestanding solar panel arrays shall not be permitted on lots under 40 acres in area.
  - B. Solar panel arrays must meet all required setbacks for a principal structure in the district they are located within.
  - C. The Planning Commission may permit lot coverage standards to be exceeded, provided that adequate land is provided for setbacks, maneuvering, and any non-solar panel uses.
  - D. Large freestanding solar panel arrays may not exceed 25 feet in height.
  - E. All structures associated with the solar array must be screened to a height of 8 feet by a screening wall or screen of evergreen trees. A berm with landscaping may be substituted for this requirement, provided that the berm and landscaping provide adequate screening, in the opinion of the Planning Commission.
  - F. Energy storage facilities must be set back at least 150 feet from the nearest lot line and from the nearest residential dwelling.
  - G. The applicant must submit a plan for connecting the solar panel arrays to the electrical transmission grid, including the design and routing of electrical transmission lines and on off the site and permission from the impacted transmission company.
  - H. Decommissioning and Removal.
    - (1) Removal and Site Renovation: A condition of every approval shall be adequate provision for the removal of the structure whenever it ceases to actively produce power for one hundred eighty (180) days or more. The Planning Commission can grant an extension of an additional one hundred eighty (180) days upon the Solar Farm owner demonstrating that the structure will be put back into use. Removal shall include the proper receipt of a demolition permit from the Building Official and proper restoration of the site, including but not limited to all participating parcels, to original condition. Removal of the structure, wiring, and its accessory use facilities shall include removing the caisson (foundation) and all other components in their entirety, to a depth of at least six (6) feet below grade. Restoration must be completed within 365 days of non-operation. If repair is allowed, the Solar Farm owner must provide data indicating the repaired Solar Farm is in good operational condition and functioning at an efficiency similar to surrounding Solar Farm.
    - (2) Decommissioning: To ensure proper removal of each Solar Farm structure when it is abandoned or non-operational, application for a Special use permit shall include a proof of the financial security in effect before permit is approved. The security shall be in a form acceptable to the Township. These should be reviewed by the Township Attorney and approved by the Planning Commission.



- a. (The amount of each Solar Farm security guarantee, shall be 125% of the average of at least two independent (applicant) demolition (removal) quotes obtained by the Township. If the quantity of quotes obtained is two (2), the formula should be (quote 1 + quote 2) divided by two (2). Quotes shall be ordered and obtained by the Township from established demolition companies. Quotes shall not include salvage values. The security guarantee shall be updated every two (2) years at the rate of 1.5 times CPI (consumer price index) for each year.
  - b. Such financial guarantee shall be deposited with the Township Treasurer, or with a third-party fiduciary, at the discretion of the Township, after a special use has been approved but before construction operations begin on the Solar Farm project. Failure to keep such financial security in full force and effect at all times while the structure exists shall constitute a material and significant violation of any special use approval and this ordinance, and shall subject the Applicant to all available remedies to the Township, including, but not limited to, enforcement action, fines, revocation of the special use approval and Solar Farm removal.
  - c. If the applicant or operator fails to timely decommission the Solar Farm as required under this Ordinance, then the Township may draw from the financial security to decommission the Solar Farm and to pay any costs associated with decommissioning, including legal fees and expenses.
  - d. The Applicant shall be responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the structure is not voluntarily removed and the Township has to enforce removal.
- I. In determining whether a given site is appropriate for a large-scale solar panel array, the Planning Commission shall consider the following:
- (1) Proximity to existing electric transmission lines, and feasibility of connecting to the existing transmission network.
  - (2) Existing physical features of the site that would be impacted by the new solar arrays, including wildlife impacts.
  - (3) Aesthetic impact of the solar panel arrays.
  - (4) Loss of farmland due to the solar arrays.

## SECTION 5.42:

## State Licensed Residential Facility (Non-Daycare)

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1. **Definition.** Any structure constructed for residential purposes and licensed by the State of Michigan pursuant to or Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act), including adult foster care facilities, foster family homes, foster family group homes, family day care homes, and group day care homes.
2. **Permitted by Right – 6 or Fewer Residents:** AR, RR, R-1, R-2, R-3
3. **Permitted by Special Use Permit – 7 or More Residents:** AR, RR, R-1, R-2, R-3
4. **Standards.** State Licensed Residential Facilities, except Family Day Care Homes or Group Day Care Homes, shall be subject to the following:
  - A. Facilities requiring special use approval shall not be located nearer than 1,500 feet to another State Licensed Residential Facility that required special use approval.
  - B. Off-street parking spaces shall be provided in a quantity sufficient to accommodate employees of the facility and visitors. However, the extent of pavement coverage of the front yard shall be limited to be visually compatible with the surrounding area.
  - C. The home and property shall be maintained in a manner consistent with the visible characteristics of the surrounding neighborhood.

## SECTION 5.43:

## Storage Structure (Principal Use)

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1. **Definition.** A building built specifically for storage, where the goods to be stored are not merchandise for wholesale, where the storage is not rented to the general public, and where the storage building is the principal use of the lot.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** AR
4. **Standards.**
  - A. In all zoning districts, storage structures which are the primary structure on the lot, whether temporary or permanent, require a special use permit issued by the Township Planning Commission. The procedures for obtaining such a permit are stated in Article 15 of this Ordinance. A site plan review shall also be conducted pursuant to Article 16.
  - B. The storage structure shall not be the primary location of any business. No repair, retail, or manufacturing operation shall take place within the structure.
  - C. An escrow account in the amount of \$5,000.00 shall be posted by the permit holder prior to the issuance of the permit to insure compliance with all ordinances and conditions or requirements contained within the permit.
  - D. Wheeled vehicles, trailers, and mobile homes with wheels on or off, autos, trucks, buses, or parts of, will not be accepted as storage structures.
  - E. The storage facility must meet all applicable standards in the Building Code.
  - F. The Planning Commission may impose additional requirements and conditions on the Special Use based on the specifics of the site and the proposal.

## SECTION 5.44:

## Swimming Pool

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1. **Definition.** Any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. This definition shall not include ponds, which are not subject to zoning, but may be subject to County or State regulations.
2. **Permitted by Right (Accessory Use).** All Zoning Districts.
3. **Permitted by Special Use Permit (Accessory Use).** None.
4. **Permitted by Right (Principal Use).** None.
5. **Permitted by Special Use Permit (Principal Use).** All Zoning Districts
6. **Standards.**
  - A. **Pool Location.** Minimum side yard setback shall comply with the requirements of the district in which the pool is to be located. Furthermore, the pool fence must not be built within the required front yard or required secondary street frontage yard. Rear yard setbacks shall be not less than four (4) feet between the pool outside wall and the rear property line, or less than the established easement width at the rear property line, or less than four (4) feet between pool wall and any building on the lot.
  - B. **Building Code.** All swimming pools must meet the requirements of the Building Code.

## SECTION 5.45:

## Vehicle Dealership

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1. **Definition.** A building or premises used primarily for the sale of new and used vehicles and other motor vehicles. This definition shall include facilities that rent display spaces to the owners of vehicles so that the individual owners can sell their vehicles from the site. This definition shall also include vehicle or large equipment rental businesses.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** C
4. **Standards.**
  - A. These requirements shall apply to operations involved in the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, construction equipment, farm equipment, trucks, boats, and other vehicles.
  - B. **Grading, Surfacing, and Drainage.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be graded and drained so as to dispose of surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the Township.
  - C. **Driveway Location.** The nearest edge of any driveway serving an outdoor vehicle sales area shall be located no closer than sixty (60) feet from any street or road intersection (as measured from the nearest intersection right of way line).
  - D. **Display of Vehicles.** Vehicles for sale or rent may be displayed outdoors. The display area must meet the following requirements:
    - (1) The display area must meet the dimensional standards for a parking lot, in terms of the size of parking spaces and drive aisles.

- (2) The display area must be paved.
- (3) Display spaces must be clearly noted as such as the site plan. Display spaces shall not count towards the minimum number of parking spaces on the lot. Vehicles for sale shall not be displayed in spaces designated for parking on the approved site plan.

**E. Servicing of Vehicles.**

- (1) Service activities shall be clearly incidental to the vehicle sales operation.
- (1) Vehicle service activities shall occur within a completely enclosed building.
- (1) Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
- (1) The building containing service operations shall be located a minimum of fifty (50) feet from any property line.
- (1) There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the service building.

- F. Broadcasting Devices Prohibited.** Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.

**SECTION 5.46:**

## Vehicle Filling Station (Gas Or Electric)

1. **Definition.** A place used for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. "Vehicle filling stations" may also incorporate a convenience store operation as an Accessory Use, provided it is clearly incidental to the filling station use, but no vehicle repairs shall be permitted. This land use shall also include all facilities that allow the charging of electric vehicles from charging stations available to the general public. Facilities that contain charging stations that are only available to employees, residents, or another limited group (and not the public at large) shall not be considered "Vehicle Filling Stations."
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** C
4. **Standards.** The following regulations shall apply to Vehicle Filling Stations.
  - A. **Minimum Lot Area.** The minimum lot area required for such uses shall be one acre.
  - B. **Minimum Lot Width.** The minimum lot width required for such uses shall be 200 ft.
  - C. **Minimum Setbacks.** Accessory shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of forty (40) feet shall be maintained on all sides which abut property that is zoned for residential purposes. Pump islands and canopies shall comply with the following requirements:

	MINIMUM SETBACK FROM RIGHT-OF-WAY LINE	MINIMUM SETBACK FROM RESIDENTIAL USE OR ZONE
Nearest Edge of Pump Island	30 ft.	50 ft.
Nearest Edge of Unenclosed Canopy	20 ft.	40 ft.

- D. **Ingress and Egress.** No more than one (1) ingress/egress drive or curb opening shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least twenty-five (25) feet from the nearest point of any property zoned for residential purposes.
- (1) Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other Ingress and egress drives, its location in relation to the traffic generated by other buildings or uses or its location near vehicular or pedestrian entrances or crossings.
- E. **Vehicle Sales and Storage.** The storage, sale, or rental of new, used, or repaired cars, trucks, trailers, and any other vehicles on the premises is prohibited.
- F. **Paving Surface.** Fueling areas shall be paved with concrete.
- G. **Canopy Height.** The height of the top of the canopy roof shall not exceed 20 feet. The height of the bottom of the canopy roof shall not be less than 13 feet, 6 inches off the ground.

**SECTION 5.47:****Vehicle Repair**

1. **Definition.** Repair or rebuilding of vehicles, including, but not limited to engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing; and similar servicing, rebuilding or repairs.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** C, M-1
4. **Standards.**
  - A. All painting operations shall be conducted within an enclosed building which shall be equipped with the latest available odor and fume-arresting devices to prevent any nuisance or annoyance from odor emanating from the building. The painting operations shall comply with the latest standards of the National Board of Fire Underwriters or other testing agencies accepted and approved by the Township Fire Marshal.
  - B. All vehicle body shop operations shall be conducted within an enclosed building which shall be equipped with such special acoustical qualities as will prevent any nuisance or annoyance from noise emanating from the building.
  - C. No vehicle body work, painting, or engine repairing shall be conducted outside of enclosed buildings on the premises. Vehicles upon which body work is to be completed or which are to be painted shall be stored outside of enclosed buildings on the premises prior to the completion of such work, within a screened area, surrounded by a fence meeting the requirements of Section 12.27.
  - D. All lubrication equipment, vehicle wash equipment, hoists, and pits shall be enclosed entirely within a building. Gasoline pumps shall be located so that motor vehicles do not park on or extend over abutting landscaped areas, Non-Motorized Pathways, streets, buildings, or adjoining property while being served. Service bay doors and windows shall be oriented so they face away from abutting residentially zoned property.
  - E. Vehicle repair operations may be located on the same lot as a vehicle dealership, and/or a vehicle storage and staging use. However, each use must be approved separately, and all applicable regulations of this Ordinance shall apply to each individual use.

## SECTION 5.48:

## Vehicle Storage and Staging

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1. **Definition.** A facility that does not meet the definition of Vehicle Dealership that is used to store cars and prepare them to transport to dealerships. The storage and staging may be accessory to a vehicle repair use or vehicle dealership, but must be approved separately from those uses.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** C, M-1
4. **Standards.**
  - A. **Grading, Surfacing, and Drainage.** The storage and vehicle maneuvering areas shall be paved, and shall be graded and drained so as to dispose of surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the Township.
  - B. **Fence.** The storage and staging area must be fenced in with an opaque screening fence at least six (6) feet in height.
  - C. **Required Parking Spaces Must Remain Clear.** The storage and staging area shall not block required parking spaces, nor shall stored vehicles be parked in required parking spaces.

## SECTION 5.49:

## Vehicle Wash

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1. **Definition.** A commercial establishment contained within a building or premises or portion thereof where vehicles are washed.
2. **Permitted by Right.** C
3. **Permitted by Special Use Permit.** None.
4. **Standards.**
  - A. **Entrances and Exits.** Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the vehicle wash. Entrances and exits shall not face abutting residentially zoned property.
  - B. **Exit Lane Drainage.** Exit lanes shall be sloped to drain water back to the wash building to drainage grates.
  - C. **Location.** The building in which a car wash is proposed shall be no closer than one hundred (100) feet to a residentially-zoned district.
  - D. **Paving and Drainage.** Driveways, vehicle maneuvering areas, and parking areas shall be paved and provided with proper underground drainage to prevent water from collecting on the surface or flowing onto adjoining property or streets. Drainage facilities shall be equipped with a mud and grease trap.

SECTION 5.50:

## Veterinary Clinic

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1. **Definition.** An institution that is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A 'veterinary clinic' may include customary pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services, and offices.
2. **Permitted by Right.** C
3. **Permitted by Special Use Permit.** AR
4. **Standards.** No additional standards.

SECTION 5.51:

## Warehousing and Wholesale Distribution

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1. **Definition.** A building used primarily for storage of goods and materials to be sold at wholesale.
2. **Permitted by Right.** M-1
3. **Permitted by Special Use Permit.** None.
4. **Standards.** No additional standards.

SECTION 5.52:

## Wind Energy Facility

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1. **Definition.** A system for the conversion of wind energy into electricity, mechanical power, or stored energy. A common type of wind energy system includes a turbine, projectings, tower, as well as related electrical and/or mechanical equipment, although other technology may be used to convert wind energy into electricity.
2. **Permitted by Right.** None.
3. **Permitted by Special Use:** AR, C, M-1
4. **Standards.**
  - A. **Intent and Purpose.** With advances in technology of "wind energy development" in general, specific locations within the Township may support the implementation of Utility Grid Wind Energy Systems. To prepare for potential "wind development projects" within the Township, this Ordinance will require such developments to obtain a Special Land Use Permit to ensure wind development sites are appropriately located so as to protect the character and stability of the Township's residential, agricultural, recreational, commercial and/or industrial areas while simultaneously preserving and protecting the Township's important and sensitive environmental and ecological assets and areas, open space, viewscales and aesthetics, wetlands, and other ecological and environmentally sensitive areas. Accordingly, regulations are necessary to further the above goals and, equally important, to minimize the potential adverse effects of this emerging land use on adjacent properties.
  - B. **Definitions.**
    - (1) **Adverse Sound Character.** Sound that causes building rattle, is impulsive, tonal, includes amplitude modulation, or has a low-frequency bass rumble.

- (2) **Ambient.** Ambient is defined as the sound pressure level exceeded 90% of the time over a 96-hour measurement period with daytime/nighttime division.
- (3) **ANSI.** The American National Standards Institute.
- (4) **Audible.** The varying degrees of sound perception as reported by affidavit, including, but not limited to, just perceptible, audible, clearly audible, and objectionable.
- (5) **dB(A).** The A-weighted sound level.
- (6) **dB(C).** The C-weighted sound level.
- (7) **Decibel (dB).** The practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 microPascals); abbreviated "dB."
- (8) **Emergency work.** Any work or action necessary to deliver essential services in an emergency situation, including, but not limited to, repairing water, gas, electricity, telephone and sewer facilities and public transportation, removing fallen trees on public rights-of-way, and abating life-threatening conditions.
- (9) **Equivalent Sound Level (or Leq).** The sound level measured in decibels with an integrating sound level meter and averaged on an energy basis over a specific duration.
- (10) **Excessive Noise.** Sound that is determined by ordinance to be too loud or unnecessary or creates a noise disturbance.
- (11) **FAA.** The Federal Aviation Administration
- (12) **GIS.** Geographic Information System and is comparable to GPS (global positioning system) coordinates.
- (13) **IEC.** The International Electrotechnical Commission
- (14) **ISO.** The International Organization for Standardization
- (15) **LMax (LAMax or LCMMax).** The maximum db(A) or db(C) sound level measured using the "fast response" setting of the sound meter (equivalent to 0.125 second exponential averaging time)
- (16) **Lease Unit Boundary.** The boundary around a property or properties leased or purchased for purposes of operating a wind energy facility, including leased or purchased adjacent parcels to the parcel on which the wind energy facility tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road rights of way.
- (17) **L10.** Is the noise level exceeded for 10% of the time of the measurement duration. This is often used to give an indication of the upper limit of fluctuating noise, such as that from road traffic.
- (18) **L90.** Is the noise level exceeded for 90% of the time of the measurement duration and is commonly used to determine ambient or background noise level.
- (19) **Noise.** A sound that causes disturbance that exceeds 45 db(A) (Lmax) or 55 db(C) (Lmax).
- (20) **On Site Wind Energy Conversion System (also called Small Scale).** A wind energy conversion system less than 60 feet in total height with the blade fully extended (tip height) intended to generate electric power from wind solely for the use of the site on which the system is located. Small-scale WECS that are primarily intended to provide on-site power, but contribute surplus energy to the grid, may also be considered On-Site Small-Scale WECS. Small scale wind energy systems that consistently sell power back to the public grid will require a Special Use permit.



- (21) **Participating Landowner.** A landowner who has leased land to the WECS Applicant, received financial remuneration from the WECS Applicant, recorded with the Ocala Register of Deeds said agreement, and has a contract with the WECS Applicant. A Participating Landowner may also be called a WECS contract leaseholder. A Participating Landowner may or may not have turbines or infrastructure located on their property.
- (22) **Non-Participating Landowner.** A landowner who has not signed a contract or any legal document with the WECS Applicant and has not given up rights to their owned land to the WECS Applicant.
- (23) **Pasquill Stability Class.** Reference, wikipedia.org "Outline of air pollution dispersion".
- (24) **Quiet Rural or Residential property.** Any property where there is an inherent expectation of quiet, including, but not limited to, all residential, business, or agricultural-zoned properties, single family homes, and retirement homes.
- (25) **SCADA (Supervisory Control and Data Acquisition).** A computer system that monitors and controls WECS units.
- (26) **Sound Level Meter.** An instrument for the measurement of sound levels that meets the ANSI requirements of S1.4-1983 (or later revision) for Type 1 or 2 instruments. For frequency analysis, octave and 1/3 octave filters shall conform to ANSI S1.11-1986 (or later revision).
- (27) **Sound Pressure.** An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
- (28) **Sound Pressure Level.** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- (29) **Strobe Effect.** The effect resulting from the flashing of reflected light, which can be visible from some distance, from the surface finish of turbine blades.
- (30) **Survival Wind Speed.** The maximum wind speed, as designated by the WECS manufacturer, at which a WECS in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.
- (31) **Tip Height.** The height of the turbine with a blade at the highest vertical point.
- (32) **Utility Scale (also known as Commercial and/or Large-Scale) Wind Energy Conversion System.** A wind energy conversion system greater than eighty (80) feet in total height (tip height) intended to generate power from wind primarily to supplement the greater electric utility grid. Utility-scale WECS include accessory uses such as, but not limited to, SCADA towers, anemometers, or electric substations.
- (33) **WECS Applicant.** The person, firm, corporation, company, limited liability corporation or other entity, as well as the Applicant's successors, assigns and/or transferees, which applies for Township approval (permit) to construct a WECS and WECS Testing Facility. An Applicant must have the legal authority to represent and bind the Participating Landowner, or lessee, who will construct, own, and operate the WECS or Testing Facility. The duties and obligations regarding a zoning approval for any approved WECS or Testing Facility shall be with the WECS or Testing Facility owner, and jointly and severally with the owner, operator, and lessee of the WECS or Testing Facility if different than the WECS owner.
- (34) **Wind Energy Conversion System (WECS) Testing Facility.** A structure and equipment such as a meteorological tower for the collection of wind data and other meteorological data and transmission to a collection source, shall not be deemed to be a communication tower.

(35) **On-Site Wind Energy Conversion System (also called Small-Scale).**

- a. **Height.** Shall have a total height of 120 feet or less; except where state and federal regulations may require a lesser height; or where, as a condition of special use approval, the Planning Commission requires a lesser height. Height is measured from the average grade at the base of the tower to the highest point of WECS when a blade is in its vertical orientation.
- b. **Setbacks.** The distance between an On-Site WECS and the property lines shall be equal to 110% of the height of the tower including the top of the blade in its vertical position. The distance between an accessory structure associated with the WECS and all property lines shall be at least the minimum setback for all accessory structures in the zoning district the WECS is located within. On site WECS and associated accessory structures shall not count towards the maximum number of accessory structures on a given lot.
- c. **Minimum Lot Area Size.** The minimum lot size for a property to be eligible to have an On-Site WECS shall be three (3) acres if the height is 40 feet or less; five (5) acres if the height is between 40 and 120 feet.
- d. **Minimum Ground Clearance.** The minimum vertical blade tip clearance from grade and any structure, adjoining property, or tree shall be 20 feet for an on-site WECS employing a horizontal axis rotor.
- e. **Noise Emission.** Noise emitting from an on-site WECS shall not exceed 45 dB(A) (Lmax) or 55 dB(C) (Lmax) at the property line closest to the WECS.
- f. **Construction Codes, Towers, and Interconnection Standards.** On-site WECS including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site WECS including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and other applicable local and state regulations. An interconnected On-site WECS shall comply with Michigan Public Service Commission (MPSC) and Federal Energy Regulatory Commission (FERC) standards. Off-grid systems are exempt from MPSC and FERC requirements.
- g. **Safety.** The On-Site WECS shall meet the following safety requirements:
  - (i) The On-Site WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
  - (ii) All energy collection system wiring shall comply with all applicable safety and stray voltage standards.
  - (iii) Each On-Site WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the braking system.
  - (iv) A copy of the un-redacted Safety Manual from the turbine manufacturer shall be submitted to the Township and the turbine must comply with all requirements therein.
- h. **Shadow Flicker.** On-site WECS shall produce no off-site shadow flicker. Measures to eliminate all effects of shadow flicker on adjacent properties, such as programming the WECS to stop rotating during times when shadow crosses occupied structures, may be required.

C. **Utility Scale Wind Energy Conversion System (also called Large Scale).**

- (1) **Height.** The maximum height of any Utility Scale WECS is 500 feet. The height of a WECS is measured from the base of the tower to the highest point of the WECS when a blade is in its vertical orientation. The maximum height shall also comply with FAA requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and other applicable regulations.
- (2) **Vibrations.** Wind turbines shall not create vibrations that are detectable by humans on non-participating properties.
- (3) **Substations and Accessory Buildings.** Structures related to a WECS shall be subject to the dimensional and locational standards of accessory structures in the zoning district. However, WECS and structures associated with a WECS shall not count towards the maximum number of accessory structures on a given lot.
- (4) **Inspection.** The Township shall have the right upon issuing any WECS or wind energy facility special use permit to inspect the premises on which each WECS is located at any reasonable time. The Township may hire a consultant to assist with any such inspections at a reasonable cost to be charged to the operator of the WECS.
- (5) **Setback.** The following setbacks, measured from the outside edge (the point furthest from the pylon as it rotates horizontally) of the blades, not from the tower itself, shall be observed:
  - a. **Non-Participating Properties.** The minimum setback from any property line of a non-participating landowner shall be no less than 1,500 feet.
  - b. **Participating Properties.** The minimum setback from an occupied dwelling of a participating landowner shall be no less than 100 feet.
  - c. **Dwelling Unit.** The minimum setback from any occupied dwelling unit shall be no less than 110% of the height of the WECS or the minimum safety radius established by the turbine manufacturer, whichever is greater.
  - d. **Road Right-of-Way.** The minimum setback from any road right-of-way shall be 110% of the height of the WECS.
  - e. **Between WECS.** Separation between Utility Scale WECS shall not be less than 200% of the height of the taller of the two WECS to allow for proper safety setback. Measurement shall be from center of hub to center of hub.

D. **Lot Size.** The size of a single property, or a leased unit to be used for a utility-scale WECS shall be sufficient to comply with all setback requirements in this section.

E. **Blade Clearance.** Blade arcs created by a WECS shall have a minimum of fifty (50) feet of clearance over and from any structure, a minimum of 100 feet of clearance above the ground.

F. **Noise.**

- (1) Applicant shall provide an initial sound modeling report and, within six (6) months of commencing operation of the WECS, a post-construction sound report for the project.
- (2) No WECS shall generate or permit to be generated audible noise from commercial or industrial permitted facilities that exceeds 45 dBA (Lmax) or 55 dBC (Lmax) (dBC to dBA ratio of 10 dB per ANSI standard S12.9 Part 4 Annex D) for any duration, at a property line or any point within any property.

- (3) No WECS shall generate or permit to be generated from commercial or industrial permitted facilities any acoustic, vibratory, or barometric oscillations in the frequency range of 0.1 to 1 Hz that is detectable at any time and for any duration by confirmed human sensation or exceeds a sound pressure level from 0.1 to 20 Hz of 50 dB(unweighted) re 20uPA or exceeds an RMS acceleration level of 50 dB(unweighted) re 1 micro-g by instrumentation at a landowner's property line or at any point within a landowner's property.
- (4) No WECS shall generate or permit to be generated from commercial or industrial permitted facilities any vibration in the low-frequency range of 0.1 to 20 Hz, including the 1, 2, 4, 8, and 16 Hertz octave bands that is perceivable by human sensation or exceeds an rms acceleration level of 50 dB(unweighted) re 1 micro-g at any time and for any duration either due to impulsive or periodic excitation of structure or any other mechanism at a landowner's property line or at any point within landowner's property.
- (5) A noise level measurement made in accordance with methods in section "Noise Measurement and Compliance" that is higher than 45dBA (Lmax) or 55 dBC (Lmax) adjusted for the penalty assessed for a tonal noise condition, shall constitute prima facie evidence of a nuisance.
- (6) An acoustic, vibratory or barometric measurement documenting oscillations associated to commercial or industrial permitted facilities with levels exceeding the noise limits shall constitute prima facie evidence of a nuisance.
- (7) All commercial and industrial activity shall comply with limits and restrictions anywhere at any time on another property.
- (8) Leq 1-sec shall be used for all measurements and modeling.

G. **Noise Measurement and Compliance.**

- (1) Post construction validation and compliance testing shall include a variety of ground and hub height wind speeds, at low (between 6-9mph) medium (between 9-22mph) and high (greater than 22mph). SCADA data shall be provided in the format determined by Township, Township licensed engineers, or Township professional acousticians. Compliance noise measurements are the financial responsibility of the WECS owner of the facility and shall be independently performed by a qualified professional acoustician approved by the (insert community name) Board or their designated agent. Compliance noise measurements shall not exceed the stipulated noise limits and shall assess for and apply tonal noise penalties when warranted.
- (2) **Quality.** Measurements shall be attended. All noise measurements shall (must) exclude contributions from wind on microphone, tree/leaf rustle, flowing water, and natural sounds such as tree frogs and insects. The latter two can be excluded by calculating the dBA noise level by excluding octave band measurements above the 1000 Hz band as in ANSI S12.100 3.11. The ANS-weighted sound level is obtained by eliminating values for octave bands above 1000 Hz, or one-third octave bands above 1250 Hz, and A-weighting and summing the remaining lower frequency bands. The wind velocity at the sound measurement microphone shall not exceed 3 m/s (7 mph, maximum) during measurements. A 7-inch or larger diameter windscreen shall be used. Instrumentation shall have an overall internal noise floor that is at least 5 dB lower than what is being measured. During testing of elevated sources including, but not limited to, wind turbines, the atmospheric profile shall be Pasquill Stability Class E or F preferred, Class D as alternate.
- (3) **Noise Level.** Noise measurements shall be conducted consistent with ANSI S12.18 Procedures for Outdoor Measurement of Sound Pressure Level and ANSI S12.9 Part3 (Quantities and Procedures for Description and Measurement of Environmental Sound – Part 3: Short-term Measurements with an Observer Present), using Type 1 meter, A-weighting, Fast Response.

- (4) **Tonal Noise.** Tonal noise shall be assessed using unweighted (linear) 1/3 octave band noise measurements with time-series, level-versus-time data acquisition. A measurement shall constitute prima facie evidence of a tonal noise condition if at any time (single sample or time interval) the noise spectrum of the noise source under investigation shows a 1/3 octave band exceeding the average of the two adjacent bands for by 15 dB in low one-third octave bands (10–125 Hz), 8 dB in middle-frequency bands (160–400 Hz), or 5 dB in high-frequency bands (500–10,000 Hz).
  - (5) **Sample Metric and Rate.** Noise level measurements for essentially continuous non-timevarying noise sources shall be acquired using the Leq(Fast) metric at a sample rate of 1-persecond. For fluctuating or modulating noise sources including, but not limited to, wind turbines, a 10-per-second sample rate or faster shall be used. These sample rates shall apply to dBA, dBC and unweighted 1/3 octave band measurements.
  - (6) **Reporting:** Measurements of time-varying dBA and dBC noise levels and 1/3 octave band levels shall be reported with time-series level-versus-time graphs and tables. Graphs shall show the sound levels graphed as level-vs-time over a period of time sufficient to characterize the noise signature of the noise source being measured. For 1-per-second sampling, a 5-minute-or-longer graph shall be produced. For 10-per-second sampling, a 30-second-or-longer graph shall be produced. Reporting shall identify, and graphs shall be clearly notated, identifying what was heard and when the noise source is dominating the measurement. Reporting shall furnish all noise data and information on weather conditions and, Pasquill Class occurring during testing.
- H. **Signage.** Each WECS and Testing Facility shall have one sign per turbine, or tower, located at the roadside and one sign attached to base of each WECS, easily visible throughout four seasons. Signs shall be two square feet in area and be placed at the road right of way. Signs shall be the same and shall uniquely identify each WECS. Additional signage on and around the tower is recommended. The sign shall contain at least the following:
- (1) Warning high voltage.
  - (2) Participating Land owner's name, WECS owner's name, and operator's name.
  - (3) Emergency telephone numbers and web address. (list more than one number).
  - (4) If WECS uses fencing, place signs on the perimeter fence at fence entrance door.
  - (5) Unique identification such as address of WECS. If more than one WECS on access drive, units shall have further identification such that first responders can positively identify.
- I. **Coating and Color.** A WECS shall be painted a non-obtrusive (light environmental color such as beige, gray or off-white) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No striping of color or advertisement shall be visible on the blades or tower.
- J. **Shadow Flicker.** No amount of Shadow Flicker may fall on or in a Non-Participating Parcel. Site plan and other documents and drawings shall show mitigation measures to eliminate potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis. Measures to eliminate all effects of shadow flicker on all Non-Participating parcels beginning at the property lines, such as programming the WECS to stop rotating during times when shadow crosses occupied structures, shall be required. Participating parcels shall not exceed 30 hours of shadow flicker on the ground or an unoccupied structure, or 5 hours of shadow flicker on occupied buildings, per calendar year.
- K. **Communication Interference.** Each WECS shall be designed, constructed and operated so as not to cause radio and television or other communication interference. In the event that verified interference is experienced and confirmed by a licensed engineer, the Applicant must produce confirmation that said interference had been resolved to residents' satisfaction within ninety (90) days of receipt of the complaint. Any such complaints shall follow the process stated in Complaint Resolution sections.

- L. **Braking.** Each WECS shall be equipped with a braking, or equivalent device, capable of stopping the WECS operation in high winds with or without SCADA control. Braking system shall be effective during complete GRID power failure where WECS are unable to communicate with SCADA control or receive power.
- M. **Applicant Compliance.** The WECS and related equipment shall comply with any and all State, Federal, County and Township requirements, and obtain all necessary permits from the FAA, Michigan Department of Transportation, and/or any other Federal, State, Township, or other government authority prior to construction of any WECS.
- N. **Liability Insurance.** The current WECS owner and operator shall insure for liability for the WECS in an amount of \$2,000,000, without interruption until removed and comply with section "Site Insurance" to protect the current WECS owner and operator.
- O. **Decommissioning.** A condition of every approval shall be adequate provision for the removal of the structure in its entirety whenever it ceases to actively produce power for one hundred eighty (180) days or more. The Planning Commission can grant an extension of an additional one hundred eighty (180) days upon the WECS owner demonstrating that the structure will be put back into use. Removal shall include the proper receipt of a demolition permit from the Building Official and proper restoration of the site, including but not limited to all participating parcels, to original condition. Removal of the structure, wiring, and its accessory use facilities shall include removing the caisson (foundation) and all other components in their entirety, to a depth of at least six (6) feet below grade. Restoration must be completed within 365 days of non-operation. If repair is allowed, the WECS owner must provide data indicating the repaired WECS is in good operational condition and functioning at an efficiency similar to surrounding WECS.
- P. To ensure proper removal of each WECS structure when it is abandoned or non-operational, application for a special land use permit shall include a proof of the financial security in effect before permit is approved. The security shall be in the form of a cash deposit. Additionally, security is based on each WECS and is to be backed by owner assets, operator assets, parent company assets, and leaseholder assets approved by the Planning Commission.
- (1) The amount of each WECS security guarantee, shall be the average of at least two independent (applicant) demolition (removal) quotes obtained by the Planning Commission and approved by the Township Board. If the quantity of quotes obtained is two (2), the formula should be (quote 1 + quote 2) divided by two (2). The security guarantee shall be a cash deposit of no less than 150% of the cost for the first turbine, 120% of the cost for the second turbine and 100% of the cost for each additional WECS thereafter. The security guarantee shall be no less than one-million-dollar cash deposit with (150% for the first turbine, 120% for the second turbine, 100% for each additional turbine) per WECS. Quotes shall be based on individual WECS removal and shall not group multiple WECS simultaneous removals together. Quotes shall be ordered and obtained by the Township from established demolitions companies. Quotes shall not include salvage values. The cash deposit shall be updated every two (2) years at the rate of 1.5 times CPI (consumer price index) for each year.
  - (2) Such financial guarantee shall be deposited with the Township Treasurer, or with a third-party fiduciary, at the discretion of the Township, after a special use has been approved but before construction operations begin on the WECS project. Failure to keep such financial security in full force and effect at all times while the structure exists shall constitute a material and significant violation of a special use approval and this ordinance, and shall subject the Applicant to all available remedies to the Township, including enforcement action, fines, revocation of the special use approval and WECS removal.
  - (3) The Applicant shall be responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the structure is not voluntarily removed and the Township has to enforce removal.
  - (4) The Applicant/Owner and Operator shall execute any and all document (as provided or approved by the Township), sufficient to provide the Township with a perfected security interest in monies deposited with the Township for the purpose of decommissioning any wind energy system.

- Q. **Transfer or Sale.** In the event of a transfer or sale of the WECS, the Township shall be notified and the special land use permit may be amended administratively by the Township board.
- (1) Change in ownership alone shall be considered a minor amendment to the special land use and may be approved administratively without a public hearing.
  - (2) Any proposed changes to the operating procedure or approved site plan shall be amended and resubmitted for Township review according to the procedures for all WECS as outlined herein, including a public hearing.
  - (3) Upon transfer or sale, the cash bond shall be maintained at all times, the estimated costs of decommissioning shall be resubmitted, and the security bond adjusted to account for the new estimate.
- R. **Safety Manual.** The Applicant must provide an unredacted copy of the manufacturer's safety manual for each model of turbine without distribution restraints to be kept at the Township Hall and other locations deemed necessary by Planning Commission or local first responders. The Manual should include standard details for an industrial site such as materials, chemicals, fire, access, safe distances during WECS failure, processes in emergencies, etc.
- S. **Operational, Maintenance, and Issue Resolution.** Each WECS and Testing Facility must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the Applicant shall take expeditious action to correct the situation, including WECS removal. The Applicant shall keep a maintenance log on each WECS and must provide complete log to the Township within thirty (30) days of request. To assure compliance with this requirement, an annual audit of maintenance records, conducted by a qualified third-party maintenance expert acceptable to the Township, shall be completed at the expense of the owner/operator of the turbine, and a copy of this report provided as specified by the Township.
- T. **Complaint Resolution.** It is the intent of this ordinance to provide a mechanism to address and resolve complaints prior to the expenditure of significant funds by the Township and/or operator for investigation and resolution. Therefore, the Township shall perform an initial vetting of complaints prior to requesting funds from the operator for complaint resolution efforts. Complaints of noncompliance with the requirements of this ordinance shall be resolved in the following manner:
- (1) Complaints shall be submitted to the Township Supervisor in writing from the affected property owner, or written designee, including name, address, contact information, and specific complaint. The written complaint shall include the specific section of the ordinance which is believed to be violated. The Supervisor shall cause the complaint to be added to the agenda of the next Township Board meeting in accordance with the procedure for setting the agenda.
  - (2) The Supervisor shall submit to the operator of record notice of all written complaints to the Township within thirty (30) days of receipt of any complaint. Complaints received by the Township and the date of any Township Board meeting where complaints may be considered shall be communicated to the operator at least 10 days prior. The notice shall state that the Township Board may determine that the WECS is in violation of its permit and is therefore a nuisance and may be ordered out of service until the owner operator can demonstrate compliance with the requirements of this ordinance.
  - (3) Upon review, if the Township Board, by an affirmative vote of the majority of the members present, deems a complaint sufficient to warrant an investigation, the Township Board shall notice the owner(s) and/or operator of the WECS that an investigation has been requested by the Board.
  - (4) Owner operator shall be required as a condition of the operation to fund an escrow account for investigation of complaints for, but not limited to, shadow flicker, stray voltage, noise, and signal interference in the amount of \$15,000.00 to be use at the discretion of the Township Board. When the escrow account balance is below \$5,000.00 the Township shall notify the Applicant and the Applicant shall replenish the account in the amount of \$15,000.00 within 45 days.

- (5) If the WECS is found in violation of this ordinance, the owner(s) and/or operator shall take immediate action to bring the WECS into compliance. If the operator fails to bring the operation into compliance within thirty (30) days, the Township may seek any relief at law or equity to abate the nuisance and may also issue a municipal civil infraction citation. Each violation for which the owner(s) and/or operators are deemed responsible shall result in a \$500.00 fine. Each day of non-compliance shall be a separate offense.
  - (6) Any WECS found by the Township Board to be in violation of this ordinance set forth herein shall be considered a nuisance and the WECS operations shall cease until such time as the WECS owner/operator can demonstrate compliance with the requirements of this ordinance.
- U. **Non-Compliance with Standards.** The Township Board reserves the right to require WECS Applicant to shut down any WECS unit that does not meet ordinance requirements until such WECS unit meets ordinance requirements or is removed.

**SECTION 5.53:****Wireless Telecommunications**

1. **Definition.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, wireless internet transmission, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
2. **Permitted by Right.** None.
3. **Permitted by Special Use Permit.** In all districts.
4. **Standards.**
  - A. **New Facilities.** New wireless telecommunications facilities shall be permitted by Special Use approval in all Zoning Districts, regardless of whether a new support structure (tower) will be constructed or not, subject to the following Standards.
    - (1) New facilities under 40 feet in height shall be exempt from this section, and shall not require Special Use approval, provided that they meet all requirements of State Law.
    - (2) Before constructing a new facility, the applicant must demonstrate that they cannot achieve the needed service improvement by co-locating at an existing facility.
      - a. The applicant must submit coverage and/or capacity information, including propagation maps and other information requested by the Township, to demonstrate the needed service improvement and why co-location is not possible.
      - b. If an owner or operator of an existing tower refuses to allow a co-location, written evidence of the denial of the co-location request must be submitted to the Township, and must include the reason for the denial.
      - c. The proposed co-location will not do any of the following:
        - (i) Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater.
        - (ii) Increase the width of wireless communications support structure by more than the minimum necessary to permit co-location.



- (iii) Increase the area of the existing equipment compound to greater than 2,500 sq. ft.
  - d. The proposed co-location complies with the terms and conditions of any previous final approval by the Planning Commission.
- (3) To the extent practical, all ground equipment associated with the facility must be enclosed within a locked building.
- (4) Information must be submitted showing that the facility is in compliance with all applicable FCC regulations regarding radio frequency emissions.
- (5) Information must be submitted showing that the facility will not cause interference with any nearby existing telecommunications facilities.
- (6) Signage notifying the public of potential high voltage and radio frequency emissions and giving the contact information for the tower owner and the operators of all equipment on the site must be posted on the exterior fence.
- (7) If a new tower is to be constructed for the facility, it shall meet the following Standards.
  - a. The tower must be set back from all property lines by a distance equal to 1.5 times its height.
  - b. Lighting on the tower shall be prohibited unless required by the Federal Aviation Administration.
  - c. The tower must be a monopole design. Guyed and lattice towers are prohibited.
  - d. No signage shall be placed upon the tower structure.
  - e. The tower must be the shortest possible height required to provide the service desired by the applicant. The applicant must submit coverage and/or capacity information, including propagation maps and other information requested by the Township, to demonstrate the needed service improvement and why the requested height is necessary. The Township may request further information, including propagation maps, demonstrating the service at lower heights, in order to determine for itself whether the requested height is necessary.
  - f. The base of the tower and all associated equipment must be surrounded by a locked, opaque screening fence meeting the standards of the standards of the zoning district that the tower is located within.
  - g. The applicant must specify the number of co-location sites that will be available on the tower.
  - h. A structural analysis, signed and sealed by a licensed engineer, must be submitted demonstrating that the proposed tower will be able to support all proposed antennae, including co-locations.
  - i. The applicant must submit renderings or photo-sims of the proposed tower as viewed from the following locations:
    - (i) The nearest public roadway.
    - (ii) The nearest residential use.
    - (iii) Any other location requested by the Township from which the tower may potentially be visible.

**A. Co-locations and Modifications to Existing Facilities.**

- (1) Co-locations and modifications to existing facilities shall not require Special Use or Site Plan Approval, except as described in Subsection b, below. The Zoning Administrator shall have the authority to approve all co-locations and modifications that meet the standards of this chapter.

- (2) Under the following circumstances, co-locations and modifications shall require Special Use approval, regardless of the Zoning District they are located in:
    - a. The applicant proposes to increase the height of an existing tower by more than 20 feet, or ten percent of its original height, whichever is greater.
    - b. The applicant proposes to increase the width of the tower by more than the minimum necessary for structural stability given existing and proposed antennae.
    - c. The applicant proposes to increase the ground-level compound to more than 2,500 square feet in area.
  - (3) Co-locations and modification must meet the following standards in order to be approved, either administratively or by Special Use.
    - a. The applicant must submit a structural analysis, signed and sealed by a licensed engineer, demonstrating that the tower, in its present condition, has the structural capacity to support any proposed new antennae or other tower-mounted equipment.
    - b. The applicant must submit the results of an inspection of the condition of the tower and equipment compound, noting any potential problems with the facility that could impact the health, safety, and welfare of the surrounding area, or the effective provision of service from the facility. Any concerns raised by the inspection must be corrected during construction of the modification of co-location.
    - c. Information must be submitted showing that the facility is in compliance with all applicable Federal Communications Commission regulations regarding radio frequency emissions.
    - d. Information must be submitted showing that the facility will not cause interference with any nearby existing telecommunications facilities.
    - e. No lighting may be added to the tower unless required by the Federal Aviation Administration.
    - f. Signage notifying the public of potential high voltage and radio frequency emissions and giving the contact information for the tower owner and the operators of all equipment on the site must be posted on the exterior fence. No signage shall be placed upon the tower structure.
- B. **Timelines for Approval.** The Township will comply with all State and Federal requirements for approval timelines. As of the adoption of this Ordinance, those were as described in Subsections 1 and 2 below. In the event of changes to Federal or State law, this section shall be void and the laws in place at the time of application shall be followed.
- (1) For new facilities, the Township shall request all required information within 14 business days of the application being filed with the Zoning Administrator. The Township shall issue a decision on the Special Use within 90 days of the application being deemed complete by the Township.
  - (2) For modifications and co-locations, the Township shall request all required information within 14 business days of the application being filed with the Zoning Administrator. The Zoning Administrator shall issue an administrative approval within 60 days of the application being deemed complete by the Township.
  - (3) **Abandonment and Removal.** All wireless facilities and support towers shall be removed by the property owner and/or owner of the tower if the facility is not used for telecommunications for a period of six months.

ARTICLE 6:  
**MANUFACTURED  
HOUSING PARKS**



## SECTION 6.01:

**MHP: Manufactured Housing Parks District**

1. **Intent.** The MHP, Manufactured Housing Parks District is intended to provide for the location and regulation of manufactured housing parks as an affordable housing alternative where appropriate and consistent with the general character of Oceola Township. It is intended that manufactured housing parks be provided with necessary community services in a setting that provides a high quality of life for residents. These districts should be located in areas where they will be compatible with adjacent land uses. Accordingly, manufactured housing parks shall be located in accordance with the following criteria:

- In areas that are designated for higher densities as outlined in the Oceola Township Land Use Plan.
- On sites adjacent to existing manufactured housing parks and parcels zoned MHP zoning classification.
- On sites with direct vehicular access to a paved thoroughfare.
- In areas where public sanitary sewer and water supply is available with sufficient capacity to serve the residents and to provide fire protection capabilities.
- On sites outside of a designated floodway.

The regulations established by state law (Michigan Public Act 96 of 1987, as amended) and the Manufactured Housing Commission Rules govern all manufactured housing parks. When regulations in this Article exceed the state law or the Manufactured Housing Commission Rules they are intended to insure that manufactured housing parks meet the development and site plan standards established by this Article for other comparable residential development and to promote the health, safety and welfare of the Township's residents.

These specific standards reflect the nature of Oceola Township in contrast with some other areas of Michigan where the universal rules of the Manufactured Housing Commission may be appropriate. These standards encourage development which complements and protects the investment on adjacent properties, and promotes preservation of important natural features.

Since the characteristics and impacts of a manufactured housing park typically simulate those of multiple-family residential developments, and because they typically are served by private streets and utility systems which interrupts and intercepts the continuity of the local street and utility systems, manufactured housing parks are not considered compatible with other types of single family neighborhoods. Therefore, manufactured housing parks are intended to serve as a transitional use between residential and nonresidential districts, similar to the multiple family districts.

2. **Permitted Uses.** In all areas zoned MHP, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses.
- A. Manufactured housing parks.
  - B. Adult care and child care facilities that provide care for up to six (6) individuals.
  - C. Essential services provided there is no building or outdoor storage yard.
  - D. Uses and structures accessory to the above, subject to the provisions in this Section. Permitted accessory uses and structures include, but are not necessary limited to: parks, open space, and recreation facilities for the use of residents and their guests; one (1) office building for the exclusive purpose of manufactured housing park business; utility and storage buildings for use of residents; garages and carports; and signs.
3. **Uses by Special Permit.** The following uses may be permitted subject to: the conditions specified for each use in Article 13, Special Use Permits; review and approval of the site plan by the Planning Commission; any special conditions imposed by the Planning Commission that are necessary to fulfill the purposes of this Section; and the provisions set forth in Article 13, Special Use Permits.

- A. Mini-warehouses, subject to the provisions in Section 10.34, General Provision Standards.
- B. Adult care and child care facilities that provide care for more than six (6) individuals.

**SECTION 6.02:****MHP: Manufactured Housing Parks**

1. **Preliminary Plan Review.** Pursuant to Section 11 of Michigan Public Act 96 of 1987, as amended, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the applicant and Planning Commission shall follow the procedures and requirements in Article 14, Site Plan Review, where applicable, except where said procedures and requirements are superseded by requirements in Public Act 96 of 1987, as amended, or the Manufactured Housing Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan within sixty (60) days after the Township officially receives the plan. Applicants may request to meet with Township staff, including any consultants designated by the Township Board of Trustees, to preliminarily review applications prior to filing. Such pre-filing conferences are intended to assist the applicant and facilitate the future review and approval of the application. However, no suggestions, recommendations, or other comments made by Township officials, staff or consultants at such conferences shall constitute approval of any application.
2. **Minimum Requirements.** Manufactured housing parks shall be subject to all the rules and requirements as established and regulated by Michigan law including, by the way of example, Act 96 of 1987, as amended, and the Manufactured Housing Commission Rules and, in addition, shall satisfy the following minimum requirements.
  - A. **General Authority.** Manufactured housing parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Manufactured Housing Commission Act, Act 96 of 1987, and subsequently adopted rules and regulations governing manufactured housing parks. Application for permit to construct a manufactured housing park shall be submitted to the appropriate department at the State of Michigan. Preparation of the application, support data, and local agency review of the above mentioned materials shall conform to the requirements of Act 96.
  - B. **Codes.** All structures and utilities to be constructed, altered, or repaired in a manufactured housing park shall comply with all applicable codes of the State of Michigan, the U.S. Department of Housing and Urban Development and the Manufactured Housing Commission, including building, electrical, plumbing, liquefied petroleum gases and similar codes, and shall require permits issued therefore by the appropriate offices. However, a manufactured housing unit built prior to June 15, 1976 which otherwise meets HUD certification requirements and standards for construction including A.N.S.I. code requirements shall be permitted. All structures and improvements to be constructed shall have a building permit issued therefore by the County Building Inspector prior to construction.
  - C. **Parcel Size.** The minimum parcel size for manufactured housing parks shall be fifteen (15) acres.
  - D. **Site Size.** The manufactured housing parks shall be developed with sites having a minimum size of five-thousand-five-hundred (5,500) square feet per manufactured housing unit. This square foot minimum for any one site may be reduced twenty percent (20%) provided that the individual site shall be equal to at least four-thousand-four-hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below the required standard, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured housing park residents. This open space shall be in addition to the open space required by this Section and under R125.1946, Rule 46 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code. However, in no case shall the open space and distance requirements be less than that required under R125.1946, Rule 46 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.

### 3. Dimensional Requirements.

- A. For a home not sited parallel to an internal road, twenty (20) feet from any part of an attached structure of an adjacent home that is used for living purposes. For a home sited parallel to an internal road, fifteen (15) feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.
- (1) Ten (10) feet from a parking space of an adjacent home site.
  - (2) Ten (10) feet from an attached or detached structure or accessory structure of an adjacent home that is not used for living purposes.
  - (3) Fifty (50) feet from any permanent community-owned structures.
  - (4) One hundred (100) feet from any baseball, softball, or similar recreational field.
  - (5) Ten (10) feet from the edge of an internal road, provided that such road is not dedicated to the public. Manufactured housing units and other structures in the MHP District shall be set back at least twenty (20) feet from the right-of-way line of a dedicated public road within the manufactured housing park.
  - (6) Seven (7) feet from a parking bay off a home site.
  - (7) Seven (7) feet from a common pedestrian walkway.
  - (8) All manufactured housing units and accessory buildings shall be set back not less than ten (10) feet from any park boundary line. A fifty (50) foot set back shall be required from right-of-way lines of abutting streets and highways.
  - (9) Forty (40) feet from the edge of any railroad right-of-way.
- B. **Building Height.** Buildings in the MHP district shall not exceed two and one-half (2 ½) stories or thirty-five (35) feet, except that storage sheds shall not exceed fifteen (15) feet in height.
- C. **Roads.** Roads shall satisfy the minimum dimensional, design, and construction requirements as set forth in the Manufactured Housing Commission Rules except as follows:
- (1) Two-way streets shall have a minimum width of twenty-one (21) feet where no parallel parking is permitted, thirty-one (31) feet where parallel parking is permitted on one side only, and forty-one (41) feet where parallel parking is permitted on both sides of the street. Roads not permitting parking shall be clearly marked or signed.
  - (2) One-way streets shall have a minimum width of thirteen (13) feet where no parallel parking is permitted, twenty-three (23) feet where parallel parking is permitted on one side only, and thirty-three (33) feet where parallel parking is permitted on both sides of the street. Roads not permitting parking shall be clearly marked or signed.
  - (3) The alignment and gradient of a road shall be adapted to the topography and shall be graded for its full width to drain surface water. Internal road gradient and drainage construction phase features shall meet the requirements of the Manufactured Housing Commission Rule 908 and Rule 47 of the Michigan Department of Energy, Great Lakes, and the Environment.
  - (4) Cul-de-sacs, where proposed shall have a minimum radius of thirty (30) feet (60 ft. in diameter). Maximum cul-de-sac length shall be one-thousand (1,000) feet, provided no more than thirty-five (35) units may be served by a single means of access. A dead end road shall terminate with an adequate turning area. A blunt-end road is prohibited.
  - (5) Adequate sight distance shall be provided at all intersections.
  - (6) The main entrance to the park shall have access to a public thoroughfare.

- (7) All roads shall be clearly marked with appropriate identification and traffic control signs.
- (8) All roads shall be hard-surfaced and may be constructed with curbs and gutters.

D. **Parking.**

- (1) All manufactured housing sites shall be provided with two (2) parking spaces per Manufactured Housing Commission Rules 925 and 926.
- (2) In addition, a minimum of one (1) parking space for every three (3) manufactured housing sites shall be provided for visitor parking located convenient to the area served.
- (3) Off-street parking in accordance with Article 9 of this ordinance shall be provided in conjunction with any community buildings, recreational facilities or office/maintenance buildings located within the manufactured home park.
- (4) No unlicensed or inoperable vehicle of any type shall be parked in this district at any time except within a covered building.
- (5) Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a manufactured housing park, but shall be limited to use only by residents of the manufactured housing parks. The location of such storage areas shall be shown on the site plan and shall be prohibited on manufactured housing sites and in designated open space areas. No part of any such storage area shall be located in any yard required on the perimeter of the manufactured housing parks. Such storage area shall be surfaced with gravel, asphalt or similar substance and shall be screened from view from adjacent residential properties with an opaque six (6) foot wooden fence, six (6) foot masonry wall with landscaping, or landscaped greenbelt. If a landscaped greenbelt is used, it shall consist of closely-spaced evergreen plantings (that is, no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting. Common laundry drying areas, trash collection stations, surface mounted transformers, and similar equipment and facilities shall also be screened from view by plant material and/or man-made screens.

E. **Sidewalks.** If a developer provides sidewalks, then the sidewalks shall be designed, constructed and maintained for safe and convenient movement from all home sites to principal buildings within the community and connected to the public sidewalks outside the community. A sidewalk system shall be in compliance with both of the following requirements:

- (1) If constructed, sidewalks shall have a minimum width of 3 feet and shall be constructed in compliance with Act No. 8 of the Public Acts of 1973, being §125.1361 et seq. of the Michigan Compiled Laws, an act which regulates sidewalks for persons with disabilities.
- (2) Except in a seasonal community, an individual sidewalk shall be constructed between at least 1 entrance, or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided or common sidewalk, if provided.

F. **Accessory Buildings and Facilities.**

- (1) Accessory buildings and structures, including park management offices and public works facilities, storage buildings, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by residents of the park only.
- (2) Site-built buildings within a manufactured housing park shall require all applicable permits. Site plan approval shall be required prior to construction of any on-site building within a manufactured housing park, except for storage sheds or garages for individual manufactured housing units; and garages require a building permit.

- (3) No personal property shall be stored outside or under any manufactured home. Storage structures (e.g., sheds, garages, etc.) may be used to store personal property on site. Storage structures need not be supplied by the owner or operator of the manufactured housing park.
- (4) Except for developments with travel trailers or recreational vehicles in existence prior to adoption of this ordinance, travel trailers or recreational vehicles shall not be occupied as living quarters in a manufactured housing park.
- (5) Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.
- G. **Open Space.** Open space shall be provided in any manufactured housing park containing fifty (50) or more manufactured housing sites, and maintained by the owner or operator of the park. The open space shall comply with the following requirements:
- (1) A minimum of two percent (2%) of the park's gross acreage shall be dedicated to well drained, usable open space developed with appropriate recreational facilities and play equipment, provided that a minimum of twenty-five-thousand (25,000) square feet of contiguous open space shall be provided.
- (2) Open space shall be shaped and located conveniently in relation to the majority of dwelling units intended to be served. Up to twenty-five percent (25%) of the required open space may consist of swamp areas, marshy areas, and similar limited use areas.
- H. **Landscaping and Screening:**
- (1) **Perimeter Screening.** All manufactured housing parks shall be screened from existing adjacent residential uses by either a six (6) foot wall or a densely planted landscaped greenbelt. In addition a landscaped buffer shall be provided along the public road frontage of any manufactured housing park. Manufactured home developments abutting vacant or non-residential developments shall not require screening.
- a. If provided, screen walls shall be constructed of masonry material that is constructed of face brick, decorative block, or poured concrete with a simulated brick or stone pattern. Required walls shall be placed inside and adjacent to the lot line except where underground utilities would interfere with the placement of the wall or where the wall would unreasonably obstruct the use of adjacent property, in which case the wall may be set back from the property line a sufficient distance to resolve such concerns.
- b. If a landscaped greenbelt is used, it shall be a minimum of twenty (20) feet in width and consist of closely-spaced evergreen plantings (that is, no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least three (3) feet at maturity.
- c. Deciduous plant materials may be used provided that visual screening is maintained throughout the year.
- (2) **Landscaping Adjacent to Rights-of-Way.** Landscaping adjacent to the road shall comply with the following requirements, which are consistent with landscaping required for other types of development in Oceola Township:
- | TYPE  | REQUIREMENTS                          |
|---|---------------------------------------|
| Deciduous street tree (e.g. Red or Norway Maple, Linden, Ash) | 1 per 40 lineal feet of road frontage |
| Deciduous or evergreen shrubs                                 | 1 per 3 lineal feet of road frontage  |
- (3) **Site Landscaping.** A minimum of one (1) deciduous or evergreen tree shall be planted per two (2) manufactured housing sites.



(4) **Parking Lot Landscaping.** Off-street parking lots containing more than fifteen (15) spaces shall be provided with at least ten (10) square feet of interior parking lot landscaping per space. Such areas shall measure at least one-hundred-fifty (150) square feet and shall be covered by grass, ground cover, shrubs or other live plant material. At least one (1) deciduous tree shall be planted per parking lot landscaped area.

- I. **Canopies.** Canopies and awnings may be attached to any manufactured housing unit and may be enclosed for use as a sun room or recreation room, but not as a bedroom.

Canopies and awnings shall comply with the setback and distance requirements set forth in this Section but shall not require a building permit unless fully enclosed or exceeding ten (10) foot by ten (10) foot in size.

- J. **Waste Dumpsters.** If proposed, waste receptacles shall comply with the following requirements as well as Part 5 of the EGLE Standards for waste dumpsters:
- (1) Dumpsters shall be set back a minimum distance of fifty (50) feet from the perimeter of the manufactured housing park and at least fifteen (15) feet from any building, in a location that is clearly accessible to the servicing vehicle. Dumpsters shall be provided within one-hundred-fifty (150) feet of each manufactured housing unit, unless curb-side collection is provided.
  - (2) Dumpsters shall be screened on three (3) sides with a decorative masonry wall or wood fencing, not less than six (6) feet in height. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other sides.
  - (3) Dumpsters shall be placed on a concrete pad which shall extend six (6) feet in front of the dumpster enclosure. Bollards (concrete filled metal posts) shall be installed at the opening of the dumpster enclosure to prevent damage to the screening wall or fence.
- K. **Signs.** Each manufactured housing park shall be permitted one entrance sign per vehicle entrance on private property in compliance with corner clearance provisions and shall not exceed thirty-six (36) square feet in area and a height of six (6) feet above grade. All signs shall be located no closer than ten (10) feet to any property line or right-of-way.
- (1) Management offices and community buildings in a manufactured housing park shall be permitted one (1) identification sign not to exceed six (6) square feet in area.
- L. **Water and Sewer Service.**
- (1) All manufactured housing parks shall be served by public water and sewage systems, if available within 200 feet at the time of preliminary plan approval. If a public sewer system is unavailable, the development shall connect to a state-approved sewerage system.
- M. **Storm Drainage.** All developed portions of the manufactured housing park shall be served by adequate storm drainage facilities, independent of sanitary sewers, designed and constructed in accordance with applicable local, county, and state regulations as outlined in Part IV of the EGLE Standards. On-site storm water detention facilities may be required.
- N. **Underground Wiring and Utilities.** All local distribution lines for franchised utilities, including but not limited to telephones, electrical service, and cable television, shall be placed entirely underground throughout mobile home parks. Mainlines and perimeter feed lines located on a Section or Quarter Section Line may be above ground if they do not overlap the park. Conduits or cables shall be placed within private easements provided to the service companies by the proprietor and/or developer or within public ways. Those telephones and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephone and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.

- O. **Fuel Oil and Gas.** Any fuel oil and gas storage shall be located in underground tanks, at a safe distance from all manufactured housing sites. All fuel lines leading to manufactured housing sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations.
- P. **School Bus Stops.** School bus stops shall be located in an area that is acceptable to the local school district and the manufactured housing park developer.
- Q. **Mailbox Clusters.** The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least two hundred (200) feet from any intersection of a manufactured housing park road with a public road.
- R. **Manufactured Housing Unit Sales.** The business of selling new or used manufactured housing as a commercial operation shall not be permitted after complete occupancy of a new or expanded manufactured housing park has been achieved. Thereafter, new or pre-owned manufactured homes which are to remain on-site in a manufactured housing community may be sold by the resident, owner, licensed dealer or broker, provided the manufactured housing development management permits such sales activity.
- S. **Prohibitions.** No manufactured housing unit shall be used for any purpose other than as a single family dwelling except as otherwise provided in this ordinance. This section shall not be construed to prohibit the temporary use of a manufactured housing unit located within an approved community as an on-site sales office or for display as a model home.
- T. **Operational Requirements.**
- (1) **Permits.** A manufactured housing park shall not be operated until a license has been issued by the Michigan Department of Consumer and Industry Services. The Building Official shall communicate his/her recommendations regarding the issuance of such licenses to the Director of Manufactured Housing Division, Corporation and Land Development Bureau, Michigan Department of Consumer and Industry Services. No individual manufactured housing site shall be occupied until the required improvements including utilities and access roads which serve the site are in place and functioning. Buildings constructed on-site, such as a management office or clubhouse shall require a building permit prior to construction and a Certificate of Occupancy prior to use.
  - (2) **Violations.** Whenever, upon inspection of any manufactured housing park, the Building Official finds that conditions or practices exist which violate provisions of this Section or other regulations referenced herein, the Building Official shall give notice in writing by certified mail to the Director of Michigan Manufactured Housing Commission, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.
  - (3) **Inspections.** The Building Official or other authorized Township agent is granted the authority, as specified in Michigan Public Act No. 96 of 1987, as amended, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Section or other regulations referenced herein.

ARTICLE 7:  
**RPUD -  
RESIDENTIAL  
PLANNED UNIT  
DEVELOPMENT**



**SECTION 7.01:****Purpose**

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The Residential Planned Unit Development (RPUD) is an optional development provision which provides a list of “overlay” zoning standards which apply to the respective “underlying” district. For properties approved for the RPUD designation, these RPUD standards replace the lot area, lot width, set back requirements, and other related regulations of each respective zoning district.

The RPUD provisions are intended as a design option, aimed at permitting flexibility in the regulation of land development, encouraging innovation in land use and variety of design of structures, preserving significant natural and historical features and open space, promoting efficient layout of public utilities, minimizing adverse traffic impacts, encouraging development of convenient recreational facilities, and encouraging the use and improvement of existing sites when the uniform regulations contained in other zoning districts do not afford adequate protection and safeguards for the site or its surrounding areas.

The RPUD provision and its standards are intended to accommodate development on sites with significant natural, historical, and architectural features and on sites which exhibit difficult development constraints, provide opportunities to mix compatible land uses or housing types, allow for the clustering of residential units to preserve common open space and natural features, or to accomplish a particular development or land use objective identified by the Township, or the property owner and agreed to by the Township.

In order to encourage RPUD developments on specific properties, the RPUD provision relaxes or waives one or more of the requirements of the underlying zoning district. RPUD also allows a developer to mix compatible uses or residential types on a single property, cluster structures to reduce development costs, and enhance marketability through the preservation of natural features and unique design.

**SECTION 7.02:****Application and Process**

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Upon a recommendation by the Planning Commission and approval by the Township Board, a RPUD overlay district may be applied to any existing residential district, with the exception of the MHP Manufactured Housing Parks District. Upon approval of the final development plan and the RPUD agreement by the Township Board, the Official Zoning Map shall be annotated for the land area involved so that RPUD overlay is clearly shown on the map. In addition, the Township shall maintain a current list of all approved RPUD projects, showing the approval date, the time by which project construction must begin, and the time that the approval period for the final RPUD plan expires.

All PUD approvals shall include a PUD Agreement, which shall list the specific permitted uses, and other regulatory provisions, that govern the development and operation of the PUD. The PUD Agreement may waive or alter any provision of this Ordinance, except those contained in this Article 9, which can only be waived or altered through a variance approval by the Zoning Board of Appeals. Any provision of this Ordinance not specifically waived or altered by the PUD Agreement shall remain in force.

**SECTION 7.03:****Uses Permitted**

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Compatible residential, commercial, and public uses may be combined when the underlying zoning district is residential or agricultural. Both permitted uses and special uses of the underlying zoning district may be proposed for the RPUD.

**SECTION 7.04:****Minimum Project Area**

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In an effort to advance the goal of good land use planning, the Township may propose or consider a parcel of any size for the RPUD process, if it advances development objectives consistent with the goals of the Township Land Use Plan.

When a RPUD proposes a mixture of residential uses and commercial/office uses, the Township Board, with the input from the Planning Commission, may allow for a maximum of five percent (5%) of the gross site area for commercial/office use. Whenever the Township Board thinks that more commercial area would be beneficial to the Township and the surrounding area, it may permit additional area for commercial and/or office use. However, in no case shall the area planned for commercial/office development exceed ten percent (10%) of the gross site area. Golf courses and club houses shall not be considered as commercial use. However, accessory facilities such as driving ranges and miniature golf shall be considered as commercial uses.

**SECTION 7.05:****Project Ownership**

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The land proposed for a RPUD project may be owned or controlled by either a single person, a corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation. The proposed RPUD site shall be capable of being planned and developed as one integral unit.

**SECTION 7.06:****Common Open Space**

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A minimum of forty percent (40%) of the land developed in any RPUD project shall be reserved for common open space and recreation facilities. Driveways, roadways, parking lots, existing or proposed rights-of-way, and easements for overhead transmission lines shall not be considered as open space. A minimum of one (1) active recreation area consisting of between 20,000-30,000 square feet shall be provided for developments containing between fifteen (15) and fifty (50) single family detached dwelling sites, between twenty (20) and seventy (70) townhouses, or between twenty-four (24) and eighty-five (85) apartments. This area is intended for a variety of active outdoor activities such as soccer, baseball, football as well as spontaneous activities, like picnics and neighborhood gatherings. It is also intended to accommodate more structured outdoor activities such as a variety of court sports. Therefore; each area shall have topographic and drainage features that permit such activities. The areas shall be prepared for use by grading and seeding and available (weather permitting) for use not later than thirty (30) days after twenty-five (25) percent of the units in each phase have been built. Additional active recreation areas of the same size shall be provided for each additional fraction of the above specified ranges of units. (Example: developments containing between fifty-one (51) and one hundred (100) single family units would require another active recreation area of the same size.) For residential developments which do not meet the minimum numerical thresholds stated in this section, the quantity and quality of active recreation area and facilities will be approved by the Township.

As a general guide, all housing sites should be designed so as to abut, have convenient access to, or have a view shed of common open space. Passive recreation areas should be massed so as to provide for wildlife, flora, and fauna experiences. The open space should contain significant natural areas such as woodlands, individual trees over twelve (12) inch diameter, measured at breast height, rolling topography with grades exceeding 15% (fifteen percent), significant views, natural drainage ways, water bodies, uplands, meadows, flood plains, regulated or non-regulated wetlands or natural corridors that connect wildlife habitats which would be in the best interest of the Township to preserve. If the site lacks existing natural features, the development should attempt to create significant woodland features such as perimeter buffer plantings. Passive recreation areas which are primarily limited to buffer strips at the perimeter of the developments are not considered as meeting the intent of this provision. However, walking, jogging, and bicycle trails may be designed into the development as supplements to the larger recreation areas. All open space provisions will be negotiated by the Township as part of the RPUD process.

The intent of this section is to articulate the goal that active and passive recreation areas are valuable assets which add to the quality of life for the residents of Oceola Township and should be made integral parts of the proposed housing developments in the community.

The required amount of common open space reserved under RPUD shall either be held in corporate ownership, as part of a Township approved nature conservancy, or by the owners of the project. The time at which control of open space shall pass from the corporate ownership to the owners of the project shall be specified in the master deed. The responsibility for the maintenance of all open spaces shall be specified by the developer in the RPUD agreement with the Township.

The Planning Commission and the Township Board may include the following open space restrictions by prohibiting the following:

1. Dumping or storing of any material or refuse;
2. Activity that may cause risk of soil erosion or threaten any living plant material;
3. Cutting or removal of identified plant material except for the removal of dying or diseased vegetation.
4. Use of motorized off-road vehicles;
5. Use of some or all pesticides, herbicides or fertilizers within and adjacent to wetlands. Furthermore, the Planning Commission and the Township Board may require that the dedicated open space be maintained by parties who have an ownership interest in the open space, and that a plan for the maintenance of the open space be submitted as part of the application process. In the event the developer or respective association fails to remove or abate a public nuisance, on any portion of the RPUD site, Oceola Township in its sole discretion, may remove or abate the public nuisance and recover its costs plus documented administrative expenses by attaching a lien against the development.

#### SECTION 7.07:

### Utility Requirements

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Underground utilities, including telephone and electrical systems, are required within the limits of all RPUD projects. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Township Planning Commission and Township Board find that such exemption will not violate the intent or the character of the proposed RPUD. An unpaved area at least five feet in width must be preserved between sidewalks and the back of the curb of the road, to allow for efficient maintenance within the rights-of-way in the RPUD.

#### SECTION 7.08:

### Density Determination and Density Bonus

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The number of dwelling units allowable within an open space community project shall be determined through preparation of a parallel plan.

1. The applicant shall prepare, and present to the Planning Commission for review, a parallel design for the project that is consistent with State, County and Township requirements and design criteria for a tentative preliminary plat. The parallel plan shall meet all standards for lot size (as shown in paragraph "B" below), lot width and setbacks as normally required under the zoning ordinance, public roadway improvements and private parks, and contain an area which conceptually would provide sufficient area for storm water detention. Lots in the parallel plan shall provide sufficient building envelope size without impacting wetlands regulated by the Michigan Department of Environmental Quality.

2. The parallel plan shall be prepared with the following minimum lot areas. The parallel plan is only used to determine allowable density for an open space community project. The following parallel plan minimum lot areas incorporate a density bonus for qualifying open space community projects that meet all requirements of this ordinance.
3. The Planning Commission shall review the design and determine the number of lots that could be feasibly constructed and be economically viable following the parallel design. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable for the open space community project.

The Planning Commission and the Township Board may allow an exemplary open space community to include one or more of the following optional provisions. In order to qualify for an optional provision, the applicant must demonstrate, to the satisfaction of the Planning Commission and the Township Board, that the proposed project exceeds the minimum standards for open space community eligibility.

In order to qualify for development under the optional provisions of this section, all structures within the project, including single family dwellings, shall be subject to architectural review by the Planning Commission. Buildings shall provide harmony with adjacent uses in terms of texture, materials, peaked roof lines and massing, but there shall be a variation of front facade depth and roof lines to avoid monotony. Building elevations shall be required for all structures.

**Review of Density Calculations For A Parallel Plan, Oceola Township**

		MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LENGTH TO WIDTH RATIO
AR		50,000 sq. ft.	120 ft.	150 ft.	4 to 1
RR		50,000 sq. ft.	120 ft.	150 ft.	4 to 1
R1	without Sewer	40,000 sq. ft.	120 ft.	None	4 to 1
	with Sewer	30,000 sq. ft.	80 ft.		
R2	without Sewer	30,000 sq. ft.	120 ft.	None	4 to 1
	with Sewer	20,000 sq. ft.	70 ft.		
R3	One Family	12,000 sq. ft.	70 ft.		4 to 1
	Two Family	20,000 sq. ft.	120 ft.		

A variable density bonus of up to five percent (5%) may be allowed at the discretion of the Township Board, based upon a demonstration by the applicant of design excellence in the open space community. In order to qualify for a density bonus, the RPUD project must be served by public sanitary sewer. Projects qualifying for a density bonus shall include at least one of the following elements:

1. Cleanup of site contamination.
2. Other similar elements as determined by the Township Board to have similar benefits to the Township. This may include projects that have proven public benefit such as improving an existing public road.

For projects which are zoned RM Residential Multiple Family, a density bonus of ten percent (10%) will be given as an incentive for using the RPUD process.

**SECTION 7.09:****HEIGHT REQUIREMENTS**

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For each one (1) foot of height over the maximum height allowed by the underlying zoning district, the distance between nonresidential buildings (e.g. churches) and the side and rear property lines of the development shall be increased by one (1) foot. The same shall apply to the distance between nonresidential buildings.

**SECTION 7.10:****Parking**

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Off-street parking, loading, and service areas shall be provided in accordance with Article 15. However, off-street parking and loading areas for non-residential development shall not be permitted within fifteen (15) feet of any residential use in the RPUD. Shared parking arrangements are encouraged and are subject to review by the Township. In addition, a parking deferment may be granted upon the finding that the imposition of standard parking requirements may be initially excessive.

**SECTION 7.11:****Perimeter Yards**

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Each structure in the RPUD which abuts a perimeter property line of the RPUD parcel shall meet a fifty (50) foot setback requirement.

**SECTION 7.12:****Arrangement of Commercial Uses**

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When RPUD's include commercial development, commercial structures shall be planned as groups having common parking area and common ingress and egress points in order to reduce the number of curb cuts. Suitable planting screens or fences shall be provided on the perimeter of the commercial areas whenever they abut residential components of the RPUD. The site plan for the development shall provide for the integrated and harmonious design of buildings and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Planning Commission and Township Board.

**SECTION 7.13:****RPUD Process: Pre-Application Meeting**

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The developer is encouraged to meet with the Township Supervisor, the Planning Commission Chairperson, and the Township Planner to discuss the concepts of the proposed project before submitting a formal application for RPUD. This allows for a dialogue on the development goals of the Township as expressed in its Land Use Plan.

**SECTION 7.14:****Contents of Application: Preliminary Development Plan**

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An application of preliminary RPUD plan shall be filed with the Township Clerk by all owners of interest in the property for which the RPUD is proposed. The plan shall contain the following information:



**SECTION 7.16:****Approval in Principle by Planning Commission**

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Within forty-five (45) days after the close of the public hearing, the Planning Commission shall review the preliminary RPUD plan to determine if it is consistent with the intent and purpose of Article 7; whether the proposed RPUD advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the inter-relationship with existing and proposed land uses in the surrounding area justify the deviation from standard district regulations. Approval in principle shall not be construed to endorse the location of uses, configuration of building sites, or layout of infrastructure.

**SECTION 7.17:****Action by the Township Board**

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Within forty-five (45) days after the receipt of the approval in principle by the Planning Commission, the Township Board shall approve, with conditions, disapprove the preliminary development plan, or refer the proposed RPUD back to the Planning Commission for further study. If the application is referred back to the Planning Commission for further study, the Planning Commission shall have forty-five (45) days within which to make its recommendation to the Township Board.

**SECTION 7.18:****Formation of RPUD Study Committees**

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If the Township Board grants approval to the preliminary RPUD plan, the Township shall form an ad hoc RPUD study committee to meet with the applicant and, through a negotiating process, refine the conceptual plan into a more detailed final plan. The committee shall also review drafts of proposed by-laws and master deed of the RPUD. The committee shall consist of at least three (3) members of the Planning Commission and at least two (2) members of the Township Board. The committee may request technical assistance from consultants to assist in evaluating alternative designs for the RPUD.

The ad-hoc study committee shall work with the applicant until it can make a recommendation to the Planning Commission on the disposition of the proposed RPUD. The ad-hoc study committee may recommend that the proposed RPUD development be approved or denied by the Planning Commission. A recommendation by the ad-hoc study committee shall be necessary before an application for preliminary RPUD approval is submitted to the Planning Commission. All ad-hoc study committee meetings shall be open to the public.

**SECTION 7.19:****Final Development Plan**

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After the Planning Commission receives a recommendation for approval of the RPUD plan, it shall make a recommendation to the Township Board to approve the RPUD plan at this intermediate stage, approve with additional conditions, or deny the RPUD plan. If the plan receives approval or approval with conditions, the applicant may prepare the final development plan. Even if the Planning Commission recommends denial of the RPUD plan, the applicant may petition the Township Board for a decision on the RPUD plan forthcoming from the ad-hoc study committee. The applicant may prepare the final development plan if the Township Board grants approval by a majority vote of the full Board.

Ten (10) copies of the final development plan shall be submitted and be endorsed by a qualified technical expert. It shall be in substantial conformance with the RPUD plan approved by the ad-hoc study committee and contain the following information:

1. Name, address, and phone number of the applicant(s).
2. Name, address, and phone number of registered land surveyor, registered engineer, landscape architect, or land use planner which assisted in the preparation of the preliminary plan.
3. Legal description of the property.
4. Description of existing use(s) and zoning district(s).
5. A vicinity map showing property lines, streets, roads, and uses of adjacent properties so that the Township can initially determine how the proposed development will relate to land use in the general vicinity.
6. A preliminary development plan at a scale of not less than 1"=100' showing topography at not less than two (2) foot contours; location and type of residential, commercial, and industrial land use; layout, dimensions, and names of existing and proposed streets, rights-of-way, and utility easements; parks and community spaces; layout and dimensions of lots and building setbacks; preliminary layout of water, sewer, drainage, electric, natural gas, cable, and telephone; and other information the Township considers necessary.
7. Proposed schedule for the development of the site. If a multi-phase RPUD is proposed, identification of the areas included in each phase. For residential RPUD's, the number, type, and density of proposed housing units within each phase.
8. Evidence that the applicant has sufficient control over the site to initiate the proposed RPUD within eighteen (18) months of receiving final approval. Evidence shall consist of the signature of the application by the deed holder.
9. Any additional graphics or materials requested by the Township to assist the Township in determining the appropriateness of the RPUD such as aerial photography, market studies, impact on the public school system, traffic impacts, impacts on significant, historical, and architectural features, impacts on drainage, preliminary construction costs, preliminary architectural sketches, and preliminary drafts of by-laws and master deeds.
10. A graphic description of how the site proposed for development could be developed under the regulations of the underlying zoning district.

**SECTION 7.15:****Public Hearing by the Planning Commission**

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Within sixty (60) days after receipt of the preliminary development plan, the Planning Commission shall hold at least one (1) public hearing. The notice of the public hearing shall be given in one (1) or more newspapers of general circulation in the Township not less than fifteen (15) days before the date of the public hearing. Written notice of the public hearing shall be sent by mail or personal delivery not less than fifteen (15) days before the hearing date to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the proposed RPUD and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall do all of the following:

1. Describe the nature of the RPUD request.
2. Indicate the property that is the subject of the RPUD request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the RPUD request will be considered.
4. Indicate when and where written comments will be received concerning the RPUD request.

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines, topography, existing natural features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
2. All information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units, nonresidential buildings intensity, and land use considered suitable for adjacent properties.
3. A schedule for the development of units to be constructed in phases and a description of the design for the buildings and landscaping; tabulation of the number of acres in the proposed project for the various uses in the RPUD; the number of housing units by type; estimated residential population by type of housing; estimated nonresidential population; and estimated acres given to active and passive open space.
4. Engineering feasibility studies and plans showing water, sewer, drainage, electric, telephone, and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earth work required for site preparation and development.
5. Site plans showing the functional use and relationship of buildings, open space, and circulation.
6. Preliminary building plans, including floor plans and exterior elevations within the development.
7. Landscaping plans, prepared by a registered landscape architect.
8. Association by-laws, master deed, deed restrictions, covenants and other legal statements and devices to be used to control the use, development, and maintenance of the land and improvements including those areas which are to be commonly owned and maintained.
9. A statement indicating that, if a part of the proposed development is sold or leased to another party or parties, full compliance with the RPUD agreement and the final development plan will be required and enforced.
10. A description of the process of how information on the master deed and by-laws of the proposed development will be disseminated to prospective buyers. This information shall be disseminated to the prospective buyer not later than at the offer to purchase.

**SECTION 7.20:****Recommendation by the Planning Commission**

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Within sixty (60) days after receiving the final development plan, the Planning Commission shall recommend to the Township Board that the final development plan be approved as presented, approved with supplementary conditions, or not be approved.

**SECTION 7.21:****Criteria for Evaluation by the Planning Commission**

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Before making its recommendation on the final development plan, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing(s) establish that:

1. The proposed RPUD can be initiated within eighteen (18) months of the date of approval.
2. Each individual unit phase of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objectives will be attained; the uses in the proposed RPUD will not be detrimental to present and potential adjacent uses; and will have a beneficial impact which could not be achieved under standard district regulations.

3. The streets and thoroughfares proposed are suitable to carry anticipated traffic and the increased densities will not generate traffic in such amounts so as to exceed the design capacities of area roadways.
4. Any commercial component of the RPUD will be beneficial to the general area and to the population of the proposed development.
5. Any deviation(s) from the regulations of the underlying zoning district can be justified by meeting the purpose of the RPUD provisions of the Township Zoning Ordinance.
6. The area surrounding the proposed RPUD can be planned and zoned in coordination and substantial compatibility.
7. The proposed RPUD meets the development goals and objectives of the Township Land Use Plan.
8. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

**SECTION 7.22:****Action by the Township Board**

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Within forty-five (45) days after receipt of the recommendation on the final development plan by the Planning Commission, the Township Board shall approve, approve with supplementary conditions or disapprove the final plan. The Township Board may also refer the final plan back to the Planning Commission for further study. The Township Board shall also approve the final draft of the RPUD agreement if it approves the final RPUD development plan.

**SECTION 7.23:****Supplementary Conditions and Safeguards**

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In approving any RPUD, the Township Board may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the final plan is approved, shall be considered a violation of this Ordinance. These conditions may be made part of the RPUD agreement.

**SECTION 7.24:****Deviations from Approved Final RPUD Plan**

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Deviations from the approved final RPUD plan may occur only under the following circumstances. After the applicant or property owner notifies the Township Supervisor of a proposed amendment, the Township Supervisor may approve minor changes which do not alter the basic design or conditions of the plan. Minor changes consist of the following:

1. For residential buildings, the size of structures may be reduced or increased by five percent (5%) provided that the overall density of units does not increase.
2. Square footage of nonresidential buildings may be decreased or increased by up to five percent.
3. Buildings may be moved by no more than ten (10) feet.
4. Landscape materials may be replaced by similar plant materials on a one-to-one or greater basis.
5. Building materials may be changed to those of higher quality.
6. Floor plans may be changed provided the change does not alter the character of the use.
7. Sidewalks or refuse storage stations may be relocated.

8. Internal parking lots may be rearranged which does not affect the number of parking spaces or alter access locations.
9. Changes requested by the Township relative to public safety shall be considered a minor change.

Should the Township Supervisor determine that the requested change to the final RPUD is not minor, re-submittal to the Planning Commission is necessary. If the Planning Commission determines that the change significantly alters the original concept of the project a new submittal showing the change is required.

**SECTION 7.25:****RPUDs Approved Prior to This Article**

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All revisions to final RPUD plans approved prior to the adoption of this Article shall be reviewed and regulated in accordance with this Article. For RPUD applications still in the process of review, these applications may continue to be reviewed under the regulations that were in place at the time the application was made. Once any RPUD application is approved as final, any revisions to the application shall be reviewed and regulated in accordance with this Article.

*Amended 11/04/99 Effective 11/10/99*

**SECTION 7.26:****Open Space Preservation Option**

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In accordance with PA 110 of 2006, the Michigan Zoning Enabling Act, a developer may choose to utilize the provisions of this section for residential developments in zoning districts that permit two (2) or fewer units per acre without sanitary sewer or three (3) units or fewer per acre with sanitary sewer. The application and review process shall be consistent with Sections 7.14 thru 7.22 of this Ordinance. In addition, all other relevant sections of this Article shall apply, excepting that:

1. There shall be a minimum of 50% open space as defined in Section 7.06 (not including golf course fairways), and
2. No commercial development may be permitted as part of the residential development.

*Amended 9/6/2007, Effective 9/19/2007*

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ARTICLE 8:  
**CPUD -  
COMMERCIAL  
PLANNED UNIT  
DEVELOPMENT**



**SECTION 8.01:****Purpose**

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The Commercial Planned Unit Development (CPUD) is an optional development provision which provides a list of “overlay” zoning standards which apply to the respective “underlying” commercial district. For properties approved for the CPUD designation, these CPUD standards replace the lot area, lot width, set back requirements, and other related regulations of each respective commercial zoning district.

The CPUD provisions are intended as a design option, aimed at permitting flexibility in the regulation of land development, encouraging efficiency and innovation in land use and variety in design of structures, promoting efficient layout of public utilities, minimizing adverse traffic impacts, and encouraging the use and improvement of existing sites when the uniform regulations contained in commercial zoning districts do not afford adequate protection and safeguards for the site or its surrounding areas.

The CPUD provision and its standards are intended to accommodate development on sites which may set precedents for other commercial developments within the Township, will have a significant impact upon traffic volumes throughout the area, exhibit difficult development constraints, provide opportunities to mix compatible land uses, or to accomplish a particular development or land use objective identified by the Township.

In order to encourage CPUD developments on specific properties, the CPUD provision relaxes or waives one (1) or more of the requirements of the underlying zoning district. CPUD offers an added degree of flexibility in the density, placement, bulk and interrelation of buildings and uses within commercial zoning districts. CPUD also allows a developer to mix compatible commercial uses, and possibly residential types, on a single property.

**SECTION 8.02:****Application And Process**

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Upon a recommendation by the Planning Commission and approval by the Township Board, a CPUD overlay district may be applied to any existing commercial zoning district. Upon approval of the final development plan and the CPUD agreement by the Township Board, the Official Zoning Map shall be annotated for the land area involved so that CPUD overlay is clearly shown on the map.

In addition, the Township shall maintain a current list of all approved CPUD projects, showing the approval date, the time by which project construction must begin, and the time that the approval period for the final CPUD plan expires.

All PUD approvals shall include a PUD Agreement, which shall list the specific permitted uses, and other regulatory provisions, that govern the development and operation of the PUD. The PUD Agreement may waive or alter any provision of this Ordinance, except those contained in this Article 9, which can only be waived or altered through a variance approval by the Zoning Board of Appeals. Any provision of this Ordinance not specifically waived or altered by the PUD Agreement shall remain in force.

**SECTION 8.03:****Uses Permitted**

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Compatible commercial, office and public uses may be combined in a CPUD plan. Residential uses proposed in a CPUD plan may be permitted by the Township Board only after the developer provides detailed rationale on how residential uses meet the objectives of the CPUD provision of the Zoning Ordinance. Both permitted uses and special uses of the underlying zoning district may be proposed for the CPUD.



## SECTION 8.04:

## Minimum Project Area

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The gross area of a tract of land to be developed under CPUD shall be a minimum of five (5) acres, provided that parcels as small as one-half (1/2) acre may be proposed for CPUD on the basis of their potential to meet the intent of the CPUD provision. In an effort to advance the goal of good land use planning, the Township may propose or designate a parcel of any size for the CPUD process, if it advances development objectives consistent with the goals of the Township Land Use Plan.

When a CPUD proposes a mixture of residential uses and commercial or office uses, the Township Board, with input from the Planning Commission, may allow for twenty percent (20%) of the gross site area for residential use. Whenever the Township Board is of the opinion that more residential area would be beneficial to the Township and the surrounding area, it may permit additional area for residential use. However, in no case shall the area planned for residential development exceed thirty-five percent (35%) of the gross site area.

## SECTION 8.05:

## Project Ownership

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The land proposed for a CPUD project may be owned or controlled by either a single person, a corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation. The proposed CPUD site shall be capable of being planned and developed as one (1) integral unit.

## SECTION 8.06:

## Utility Requirements

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Underground utilities, including telephone and electrical systems, are required within the limits of all CPUD projects. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Planning Commission and Township Board find that such exemption will not violate the intent or the character of the proposed CPUD.

## SECTION 8.07:

## Height Requirements

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For each one (1) foot of height over the maximum height allowed by the underlying commercial zoning district, the distance between non-residential buildings and the side and rear property lines of the development that directly abut residentially used property shall be increased by one (1) foot. The maximum height of any building in a CPUD is sixty (60) feet.

## SECTION 8.08:

## Standards for Access Management, Parking and Loading

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1. **Intent and Purpose.** The purpose of this section is to provide access standards which will facilitate through-traffic operations, ensure public safety along roadways, and protect the public investment in the street system, while providing property owners with reasonable, though not always direct, access. The standards are specifically designed for streets whose primary function is the movement of through traffic, as opposed to local streets whose primary function is access to adjacent properties.

2. **Application of Standards.** The standards of this section shall be applied to the major traffic routes (arterials) identified in the Township's Land Use Plan. The access standards contained herein shall be required in addition to, and where permissible shall supersede, the requirements of the Michigan Department of Transportation and/or Livingston County. The standards contained in this article shall apply to all uses.
3. **Number of Driveways.**
  - A. Access to a CPUD shall consist of either a single two-way (2) driveway or a pair of one-way (1) driveways wherein one (1) driveway is designed and appropriately signed to accommodate ingress movements and the other egress movements.
  - B. Where the frontage of a CPUD is insufficient to provide a driveway meeting the minimum driveway width and radii, a shared driveway or other means of access may be required.
  - C. Where the CPUD is situated on a corner lot, one (1) access point on each street frontage may be permitted, provided there is a minimum of one-hundred (100) feet of frontage per side. No more than one (1) access point shall be permitted per side for CPUD's located on corner lots unless otherwise provided for within this article.
  - D. Where the CPUD has continuous frontage of over three hundred (300) feet and the developer can demonstrate, using the Institute of Transportation Engineer's Trip Generation Manual or another accepted reference, that a second access is warranted, the Planning Commission and Township Board may allow an additional access point. Where possible, this access should be spaced accordingly to the standards contained herein, located on a side street, shared with an adjacent property, and/or be designed to restrict one (1) or both left turn movements.
  - E. Where the CPUD has continuous frontage of over six hundred (600) feet, a maximum of three (3) driveways may be allowed, with at least one (1) such driveway being designed, constructed, and signed for right-turns-in and right-turns-out only.
4. **Shared Access, Joint Driveways, Frontage Roads, Parking Lot Connections and Rear Service Drives.**
  - A. Shared use of access between two (2) or more property owners or CPUD's is encouraged through use of driveways constructed along property lines, connecting parking lots and construction of on-site frontage roads, and rear service drives, particularly for the following:
    - (1) sites within one quarter (1/4) mile of major intersections;
    - (2) sites having dual frontage;
    - (3) sites where frontage dimensions are less than three hundred (300) feet;
    - (4) locations with sight distance problems; and/or
    - (5) along roadway segments experiencing congestion or accidents.In such cases, shared access of some type may be the only access design allowed.
  - B. In cases where a site is adjacent to an existing frontage road, a parking lot of a compatible use, or a rear service drive, a connection to the adjacent facility may be required by the Planning Commission and Township Board.
  - C. In cases where a site is adjacent to undeveloped property, the site must be designed and constructed to accommodate a future frontage road, parking lot connection, rear service drive, or other means of shared access as determined by the Planning Commission and Township Board.
  - D. The developer shall provide the Township with letters of agreement or access easements from all affected property owners.

5. **Adequate Sight Distance.**

- A. Requirements for minimum intersection or corner sight distance for driveways shall be in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines defined in Chapter 9 of "A Policy on Geometric Design of Highways and Streets, 1984," or its latest edition.
- B. The Planning Commission and Township Board may adjust driveway locations where there is a concern regarding adequate sight distance.

6. **Driveway Spacing from Intersections and Access Ramps.**

- A. Driveway spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the intersecting street's right-of-way line.
- B. In order to preserve intersection operations and safety, the minimum distance between a driveway and an intersecting street right-of-way shall be based on the following:
  - (1) For locations in the vicinity of intersections experiencing congestion (peak hour operations below level of service "C", as defined by AASHTO, for one (1) or more movements) and/or a significant number of traffic accidents (five (5) or more annually), the Planning Commission and Township Board may require that access be constructed along the property line furthest from the intersection.
  - (2) For locations within two hundred (200) feet of any signalized or four-way (4) stop intersection, driveways shall be spaced a minimum of one-hundred- fifty (150) feet from the intersection. Where this spacing cannot be provided, driveways designed for "right-turn in/right-turn out only" movements may be allowed, with a minimum spacing of seventy-five (75) feet from the intersecting street right-of-way.
  - (3) Driveways shall be spaced a minimum of two hundred (200) feet from the centerline of access ramps of interstate or limited access highways.
  - (4) One-hundred (100) feet for locations not addressed by items 6.b.1,6.b.2, or 6.b.3.

7. **Driveway Spacing from Other Driveways.**

- A. Driveway spacing from other driveways shall be measured from the centerline of each driveway at the point where it crosses the street right-of-way line.
- B. Minimum driveway spacing from other driveways along the same side of the street shall be determined based on posted speed limits along the parcel for each particular frontage, as follows:

POSTED SPEED LIMIT (MPH)	MINIMUM DRIVEWAY SPACING
25 mph	100 feet
30 mph	125 feet
35 mph	150 feet
40 mph	185 feet
45 mph	230 feet
50 mph	275 feet
55 mph	350 feet
Unposted (Unpaved)	230 feet
Unposted (Paved)	350 feet

- C. Driveways shall be directly aligned with those across the street or, where offset, the minimum driveway spacing from driveways across the street shall be one-hundred- fifty (150) feet, excluding when one (1) or both driveways are designed and signed for right-turn-in/right-turn-out only.

8. **Driveway Design, Canalized Driveways, Deceleration Lanes and Tapers, Bypass Lanes.**

- A. Driveways shall be designed to the standards of Livingston County, except where stricter standards are included herein or by the Township's driveway construction standards.
- B. **Driveway Width and Radii.**
- (1) The typical driveway design shall include one (1) ingress and one (1) egress lane, with a combined minimum throat width of twenty-five (25) feet and a maximum throat width of thirty (30) feet, measured from face to face of curb.
  - (2) Wherever the Planning Commission and Township Board determines that traffic volumes or conditions may cause significant delays for traffic exiting left, two (2) exit lanes may be required.
  - (3) For one-way paired driveway systems, each driveway shall be twenty (20) feet wide, measured perpendicularly.
  - (4) In areas with pedestrian traffic, the exit and enter lanes may be separated by a median with a maximum width of ten (10) feet. Concrete sidewalks shall be continued and/or maintained across driveways.
  - (5) Driveways shall be designed with a twenty-five (25) foot radii; thirty (30) foot radii shall be required where daily truck traffic is expected.
- C. **Directional Driveways, Divided Driveways and Deceleration Tapers.** Directional driveways, divided driveways, and deceleration tapers and/or by-pass lanes may be required by the Planning Commission and Township Board where they will reduce congestion and accident potential for vehicles accessing the proposed use or site. Right-turn tapers shall be a minimum of seventy-five (75) feet in length and at least eleven (11) feet wide.

9. **Design of Frontage Roads, Rear Service Drives and Parking Lot Connections.** Frontage roads, rear service drives and drives connecting two (2) or more parking lots shall be constructed in accordance with the following standards:

- A. Pavement width shall be a maximum of thirty (30) feet, measured face of curb to face of curb; intersection approaches may be widened to thirty-nine (39) feet for a left turn lane.
- B. Frontage road access to public streets shall be spaced according to the standards of subsections (6) and (7), above.
- C. Frontage roads shall have a minimum setback of thirty (30) feet between the outer edge of pavement and the right-of-way line, with a minimum sixty (60) feet of uninterrupted queuing (stacking) space at the intersections.
- D. Parking along or which backs into a frontage road shall be prohibited.
- E. For properties which are currently developed or are adjacent to developed uses, and the standards of (a) through (d) above are determined by the Planning Commission and Township Board to be too restrictive, frontage roads can be defined through parking lots by raised and/or painted islands, as shown, provided that at least every third-end island is raised.

10. **Parking, Loading and Sidewalks.**

- A. All parking and loading areas, including driveways, drive lanes, and other access drives shall be paved with either asphalt or concrete, and maintained without large cracks or deterioration of the surface. Masonry pavers are an optional decorative opportunity. All such areas shall also be curbed and guttered with concrete curbs six (6) to eight (8) inches high and concrete gutters twelve (12) inches wide.
- B. Parking for outlet parcels must be located behind buildings or to the sides.

- C. Loading areas and docks shall be placed on the side or rear of buildings, shall be perpendicular to the buildings, and be screened in accordance with this article.
- D. Sidewalks are required at all building entrances and within all road rights-of-way abutting a CPUD, and must be constructed of concrete, exposed aggregate or decorative pavers, and must be a minimum width of five (5) feet. Building sidewalks should connect to parking areas in the most direct manner. Sidewalks within rights-of-way shall extend across driveway aprons and connect to parking areas or building sidewalks where possible.

**SECTION 8.09:****Standards for Architecture and Building Materials**

The purpose and intent of the following architectural and site design standards is to evaluate proposed buildings and site improvements during the review of a CPUD to ensure that certain design and appearance standards are maintained. These standards provide a means of evaluating whether the proposed building design and site layout meet the overall intent of the Township's Land Use Plan and Zoning Ordinance.

All facades of proposed buildings within a CPUD which front upon or are visible from a public right-of-way shall be subject to the following standards for building form, architectural details and features, building materials, windows, and signs.

1. Building mass, height, bulk and width-to-height ratios must be similar in scale and in proportion to other buildings within the immediate area, unless existing buildings do not meet the standards of this article as determined by the Planning Commission and Township Board.
  - A. An uninterrupted length of a single building facade shall not exceed one-hundred (100) feet for all buildings. Recesses, off-sets, angular forms, or other features shall be used to provide a changing and varying facade. Vertical elements such as towers, cupolas, and chimneys are recommended.
  - B. Windows shall be recessed and include visually-obvious sills. Spaces between windows shall be formed by columns, mullions, or material found elsewhere on the facade. Solid walls of glass are not permitted.
  - C. Main entrances shall be emphasized with doors larger than required by the applicable building code(s) and framing devices such as deep overhangs, recesses, peaked roof forms, porches, or arches.
2. Buildings shall possess architectural variety, but shall be constructed of similar but not identical materials and entrances, to other buildings within the immediate area of the subject site, unless the Planning Commission or Township Board determines other building materials and forms are acceptable, or that existing buildings do not meet the standards of this article. Buildings shall enhance the Township's character and appearance as determined by the Planning Commission and Township Board.
  - A. Pitched roof forms (gable, hip, shed) with overhanging eaves between four (4) inches of vertical rise to twelve (12) inches of horizontal run and twelve (12) inches of vertical rise to twelve (12) inches of horizontal run are recommended. Standing seam metal roofs and flat roofs may also be permitted. Mansard, mock mansard, or barrel roofs are not permitted. Dormer windows are recommended. Distinctively shaped roof forms, detailed parapets, and exaggerated cornice lines should be incorporated into roof lines along building facades greater than one-hundred (100) feet. Roof top mechanical equipment must be screened by the roof form.

- B. Building facades greater than one-hundred (100) feet shall contain architectural features, details and ornaments such as arches, roof cornices, contrasting courses of material or color, stone or ceramic accent tiles, water tables, molding, colonnades, columns, pilasters, detailed trim, brick bands, cornices or porches. All sides of a building shall be similar in design, details, and materials. Elements such as wall clocks, decorative light fixtures, and door or window canopies are also recommended. Canopies should be of metal or canvas, vinyl canopies are not recommended. All commercial or office buildings must have interior downspout and gutter systems; exterior downspouts and gutters are not permitted for commercial or office buildings, except for those originally constructed for single-family residential purposes.
  - C. Main entrances to buildings should be emphasized with larger doors and framing devices shall incorporate devices such as deep overhangs, recesses, peaked roof forms, canopies, overhangs, raised parapets over the door, archways, awnings, porches, display windows, accent colors, and details such as tile work, moldings, pedestrian-scale lighting, and distinctive door pulls.
  - D. Natural or traditional colors shall be used for the main portions of building facades and roof forms. Bright or fluorescent colors are permitted for trim, accent, and other decorative architectural features only. Colors should be natural to the material or pigmented, and not painted on the material whenever possible.
3. Building materials must be primarily natural products, conveying permanence, such as brick, decorative masonry block, stone, or beveled wood siding, and each building facade must contain approximately two-thirds (2/3) of these materials. Approximately one-third (1/3) of building facades may contain the following materials, which should be used for decorative features or accents only: glass, unless used as windows; reflective glass; exterior insulation finish systems (EIFS); vinyl, aluminum, or steel siding; or similar synthetic or highly-reflective materials. Building facades not facing public rights-of-way may also contain these materials and pre-cast concrete or plain masonry block.
  4. Front facades shall contain windows equal to approximately one-quarter (1/4) of the area of the facade. The approximate size, shape, orientation and spacing of windows should match that of buildings within five-hundred (500) feet, unless the Planning Commission or Township Board determines other sizes, shapes, orientation, and spacing are acceptable. In multiple story buildings, facade windows above the first story shall have tinted glass.
  5. Wall or building signs with separate, individual letters with internal illumination are permitted. Monument-type ground signs are permitted with a maximum height of eight (8) feet, and a maximum area of sixty-four (64) square feet. The frame of monument-type ground signs must be of the same material as the building's construction. Any illuminated window signs must be approved by the Planning Commission and Township Board.

The following signs are prohibited in a CPUD: box or panel signs; pole or pylon signs; roof signs; projecting signs; billboards.

#### SECTION 8.10:

### Standards for Lighting

1. **Interior site and parking lot lighting should provide illumination adequate for security.** Lighting must be no greater than one (1) foot candle at any property line with a maximum intensity of ten (10) foot candles at any point within the site.
2. Details for light fixtures must be submitted with an application for a CPUD. Decorative light fixtures similar in design to those used throughout the CPUD or the adjoining area are recommended. "Shoe box" style light fixtures may be used for lighting to screen the light element from view. In addition, fixtures must be directed downward and cannot be angled in any manner.
3. Pole-mounted overhead lighting must be used for parking lots, as opposed to building-mounted lighting. Where required by the building code, building-mounted lighting may be used to illuminate rear doors and loading and unloading areas. Glare from light fixtures may not extend past a development's property line onto other properties or rights-of-way.

4. The design of exterior building illumination should avoid exposed light fixtures. Flashing or moving lights are not permitted and any neon lighting must be approved as part of the CPUD by the Planning Commission and Township Board.

**SECTION 8.11:****Standards for Landscaping and Screening**

1. **Intent and Purpose.** The intent of this article is to establish minimum standards for the design, installation, and maintenance of landscaping within CPUD's along public streets, as buffer areas between uses, on the interior of a site, within parking lots, and adjacent to buildings. Landscaping is viewed as a critical element contributing to the aesthetic qualities, development quality, and stability of property values, privacy, and the overall character in the Township. The standards of this article are also intended to provide incentives to preserve quality mature trees, screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, assist in directing safe and efficient traffic flow at driveways and within parking lots, and minimize negative impacts of storm water runoff and salt spray.

The landscaping standards of this article are considered the minimum necessary to achieve this intent. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

2. **Requirements and Timing of Landscaping.**
  - A. **Plan Required.** A landscaping plan shall be included with any application for a CPUD. A separate landscaping plan shall be submitted at a minimum scale of one (1) inch equals forty (40) feet. The landscape plan shall clearly describe the location, type, size, and spacing of all plant materials. It shall also include planting details and specifications clearly describing planting technique, material installation, planting mixtures, mulch, material depth, seed blends, and other necessary information.
  - B. **Installation and Inspection.** Wherever this article requires landscaping or plant materials, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials which may be supplemented with other landscaping. The Township Board may require a performance guarantee to cover the cost of landscaping prior to issuing a certificate of occupancy. Landscaping shall be installed in a sound manner according to generally accepted planting procedures with the quality of plant materials as hereinafter described. Landscaped areas shall be protected from vehicular encroachment by use of concrete curbs and gutters. Landscaped areas shall be elevated above the pavement to a minimum height of six (6) inches to protect plant materials from snow removal operations, salt, and other hazards. If building or paving construction is completed in an off-planting season, a temporary certificate of occupancy may be issued only after the developer provides a performance bond to ensure installation of required landscaping in the next planting season.

An inspection of plant materials will be conducted by the Township within three (3) months of written notification of installation to release the performance guarantee.
  - C. **Plant Material Standards.** It is the intent of this article that an interesting and thoughtful mixture of plants shall be provided. Therefore, all required landscaping shall comply with the following minimum plant material standards, unless otherwise specified within this article. These standards may be varied by the Planning Commission and Township Board when these established minimums will not serve the purpose and intent of this article.
3. **Plant Quality.** Plant materials permitted in required landscaped areas shall be nursery grown, hardy to the climate of southeast Michigan, long lived, resistant to disease and insect attack, and shall have orderly growth characteristics.

#### 4. Plant Size Specifications.

- A. **Trees.** Required trees shall be of the following sizes at the time of planting, unless otherwise stated in this article.
  - (1) Deciduous Trees. Two and a half (2 1/2) inch caliper minimum measurement at four (4) feet off the ground, with a minimum eight (8) feet in height above grade when planted.
  - (2) Evergreen Trees. Eight (8) feet in height, with a minimum spread of three (3) feet and the size of the bur lapped root ball shall be at least ten (10) times the caliper of the tree measured six (6) inches above grade.
  - (3) Deciduous Ornamental Trees. One (1) inch caliper minimum at three (3) feet off the ground, with a minimum height of six (6) feet above grade when planted.
- B. **Shrubs.** Minimum twenty-four (24) inches high above planting grade.
- C. **Hedges.** Planted in such a manner as to form a continuous unbroken visual screen within two (2) years after planting.
- D. **Vines.** Minimum of thirty (30) inches in length after one (1) growing season.
- E. **Ground Cover.** Planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.
- F. **Grass.** Planted in species normally grown as permanent lawns in southeast Michigan. Grass may be plugged, sprigged, seeded, or sodded, except that rolled sod, erosion reducing net, or suitable mulch shall be used in swales or other areas subject to erosion. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and disease.
- G. **Mulch Material.** Minimum of four (4) inches deep for planted trees, shrubs, and vines, and shall be installed in a manner as to present a finished appearance.

- 5. **Approved Plant Species.** Unless otherwise provided elsewhere within this article, or specifically permitted by the Planning Commission and Township Board, all required plant materials shall be of the following species:



DECIDUOUS TREES	
Native Plant Name	
Common	Scientific
American Hornbeam	Ostrya Virginiana
Beech, American	Fagus Grandifolia
Beech, Blue	Carpinus Caroliniana
Birch	Betula
Black Gum	Nyssa Sylvatica
Black Walnut	Juglans Nigra
Chestnut	Castanea
Crabapple/Hawthorn	Malus/Crataegus
Hickory	Carya
Juneberry	Amelanchier Arborea
Kentucky Coffeetree	Gymnocladus Dioicus
Larch/Tamarack	Larix
Maple	Acer
Oak	Quercus
Oak, Bur	Quercus Macrocarpa
Oak, Red	Quercus Rubra
Oak, Swamp White	Quercus Bicolor
Oak, White	Quercus Alba
Redbud	Cercis Canadensis
Sassafras	Sassafras Albidum
Sycamore	Platanus
Tulip Tree	Liriodendron Tulipifera
Wild Cherry	Prunus

CONIFEROUS/EVERGREEN TREES	
Native Plant Name	
Common	Scientific
Arborvitae	Thuja
Cedar, Red	Juniperus Virginiana
Fir	Abies
Hemlock	Tsuga
Larch/Tamarack	Larix
White Pine	Pinus Strobus

SHRUBS	
Native Plant Name	
Common	Scientific
Arrowwood Viburnum	Viburnum Dentatum
Blackhaw Viburnum	Viburnum Prunifolium
Bush Honeysuckle	Diervilla Lonicera
Buttonbush	Cephalanthus Occidentalis
Dogwood, Alternate Leaved	Cornus Alternifolia
Dogwood, Flowering	Cornus Florida
Dogwood, Red-Osier	Cornus Sericea or Stolonifera
Elderberry	Sambucus Nigra or Canadensis
Holly (Michigan)	Ilex Verticillata
Nannyberry	Viburnum Lentago
New Jersey Tea	Ceanothus Americanus
Ninebark	Physocarpus Opulifolius
Red Chokeberry	Aronia Arbutifolia
Serviceberry	Amelanchier
Shrubby Ceanquefoil	Potentilla Fruticose
Spicebush	Lindera Benzoin
Witch-Hazel	Hamamelis Virginiana

FERNS	
Native Plant Name	
Common	Scientific
Lady Fern	Athyrium Filix-Femina
Maidenhair Fern	Adiantum Pedatum
Ostrich Fern	Matteuccia Struthiopteris
Sensitive Fern	Onoclea Sensibilis

GRASSES, SEDGES, RUSHES	
Native Plant Name	
Common	Scientific
Big Bluestem	Andropogon Gerardii
Bottlebrush Grass	Hystrix Patula
Indian Grass	Sorghastrum Nutans
Little Bluestem	Andropogon Scoparius
Pennsylvania Sedge	Carex Pennsylvanica
Soft-stemmed Rush	Juncus Effuses
Switch Grass	Panicum Virgatum
Tussock Sedge	Carex Stricta

WILDFLOWERS	
Native Plant Name	
Common	Scientific
Aster, New England	Aster Novae-Angliae
Aster, Smooth	Aster Laevis
Beardtongue, Foxglove	Penstemon Digitalis
Beardtongue, Hairy	Penstemon Hirsutus
Black-eyed Susan	Rudbeckia Hirta
Blazing Star, Marsh	Liatris Spicata
Blazing Star, Rough	Liatris Aspera
Boneset, Common	Eupatorium Perfoliatum
Cardinal Flower	Lobelia Cardinalis
Culver's Root	Veronicastrum Virginicum
Golden Alexanders	Zizia Aurea
Golden Ragwort	Senecio Aureus
Goldenrod, Broad-Leaved	Solidago Flexicaulis
Goldenrod, Riddell's	Solidago Riddellii
Goldenrod, Showy	Solidago Speciose
Goldenrod, Stiff	Solidago Rigida
Great Blue Lobelia	Lobelia Siphilitica
Meadow-rue, Early	Thalictrum Dioicum
Meadow-rue, Purple	Thalictrum Dasycarpum
Milkweed, Butterfly	Asclepias Tuberosa
Milkweed, Common	Asclepias Syriaca
Milkweed, Poke	Asclepias Exaltata
Milkweed, Swamp	Asclepias Incarnata
Missouri Ironweed	Vernonia Missurica
Mountain Mint	Pycnanthemum Virginianum
Nodding Wild Onion	Allium Cernuum
Prairie Dock	Silphium Terebinthinaceum
Sand Coreopsis	Coreopsis Lanceolate
Southern Blue Flag	Iris Virginica
Spiderwort, Common	Tradescantia Ohiensis

Spotted Joe-pye Weed	Eupatorium Maculatum
True Solomon's Seal	Polygonatum Biflorum
Turtlehead	Chelone Glabra
White Baneberry	Actaea Pachypoda
Wild Bergamot	Monarda Fistulosa
Wild Columbine	Aquilegia Canadensis
Wild Geranium	Geranium Maculatum
Wild Ginger	Asarum Canadense
Wild Lupine	Lupinus Perennis
Wild Strawberry	Fragaria Virginiana

6. **Prohibited Plant Materials.** The following plant materials shall not be used for landscaping purposes under any circumstances because of susceptibility to storm damage, disease, or other undesirable characteristics:

- Acer negundo
- UI-1 varieties
- Aesculus varieties
- Populus varieties
- Salix varieties
- Catalpa varieties
- Ailanthus altissima
- Morus varieties
- Ginkgo biloba (female)
- Box Elder
- EI-1 varieties
- Horse chestnuts
- Poplar varieties
- Willow varieties
- Catalpa varieties
- Tree of Heaven
- Mulberry varieties

7. **Required Landscaping Along Public Streets and CPUD Boundaries.** One of the following street landscaping options is required on land abutting public rights-of-way, boundaries of the CPUD site that are not adjacent to other CPUD's or commercial districts, or where otherwise referenced.

A. **Greenbelt.** A required greenbelt shall meet the following standards:

- (1) Greenbelts shall have a minimum width of ten (10) feet. The Planning Commission and Township Board may permit the width of the greenbelt to be reduced in cases where existing conditions do not permit a ten (10) foot width and in areas where it is desirable to maintain a shallow front setback. In such cases, the greenbelt requirement may be met through the provision of street trees within the curb line, or the provision of landscaping as required below.
- (2) At least one (1) deciduous tree (minimum two and a half (2 1/2) inch caliper) and four (4) minimum twenty-four (24) inch high shrubs shall be planted per each forty (40) lineal feet of street frontage. Location of the trees and shrubbery is discretionary. Additional canopy trees may be provided in lieu of the requirement for shrubs at the rate of one (1) additional canopy tree for every four (4) required shrubs.
- (3) The greenbelt area shall contain grass, vegetation ground cover, four (4) inch shredded bark mulch, or four (4) inch deep crushed stone on a weed barrier, excluding marble chips or lava rock, and curbed or edged as necessary. Steel, aluminum, or black plastic edging shall be used for any planting beds.

- (4) Where headlights from parked vehicles will shine into the right-of-way, the Planning Commission and Township Board may require use of a totally obscuring hedge with a minimum height of twenty-four (24) inches and a maximum height of thirty-six (36) inches.
    - a. **Berms.** A combination of a raised earth berm and plantings where and when required shall meet the following standards:
      - (1) Berms shall have a minimum height of two (2) feet with a crest at least three (3) feet in width. The height of the berm may meander if the intent of this section is met and an appropriate screen is provided.
      - (2) The exterior face of the berm shall be constructed as an earthen slope, with a slope not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance (1:3). The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace, or other means acceptable to the Planning Commission and Township Board.
      - (3) At least one (1) deciduous tree (minimum two and a half (2 1/2) inch caliper) shall be provided for each thirty (30) feet of lineal street berm length.
      - (4) At least one (1) minimum twenty-four (24) inch high shrub shall be provided for each one-hundred (100) square feet of berm surface area (calculated from a plan view).
      - (5) Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected until the seed germinates and a permanent lawn is established by straw mulch, hydro-mulching or netting specifically designed to control erosion.
      - (6) The base of any signs placed within the berm shall be at, or below, the average grade along the berm.
  - B. **Buffer Strip.** A buffer strip may be required, particularly where the adjacent uses and those across the street are residential in character or less intense than the use of the subject site. The intent of the buffer strip is to have a minimum five (5) foot high obscuring area along side or rear lot lines, and an appropriate landscaped strip along front lot lines. A buffer strip shall meet the following requirements:
    - (1) Buffer strips shall have a minimum width of ten (10) feet.
    - (2) All trees shall be evergreens a minimum eight (8) feet high at planting.
    - (3) The buffer planting area shall contain grass, vegetation ground cover, four (4) inch shredded bark mulch, or four (4) inch deep crushed stone on a weed barrier, excluding marble chips or lava rock, and curbed or edged as necessary. Steel, aluminum, or black plastic edging shall be used for any planting beds.
8. **Interior Landscaping.** There shall be interior landscaping areas exclusive of any other required landscaping in every CPUD consisting of at least ten percent (10%) of the total lot area. This landscaped area should be grouped near building entrances, along building foundations, along pedestrian walkways, and along service areas. All interior landscaping shall conform to the following standards:
- A. One (1) deciduous (minimum two and a half (2 1/2) inch caliper) or ornamental tree (minimum two (2) inch caliper) or evergreen tree (minimum five (5) foot height) shall be provided for every four-hundred (400) square feet of required interior landscaping area.
  - B. One (1) twenty-four (24) inch high shrub shall be provided for every two-hundred- fifty (250) square feet of required interior landscaping area.
  - C. The interior landscaping area shall contain grass, vegetation ground cover, four (4) inch shredded bark mulch, or four (4) inch deep crushed stone on a weed barrier, excluding marble chips or lava rock, and curbed or edged as necessary. Steel, aluminum, or black plastic edging shall be used for any planting beds.

9. **Parking Lot Landscaping.** Within every parking area containing ten (10) or more proposed spaces, at least one (1) deciduous tree (two and a half (2 1/2) inch minimum caliper) or ornamental tree (minimum two (2) inch caliper if tree form, six (6) foot minimum height if clump form) with at least one-hundred (100) square feet of planting area shall be used for every ten (10) parking spaces, in addition to any other landscaping requirements. This landscaping shall meet the following standards:
- A. Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement and help direct smooth traffic flow within the lot.
  - B. Landscaping shall be planned and installed such that, when mature, it does not obscure traffic signs or lighting, obstruct access to the fire hydrants nor interfere with adequate motorist sight distance.
  - C. All landscaped areas, when adjacent to streets, driveway aisles, or parking areas, shall be curbed with a concrete curb of a minimum height of six (6) inches. Dimensions of separate landscaped areas within the interior of or adjacent to parking areas shall be shown on the CPUD plan. Minimum width of such areas shall be ten (10) feet; minimum radii shall be ten (10) feet at ends facing main aisles and a minimum one (1) foot for radii not adjacent to main circulation aisles. The length of these areas shall be two (2) feet shorter than adjacent parking space to improve maneuvering. A parking space overhang of two (2) feet may be used to widen a landscaped area and reduce the length of a parking space by two (2) feet less than required by this article.
  - D. **Plant Material Spacing.** Plant materials shall not be placed closer than four (4) feet from the fence line or property line. Plant materials used together in informal groupings shall meet the following on-center spacing requirements:

PLANT MATERIAL TYPES	EVERGREEN	NARROW EVERGREEN TREES	LARGE DECIDUOUS TREES	SMALL DECIDUOUS TREES
Evergreen Trees	Min. 10' Max. 20'	Min 12'	Min. 20'	Min. 12'
Narrow Evergreen Trees	Min. 12'	Min. 5' Max. 10'	Min. 15'	Min. 10'
Large Deciduous Trees	Min. 20'	Min. 15'	Min. 20' Max. 30'	Min. 15'
Small Deciduous Trees	Min. 12'	Min. 10'	Min. 15'	Min. 8' Max. 15'
Large Shrubs	Min. 6'	Min. 5'	Min. 5'	Min. 6'
Small Shrubs	Min. 5'	Min. 4'	Min. 3'	Min. 3'

PLANT MATERIAL TYPES	LARGE SHRUBS	SMALL SHRUBS
Evergreen Trees	Min. 6'	Min. 5'
Narrow Evergreen Trees	Min. 5'	Min. 4'
Large Deciduous Trees	Min. 5'	Min. 3'
Small Deciduous Trees	Min. 6'	Min. 3'
Large Shrubs	Min. 4' Max. 6'	Min. 5'
Small Shrubs	Min. 5'	Min. 3' Max. 4'

10. **General Layout And Design Standards.**

- A. Landscaped areas and plant materials required by this article shall be kept free from refuse and debris. Plant materials, including lawns, shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant material required by this article dies or becomes diseased, they shall be replaced within thirty (30) days of written notice from the Township or within an extended time period as specified in said notice.
- B. Tree stakes, guy wires and tree wrap are to be removed after one (1) year.
- C. All landscaped areas shall be provided with a readily available and acceptable water supply, or with at least one (1) outlet located within one hundred (100) feet of all planted material to be maintained. Frontage landscaping, boulevard medians, interior parking lot landscaped areas, and other curbed landscaped areas shall be irrigated via an underground sprinkler system or a system of filtering and distributing stormwater to provide water for landscape areas (such a system could include bioswales or rain gardens, and the Planning Commission may allow uncurbed islands or landscape areas in order to accommodate the stormwater management system).
- D. Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants.
- E. Cul-de-sacs, site entrances and boulevard medians shall be landscaped with species tolerant of roadside conditions in southeast Michigan.
- F. Landscaping within the site shall be approved in consideration of sight distance, size of planting area, location of sidewalks, maintenance of adequate overhead clearance, accessibility to fire hydrants, visibility to approved signs of adjacent uses, compatibility with the visual character of the surrounding area, maintenance- performance guarantee, and curbing around landscape areas.
- G. Plantings within fifteen (15) feet of a fire hydrant shall be no taller than six (6) inches at maturity.

11. **Incentives to Preserve Existing Trees.** The Township encourages the preservation of quality and mature trees by providing credits toward the required trees for greenbelts, buffer strips, interior landscaping, and within parking lots. Trees intended to be preserved shall be indicated with a special symbol on the site plan and be protected during construction through use of a fence around the drip line. Tree species, location, and caliper must be shown on the landscape plan. Tree protection measures must be shown and noted on the landscape plan. To obtain credit, the preserved trees shall be of a high quality and at least two and one half (2 1/2) inches caliper. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site as determined by the Planning Commission and Township Board. Trees over twelve (12) inches caliper to be removed shall be noted on the landscape plan.

The credit for preserved trees shall be as follows. Any preserved trees receiving credit which are lost within two (2) years after construction shall be replaced by the land owner with trees otherwise required.

CALIPER OF PRESERVED TREE	NUMBER OF TREES (IN INCHES)CREDITED
over 12	3
8 to 12	2
2 1/2 to 8	1

Note: Caliper measurement for existing trees is the diameter at a height of four and one half (4.5) feet above the natural grade. (Diameter at Breast Height - D.B.H.)

The following trees are not eligible for preservation credits:

- Box Elder
- Willows
- Hackberry
- Locust (sp.)
- Scotch Pine
- Red Pine
- Apple
- Hawthorn
- Silver Maple
- Autumn Olive
- Buckthorn
- Poplars
- Malus (sp.)
- European Alder
- Norway Maple
- Siberian Elm

## 12. Screening.

- A. **Waste Receptacles.** Waste receptacles shall be located and screened with a decorative masonry wall of at least six (6) feet in height with a solid or impervious gate. Where receptacles are taller than six (6) feet, the required screening wall shall be the minimum height required to completely screen the receptacle. The required screening wall shall be of the same material as those required for other screening walls on the site and/or the facade of the principal building.
- B. **Mechanical Equipment.** Ground mounted mechanical equipment shall be screened with plant materials or a wall, when deemed necessary by the Planning Commission and Township Board.
- C. **Loading Areas.** Loading areas and loading docks, when adjacent to the boundaries of the CPUD or other buildings, shall be screened by a berm, buffer strip, a decorative masonry wall of at least six (6) feet in height with a solid or impervious gate, or a combination of a berm or buffer strip and a masonry wall.
- D. **Parking Lots.** Parking lots, when adjacent to a side or rear boundary of a CPUD, shall be screened by a berm or buffer strip.

## 13. Waiver or Modification of Standards for Special Situations.

The Planning Commission and Township Board may determine existing landscaping or screening intended to be preserved, or a different landscape design, would provide all or part of the required landscaping and screening. In making such a determination to waive or reduce the landscaping and screening requirements of this section, the following may be considered.

- A. Extent that existing natural vegetation provides desired screening.
- B. There is a steep change in topography which would limit the benefits of required landscaping.
- C. The presence of existing wetlands and watercourses.
- D. Existing and proposed building placement.
- E. The abutting or adjacent land is developed or planned by the Township for a use other than residential uses.
- F. Building heights and views.
- G. The adjacent residential district is over two-hundred (200) feet away from the site.
- H. Similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.



**SECTION 8.12:****Pre-Application Meeting**

The developer is encouraged to meet with the Township Supervisor, the Township Planner, and the Planning Commission Chairperson to discuss the concepts of the proposed project before submitting a formal application for CPUD. This allows for a dialogue on the development goals of the Township as expressed in its Land Use Plan. At a pre-application meeting the developer should submit a preliminary sketch for the proposed CPUD, containing both maps and a written statement. All maps should show enough of the surrounding area to demonstrate the relationship of the CPUD to adjoining uses, both existing and proposed. The maps which are a part of a sketch plan for a pre-application meeting may be in general schematic form but must contain enough information to obtain feedback from the Supervisor, Planner, and the Planning Commission Chairperson.

**SECTION 8.13:****Contents of Application: Preliminary Development Plan**

An application for preliminary CPUD plan shall be filed with the Township Clerk by all owners of interest in the property for which the CPUD is proposed. The plan shall contain the following information:

1. Name, address, and telephone number of the applicant(s).
2. Name, address, and telephone number of registered land surveyor, registered engineer, landscape architect, or land use planner which assisted in the preparation of the preliminary plan.
3. Legal description of the property.
4. Description of existing use(s) and zoning district(s).
5. A vicinity map showing property lines, streets, roads, and uses of adjacent properties so that the Township can initially determine how the proposed development will relate to land use in the general vicinity.
6. A preliminary development plan at a scale of not less than one inch equals one hundred feet (1"=100') showing topography at not less than two (2) foot contours; location and type of commercial, office and residential land use; layout, dimensions, and names of existing and proposed streets, rights-of-way, and utility easements; parks and community spaces; layout and dimensions of lots and building setbacks; preliminary layout of water, sewer, drainage, electric, natural gas, cable, and telephone; and other information the Township considers necessary.
7. Proposed schedule for the development of the site. If a multiple phase CPUD is proposed, identification of the areas included in each phase. For residential uses, the number, type, and density of proposed housing units within each phase.
8. Evidence that the applicant has sufficient control over the site to initiate the proposed CPUD within eighteen (18) months of receiving final approval.
9. Any additional graphics or materials requested by the Township to assist the Township in determining the appropriateness of the CPUD such as aerial photography, market studies, impact on the public school system, traffic impacts, impacts on significant, historical, and architectural features, impacts on drainage, preliminary construction costs, preliminary architectural sketches, and preliminary drafts of by-laws and master deeds.
10. A graphic description of how the site proposed for development could be developed under the regulations of the underlying zoning district.

**SECTION 8.14:****Public Hearing By The Planning Commission**

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Within sixty (60) days after receipt of the preliminary development plan, the Planning Commission shall hold at least one (1) public hearing. The notice of the public hearing shall be given in one (1) or more newspapers of general circulation in the Township not less than fifteen (15) days before the date of the public hearing. Written notice of the public hearing shall be sent by mail or personal delivery not less than fifteen (15) days before the hearing date to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the proposed CPUD and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall do all of the following:

1. Describe the nature of the CPUD request.
2. Indicate the property that is the subject of the CPUD request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the CPUD request will be considered.
4. Indicate when and where written comments will be received concerning the CPUD request.

**SECTION 8.15:****Approval in Principle by Planning Commission**

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Within forty-five (45) days after the close of the public hearing, the Planning Commission shall review the preliminary CPUD plan to determine if it is consistent with the intent and purpose of Article 8; whether the proposed CPUD advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the inter-relationship with existing and proposed land uses in the surrounding area justify the deviation from standard district regulations. Approval in principle shall not be construed to endorse the location of uses, configuration of building sites, or layout of infrastructure.

**SECTION 8.16:****Action by the Township Board**

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Within forty-five (45) days after the receipt of the approval in principle by the Planning Commission, the Township Board shall either approve, approve with conditions, disapprove the preliminary development plan, or refer the proposed CPUD back to the Planning Commission for further study. If the application is referred back to the Planning Commission for further study, the Planning Commission shall have forty-five (45) days within which to make its recommendation to the Township Board.

**SECTION 8.17:****Formation of CPUD Study Committees**

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If the Township Board grants approval to the preliminary CPUD plan, the Township shall form an ad-hoc CPUD study committee to meet with the applicant and, through a negotiating process, refine the conceptual plan into a more detailed final plan. Any element of the proposed development is eligible for negotiation. The committee shall also review drafts of proposed by-laws and master deed of the CPUD. The committee shall consist of at least three (3) members of the Planning Commission and at least two (2) members of the Township Board. The committee may

request technical assistance from consultants to assist it evaluating alternative designs for the CPUD. The ad-hoc study committee shall work with the applicant until it can make a recommendation to the Planning Commission on the disposition of the proposed CPUD. The ad-hoc study committee may recommend that the proposed CPUD development be approved or denied by the Planning Commission. A recommendation by the ad-hoc study committee shall be necessary before an application for final CPUD application is submitted. All ad-hoc study committee meetings shall be open to the public.

**SECTION 8.18:****Final Development Plan**

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After the Planning Commission receives a recommendation for approval of the CPUD plan, it shall make a recommendation to the Township Board to approve the CPUD plan at this intermediate stage, approve with additional conditions, or deny the CPUD plan. If the plan receives approval or approval with conditions, the applicant may prepare the final development plan. Even if the Planning Commission recommends denial of the CPUD plan, the applicant may petition the Township Board for a decision on the CPUD plan forthcoming from the ad-hoc study committee. The applicant may prepare the final development plan if the Township Board grants approval by a majority vote of the full Board.

Ten (10) copies of the final development plan shall be submitted and be endorsed by a qualified technical expert. It shall be in substantial conformance with the CPUD plan approved by the ad-hoc study committee and contain the following information:

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines, topography, existing natural features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
2. All information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units, non-residential buildings intensity, and land use considered suitable for adjacent properties.
3. A schedule for the development of units to be constructed in phases and a description of the design for the buildings and landscaping; tabulation of the number of acres in the proposed project for the various uses in the CPUD; the number of housing units by type; estimated residential population by type of housing; estimated non-residential population; and estimated acres given to active and passive open space.
4. Engineering feasibility studies and plans showing water, sewer, drainage, electric, telephone, and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earth work required for site preparation and development.
5. Site plans showing the functional use and relationship of buildings, open space, and circulation.
6. Preliminary building plans, including floor plans and exterior elevations.
7. Landscaping plans, prepared by a registered landscape architect.
8. Association by-laws, master deed, deed restrictions, covenants and other legal statements and devices to be used to control the use, development, and maintenance of the land and improvements including those areas which are to be commonly owned and maintained.
9. A statement indicating that, if a part of the proposed development is sold or leased to another party or parties, full compliance with the CPUD agreement and the final development plan will be required and enforced.
10. A description of the process of how information on the master deed and by-laws of the proposed development will be disseminated to prospective buyers.

**SECTION 8.19:****Recommendation by the Planning Commission**

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Within sixty (60) days after receiving the final development plan, the Planning Commission shall recommend to the Township Board that the final development plan be approved as presented, approved, with supplementary conditions, or not be approved.

**SECTION 8.20:****Criteria for Evaluation by the Planning Commission**

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Before making its recommendation on the final development plan, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing(s) establish that:

1. Each individual unit phase of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objectives will be attained; the uses in the proposed CPUD will not be detrimental to present and potential adjacent uses; and will have a beneficial impact which could not be achieved under standard district regulations.
2. The streets and thoroughfares proposed are suitable to carry anticipated traffic and the increased densities will not generate traffic in such amounts so as to exceed the design capacities of area roadways.
3. Any commercial component of the CPUD will be beneficial to the general area and to the population of the proposed development.
4. Any deviation(s) from the regulations of the underlying zoning district can be justified by meeting the purpose of the CPUD provisions of the Township Zoning Ordinance.
5. The area surrounding the proposed CPUD can be planned and zoned in coordination and substantial compatibility.
6. The proposed CPUD meets the development goals and objectives of the Township Land Use Plan.
7. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.

**SECTION 8.21:****Action by the Township Board**

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After receipt of the recommendation on the final development plan by the Planning Commission, the Township Board shall approve, approve with supplementary conditions, or disapprove the final plan. The Township Board may also refer the final plan back to the Planning Commission for further study. The Township Board shall also approve the final draft of the CPUD agreement when it approves the final CPUD development plan.

**SECTION 8.22:****Supplementary Conditions and Safeguards**

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In approving any CPUD, the Township Board may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the final plan is approved, shall be considered a violation of this Ordinance. These conditions may be made part of the CPUD agreement.

## SECTION 8.23:

**Deviations from Approved Final CPUD Plan**

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Deviations from the approved final CPUD plan may occur only under the following circumstances:

1. An applicant or property owner who has been granted final CPUD approval shall notify the Township Supervisor of any proposed amendment to the approved site plan.
2. Minor changes may be approved by the Township Supervisor provided that the proposed revision does not alter the basic design nor conditions of the plan. Minor changes shall consist of the following:
  - A. For residential buildings, the size of structures may be reduced or increased by five percent (5%) provided that the overall density of units does not increase.
  - B. Square footage of non-residential buildings may be decreased or increased by up to five percent (5%).
  - C. Buildings may be moved by no more than ten (10) feet.
  - D. Landscape materials may be replaced by similar plant materials on a one-to-one or greater basis.
  - E. Building materials may be changed to those of higher quality.
  - F. Floor plans may be changed provided the change does not alter the character of the use.
  - G. Sidewalks or refuse storage stations may be relocated.
  - H. Internal parking lots may be rearranged which does not affect the number of parking spaces or alter access locations.
  - I. Changes requested by the Township relative to public safety shall be considered a minor change.
3. Should the Township Supervisor determine that the requested modification to the final CPUD plan is not minor, re-submittal to the Planning Commission is necessary.
4. Should the Planning Commission determine that the modifications to the final CPUD plan significantly alter the intent of the original concept of the project, a new submittal illustrating the modification shall be required. Final approval of the modification is required by the Township Board.

*Adopted 04/20/2000 Effective 04/26/2000*

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ARTICLE 9:  
**IPUD -  
INDUSTRIAL  
PLANNED UNIT  
DEVELOPMENT**



**SECTION 9.01:****Purpose**

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It is the intent of the "IPUD" district to permit and control the development of comprehensively planned industrial areas and research and development centers; to encourage development of comprehensively planned industrial areas that are made compatible with surrounding or abutting uses by mitigating noise, dust, smoke, etc with suitable buffering, landscaping, and parking areas; and to allow design flexibility and creative approaches in the development of industrial elements of the Township in accordance with the Master Plan.

**SECTION 9.02:****Application and Process**

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Upon a recommendation by the Planning Commission and approval by the Township Board, an IPUD overlay district may be applied to any property previously zoned M-1 Industrial. Upon approval of the final development plan and the IPUD agreement by the Township Board, the Official Zoning Map shall be annotated for the land area involved so that IPUD overlay is clearly shown on the map.

In addition, the Township shall maintain a current list of all approved IPUD projects, showing the approval date, the time by which project construction must begin, and the time that the approval period for the final IPUD plan expires.

All PUD approvals shall include a PUD Agreement, which shall list the specific permitted uses, and other regulatory provisions, that govern the development and operation of the PUD. The PUD Agreement may waive or alter any provision of this Ordinance, except those contained in this Article 9, which can only be waived or altered through a variance approval by the Zoning Board of Appeals. Any provision of this Ordinance not specifically waived or altered by the PUD Agreement shall remain in force.

**SECTION 9.03:****Uses Permitted**

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The following uses may be permitted in an IPUD. For all IPUDs, the specific uses allowed, and whether or not Special Use Approval is required for each, shall be listed in the PUD agreement.

1. All uses permitted in the M-1 District.
2. All uses permitted by Special Use Approval in the M-1 District.
3. Manufacturing that has been determined to meet the definition of "High Intensity" as defined in Section 5.22.D.
4. Retail, when accessory to an industrial use that has been specifically authorized by the PUD Agreement.
5. Vehicle Dealerships.
6. Child Care

Further, the Township may approve uses not specifically listed in this Ordinance within an IPUD, provided that, in the Township's opinion, they are industrial in character.



## SECTION 9.04:

## Minimum Project Area

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In an effort to advance the goal of good land use planning and mitigate the negative impacts of any proposed industrial use, the Township may propose or designate a parcel of any size for the IPUD process, if it advances development objectives consistent with the goals of the Township Land Use Plan.

## SECTION 9.05:

## Project Ownership

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The land proposed for a IPUD project may be owned or controlled by either a single person, a corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation. The proposed IPUD site shall be capable of being planned and developed as one (1) integral unit.

## SECTION 9.06:

## Utility Requirements

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In order to be approved, an IPUD must either be connected to public sewer or have a septic system determined to be sufficient for the proposed uses, in the opinion of both the Township Board and the Livingston County Health Department.

## SECTION 9.07:

## Height Requirements

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The maximum height of any building in a IPUD is sixty (60) feet. The Township Board may permit non-building structures, such as water towers or communications towers, to exceed that maximum.

## SECTION 9.08:

## For Access Management, Parking and Loading

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1. **Intent and Purpose.** The purpose of this section is to provide access standards which will facilitate through-traffic operations, ensure public safety along roadways, and protect the public investment in the street system, while providing property owners with reasonable access.
2. **Application of Standards.** The standards of this section shall be applied to all public or private roads adjacent to lot proposed for an IPUD.
3. **Number of Driveways.**
  - A. Access to a IPUD shall consist of either a single two-way (2) driveway, from each adjacent public or private street.
  - B. Where the IPUD has continuous frontage of over three hundred (300) feet and the developer can demonstrate, using the Institute of Transportation Engineer's Trip Generation Manual or another accepted reference, that a second access is warranted, the Planning Commission and Township Board may allow an additional access point, which must meet all provisions of this section.

- C. Where the IPUD has continuous frontage of over six hundred (600) feet, a maximum of three (3) driveways may be allowed, with at least one (1) such driveway being designed, constructed, and signed for right-turns-in and right-turns-out only.
- D. Where the frontage of a IPUD is insufficient to provide a driveway meeting the minimum driveway width and radii, a shared driveway or other means of access may be approved. Shared driveways shall not be approved in any other circumstance.

#### 4. Adequate Sight Distance.

- A. Requirements for minimum intersection or corner sight distance for driveways shall be in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines defined in Chapter 9 of "A Policy on Geometric Design of Highways and Streets, 1984," or its latest edition.
- B. The Planning Commission and Township Board may adjust driveway locations where there is a concern regarding adequate sight distance.

#### 5. Driveway Spacing from Intersections and Access Ramps.

- A. Driveway spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the intersecting street's right-of-way line.
- B. In order to preserve intersection operations and safety, the minimum distance between a driveway and an intersecting street right-of-way shall be based on the following:
  - (1) For locations within two hundred (200) feet of any signalized or four-way (4) stop intersection, driveways shall be spaced a minimum of one-hundred- fifty (150) feet from the intersection. Where this spacing cannot be provided, driveways designed for "right-turn in/right-turn out only" movements may be allowed, with a minimum spacing of seventy-five (75) feet from the intersecting street right-of-way.
  - (2) Driveways shall be spaced a minimum of two hundred (200) feet from the centerline of access ramps of interstate or limited access highways.
  - (3) One-hundred (100) feet for locations not addressed by items 6.b.1,6.b.2, or 6.b.3.

#### 6. Driveway Spacing from Other Driveways.

- A. Driveway spacing from other driveways shall be measured from the centerline of each driveway at the point where it crosses the street right-of-way line.
- B. Minimum driveway spacing from other driveways along the same side of the street shall be determined based on posted speed limits along the parcel for each particular frontage, as follows:

POSTED SPEED LIMIT (MPH)	MINIMUM DRIVEWAY SPACING
25 mph	100 feet
30 mph	125 feet
35 mph	150 feet
40 mph	185 feet
45 mph	230 feet
50 mph	275 feet
55 mph	350 feet
Unposted (Unpaved)	230 feet
Unposted (Paved)	350 feet

- C. Driveways shall be directly aligned with those across the street or, where offset, the minimum driveway spacing from driveways across the street shall be one-hundred- fifty (150) feet, excluding when one (1) or both driveways are designed and signed for right-turn-in/right-turn-out only.

7. **Driveway Design, Channelized Driveways, Deceleration Lanes and Tapers, Bypass Lanes.**

- A. Driveways shall be designed to the standards of Livingston County, except where stricter standards are included herein or by the Township's driveway construction standards.

B. **Driveway Width and Radii.**

- (1) The typical driveway design shall include one (1) ingress and one (1) egress lane, with a combined minimum throat width of twenty-five (25) feet and a maximum throat width of thirty (30) feet, measured from face to face of curb.
- (2) Wherever the Planning Commission and Township Board determines that traffic volumes or conditions may cause significant delays for traffic exiting left, two (2) exit lanes may be required.
- (3) For one-way paired driveway systems, each driveway shall be twenty (20) feet wide, measured perpendicularly.
- (4) In areas with pedestrian traffic, the exit and enter lanes may be separated by a median with a maximum width of ten (10) feet. Concrete sidewalks shall be continued and/or maintained across driveways.
- (5) Driveways shall be designed with a twenty-five (25) foot radii; thirty(30) foot radii shall be required where daily truck traffic is expected.

8. **Directional Driveways, Divided Driveways and Deceleration Tapers.** Directional driveways, divided driveways, and deceleration tapers and/or by-pass lanes may be required by the Planning Commission and Township Board where they will reduce congestion and accident potential for vehicles accessing the proposed use or site. Right-turn tapers shall be a minimum of seventy-five (75) feet in length and at least eleven (11) feet wide.

9. **Design of Frontage Roads, Rear Service Drives and Parking Lot Connections.**

10. Frontage roads, rear service drives and drives connecting two (2) or more parking lots shall be constructed in accordance with the following standards:

- A. Pavement width shall be a maximum of thirty (30) feet, measured face of curb to face of curb; intersection approaches may be widened to thirty-nine (39) feet for a left turn lane.
- B. Frontage road access to public streets shall be spaced according to the standards of subsections (6) and (7), above.
- C. Frontage roads shall have a minimum setback of thirty (30) feet between the outer edge of pavement and the right-of-way line, with a minimum sixty (60) feet of uninterrupted queuing (stacking) space at the intersections.
- D. Parking along or which backs into a frontage road shall be prohibited.
- E. For properties which are currently developed or are adjacent to developed uses, and the standards of (a) through (d) above are determined by the Planning Commission and Township Board to be too restrictive, frontage roads can be defined through parking lots by raised and/or painted islands, as shown, provided that at least every third-end island is raised.

### 11. **Parking, Loading and Sidewalks.**

- A. All parking and loading areas, including driveways, drive lanes, and other access drives shall be paved with either asphalt or concrete, and maintained without large cracks or deterioration of the surface. Masonry pavers are an optional decorative opportunity. All such areas shall also be curbed and guttered with concrete curbs six (6) to eight (8) inches high and concrete gutters twelve (12) inches wide.
- B. Parking for outlet parcels must be located behind buildings or to the sides.
- C. Loading areas and docks shall be placed on the side or rear of buildings, shall be perpendicular to the buildings, and be screened in accordance with this article.
- D. Sidewalks are required at all building entrances and within all road rights-of-way abutting a IPUD, and must be constructed of concrete, exposed aggregate or decorative pavers, and must be a minimum width of five (5) feet. Building sidewalks should connect to parking areas in the most direct manner. Sidewalks within rights- of-way shall extend across driveway aprons and connect to parking areas or building sidewalks where possible.

#### SECTION 9.09:

## Standards for Landscaping and Screening

1. **Intent and Purpose.** The intent of this article is to establish minimum standards for the design, installation, and maintenance of landscaping within IPUD's along public streets, and as buffer areas between uses. Landscaping is viewed as a critical element contributing to the aesthetic qualities, development quality, and stability of property values, privacy, and the overall character in the Township. The standards of this article are also intended to provide incentives to preserve quality mature trees, screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, assist in directing safe and efficient traffic flow at driveways and within parking lots, and minimize negative impacts of storm water runoff and salt spray.

The landscaping standards of this article are considered the minimum necessary to achieve this intent. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

2. **Requirements and Timing of Landscaping**

- A. **Plan Required.** A landscaping plan shall be included with any application for a IPUD. A separate landscaping plan shall be submitted at a minimum scale of one (1) inch equals forty (40) feet. The landscape plan shall clearly describe the location, type, size, and spacing of all plant materials. It shall also include planting details and specifications clearly describing planting technique, material installation, planting mixtures, mulch, material depth, seed blends, and other necessary information.
- B. **Installation and Inspection.** Wherever this article requires landscaping or plant materials, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials which may be supplemented with other landscaping. The Township Board may require a performance guarantee to cover the cost of landscaping prior to issuing a certificate of occupancy. Landscaping shall be installed in a sound manner according to generally accepted planting procedures with the quality of plant materials as hereinafter described. Landscaped areas shall be protected from vehicular encroachment by use of concrete curbs and gutters. Landscaped areas shall be elevated above the pavement to a minimum height of six (6) inches to protect plant materials from snow removal operations, salt, and other hazards. If building or paving construction is completed in an off-planting season, a temporary certificate of occupancy may be issued only after the developer provides a performance bond to ensure installation of required landscaping in the next planting season.

An inspection of plant materials will be conducted by the Township within three months of written notification of installation to release the performance guarantee.

- C. **Plant Material Standards.** It is the intent of this article that an interesting and thoughtful mixture of plants shall be provided. Therefore, all required landscaping shall comply with the following minimum plant material standards, unless otherwise specified within this article. These standards may be varied by the Planning Commission and Township Board when these established minimums will not serve the purpose and intent of this article.
3. **Plant Quality.** Plant materials permitted in required landscaped areas shall be nursery grown, hardy to the climate of southeast Michigan, long lived, resistant to disease and insect attack, and shall have orderly growth characteristics.
4. **Plant Size Specifications.**
- A. **Trees.** Required trees shall be of the following sizes at the time of planting, unless otherwise stated in this article.
- (1) **Deciduous Trees.** Two and a half (2 1/2) inch caliper minimum measurement at four (4) feet off the ground, with a minimum eight (8) feet in height above grade when planted.
  - (2) **Evergreen Trees.** Eight (8) feet in height, with a minimum spread of three (3) feet and the size of the bur lapped root ball shall be at least ten (10) times the caliper of the tree measured six (6) inches above grade.
  - (3) **Deciduous Ornamental Trees.** One (1) inch caliper minimum at three (3) feet off the ground, with a minimum height of six (6) feet above grade when planted.
- B. **Shrubs.** Minimum twenty-four (24) inches high above planting grade.
- C. **Hedges.** Planted in such a manner as to form a continuous unbroken visual screen within two (2) years after planting.
- D. **Vines.** Minimum of thirty (30) inches in length after one (1) growing season.
- E. **Ground Cover.** Planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.
- F. **Grass.** Planted in species normally grown as permanent lawns in southeast Michigan. Grass may be plugged, sprigged, seeded, or sodded, except that rolled sod, erosion reducing net, or suitable mulch shall be used in swales or other areas subject to erosion. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and disease.
- G. **Mulch Material.** Minimum of four (4) inches deep for planted trees, shrubs, and vines, and shall be installed in a manner as to present a finished appearance.

5. **Approved Plant Species.** Unless specifically permitted by the Planning Commission and Township Board, all required plant materials shall be of the following species:

DECIDUOUS TREES	
Native Plant Name	
Common	Scientific
American Hornbeam	Ostrya Virginiana
Birch	Betula
Black Gum	Nyssa Sylvania
Black Walnut	Juglans Nigra
Chestnut	Castanea
Crabapple/Hawthorn	Malus/Crataegus
Hickory	Carya
Juneberry	Amelanchier Arborea
Kentucky Coffeetree	Gymnocladus Dioicus
Larch/Tamarack	Larix
Maple	Acer
Oak	Quercus
Oak, Bur	Quercus Macrocarpa
Oak, Red	Quercus Rubra
Oak, Swamp White	Quercus Bicolor
Oak, White	Quercus Alba
Redbud	Cercis Canadensis
Sassafras	Sassafras Albidum
Sycamore	Platanus
Tulip Tree	Liriodendron Tulipifera
Wild Cherry	Prunus
CONIFEROUS/EVERGREEN TREES	
Common Name	Scientific
Arborvitae	Thuja
Cedar, Red	Juniperus Virginiana
Fir	Abies
Hemlock	Tsuga
Larch/Tamarack	Larix
White Pine	Pinus Strobus

SHRUBS	
Native Plant Name	
Common	Scientific
Arrowwood Viburnum	Viburnum Dentatum
Blackhaw Viburnum	Viburnum Prunifolium
Bush Honeysuckle	Diervilla Lonicera
Buttonbush	Cephalanthus Occidentalis
Dogwood, Alternate Leaved	Cornus Alternifolia
Dogwood, Flowering	Cornus Florida
Dogwood, Red-Osier	Cornus Sericea or Stolonifera
Elderberry	Sambucus Nigra or Canadensis
Holly (Michigan)	Ilex Verticillata
Nannyberry	Viburnum Lentago
New Jersey Tea	Ceanothus Americanus
Ninebark	Physocarpus Opulifolius
Red Chokeberry	Aronia Arbutifolia
Serviceberry	Amelanchier
Shrubby Cenquefoil	Potentilla Fruticosa
Spicebush	Lindera Benzoin
Witch-Hazel	Hamamelis Virginiana

FERNS	
Native Plant Name	
Common	Scientific
Lady Fern	Athyrium Filix-Femina
Maidenhair Fern	Adiantum Pedatum
Ostrich Fern	Matteuccia Struthiopteris
Sensitive Fern	Onoclea Sensibilis

GRASSES, SEDGES, RUSHES	
Native Plant Name	
Common	Scientific
Big Bluestem	Andropogon Gerardii
Bottlebrush Grass	Hystrix Patula
Indian Grass	Sorghastrum Nutans
Little Bluestem	Andropogon Scoparius
Pennsylvania Sedge	Carex Pensylvanica
Soft-stemmed Rush	Juncus Effuses
Switch Grass	Panicum Virgatum
Tussock Sedge	Carex Stricta

WILDFLOWERS	
Native Plant Name	
Common	Scientific
Aster, New England	Aster Novae-Angliae
Aster, Smooth	Aster Laevis
Beardtongue, Foxglove	Penstemon Digitalis
Beardtongue, Hairy	Penstemon Hirsutus
Black-eyed Susan	Rudbeckia Hirta
Blazing Star, Marsh	Liatris Spicata
Blazing Star, Rough	Liatris Aspera
Boneset, Common	Eupatorium Perfoliatum
Cardinal Flower	Lobelia Cardinalis
Culver's Root	Veronicastrum Virginicum
Golden Alexanders	Zizia Aurea
Golden Ragwort	Senecio Aureus
Goldenrod, Broad-Leaved	Solidago Flexicaulis
Goldenrod, Riddell's	Solidago Riddellii
Goldenrod, Showy	Solidago Speciose
Goldenrod, Stiff	Solidago Rigida
Great Blue Lobelia	Lobelia Siphilitica
Meadow-rue, Early	Thalictrum Dioicum
Meadow-rue, Purple	Thalictrum Dasycarpum
Milkweed, Butterfly	Asclepias Tuberosa
Milkweed, Common	Asclepias Syriaca
Milkweed, Poke	Asclepias Exaltata
Milkweed, Swamp	Asclepias Incarnata
Missouri Ironweed	Vernonia Missurica
Mountain Mint	Pycnanthemum Virginianum
Nodding Wild Onion	Allium Cernuum
Prairie Dock	Silphium Terebinthinaceum
Sand Coreopsis	Coreopsis Lanceolate
Southern Blue Flag	Iris Virginica
Spiderwort, Common	Tradescantia Ohiensis
Spotted Joe-pye Weed	Eupatorium Maculatum
True Solomon's Seal	Polygonatum Biflorum
Turtlehead	Chelone Glabra
White Baneberry	Actaea Pachypoda
Wild Bergamot	Monarda Fistulosa
Wild Columbine	Aquilegia Canadensis
Wild Geranium	Geranium Maculatum
Wild Ginger	Asarum Canadense
Wild Lupine	Lupinus Perennis
Wild Strawberry	Fragaria Virginiana

6. **Prohibited Plant Materials.** The following plant materials shall not be used for landscaping purposes under any circumstances because of susceptibility to storm damage, disease, or other undesirable characteristics:
- Acer negundo
  - UI-1 varieties
  - Aesculus varieties
  - Populus varieties
  - Salix varieties
  - Catalpa varieties
  - Ailanthus altissima
  - Morus varieties
  - Ginkgo biloba (female)
  - Box Elder
  - EI-1 varieties
  - Horse chestnuts
  - Poplar varieties
  - Willow varieties
  - Catalpa varieties
  - Tree of Heaven
  - Mulberry varieties
7. **Required Landscaping Along Public Streets and IPUD Boundaries.** One of the following street landscaping options is required on land abutting public rights-of-way, boundaries of the IPUD site that are not adjacent to other IPUD's or industrial districts, or where otherwise referenced.
- A. **Greenbelt.** A required greenbelt shall meet the following standards:
- (1) **Greenbelts shall have a minimum width of twenty (20) feet.** The Planning Commission and Township Board may permit the width of the greenbelt to be reduced in cases where existing conditions do not permit a twenty (20) foot width and in areas where it is desirable to maintain a shallow front setback. In such cases, the greenbelt requirement may be met through the provision of street trees within the curb line, or the provision of landscaping as required below.
  - (2) At least one (1) tree (minimum four (4) inch caliper for deciduous or minimum six (6) feet in height for coniferous) and four (4) minimum twenty-four (24) inch high shrubs shall be planted per each forty (40) lineal feet of greenbelt. Location of the trees and shrubbery is discretionary. Additional canopy trees may be provided in lieu of the requirement for shrubs at the rate of one (1) additional canopy tree for every four (4) required shrubs.
  - (3) The greenbelt area shall contain grass, vegetation ground cover, four (4) inch shredded bark mulch, or four (4) inch deep crushed stone on a weed barrier, excluding marble chips or lava rock, and curbed or edged as necessary. Steel, aluminum, or black plastic edging shall be used for any planting beds.
  - (4) Where headlights from parked vehicles will shine into the right-of-way, the Planning Commission and Township Board may require use of a totally obscuring hedge with a minimum height of twenty-four (24) inches and a maximum height of thirty-six (36) inches.
- B. **Berms.** A combination of a raised earth berm and plantings where and when required shall meet the following standards:
- (1) Berms shall have a minimum height of two (2) feet with a crest at least three (3) feet in width. The height of the berm may meander if the intent of this section is met and an appropriate screen is provided.



- (2) The exterior face of the berm shall be constructed as an earthen slope, with a slope not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance (1:3). The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace, or other means acceptable to the Planning Commission and Township Board.
- (3) At least one (1) tree (minimum four (4) inch caliper for deciduous or minimum six (6) feet in height for coniferous) shall be provided for each thirty (30) feet of lineal berm length.
- (4) At least one (1) minimum twenty-four (24) inch high shrub shall be provided for each one-hundred (100) square feet of berm surface area (calculated from a plan view).
- (5) Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected until the seed germinates and a permanent lawn is established by straw mulch, hydro-mulching or netting specifically designed to control erosion.
- (6) The base of any signs placed within the berm shall be at, or below, the average grade along the berm.

C. **Buffer Strip.** A buffer strip may be required, particularly where the adjacent uses and those across the street are residential in character or less intense than the use of the subject site. The intent of the buffer strip is to have a minimum five (5) foot high obscuring area along side or rear lot lines, and an appropriate landscaped strip along front lot lines. A buffer strip shall meet the following requirements:

- (1) Buffer strips shall have a minimum width of ten (10) feet.
- (2) All trees shall be evergreens a minimum eight (8) feet high at planting.
- (3) The buffer planting area shall contain grass, vegetation ground cover, four (4) inch shredded bark mulch, or four (4) inch deep crushed stone on a weed barrier, excluding marble chips or lava rock, and curbed or edged as necessary. Steel, aluminum, or black plastic edging shall be used for any planting beds.

#### 8. **General Layout and Design Standards.**

- A. **Landscaped areas and plant materials required by this article shall be kept free from refuse and debris.** Plant materials, including lawns, shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant material required by this article dies or becomes diseased, they shall be replaced within thirty (30) days of written notice from the Township or within an extended time period as specified in said notice.
- B. Tree stakes, guy wires and tree wrap are to be removed after one (1) year.
- C. All landscaped areas shall be provided with a readily available and acceptable water supply, or with at least one (1) outlet located within one hundred (100) feet of all planted material to be maintained. Frontage landscaping, boulevard medians, interior parking lot landscaped areas, and other curbed landscaped areas shall be irrigated via an underground sprinkler system or a system of filtering and distributing stormwater to provide water for landscape areas (such a system could include bioswales or rain gardens, and the Planning Commission may allow uncurbed islands or landscape areas in order to accommodate the stormwater management system).
- D. Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants.
- E. Roadside landscaping shall consist species tolerant of roadside conditions in southeast Michigan.
- F. Landscaping within the site shall be approved in consideration of sight distance, size of planting area, location of sidewalks, maintenance of adequate overhead clearance, accessibility to fire hydrants, visibility to approved signs of adjacent uses, compatibility with the visual character of the surrounding area, maintenance- performance guarantee, and curbing around landscape areas.

9. Waiver or Modification of Standards for Special Situations. The Planning Commission and Township Board may determine existing landscaping or screening intended to be preserved, or a different landscape design, would provide all or part of the required landscaping and screening. In making such a determination to waive or reduce the landscaping and screening requirements of this section, the following may be considered.
- A. Extent that existing natural vegetation provides desired screening.
  - B. There is a steep change in topography which would limit the benefits of required landscaping.
  - C. The presence of existing wetlands and watercourses.
  - D. Existing and proposed building placement.
  - E. The abutting or adjacent land is developed or planned by the Township for a use other than residential uses.
  - F. Building heights and views.
  - G. The adjacent residential district is over two-hundred (200) feet away from the site.
  - H. Similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

**SECTION 9.10:****Outdoor Storage and Processes**

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Outdoor storage and processes, as defined shall in Section 9.29, may be permitted in an IPUD. However, the standards of Section 5.29 must be met, and shall not be waived through the IPUD process.

**SECTION 9.11:****Standards Not Described in This Section**

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For all standards not specifically superseded by this Article, the requirements of the M-1 Industrial District shall apply, unless specifically waived in the PUD Agreement.

**SECTION 9.12:****Pre-Application Meeting**

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The developer is encouraged to meet with the Township Supervisor, the Township Planner, and the Planning Commission Chairperson to discuss the concepts of the proposed project before submitting a formal application for IPUD. This allows for a dialogue on the development goals of the Township as expressed in its Land Use Plan. At a pre-application meeting the developer should submit a preliminary sketch for the proposed IPUD, containing both maps and a written statement. All maps should show enough of the surrounding area to demonstrate the relationship of the IPUD to adjoining uses, both existing and proposed. The maps which are a part of a sketch plan for a pre-application meeting may be in general schematic form but must contain enough information to obtain feedback from the Supervisor, Planner, and the Planning Commission Chairperson.

## SECTION 9.13:

**Contents of Application: Preliminary Development Plan**

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An application for preliminary IPUD plan shall be filed with the Township Clerk by all owners of interest in the property for which the IPUD is proposed. The plan shall contain the following information:

1. Name, address, and telephone number of the applicant(s).
2. Name, address, and telephone number of registered land surveyor, registered engineer, landscape architect, or land use planner which assisted in the preparation of the preliminary plan.
3. Legal description of the property.
4. Description of existing use(s) and zoning district(s).
5. A vicinity map showing property lines, streets, roads, and uses of adjacent properties so that the Township can initially determine how the proposed development will relate to land use in the general vicinity.
6. A preliminary development plan at a scale of not less than one inch equals one hundred feet (1"=100') showing topography at not less than two (2) foot contours; location and type of industrial land use; layout, dimensions, and names of existing and proposed streets, rights-of-way, and utility easements; parks and community spaces; layout and dimensions of lots and building setbacks; preliminary layout of water, sewer, drainage, electric, natural gas, cable, and telephone; and other information the Township considers necessary.
7. Proposed schedule for the development of the site. If a multiple phase IPUD is proposed, identification of the areas included in each phase.
8. Evidence that the applicant has sufficient control over the site to initiate the proposed IPUD within eighteen (18) months of receiving final approval.
9. Any additional graphics or materials requested by the Township to assist the Township in determining the appropriateness of the IPUD such as aerial photography, market studies, impact on the public school system, traffic impacts, impacts on significant, historical, and architectural features, impacts on drainage, preliminary construction costs, preliminary architectural sketches, and preliminary drafts of by-laws and master deeds.
10. A graphic description of how the site proposed for development could be developed under the regulations of the underlying zoning district.

**SECTION 9.14:****Public Hearing by the Planning Commission**

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Within sixty (60) days after receipt of the preliminary development plan, the Planning Commission shall hold at least one (1) public hearing. The notice of the public hearing shall be given in one (1) or more newspapers of general circulation in the Township not less than fifteen days before the date of the public hearing. Written notice of the public hearing shall be sent by mail or personal delivery not less than fifteen (15) days before the hearing date to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the proposed IPUD and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall do all of the following:

1. Describe the nature of the IPUD request.
2. Indicate the property that is the subject of the IPUD request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the IPUD request will be considered.
4. Indicate when and where written comments will be received concerning the IPUD request.

**SECTION 9.15:****Approval In Principle By Planning Commission**

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Within forty-five (45) days after the close of the public hearing, the Planning Commission shall review the preliminary IPUD plan to determine if it is consistent with the intent and purpose of Article 8B; whether the proposed IPUD advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the inter-relationship with existing and proposed land uses in the surrounding area justify the deviation from standard district regulations. Approval in principle shall not be construed to endorse the location of uses, configuration of building sites, or layout of infrastructure.

**SECTION 9.16:****Action by the Township Board**

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Within forty-five (45) days after the receipt of the approval in principle by the Planning Commission, the Township Board shall either approve, approve with conditions, disapprove the preliminary development plan, or refer the proposed IPUD back to the Planning Commission for further study. If the application is referred back to the Planning Commission for further study, the Planning Commission shall have forty-five (45) days within which to make its recommendation to the Township Board.

**SECTION 9.17:****Formation of IPUD Study Committees**

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If the Township Board grants approval to the preliminary IPUD plan, the Township shall form an ad-hoc IPUD study committee to meet with the applicant and, through a negotiating process, refine the conceptual plan into a more detailed final plan. Any element of the proposed development is eligible for negotiation. The committee shall also review drafts of proposed by-laws and master deed of the IPUD. The committee shall consist of at least three (3) members of the Planning Commission and at least two (2) members of the Township Board. The committee may request technical assistance from consultants to assist it evaluating alternative designs for the IPUD. The ad-hoc study

committee shall work with the applicant until it can make a recommendation to the Planning Commission on the disposition of the proposed IPUD. The ad-hoc study committee may recommend that the proposed IPUD development be approved or denied by the Planning Commission. A recommendation by the ad-hoc study committee shall be necessary before an application for final IPUD application is submitted. All ad-hoc study committee meetings shall be open to the public.

**SECTION 9.18:****Final Development Plan**

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After the Planning Commission receives a recommendation for approval of the IPUD plan, it shall make a recommendation to the Township Board to approve the IPUD plan at this intermediate stage, approve with additional conditions, or deny the IPUD plan. If the plan receives approval or approval with conditions, the applicant may prepare the final development plan. Even if the Planning Commission recommends denial of the IPUD plan, the applicant may petition the Township Board for a decision on the IPUD plan forthcoming from the ad-hoc study committee. The applicant may prepare the final development plan if the Township Board grants approval by a majority vote of the full Board.

Ten (10) copies of the final development plan shall be submitted and be endorsed by a qualified technical expert. It shall be in substantial conformance with the IPUD plan approved by the ad-hoc study committee and contain the following information:

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines, topography, existing natural features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
2. All information required on the preliminary development plan; the location and sizes of lots, location and proposed buildings, and land uses considered suitable for adjacent properties.
3. A schedule for the development of units to be constructed in phases and a description of the design for the buildings and landscaping; tabulation of the number of acres in the proposed project for the various uses in the IPUD, and estimated acres given to active and passive open space.
4. Engineering feasibility studies and plans showing water, sewer, drainage, electric, telephone, and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earth work required for site preparation and development.
5. Site plans showing the functional use and relationship of buildings, open space, and circulation.
6. Preliminary building plans, including floor plans and exterior elevations.
7. Landscaping plans, prepared by a registered landscape architect.
8. Association by-laws, master deed, deed restrictions, covenants and other legal statements and devices to be used to control the use, development, and maintenance of the land and improvements including those areas which are to be commonly owned and maintained.
9. A statement indicating that, if a part of the proposed development is sold or leased to another party or parties, full compliance with the IPUD agreement and the final development plan will be required and enforced.
10. A description of the process of how information on the master deed and by-laws of the proposed development will be disseminated to prospective buyers.

**SECTION 9.19:****Recommendation by the Planning Commission**

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Within sixty (60) days after receiving the final development plan, the Planning Commission shall recommend to the Township Board that the final development plan be approved as presented, approved, with supplementary conditions, or not be approved.

**SECTION 9.20:****Criteria for Evaluation by the Planning Commission**

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Before making its recommendation on the final development plan, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing(s) establish that:

1. Each individual unit phase of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objectives will be attained; the uses in the proposed IPUD will not be detrimental to present and potential adjacent uses; and will have a beneficial impact which could not be achieved under standard district regulations.
2. The streets and thoroughfares proposed are suitable to carry anticipated traffic and the increased densities will not generate traffic in such amounts so as to exceed the design capacities of area roadways.
3. Any commercial component of the IPUD will be beneficial to the general area and to the population of the proposed development.
4. Any deviation(s) from the regulations of the underlying zoning district can be justified by meeting the purpose of the IPUD provisions of the Township Zoning Ordinance.
5. The area surrounding the proposed IPUD can be planned and zoned in coordination and substantial compatibility.
6. The proposed IPUD meets the development goals and objectives of the Township Land Use Plan.
7. The existing and proposed utility services are adequate for the uses proposed.

**SECTION 9.21:****Action by the Township Board**

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After receipt of the recommendation on the final development plan by the Planning Commission, the Township Board shall approve, approve with supplementary conditions, or disapprove the final plan. The Township Board may also refer the final plan back to the Planning Commission for further study. The Township Board shall also approve the final draft of the IPUD agreement when it approves the final IPUD development plan.

**SECTION 9.22:****Supplementary Conditions and Safeguards**

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In approving any IPUD, the Township Board may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the final plan is approved, shall be considered a violation of this Ordinance. These conditions may be made part of the IPUD agreement.

## SECTION 9.23:

**Deviations from Approved Final IPUD Plan**

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Deviations from the approved final IPUD plan may occur only under the following circumstances:

1. An applicant or property owner who has been granted final IPUD approval shall notify the Township Supervisor of any proposed amendment to the approved site plan.
2. Minor changes may be approved by the Township Supervisor provided that the proposed revision does not alter the basic design nor conditions of the plan. Minor changes shall consist of the following:
  - A. Square footage of buildings may be decreased or increased by up to five percent (5%).
  - B. Buildings may be moved by no more than ten (10) feet.
  - C. Landscape materials may be replaced by similar plant materials on a one-to-one or greater basis.
  - D. Building materials may be changed to those of higher quality.
  - E. Floor plans may be changed provided the change does not alter the character of the use.
  - F. Sidewalks or refuse storage stations may be relocated.
  - G. Internal parking lots may be rearranged which does not affect the number of parking spaces or alter access locations.
  - H. Changes requested by the Township relative to public safety shall be considered a minor change.
3. Should the Township Supervisor determine that the requested modification to the final IPUD plan is not minor, re-submittal to the Planning Commission is necessary.
4. Should the Planning Commission determine that the modifications to the final IPUD plan significantly alter the intent of the original concept of the project, a new submittal illustrating the modification shall be required. Final approval of the modification is required by the Township Board.

*Adopted 04/20/2000 Effective 04/26/2000*

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ARTICLE 10:  
**SITE CONDOMINIUM  
DEVELOPMENT  
ORDINANCE**

10

## SECTION 10.01:

## Purpose

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It is the purpose of this Ordinance to insure that plans for development within Oceola Township proposed under the provisions of the Condominium Act, Public Act 59 of 1978, shall be reviewed with the objective interest of achieving the source characteristics and land use results as if the development and improvements were being proposed in accordance with the Subdivision Control Act, P. A. 288 of 1967, as amended, including all requirements of the Zoning Ordinance. It is the intent of the Township to insure that the appearance of the project and size of the building site or "Condominium Lot" are equivalent to the appearance of a subdivision and to the minimum lot size of the zoning district in which the project is located. If the proposed project is to be developed under the planned Unit Development option of the Oceola Township Zoning Ordinance, it shall follow the procedure outlined in Article 6 of the Ordinance.

## SECTION 10.02:

## Definitions

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For the purpose of this Ordinance all definitions used in the Condominium Act P. A. 59 of 1978 as amended, and all applicable administrative regulations shall have the same meaning here. In addition, the following words as defined will also apply to this Ordinance, unless the context clearly indicates a different meaning.

1. **Building Site.** A lot, or a two (2) dimensional condominium unit of land (i.e. envelope, footprint) with or without limited common element designed for construction of a principal structure or a series of principal structures plus accessory buildings. All building sites shall have frontage on public or private roads.
2. **Common Elements.** Portions of the Condominium project other than condominium units.
3. **Condominium Project.** A plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act.
4. **Condominium Subdivision Plan.** The plan as required in this Ordinance, including but not limited to, the survey and utility plans, building site, the existing and proposed structures and improvements including their location on the land.
5. **Condominium Unit.** That portion of the Condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial or recreational use.
6. **Consolidating Master Deed.** The final amended master deed for a contractible or expandable Condominium project or a Condominium project containing convertible land or space which fully describes the Condominium project as completed.
7. **Contractible Condominium.** A Condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the Condominium documents and in accordance with this Ordinance and the Condominium Act.
8. **Limited Common Elements.** A portion of the common elements reserved in the Master Deed for the exclusive use of less than all of the co-owners.
9. **Lot.** A measured portion of a parcel or tract of land which is described and fixed in a recorded plat or recorded in the Master Deed of a Site Condominium Development.
10. **Master Deed.** The legal document prepared and recorded pursuant to Act 59 of the Public Acts of 1978, as amended, within which are, or to which is attached as exhibits and incorporated by reference, the approved by-laws for the project and the approved Condominium Subdivision Plan for the project.

11. **Parcel.** A tract or continuous area or acreage of land which is occupied or intended to be occupied by a building, service of buildings, accessory building(s), condominium units, or by any other use or activity permitted thereon including open spaces and setbacks required under this Ordinance, and having its frontage on a public road.
12. **Setback — Front, Side, and Rear Yard.** Front, side, and rear yard setbacks shall mean the distance measured from the respective front, side, and rear yard area lines associated with the building site to the respective front, side, and rear of the lot.

**SECTION 10.03:**

## Plan Preparation

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1. **Existing Conditions.** The preliminary plan shall be designed and drawn by a Registered Civil Engineer, a Registered Land Surveyor, a Registered Architect or a Landscape Architect containing the following information:
  - A. Proposed name of the project.
  - B. Full legal description to adequately describe the parcel or parcels comprising the project.
  - C. Names and addresses of the applicant, owners, and professionals who designed the project.
  - D. Scale of the plan (maximum scale shall be 100 (one hundred) feet to an inch).
  - E. Date of preparation.
  - F. Cardinal (directional) points.
  - G. Boundary lines of the proposed project.
  - H. Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for Site Condominium Subdivision including those areas across abutting roads.
  - I. Location, widths, and names of existing prior easements of record, public and/or private.
  - J. Location of existing sewers, water mains, storm drains, and other underground utilities within or adjacent to the tract being proposed for a Site Condominium Subdivision.
  - K. Existing topographical information drawn at contours with a maximum of two (2) foot intervals.
  - L. The location of significant natural features such as natural water courses, bodies of water, stands of trees, and individual trees within the projects area having a caliper of twelve (12) inches or greater at a height of two (2) feet above existing grade.
2. **Proposed Condominium Subdivision Plan.**
  - A. Layout of streets indicating proposed street names, right-of-way widths, and connections and adjoining streets and also the widths of and locations of alleys, easements, public walkways, bike paths and other transportation related elements.
  - B. Layouts, numbers and dimension of lots, including building setback lines showing dimensions and finished grade elevations of buildings first floor elevation.
  - C. Proposed topography, including contour lines at the same interval as shown for existing topography.
  - D. Indication of the parcels of land and/or easements intended to be dedicated or set aside for public use and a description of the common elements of the project and the use and occupancy restrictions as will be contained in the Master Deed.

- E. An indication of the ownership and existing and proposed use of any parcels identified as “excepted” on the preliminary plan. If the applicant has an interest, or owns any parcel so identified as “excepted”, the preliminary plan shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plan.
- F. Statement describing the sewage system and method to be approved by the Livingston County Health Department.
- G. Statement describing water supply system.
- H. Schematic indication and description of storm drainage acceptable to the Livingston County Drain Commission.
- I. In the case where the applicant wishes to develop a given area, but wishes to begin with only a portion of the total area, the preliminary plan shall include the proposed general layout for the entire area. The part which is proposed to be developed first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the applicant intends to follow. Each subsequent development shall follow the same procedure until the entire area controlled by the applicant is subdivided. Each phase of the development shall not exceed, on a cumulative basis, the average density allowed for the entire development.
- J. An indication of the means by which and extent that significant natural features such as water courses, bodies of water, stands of trees, and individual trees (apart from stands of trees) having a caliper of twelve (12) inches or greater at a height of two feet above existing grade, are to be preserved in conjunction with the development of the proposed project.
- K. Indication of the approximate area for all site improvements including roads, utilities, drains, and all building activity that will have to be cleared and graded in order to develop the proposed project.
- L. The Preliminary Site Condominium Subdivision Plan will also indicate the significant ecological areas that are to be preserved in their natural state. The intent is not to require a detailed grading plan at this time but to ensure that the developer’s consultant has given sufficient thought to the clearing and grading requirements in preparing the Preliminary Plan.

**SECTION 10.04:****Design Layout Standards and Improvements**

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1. **Requirements and Standards.** The requirements and standards contained in ARTICLE IV AND ARTICLE V IN THE OCEOLA TOWNSHIP SUBDIVISION CONTROL ORDINANCE for layout of a conventional subdivision shall apply and are herein incorporated by reference.
2. **Construction of Development in Phases.** For developments where construction is to occur in phases, that portion which is constructed shall conform with all laws, ordinances and regulations of all governmental bodies having jurisdiction, and be capable of functioning independently without further improvements, such as additional roads, drainage and utilities.

## SECTION 10.05:

## Review Procedure

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1. The procedure for review and approval of a site plan for a Site Condominium Project shall consist of two (2) stages:
  - A. Review and approval of the preliminary site plan by the Township Planning Commission and Township Board.
  - B. Review and approval of the final site plan by the Township Planning Commission and the Board.
2. **Planning Commission Review of Preliminary Site Plan.**
  - A. The applicant shall submit ten (10) copies of the preliminary site plan to the Township at least thirty (30) days prior to a regularly scheduled Planning Commission meeting so the site plan can be placed on the agenda and given time for technical review.
  - B. The Planning Commission shall review the plan pursuant to Section 14.07 Standards of Approval of the Oceola Township Zoning Ordinance.
  - C. Upon review the Planning Commission shall make a recommendation to the Township Board to grant or deny approval of the proposed Site Condominium Project or to grant conditional approval based on the following:
    - (1) The standards for approval contained in Section 14.07 of the Oceola Township Zoning Ordinance.
    - (2) Conformity of the proposed Site Condominium and its related by-laws with the objectives of the Township's Master Plan.
    - (3) Project developer's financial and technical capacity to meet the design and improvement standards of this Ordinance.

The Planning Commission is authorized to make a recommendation to the Township Board to grant approval, grant approval subject to conditions, or reject the Site Plan, as follows:

3. **Recommend Approval.** Upon determination that the Site Plan is in compliance with the standards and requirements of this Ordinance and other applicable Ordinances and Laws, the Planning Commission recommends approval.
4. **Recommend Approval Subject to Conditions.** Upon determination that a Site Plan is in compliance except for minor modifications, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct the Site Plan. The conditions may include the need to obtain approvals from other agencies.

The applicant may re-submit the Site Plan to the Planning Commission for final review after conditions have been met. The Planning Commission may waive its right to review the revised plan, and instead authorize the Township Supervisor to review and recommend approval of the re-submitted plan if all required conditions have been addressed.

5. **Recommend Rejection.** Upon determination that a Site Plan does not comply with the standards and regulations set forth in this Ordinance, or requires extensive revision in order to comply with said standards and regulations, the Planning Commission shall recommend that Site Plan approval be denied.
6. **Submission of Plans for Township Board Review.** After the Planning Commission makes a recommendation on the Site Plan, the applicant shall make any required modifications and submit sufficient copies of the revised Site Plan (as specified on the application form) for Township Board review. The Site Plan and supporting materials shall be submitted at least ten (10) days prior to a scheduled meeting at which Township Board review is desired.

7. **Township Board Determination.** The Township Board shall make a determination based on the requirements and standards in this Ordinance, taking into consideration the comments and recommendations of the Planning Commission, Township administrative officials, and other reviewing agencies. The Township Board is authorized to grant approval, grant approval subject to conditions, or reject a Site Plan in accordance with the guidelines described previously in sub-section 10.05 2.B.
8. **Recording of Site Plan Review Action.** Each action taken with reference to a site plan review shall be duly recorded in the minutes of the Planning Commission or Township Board, as appropriate. The grounds for action taken upon each Site Plan shall also be recorded in the minutes.
9. The Site Plan shall be considered valid for one (1) year after the date of approval. The proprietor may be granted one (6) month extension upon recommendation from the Planning Commission and approval by the Township Board.
10. Upon receipt of preliminary plan approval, the proprietor shall submit the preliminary plan to all authorities as required by local and state regulations and shall deliver two (2) copies of the preliminary plan to the Superintendent of the school district in which the condominium project is to be located.
11. No installation or construction of any improvements or land balancing or grading shall be made or begun until the final plan has been approved. No removal of trees and/or other vegetation shall be started at this time except for minor clearing required for surveying and staking purposes.
12. **Final Plan Approval.** The final plan shall conform substantially to the approved Preliminary Plan and shall be prepared by a Registered Land Surveyor or Registered Engineer. The final plan shall also constitute only that portion of the approved preliminary plan which the proprietor proposes to record and develop at that time and conform in all respects with the requirements of the Condominium Act. The procedure for the preparation and submittal of a plan for final approval shall be as follows:
  - A. **Review and Approval Procedures:**
    - (1) At their next scheduled meeting, the Planning Commission shall recommend to the Township Board:
      - a. Approval of the final plan if it meets the requirements of this Ordinance and the Condominium Act; or
      - b. Rejection of the final plan, if does not meet such requirements.
    - (2) At their next scheduled meeting following the Planning Commission review of the plan, the Township Board shall:
      - a. Approve the plan if it conforms to all provisions of this Ordinance and instruct the Township Clerk to certify on the plan the Township Board approval and date thereof; or
      - b. Reject the plan and instruct the Township Clerk to advise the proprietor, explain the reasons for the rejection, and return the plan to the proprietor.
    - (3) Approval of the final plan shall confer upon the proprietor for a period of two (2) years from the date of Township Board approval, the conditional right that the general terms and conditions under which the final approval of the plan was granted will not be changed.
    - (4) Upon approval of the final plan by the Township Board, the subsequent approvals required by the Condominium Act shall follow the procedure set forth therein.
  - B. **Conditions of Approval.** In addition to all other requirements of this Ordinance and of the Condominium Act, application for final plan approval shall be made only if the proprietor has complied with the following:
    - (1) Received approval of the Preliminary plan.

- (2) Received approval of the Engineering construction plans for all improvements to be built in accordance with the standards and specifications adopted by the Township Board, and received notification of the issuance of the appropriate county and state construction permits for utilities.
- (3) Received certification from the Township Treasurer that all fees required by this Ordinance have been paid, and that engineering review fees and other charges and deposits specified in this Ordinance have been paid.
- (4) Received approval of the lot drainage, and the soil erosion and sedimentation plan.
- (5) Provided a policy of title insurance currently in force covering all the land within the boundaries of the proposed development, establishing ownership interest of record and other information deemed necessary by the Township.
- (6) Deposited with the Township the financial guarantees as may be required by this Ordinance.
- (7) The installation of landscaping, street trees and street lights have been required by the Township Board, the proprietor and the Township Board shall have entered into a special agreement to ensure installation.
- (8) The Township Board and the proprietor shall have entered into an agreement for the review and inspection of the installation of public improvements and their conformance with the construction plan and the plan.
- (9) The proprietor shall have delivered two copies of the Master Deed and Condominium Bylaws final recordable form.

**SECTION 10.06:****Interpretation**

1. **Application of Traditional Definitions.** In the review of preliminary and final plans, as well as engineering plans, it is recognized that it may not be feasible to precisely apply traditional definitions and measures which have been provided for and which would be made for developments proposed under the Subdivision Control Act. However, the review of plans submitted under this Ordinance shall be accomplished with the objective and intent of achieving the same results as if the improvements were being proposed pursuant to the Subdivision Control Act, including, without limitation, conformance with all requirements of the Oceola Township Zoning Ordinance, as amended.
2. **Conflict with Existing Regulations.** These regulations are not intended to repeal, abrogate, annual, or in any manner interfere with existing regulations or laws of the Township, nor conflict with any statutes of the State of Michigan or Livingston County except that these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws or regulations. Nothing in this Ordinance shall be construed as requiring a Site Condominium Subdivision to obtain plat approval under the Subdivision Control Act.

*Adopted 6-06-1996, Effective 06-12-1996*

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ARTICLE 11:  
**PARKING  
AND LOADING  
REQUIREMENTS**



## SECTION 11.01:

**Off-Street Parking Requirement**

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When a principal building is either constructed or expanded, the required off-street parking spaces must be constructed, as described in this Article.

1. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of Section 5.02, Accessory Buildings, of this Ordinance.
2. Any area designated as required off-street parking shall never be changed to any other use unless and until equal parking facilities are provided elsewhere.
3. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than herein after required for a similar new building or new use.
4. Shared Parking. Two or more buildings or uses may collectively provide the required off-street parking, in which case the minimum number of parking spaces shall be 80% of the sum of the requirements for the individual uses computed separately. The buildings or uses sharing parking shall be either on the same lot or within three hundred (300) feet of each other, measured from the nearest point of the building to the nearest point of the off-street parking lot. The participants in the shared parking arrangement must submit an agreement between all impacted property owners for review and approval by the Planning Commission. The agreement must be signed and effective before any shared parking takes place. The Planning Commission may reject any proposed shared parking arrangement that it finds to impractical or inefficient, regardless of whether the proposal otherwise meets the requirements of this Section.
5. The storage or display of merchandise, motor vehicles for sale, trucks, or repair vehicles is prohibited in an off-street parking area. Storage and display spaces shall not be considered parking spaces when determining whether the minimum parking requirement is met.
6. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
7. 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 (1/2) shall be disregarded and fractions over one half (1/2) shall require one parking space.
8. For the purpose of computing the number of parking spaces required, where the term "square feet" is used, it shall refer to the square footage of the "Usable Floor Area," as defined in Article 17.
9. The Planning Commission may reduce the minimum parking requirement for a given use, during Site Plan Approval, upon submission of a statement by the applicant that the required parking is excessive, detailing the reasons why a smaller amount of parking should be acceptable. The Planning Commission shall review the submission and determine whether to grant the reduction.
10. For uses designated as "To Be Determined by Planning Commission" in the table in Subsection 11, the applicant shall submit a parking standard for approval by the Planning Commission, based on the specifics of the proposed use. If approved by the Planning Commission, the proposed standard shall be used to calculate the minimum number of spaces.
11. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

**ARTICLE 11: PARKING AND LOADING REQUIREMENTS**

OCEOLA TOWNSHIP ZONING ORDINANCE

USE	MINIMUM PARKING REQUIREMENT
<b>Community Uses</b>	
Accessory buildings and accessory uses customarily incidental to the permitted use	No additional requirement beyond the principal use, except as noted in specific cases in this table.
Airport	To be determined by Planning Commission as described in Section 11.01.10.
Campground	1.1 spaces per campsite
Cemetery	Sufficient parking for visitors in the vicinity of memorial sites, in the opinion of the Planning Commission
Child Care Facility (non-home-based)	4 spaces per classroom
Essential Service	None
Funeral Home or Mortuary	1 space per 500 square feet
Family Day Care Home	2 spaces
Group Day Care Home	2 spaces
Recreation—Indoor (including bowling alleys, rollerskating, tennis/racquetball, etc)	To be determined by Planning Commission as described in Section 11.01.10.
Institution of Higher Education	To be determined by Planning Commission as described in Section 11.01.10.
Municipal buildings and uses	To be determined by Planning Commission as described in Section 11.01.10.
Nature Preserve	To be determined by Planning Commission as described in Section 11.01.10.
Non-Motorized Bicycle Track	To be determined by Planning Commission as described in Section 11.01.10.
Outdoor Event	To be determined by Planning Commission as described in Section 11.01.10.
Recreation—Outdoor, as a principal use and/or an accessory use on lots under one acre	To be determined by Planning Commission as described in Section 11.01.10.
Recreation—Outdoor, all other uses	To be determined by Planning Commission as described in Section 11.01.10.
Parking Lot with No Other Principal Use	None
Outdoor Storage	No additional requirement beyond the principal use.
Religious Institution	1 per 3 people in the maximum capacity in the worship space, plus 80% of the required spaces for any accessory uses.
Seasonal Event, such as a Haunted House	To be determined by Planning Commission as described in Section 11.01.10.
Storage Structure (Principal Use)	2 spaces
Water Treatment Plants, Reservoirs, Sewage Treatment Plants, including outdoor storage	To be determined by Planning Commission as described in Section 11.01.10.
Wireless Telecommunications	None
<b>Commercial Uses</b>	
Art Studio	1 space per 500 square feet
Assisted Living, Convalescent, and Nursing Homes	1 space per residential unit or patient room
Bank	1 space per 300 square feet
Bed and Breakfast Establishment	1.1 spaces per bedroom
Brewpub/Microbrewery/Distillery	1 space per 250 square feet
Drive-in Restaurant	1.2 spaces per ordering station
Drive-Thru	No additional requirement beyond the principal use.
Hospital	To be determined by Planning Commission as described in Section 11.01.10.
Medical and Dental Clinics	1 space per 500 square feet
Motels and Hotels	1.1 spaces per guest room
Office	1 space per 500 square feet
Open Air Business	To be determined by Planning Commission as described in Section 11.01.10.
Outdoor Gun Range -Commercial Scale	1.1 spaces per firing position
Personal Service Business	1 space per 300 square feet
Restaurant	1 space per 250 square feet

USE	MINIMUM PARKING REQUIREMENT
Retail Business	1 space per 300 square feet
Self-Storage	0.1 spaces per storage unit
Sexually Oriented Business	1 space per 300 square feet
Veterinary Clinic	1 space per 300 square feet
Vehicle Dealership	1 space per 300 square feet of interior space (display spaces for vehicles do not count)
Vehicle Filling Station (Gas or Electric)	1 per 300 square feet of indoor retail space, plus 1 space per pump or charging station (located next to the pump or charging station)
Vehicle Wash	5 spaces. Self-serve wash or vacuum areas do not count.
<b>Industrial Uses</b>	
Vehicle Repair	3 per repair bay (repair bays themselves do not count)
Vehicle Storage and Staging	0.1 space per stored car (storage or staging spaces do not count)
Research/Design/Pilot/ Experimental Product Development	1 space per 500 square feet
Contractor's Yard	No additional requirement beyond the principal use.
Manufacturing	1 space per 800 square feet
Solar Energy Facility	None
Warehousing and Wholesale Distribution	1 space per 800 square feet
Wind Energy Facility	None
<b>Residential Uses</b>	
Swimming Pool (Accessory Use)	No additional requirement beyond the principal use.
Swimming Pool (Principal Use)	10 spaces
Home Occupation Type 1	No additional requirement beyond the principal use.
Home Occupation Type 2	No minimum other than principal use requirement. See Section 5.17.F.2.h for maximum.
Mobile Home Park	Article 6
Multiple Family Residential	2 spaces per dwelling unit
Outdoor Gun Range – Residential Scale	No additional requirement beyond the principal use.
Residential uses accessory to other permitted uses	2 spaces per dwelling unit
Single Family Residential	2 spaces per dwelling unit
State-Licensed Residential Facility -6 or fewer residents	1 space per bedroom
State-Licensed Residential Facility -7 or more residents	1 space per bedroom
Two-Family Residential	2 spaces per dwelling unit
<b>Agricultural Uses</b>	
Agritourism	To be determined by Planning Commission as described in Section 11.01.10.
Commercial Kennel	In AR District, see Home Occupations Type 2 In other districts, 0.5 spaces per dog in maximum capacity.
Farm Animals – Home Use	None
Farm Animals – Commercial Use	None
Farms and Farm Buildings	None
Gravel Pits and Quarries	To be determined by Planning Commission as described in Section 11.01.10.S
Horse Riding Stable – Public	1 space per horse in maximum capacity.
Horse Riding Stable – Private	None
Non-Commercial Kennel	None
Roadside Produce Market	None

SECTION 11.02:

## Off-Street Parking Space Layout, Standards, Construction and Maintenance

Where the off-street parking requirement in Section 11.01 above requires the building of an off-street facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a Land Use Permit is issued by the Zoning Administrator. Applications for a permit shall be submitted to the Zoning Administrator in such form as may be determined by the Zoning Administrator and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

PATTERN	MANEUVERING LANE WIDTH	PARKING SPACE		TOTAL WIDTH OF SPACES PLUS MANEUVERING LANE	
		WIDTH	LENGTH	ONE TIER OF SPACES	TWO TIERS OF SPACES
0° (Parallel Parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30° to 53°	12 ft.	10 ft.	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	10 ft.	20 ft.	36 ft. 6 in.	58 ft.
75° to 90°	20 ft.	10 ft.	20 ft.	40 ft.	60 ft.

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
5. Ingress and egress to a parking lot in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
6. All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern may permit two-way movement.
7. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty (20) feet distance from any adjacent property located in any single-family residential district.
8. Emergency Vehicle Access. For all non-residential developments, a minimum 15-foot clear pathway to the back of the lot for emergency vehicle access must be provided.
9. The entire parking area, including parking spaces and maneuvering lanes, required under this section, shall be provided with asphalt or concrete surfacing in accordance with specifications approved by the resolution of the Township Board. The Planning Commission may waive this paving requirement for properties in the AR Zoning District. The parking area shall be surfaced within one (1) year of the date the permit is issued. Time extensions due to earth settlement problems may be approved by the Township Board.

## SECTION 11.03:

**Marginal Access Drives and Cross Access**

1. **Marginal access drives are private roadways that serve multiple parcels, in order to reduce the number of curb-cuts onto the main thoroughfare.** For those uses locating along M-59, the front setback may be used for marginal access drive, which may contain parking. A ten (10) foot landscaped strip shall be provided and maintained between the edge of the existing or proposed right-of-way and the pavement. When a service drive parallel to the thoroughfare is required the nearest edge of the service drive shall be set back a minimum one hundred twenty (120) feet from the thoroughfare right-of-way.
2. **Cross access drives are connections between parking lots that cross property lines.** The Planning Commission may require cross access drives between any two parking lots within the OS, C, CR, and M-1 Districts during the Site Plan Approval process.

## SECTION 11.04:

**Off-Street Loading and Unloading**

On the same premises with every building, structure, or part thereof, involving the receipt of merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights- of-way.

All spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in districts shall be provided in the following ratio of spaces to floor area:

GROSS FLOOR AREA (IN SQUARE FEET)	LOADING AND UNLOADING SPACE REQUIRED IN TERMS OF SQUARE FEET OF USABLE FLOOR AREA
0- 1,400	None
1,401 - 20,000	One (1) space
20,001 - 100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,001 square feet
100,001	Five (5) spaces

ARTICLE 12:  
**GENERAL  
PROVISIONS**

12

**SECTION 12.01:****Conflicting Regulations**

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

**SECTION 12.02:****Scope**

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No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

**SECTION 12.03:****Permitted Uses**

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No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than is permitted in the district in which the building or land is located, except as otherwise provided herein.

**SECTION 12.04:****Lot Limitations**

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In all residential zoning districts, only one principal building shall be placed on a lot of record with the exception of parcels of record described and designated as "out lots," which may be so arranged or subdivided as to provide for one or more principal buildings when the land area allocated to each building is equal to or greater than the lot area required for the district and the building and land complies with all the other requirements on land subdivided in violation of the Subdivision Control Act of 1967, Act 288, Public Acts of 1967, as amended.

**SECTION 12.05:****Porches, Patios, Decks, and Terraces**

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An open, unenclosed appurtenance, such as a porch, paved patio, wooden deck, or terrace shall comply with side yard setbacks for principal structures in the zoning district in which they are located but may project into a required front or rear yard for a distance not to exceed ten (10) feet. "Unenclosed" shall mean that the appurtenance has no walls, screens, or windows (including retractable windows), but may have a roof, pillars, and/or railings.

**SECTION 12.06:****Projections Into Yards**

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Architectural features, as defined in Article 19, not including vertical projections, may extend or project into a required side yard up to 15% of the width of the side yard and may extend or project into a required front yard or rear yard not more than three (3) feet.



**SECTION 12.07:****Substandard Lots**

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Any lot existing at the time of adoption of this Ordinance that does not meet the requirements for lot width and depth may be utilized for a single dwelling unit (along with permitted accessory structures, provided that the width and depth of the lot are at least 66% of the minimum width and depth required in this Ordinance. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

**SECTION 12.08:****Temporary Occupancy of Trailer Coaches**

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The temporary occupancy of trailer coaches shall be subject to the following conditions, upon application to Zoning Administrator:

1. During the period of construction of a new single family dwelling, but not to exceed a period of one (1) year, the owner of such dwelling premises, and members of such owner's immediate family, shall be permitted to occupy as a temporary residence one trailer situated at such construction site provided that such owner intends to occupy as a residence such dwelling upon completion of its construction.
2. Such trailer coach shall not be located between the front setback line and the public roadway or curb line of such premises.
3. The trailer coach shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.
4. The sanitary facilities of the trailer coach for the disposal of sewage and waste shall be properly connected to the public sewage system available at such premises, and in case such a system is not then available then properly connected to the existing septic tank sewage disposal system which is approved by the Livingston County Health Department for the dwelling to be constructed thereat.
5. The water facilities of the trailer coach shall be properly connected to the public water system available at such premises and in case such system is not then available, then properly connected to the existing well stem which is approved by the Livingston County Health Department for the dwelling to be constructed thereat.
6. An escrow deposit in the amount of One Thousand Dollars (\$1,000.00) shall be provided to insure the removal of the trailer coach at the termination of the permit.

**SECTION 12.09:****Limit of One Principal Building in Residential Districts**

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There shall be no more than one (1) principal building and its permitted accessory structures located on any lot in the AR, RR, R-1, R-2, or R-3 Districts. In the R-2 and R-3 Districts, the single permissible principal building may contain two dwelling units, if approved for a Special Use Permit.

**SECTION 12.10:****Occupancy; Temporary Garages, Accessory Buildings, Basement Apartments Prohibited**

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Buildings erected after the effective date of this Ordinance as garages or accessory buildings, shall not be occupied for dwelling purposes.

**SECTION 12.11:****Building Grades**

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The finished surface of ground areas outside the walls of any building or structure hereafter erected, altered, or moved shall be so designed that surface water shall flow away from the building walls in such a direction and with such a method of collection that inconvenience or damage to adjacent properties previously developed, existing grades shall have priority. Final grades shall be approved by the County Building Inspector.

**SECTION 12.12:****Excavations or Holes**

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The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or walls, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Zoning Administrator and provided further, that this section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township or other governmental agency.

**SECTION 12.13:****Restoring Unsafe Buildings**

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Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the County Building Inspector, or required to comply with a lawful order of the County Building Inspector.

**SECTION 12.14:****Construction Begun Prior to Adoption of Ordinance**

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Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designed use of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance, and upon which building actual construction has been diligently carried on, provided further, that such building shall be completed within one (1) year from the date of passage of this Ordinance.

**SECTION 12.15:****Voting Place**

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

## SECTION 12.16:

## Quarry Excavation and Removal Operations; Soil, Sand, Clay, Gravel or Similar Material Removal

1. **Purpose.** The purpose of this section is to provide for the proper development and utilization of mineral resources existing within the Township. The conduct of the extractive operations and the reclamation of the affected lands at the termination of such operations is herein regulated.
2. **General Regulations.** It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to engage in stripping any topsoil, sand, clay, gravel, or similar material, or quarry excavation within the unincorporated area of the Township without first procuring a special use permit for the conduct of such operation and furnishing a financial guarantee to assure the rehabilitation of mined acreage. The minimum amount of the guarantee shall be Ten Thousand Dollars (\$10,000) for the first twenty (20) acres and a minimum of Five Hundred Dollars (\$500) for each acre over twenty (20) acres. The guarantee shall be provided in one of the following forms:
  - A. Cash;
  - B. Certified check;
  - C. Irrevocable bank letter of credit, or
  - D. Surety bond acceptable to the Township Board; upon rehabilitation of the mined acreage and reduction of the net operational area the bond or surety shall be released in accordance with the amount of security required per acre.
  - E. No special use permit shall be required for the following:
    - (1) Excavation for building construction purposes, pursuant to a duly issued building permit under the County Building Code.
    - (2) Where the moving, grading or leveling of the aforesaid materials is carried on by the land owner for the immediate use or development of the land upon which these substances are removed from the site where found to another site of different ownership, a permit as above mentioned will be required.
3. **Application.** A separate special use permit shall be required for each separate excavation site. The application shall be made in accordance with Article 16, and shall contain the following additional information:
  - A. Names and addresses of parties of interest in said premises, setting forth their legal interest in said premises.
  - B. Full legal description of the premises wherein operations are proposed.
  - C. Operational plan setting forth the area to be mined, the location of permanent structures; the points of access along public highways; the net operational area; i.e., the areas used for structures and storage piles, and worked out areas which have not been reclaimed. Performance bonds shall be calculated on the basis of net operational area.
  - D. Description of equipment and machinery which will be used.
  - E. Detailed statement as to exactly what type of deposit is proposed to be extracted.
  - F. Plan for the redevelopment or rehabilitation of the property upon completion of the mining operation.
  - G. Topographical survey map showing existing grades and final grades after, to be prepared by a registered civil engineer.
  - H. Such other information as may be reasonably required by the Planning Commission to base an opinion under this section.

#### 4. Operational Requirements.

##### A. Regulations for quarry excavation operations:

- (1) Where an excavation with a depth in excess of five (5) feet is proposed, the applicant shall erect a fence with warning signs completely surrounding the portion of the site of the excavation, said fence will be of wire mesh or other suitable material and to be not less than five (5) feet in height complete with gates, which gates shall be locked when operations are not being carried on.
- (2) When operations cease at any quarry, or reach the limitations set forth in paragraph (6) below, the entire quarry excavation shall be fenced with a suitable eight (8) foot high chain link or comparable fence, as required in above paragraph (a), approved by the Planning Commission, upon which there shall be placed and maintained appropriate signs warning the public of danger, until redevelopment or rehabilitation of the property.
- (3) Where quarrying operations result in a body of water, the owner, operator and/or permittee shall place appropriate "KEEP OUT-DANGER" signs around said premises, not more than two hundred (200) feet apart.
- (4) Any roads used for the purpose of ingress and egress to the excavation site, which are located within three hundred (300) feet of an occupied residence shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.
- (5) Greenbelts shall be provided along the property perimeter where natural vegetation does not provide a sight barrier.
- (6) No cut or excavation shall be made closer than one hundred (100) feet from the nearest street or highway right-of-way line nor nearer than five hundred (500) feet to the nearest residence nor closer than one hundred (100) feet to the nearest property line; provided however, that the Planning Commission or the Township Board may prescribe more strict requirements in order to give sub lateral support to surrounding property where soil or geographic conditions warrant it.
- (7) Performance standards in accordance with Section 12.32 of this Ordinance shall be observed.
- (8) No operation shall interfere with naturally established flow of surface waters from adjoining lands. In particular, no operation shall result in the diversion of waters from one watershed to another without express permission from the Michigan Department of Natural Resources.
- (9) No operation shall take place within one hundred (100) feet of the margin of any stream or waterway without express permission of the Michigan Department of Natural Resources.
- (10) The recommended slope of the banks within the second one hundred (100) feet measuring from the near edge of a public highway, or within the second one hundred (100) feet measuring from the near edge of a public highway, or within the second one hundred (100) feet measuring from the property line of an adjoining landowner shall not exceed a minimum of one (1) foot vertical drop to each seven (7) feet horizontal. Where permanent ponded water results from the quarry operation, the slope of all banks adjoining the pond must be maintained at the specified one (1) to seven (7) ratio and must be extended into the water of such permanent pond to a water depth of at least five (5) feet.
- (11) The Planning Commission or Township Board may require other performance standards where, because of the peculiar conditions, they deem it necessary for the protection of health, safety, morals and general welfare of the citizens of the Township.

##### B. Regulations for Stripping or Removal Operations:

- (1) Any road used for the purpose of ingress or egress to the excavation site, which is located within three hundred (300) feet of an occupied residence, shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.

- (2) No soil, sand, clay, gravel or similar materials shall be removed in such manner as to cause water to collect or to result in a place of danger or a menace to the public health or safety. The premises shall at all times be graded so that surface water drainage is not interfered with.
- (3) Whatever topsoil suitable for growing turf or for other land use exists at the time the operations begin, a sufficient quantity of topsoil shall be stockpiled on said site so that the entire site, when stripping or removal operations are completed, may be recovered with a minimum of four (4) inches of topsoil. The replacement of such topsoil shall be made immediately following the termination of the stripping or removal operations. If the operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored topsoil over the stripped areas as he progresses. Such replacement shall be in a manner suitable for growing turf or for other land uses.
- (4) The Planning Commission or the Township Board may require such other and further requirements as are deemed necessary in the interest of the public health, safety, morals and general welfare of the citizens of the Township.

5. **Reclamation of Mine Areas.** Rehabilitation shall be in accordance with the following standards:

- A. All excavation shall be either to a water producing depth, such depth to be not less than ten (10) feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-inflammable, and non- combustible solids to insure:
  - (1) That the excavated area shall not collect nor contain stagnant water; or
  - (2) That the surface of such area is not permanently submerged, is graded or back filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
- B. The banks of all excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation, at a slope which shall not be steeper than one (1) foot vertical to four (4) feet horizontal.
- C. Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas where streets, beaches, or other planned improvements are desired. Where used, topsoil shall be applied to a depth of four (4) inches.
- D. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs, to establish a permanent vegetation cover on the land surface, and to minimize erosion.
- E. The reclamation plan for the mining site shall either include an economically viable use (as determined by the Township) or shall require that the mining site, following the reclamation activities required by this section, shall be donated to the Oceola Township, Livingston County, or the State of Michigan for use as a park. The construction of the economically viable use or the donation for use as a park shall take place within a timeframe agreed upon by the Township and the owner of the mining operation prior to the closure of the mine.
- F. Upon cessation of mining operations by abandonment or otherwise, the operating entity, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment; provided, that buildings and structures which have a function under the reclamation plan, and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan, may be retained.

## SECTION 12.17:

## Filling Operations

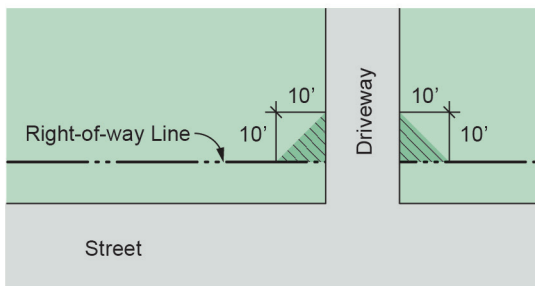
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1. It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to use land for filling within the unincorporated area of the Township without first procuring a special use permit for the conduct of such operations. No special use permit will be required for the moving, grading or leveling of soil or similar material for the immediate use or development of the land.
2. **Application.** Shall be in conformance with Article 16 of this Ordinance.
3. **Filing Fee.** A fee shall be paid upon application per Township Fee Schedule.
4. **Regulations for Filing Operations.**
  - A. The filling of the land with rubbish or garbage or any other waste material is hereby prohibited in all unincorporated areas of the Township, except, pursuant to the terms and conditions of a special use permit specifically authorizing such filling.
  - B. No rubbish or garbage shall be burned or permitted to burn or smolder.
  - C. The Planning Commission or the Township Board may require a temporary fence to be erected to prevent the scattering of rubbish, garbage, and other waste material.
  - D. No vehicles for conveyance of rubbish or garbage shall have open lids and all vehicles in transit shall be closed or covered so as to reduce odor and the scattering of the material being carried. Any rubbish or garbage dropped in transit shall be recovered by the carrier operator and the affected area restored to its prior condition. Further, any undue collection of soil matter deposited on the street or public highway by the tracking of the vehicles shall be removed by the carrier operator and the affected area restored to its prior condition.
  - E. Any roads used for the purpose of ingress or egress to said excavation site, which are located within three hundred (300) feet of occupied residences shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.
  - F. Filling of the property shall be complete when the area becomes level with adjoining roadways. No gradient of disturbed earth shall be steeper than a slope of three (3) feet horizontal to one (1) foot vertical. A layer of arable topsoil shall be spread over the filled area to a minimum depth of four (4) inches. The area shall be seeded with a perennial rye grass and maintained until ground cover is established.
  - G. No construction of a permanent building shall begin on filled area until the Planning Commission or Township Board receives and approves a registered engineering report indicating that the area is stable or otherwise suitable for the proposed construction.
5. **Surety Bond Requirements.** A financial guarantee in accordance with Section 12.16.2 shall be required.

## SECTION 12.18:

**Clear Corner Vision**

All structures, walls, fences, signs, shrubbery or trees must allow clear corner vision for all street intersections and driveway entrances. All structures, walls, fences, signs, and/or shrubbery must be under three feet tall within a triangle formed by two points, each 10 feet away from the intersection of the right-of-way line and the driveway, and the line connecting them, as displayed below. Existing trees within the clear corner vision area must be trimmed so that the lowest limbs are above 8 feet in height. No new trees shall be planted within a Clear Corner Vision area.

**Clear Vision Area**

## SECTION 12.19:

**Performance Standards**

No use otherwise allowed shall be permitted within any Use District which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

1. **Smoke.** It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart; provided, that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period or periods, aggregating four (4) minutes in any thirty (30) minutes.

Method of Measurement: For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, shall be the standard. However, the umbra scope readings of smoke densities may be used when correlated with Ringlemann's Chart.

2. **Dust, Dirt and Fly Ash.** No person, firm or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, of furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas borne or airborne solids of fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gas borne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at the temperature of 500 degrees Fahrenheit.

Method of Measurement: For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Zoning Administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

3. **Odor.** The emission of odors which are generally agreed to be obnoxious to any considerable number of persons shall be prohibited.
4. **Gases.** So<sub>2</sub> gas, as measured at the property line shall not exceed an average of .3 parts per million (p.p.m.) over a twenty-four (24) hour period; HeS shall not exceed .1 p.p.m., fluorine shall not exceed .1 p.p.m.; nitrous fumes shall not exceed 5 p.p.m.; CO shall not exceed 15 p.p.m.
5. **Airborne Matter, General.** In addition to paragraphs 1 through 4 of this Section, there shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, or nuisance to the public or which endanger the comfort, repose, health or safety of persons or which cause injury or damage to business or property.
6. **Glare and Radioactive Materials.** Glare from any process (such as or similar to arc welding, acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and waste including electro-magnetic radiation such as x-ray machine operation shall not be emitted to exceed quantities established at the property line.
7. **Fire and Explosive Hazards.**
  - A. The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the Zoning Administrator is permitted subject to compliance with all other performance standards above mentioned. The following shall define the range of burning: Intense burning materials are materials which by virtue of low ignition temperature, high rate of burning, and large heat evolution, burn with great intensity. An example would be Manganese. Free and Active burning Material are materials constituting an active fuel. Free burning and active burning is the rate of combustion described by a material which burns actively, and easily supports combustion. An example would be fuel oil. Moderate burning implies a rate of combustion described by material which supports combustion and is consumed slowly as it burns. An example would be coal.
  - B. The storage, utilization, or manufacture of materials, goods or products ranging from free and active burning to intense burning, is permitted subject to compliance with all yard requirements and performance standards previously mentioned, and providing that the following conditions are met: Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls. All such buildings or structures shall be set back at least forty (40) feet from lot lines and all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the state rules and regulations as established by Public Act No. 207 of 1941 as amended.
8. **Noise.** Noise levels emanating from a parcel shall not exceed the following limits. Bonafide agricultural activities meeting the Generally Accepted Agricultural Management Practices (GAAMPs) under the Michigan Right to Farm Act shall be exempt from these standards.
  - A. Within the M-1 District, at any time, as measured adjacent to any building that is not on the lot the noise is originating from: Seventy (70) decibels.
  - B. In any other district, between the hours of 7 AM and 8 PM, as measured adjacent to any building that is not on the lot the noise is originating from: Fifty-five (55) decibels.



- C. In any other district, between the hours of 8 PM and 7 AM, as measured adjacent to any building that is not on the lot the noise is originating from: Forty-five (45) decibels.
9. **Vibration.** Machines or operations which cause vibration shall be permitted in MI Districts, but no operation shall cause a displacement exceeding .003 of one (1) inch as measured at the property line.

**SECTION 12.20:****Private Road Development**

1. **Intent.** The purpose of this section is to provide for a general location, character, and extent of private roads, and other development issues associated with private roads. This section is hereby established to provide for the proper development and utilization of private roads in order to further and protect the future health, safety, and welfare of the residents of the Township.
2. **Use Regulated.** The design, construction and maintenance of private roads in the Township are hereby regulated by this Section.
3. **Application and Plan Requirements.** All private road applications shall include the following plans and documents and shall comply with the following information requirements:
  - A. Parcel identification number of the property or properties where the road is proposed for construction.
  - B. Proof of ownership and written consent of such owner.
  - C. The exact location of the proposed private road easement, the location of intersecting streets, the location of adjacent properties, and the location of any existing driveways on those properties.
  - D. The location of existing structures within one hundred (100) feet of the edge of the proposed road right-of-way.
  - E. Topography of the road and within one hundred (100) feet of the road at two (2) foot contour levels, referenced to a USGS benchmark.
  - F. Proposed method of road drainage, and if necessary, proposed storm water detention or retention systems.
  - G. Location of existing and anticipated utility lines, including electric, telephone, gas, cable television, water, and sewer lines, if applicable.
  - H. A private road maintenance agreement shall be submitted in a recordable form which meets the minimum standards of this Ordinance and which meets the approval of the Township and its attorney. The agreement shall be recorded by the applicant at the Office of the Livingston County Register of Deeds and proof of the recording shall be submitted to the Township prior to any construction work on the private road. A special assessment district may be required in accordance with the procedures of Oceola Township.
4. **Design Standards.**
  - A. All private roads shall have a minimum right-of-way width of sixty six (66) feet and shall meet all standards and specifications required by the Township. A hard surface of private roads shall be optional, except that the Township may require a hard surface on a private road whenever the build-out of the proposed development will result in 50 (fifty) or more dwelling units.
  - B. The private road shall be planned and constructed in relation to land contours and obstructions so as to provide safe, adequate ingress and egress by a private driveway for each abutting parcel.
  - C. The road right-of-way shall be of uniform width; elbows, eyebrows and similar design features are not permitted.

- D. All road intersections shall have a minimum radius of twenty (20) feet in the right-of-way line.
  - E. The minimum sight distance at all existing county road intersections with proposed private roads shall be subject to the review and approval of the Livingston County Road Commission (LCRC).
  - F. The private road shall serve the proposed housing sites and extend to a minimum of one hundred and twenty (120) feet frontage on each housing site with an easement extending to the property line. The easement may be waived by the Township Board.
  - G. Unless the proposed private road is designed to serve parcels on both sides of the road, the private road easement shall abut the side property line, thus making the private road available for use by adjoining property owners upon payment of a proportionate share of construction and maintenance costs. To insure the efficient use of any private road and to promote a safe and efficient road system, the Township shall maintain the right to allow the extension of the private road easement.
  - H. Where a private road exists on an adjoining parcel, the applicant shall first determine the feasibility of using the existing road to gain access to the subject parcel. Alternatively, the proposed road shall connect to the existing adjacent private road, wherever feasible.
  - I. The location of the private road on one (1) side of the parcel or the other shall take into consideration the location of other private roads in the vicinity and desire to maximize the spacing between successive private roads. Wherever possible, private roads shall have the following minimum spacing:
    - (1) Between private roads on the same side of the intersecting public road: five hundred (500) feet.
    - (2) Between private roads which are located on opposite sides of an intersecting public road: one hundred fifty (150) feet centerline to centerline.
  - J. Two (2) fifteen (15) foot dedicated utility easements shall be provided in the private road ROW and shall extend the full length of the development site.
  - K. The layout of the private road shall be compatible with the general pattern of the existing road and street system and shall have ninety (90) degree intersections whenever the private road intersects with the existing system.
  - L. Stop signs which are in accordance with the State Manual of Uniform Traffic Control Devices shall be placed at all intersections where a private road intersects with a public road.
  - M. ROW's shall connect the road system of the private road development to any road or ROW of existing adjacent developments, where an existing road or ROW terminates at the boundaries of the proposed private road, thereby providing a continuous circuit of travel. This requirement may be waived by demonstration of physical impediments or obstructions. All roads that end on the property shall end in a cul-de-sac.
  - N. All new private roads shall have approved LCRC name identifications.
5. **Detailed Private Road Construction Specifications.**
- A. The minimum grade of any roadway shall be point five (.5) percent.
  - B. The maximum grade of any roadway shall be five (5) percent.
  - C. The vertical curve shall be used at all changes in the grade. No vertical curve of less than one hundred (100) feet shall be used.
  - D. All proposed streets shall have horizontal curves at not less than two hundred and thirty (230) feet radius.
  - E. All topsoil shall be removed from the roadbed between the ditches. All unsuitable materials shall be removed from the roadbed between the ditches.

- F. All fill and back-fill within the ROW shall be the current MDOT specifications.
- G. The proposed road cross section shall have a thirty (30) foot finished roadway width, shoulder to shoulder, with a minimum of seven (7) inches compacted surface, and minimum of six (6) inches compacted porous sub-base. The gravel surface material shall be MDOT #22A. The porous sub-base shall meet the MDOT specifications for Class II granular material.
- H. Roadside slopes shall be one (1) on four (4) and ditches shall be twenty four (24) inches minimum depth below shoulder grade, and two (2) feet wide on the bottom. Back slopes shall be a maximum of one (1) on three (3).
- I. Drainage facilities shall be top soiled, fertilized, seeded, and mulched and meet MDOT specifications.
- J. Drainage culverts shall either consist of corrugated metal pipe which meets the current ASTM design M-36 or reinforced concrete pipe which meets current ASTM design C-76.
- K. Drainage easements shall be provided to accommodate all storm water from the ROW.
- L. Drainage facilities shall be constructed such that no additional storm water runs into the LCRC ROW.

#### 6. **Application Approval Procedures.**

- A. At least forty-five (45) days prior to the date of the Planning Commission meeting at which the application will be considered, the applicant shall file with the Zoning Administrator, a complete application containing the information requested in subsection 3, ten (10) copies of private road plans meeting the specifications of subsections 4 and 5, ten (10) copies of an underground utilities plan, three (3) copies of the deed restrictions and easement agreement, and three (3) copies of the private road maintenance agreement.
- B. The Township shall notify all property owners of record within five hundred (500) feet of the edge of the proposed private road. The notice shall describe the proposed private road and the time and place where a Planning Commission meeting will be held to receive public comments.
- C. The Zoning Administrator shall receive all private road applications, plans, and other required materials and forward them to the Planning Commission for review. The Planning Commission shall consider compliance with this Ordinance, sound planning and engineering principles, and compliance with any other applicable ordinances.

The Planning Commission may table any application which does not contain all information required by this Ordinance. If the required information is included, the Planning Commission shall expediently make a recommendation to the Township Board to either deny, approve, or approve subject to conditions, the private road application. The Planning Commission shall make an attempt to make recommendation within sixty (60) days of receiving a complete application. The application shall not be considered complete unless sealed by a registered professional civil engineer.

- D. After receiving the recommendation of the Planning Commission, the Township Board shall review the private road application, including the private road maintenance agreement, at a public meeting. The Township Board shall consider the Planning Commission recommendation and make a determination, based on the provisions of this Ordinance, the provisions of any other applicable ordinances, and sound planning and engineering principles. The Township Board shall deny or grant preliminary approval of the proposed private road application within sixty (60) days of receiving a recommendation from the Planning Commission.
- E. After completion of the private road and the installation of the planned improvements, the applicant shall submit the following information to the Township Clerk, at least thirty (30) days prior to the meeting of the Township Board during which final approval of the private road construction permit will be considered.
  - (1) Five (5) sets of plans showing the private road as finalized. If the plans differ from the plans which were granted preliminary approval, any changes shall require approval by the Township Board prior to the recording of the land survey.

- (2) Verification of the installation of the underground utilities and other planned improvements.
- (3) An as-built drawing of the road certified and sealed by a registered civil engineer indicating that the private road meets all of the specifications of Oceola Township.
- (4) Two (2) recorded copies of the land survey.
- (5) Two (2) recorded copies of the deed restrictions and easements with written approval of compliance from the Township Attorney. Upon review and approval of the material, the Township Board shall grant final approval of the private road construction permit.

**SECTION 12.21:****Subdivisions Platted Prior to 1969 Plat Act**

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1. **Purpose.** The purpose of this section is to provide for orderly development within an adequate access to presently undeveloped or partially developed lots, plats or parcels of public record where recorded road easements or rights-of-way are less than sixty-six (66) feet in width.
2. **Private Road Frontage.** The Township Planning Commission may permit an applicant to construct a one-family dwelling on any lot or parcel of public record prior to the adoption of this section, and said dwelling may front upon a private road, provided the requirements of this section and other applicable sections of this Ordinance are met. In addition, a land use permit may be issued for construction of a one-family dwelling on a private road, in a subdivision platted prior to the 1969 Plat Act, without regard to other provisions of Section 12.38 provided the private road it fronts was constructed and in common usage prior to June 15, 1980 and all other provisions of this Ordinance are met.
3. **Responsibility.** Any applicant under this section shall expressly provide and agree that the Township shall in no way nor at any time be responsible for maintenance or improvement of a private road constructed pursuant to this section, and such agreement shall be recorded and included in any deed relating to a lot or parcel upon which a dwelling is erected pursuant to this section.
4. **Road Standards.** A private road constructed pursuant to this section shall be constructed in compliance with Sections 2.0-2.11 of the TOWNSHIP'S STANDARDS AND SPECIFICATIONS FOR RESIDENTIAL DEVELOPMENT AND ROAD CONSTRUCTION, as adopted by the Planning Commission and approved by the Township Board, except as follows:
  - A. The width of the right-of-way shall be as specified in the plat of record.
  - B. The graveled or paved portion of the private roadway shall be twenty (20) feet wide.
  - C. Ditches shall be constructed on both sides of the private roadway with slopes of no greater than one-on-three on the inside bank and no greater than one-on-two on the outside bank. The ditches shall extend from the edge of the private roadway to the outside edge of the right-of-way and shall have a center depth of at least eighteen (18) inches.
5. **Application.** The applicant shall submit an application for a land use permit, together with three (3) copies of the subdivision plat, indicating thereon the location of:
  - A. Existing developed or partially developed streets and roads.
  - B. Existing dwellings.
  - C. Significant topographical or natural features.
  - D. Applicant's proposed building sites and proposed private road or roads.

- E. The applicant shall also submit engineering drawings indicating the manner of construction of the proposed private road, and such other documentation as the Planning Commission shall deem necessary. The application and supporting documents shall be submitted to the Zoning Administrator, together with a payment of a fee in accordance with the duly adopted schedule of fees to cover costs of processing the application.
6. **Public Hearing.** The Zoning Administrator shall forward the application and supporting data to the Township Planning Commission for its consideration at a public hearing during its next regular meeting, held at least fifteen (15) days after the Zoning Administrator forwards the application.
7. **Notice.** Notice of a public hearing shall be published in a newspaper of general circulation within the Township and shall be mailed or personally delivered not less than fifteen (15) days prior to the hearing to the owners of property for which approval is being considered, to all persons whom real property is assessed within three hundred (300) feet of the boundary of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall do all of the following:
- A. Describe the nature of the request.
  - B. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - C. State when and where the request will be considered.
  - D. Indicate when and where written comments will be received concerning the request.
8. **Basis of Decision.** Based upon evidence presented at the public hearing and upon information with the Commission's official notice, the Planning Commission shall within thirty (30) days of the public hearing issue its decision approving, approving with amendments or disapproving the application. In reaching its decision, the Planning Commission shall consider the following criteria:
- A. Whether traffic circulation features within the subdivision related to location and length of the proposed private road construction will insure:
    - (1) Safety and convenience of vehicular traffic and adequate access for emergency and maintenance vehicles.
    - (2) Prevention of unnecessary and highly concentrated traffic flow to certain areas which might create an unbalanced traffic system.
    - (3) Is the direction of access best for the preservation of natural features.
  - B. Whether surface water drainage, slope, and length of proposed private road will prevent overspill or damage to neighboring property.
  - C. Whether the location of the proposed private road conforms with the plat of record.
  - D. Whether the private road meets all other applicable requirements of the Township Zoning Ordinance.
9. **Land Use Permits / Inspection.** If the application is approved by the Planning Commission, the Zoning Administrator shall issue the applicant a land use permit to construct the private road. After the road construction has been completed, the Zoning Administrator shall inspect the road to insure that it is constructed in compliance with this section. The Zoning Administrator may then issue the applicant a land use permit to construct the proposed dwelling.

10. **One Dwelling Development Exception.** If the applicant desires to construct only one dwelling pursuant to this section, unless the Township Supervisor determines that the application is of major significance to orderly development within the subdivision in question, applicant shall be required to submit only a land use permit and appropriate sketches indicating the location of the proposed private road and the manner of construction of the proposed private road. Review of the application and supporting materials shall be made by the Township Supervisor, or his duly appointed representative, to assure that the standards and requirements of this section will be met. Notice and public hearing shall be provided, as otherwise required in this section. Site Plan review shall be performed by the Township Supervisor under this exception. Applicant shall be required to construct the road only along the length of the lot frontage. A lesser fee for processing shall be required in the case of this exception, as provided for by the duly adopted schedule of fees.

#### SECTION 12.22:

### Access Management

For the permitted and special approval uses in the MHP Manufactured Housing Parks District, RM Multiple Family District, OS Office Service, CR Commercial Recreation Districts, C Commercial District, and MI Industrial District, which have frontage on M-59 or other thoroughfares, the following driveway (curb cut) standards shall apply.

1. **Number of Driveways (Curb Cuts).** One curb cut per five hundred (500) feet of road frontage shall be permitted with a minimum distance between curb cuts of five hundred (500) feet. A road intersection with M-59 shall be considered as one (1) curb cut.
2. **Driveway (Curb Cut) Spacing.**
  - A. If a driveway curb radius extends beyond the frontage of the property, written consent from the affected property owner allowing the design must be approved. Driveways are to be located so that all related construction such as acceleration or deceleration lanes, tapers, and curb return radii will take place within the right-of-way abutting the proposed site. Extension of a taper, curb radius or deceleration beyond the frontage shall be considered only if necessary to accommodate off-site factors for sound design practice. In this case, written consent from the affected property owner must be provided.
  - B. In order to prevent left turn conflicts, driveways shall be aligned with those across the street. Where the alignment requirement cannot be met, driveways shall be offset by a minimum of one hundred and fifty feet (150) measured centerline to centerline.
  - C. Where parcels have frontage or access on more than one roadway, access shall be provided from the lesser street. Where spacing requirements can be met, high traffic volumes will be generated, or the subject side street is inappropriate for nonresidential traffic, access onto the main roadway will be considered.
  - D. Driveways shall be located outside the functional boundary of road intersections

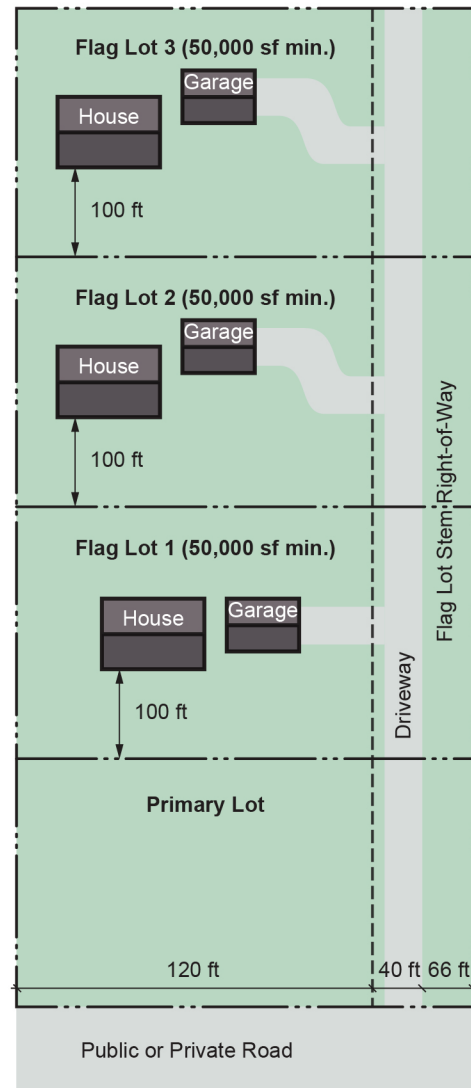
#### SECTION 12.23:

### Flag Lots

For purposes of this Ordinance, a flag lot shall be a building site that meets the area requirements of the AR (Agricultural Residential) District, but does not meet the minimum required road frontage on a public or private road of one hundred twenty (120) feet per lot. The building site must be able to be accessed from a public or private road by a right-of-way a minimum forty (40) foot wide in the stem of the flag lot. The stem right-of-way for a flag lot cannot be included in any acreage or frontage calculations for any lot. A maximum of three (3) flag lots, plus the primary lot or lots, may be permitted access from a flag lot stem right-of-way. (See Illustration: Flag Lot Standards)

1. **General Requirements.** Each flag lot shall meet the following requirements:
  - A. The flag lot shall be in the AR District.

- B. The flag lot shall have a minimum area of 50,000 square feet. The area shall not include the stem right-of-way of the flag lot.
- C. The flag lot shall meet the minimum side and rear setback requirements of the AR District. These setbacks shall be measured from the edge of the stem right-of-way or the property line whichever is closer.
- D. If determined feasible by the Ocala Township Land Split Officer, the primary lot (the one that fronts on the public or private road) must take its access from the flag lot stem right-of-way.
- E. The lot line closest to the public or private road from which the flag lot takes access shall be the front lot line of the flag lot. The minimum front setback on a flag lot shall be one hundred (100) feet. (See Illustration: Flag Lot Standards)
- F. The address of all dwellings occupying the flag lot must be clearly marked at the intersection of the flag lot drive and the public or private road, and at the flag lot to facilitate emergency services.
- G. The titleholders or land contract purchasers of a flag lot shall enter into an easement maintenance and shared access agreement for the stem right-of-way that serves the flag lot in order to ensure maintenance of proper ingress and egress to and from the site. The easement agreement shall be approved by the Ocala Township Land Split Officer. The easement agreement must be recorded prior to the issuance of tax code numbers for the lots served by the flag lot drive. The easement shall cover the full width of the stem right-of-way.



## Flag Lot Standards

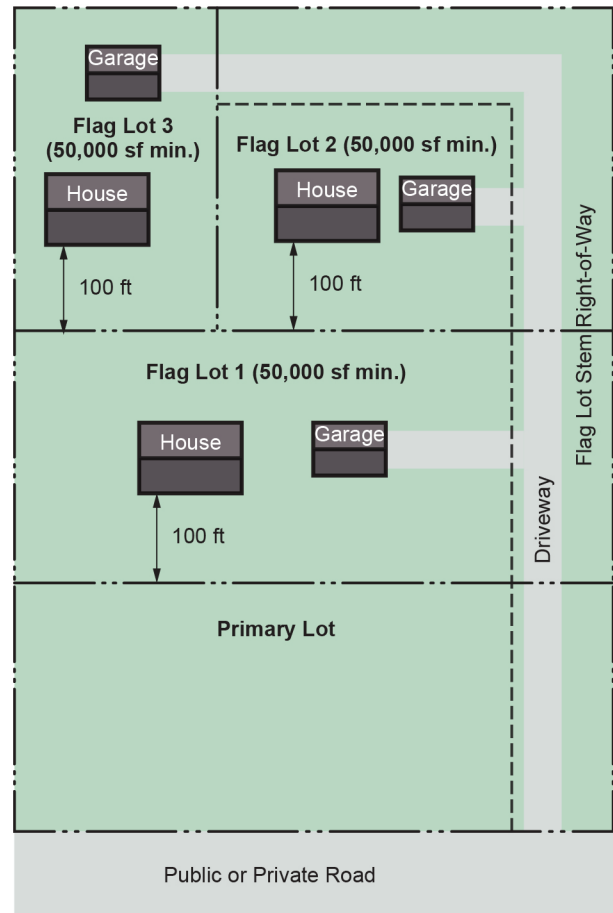
2. **Flag Lot Drive Requirements.** A flag lot drive shall be required to provide access to the flag lot(s). Flag lot drive construction shall conform to the applicable minimum standards based upon the number of lots served by the drive. Additional easement width may be required by the Township to satisfy utility, drainage, sidewalk, future development potential or other requirements.

- A. **Stem Right-of-Way Based on Potential Lots Served.** The minimum stem right-of-way width required shall be based on the potential number of lots to be served by the flag lot drive. If a stem right-of-way of less than sixty six (66) feet in width has been approved for use, the drive shall not be extended to serve additional lots not included in the original application. If in the determination of the Ocala Township Land Split Officer, there may be potential to extend the flag lot drive to serve future additional lots, the application shall be forwarded to the Planning Commission. The Commission shall review the potential for new development within the context of the Township’s adopted Master Plan or zoning regulations, whichever is greater, and make a determination whether a sixty six (66) foot wide stem right-of-way must be provided. The purpose of the wider stem right-of-way is to accommodate future extension of the drive and conversion to a road. The Commission’s determination shall be based on the following factors:

- (1) Whether there is need for the extended flag lot drive to be dedicated as a public road based upon the Oceola Township Master Plan.
- (2) Whether proposed extended flag lot drive could reasonably serve other AR zoned residential uses.
- (3) Presence of natural or man-made features, such as regulated wetlands, lakes, developed parcels, or similar constraints that substantially limit the ability to extend the drive to other sites.

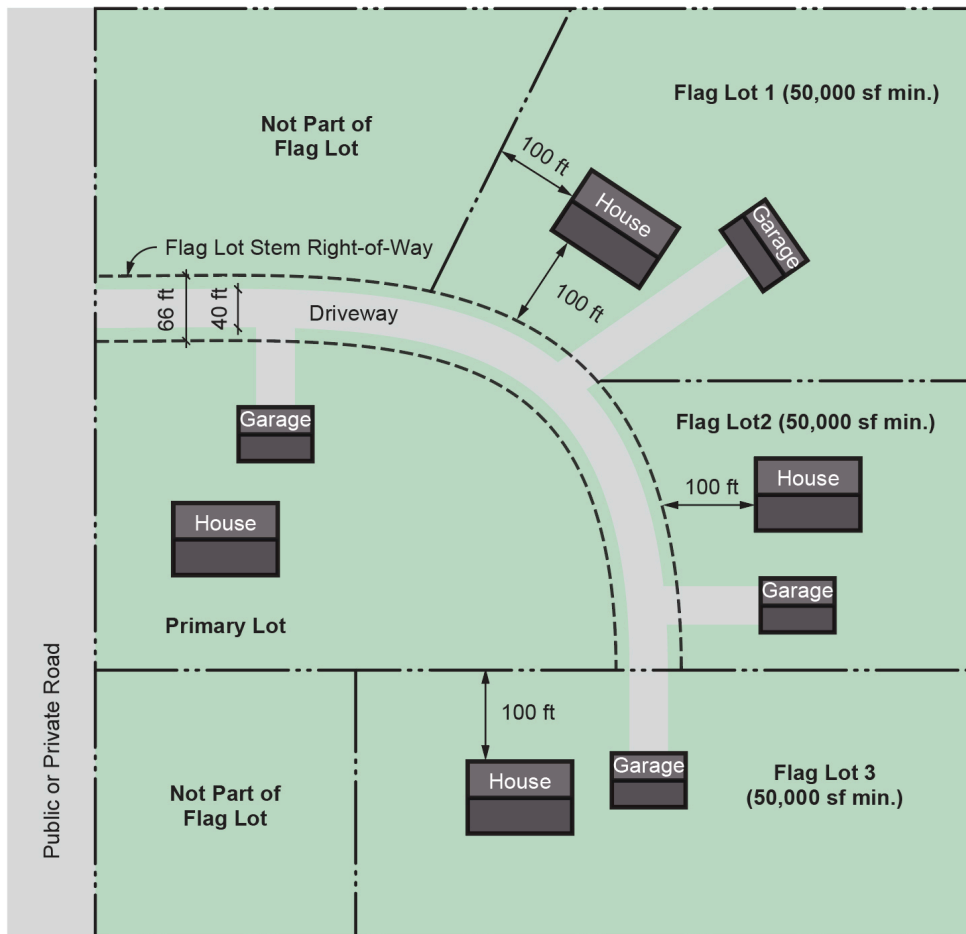
- B. **Construction Based on Lots Served.** The minimum drive surface and construction requirements shall be based on the number of flag lots to be served by the flag lot drive at the time of the land division. If the flag lot drive is capable of serving additional lots that are not created at the time of original construction, the easement agreement must specify the method of apportionment of any additional costs that may be incurred as a result of required road improvements when the additional lots are created.

3. **Construction Standards for Flag Lot Drives Serving One to Three Flag Lots and the Primary Lot.** If the flag lot drive serves one through three flag lots (one to three flag lots plus the primary lot), the following minimum construction standards shall apply:
  - A. The flag lot must be served by a minimum forty (40) foot wide stem right-of-way.
  - B. The flag lot drive surface shall be a uniform width of a minimum of twelve (12) feet, measured edge to edge.
  - C. The flag lot drive shall be constructed as follows:
    - (1) All organic materials and topsoil shall be removed from the flag lot driveway bed area to ensure a stable base for the driveway.
    - (2) The flag lot drive shall be constructed of 8" of 22A or 23A limestone gravel, at a minimum.
    - (3) Certification from a registered professional engineer, evidencing that the above construction requirements have been met, shall be submitted to the Township prior to issuance of a land use permit for a residence for any of the lots on the flag lot drive.



## Flag Lot Standards





## Flag Lot Standards

4. **Construction Standards for Potential Flag Lot Drive Extension.** If the flag lot drive has the potential to be extended to serve more than three (3) flag lots (not including the primary lot or lots), the following minimum construction standards shall apply:
  - A. Each lot must be served by a minimum sixty-six (66) foot wide right-of-way.
  - B. At the time a flag lot drive is proposed to be extended or proposed to serve more lots than described in Subsection 3 above, the flag lot drive will be required to be upgraded for its entire length and to meet all construction and approval requirements for a private road under Section 12.20 of this Ordinance.
5. **Drive Separation Requirements.**
  - A. The centerline of the flag lot driveway shall be located a minimum of two hundred forty feet (240') from the centerline of the intersection of two public and/or private roads and a minimum of sixty (60) feet from any private driveway.
  - B. The intersection of a flag lot stem right-of-way with a public or private road shall be located a minimum of one hundred twenty (120) feet from any existing flag lot stem right-of-way, measured from the centerline of the drive to the centerline of the road.

## SECTION 12.24:

## Common Use (Keyhole) Ordinance

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1. **Intent.** Special Use provisions in accordance with Article 16 of the Oceola Township Zoning Ordinance are established to regulate land uses adjoining water bodies in any Zoning District. The purpose of these regulations is to protect the public health, safety and welfare which could be threatened by the over usage of inland lakes, and avoid situations which may create a nuisance, impair important irreparable natural resources and lessen property values. These regulations are intended to reinforce the implementation of the Michigan Inland Lakes and Streams Act (Public Act 346 of 1972).
2. **Common Use Lot (Keyhole) Defined.** A common use riparian lot (keyhole) shall be defined as any private site, platted lot or other parcel held in common by a subdivision, association, similar agency or group of individuals, or held in common by virtue of the terms of a plat of record; which provides common use riparian access to non-riparian lots or land owners.
3. **Applicability.** These regulations shall apply to the following common use lots:
  - A. Those lots created after the effective date of this ordinance. Those lots of record existing prior to the effective date of this ordinance that did not provide common use access to a water body (riparian rights to nonriparian land owners) prior to the effective date of this ordinance.
  - B. Lots that have been providing common use access to a water body for a defined geographical area or a specific number of lots through an association or subdivision/condominium deed prior to the effective date of this ordinance, and where it is proposed to expand the geographical area or number of lots that are provided common use access to a water body through said common use access lot.
  - C. Lots of record existing prior to the effective date of this ordinance that have been providing common use access to a water body for a defined geographical area or a specific number of lots may continue to provide riparian rights. However a new marina or expansion of an existing marina must obtain a permit from the Michigan Department of Environmental Quality in accordance with Administrative Rules for the Michigan Inland Lakes and Streams Act (P.A.346 of 1972, as amended).
4. **Use subject to Special Use Permit.** The following uses shall be permitted on a common use lot (keyhole) in any district upon approval of the Planning Commission and subject to conditions as specified in Article 13.
  - A. Recreational sites, including bathing beaches, playgrounds, fishing piers, and other recreational areas.
  - B. Scenic sites.
  - C. Trails, bicycle paths and access routes, other than dedicated streets.
  - D. Boat docks (seasonal structures) provided that all of the requirements of Paragraph 7 are met, provided that seasonal boat docks in existence at the time of this ordinance are permitted to moor watercraft.
5. **Area and Bulk Requirements.** Waterfront sites dedicated to common use shall conform in all respects to the area and bulk requirements of the adjacent districts which they are intended to serve.
6. **General Requirements.**
  - A. The deed to a common use lot or parcel shall specify the non-riparian lots parcels which shall have rights to its use. All such lots shall be contiguous to each other and as a block contiguous to the common use lot.
  - B. Such riparian lot or parcel shall have a minimum frontage of 25 feet per parcel granted lake access rights from the riparian lot, measured by a straight line which intersects each side lot line at the water's edge; a minimum lot depth of one hundred (100) feet, measured as the minimum distance between the water's edge and the lot line which is opposite the water's edge; and a minimum area of fifteen thousand (15,000) square feet.

- C. Riparian lots that are a General Common Element in a Site Condominium shall be exempt from the minimum frontage requirement described in Subsection B, and shall instead have a minimum frontage on the water of 150 feet. All other provisions of Subsection B shall also apply.
  - D. No seasonal storage of any watercraft or recreational equipment, including camping trailers and motor homes, shall be permitted on the site, except the permitted number of boats docked on the water.
  - E. Parking of motor vehicles, recreational vehicles, or camping units is prohibited.
  - F. An easement over a residential riparian lot shall not be utilized to provide access or docking for an individual who is not a resident of such residential riparian lot.
  - G. A common use lot shall not have been determined as a wetland by the Department of Environmental Quality (DEQ).
7. **Boat Docks (Seasonal Structures) and Marinas.** The maximum number of boats which can be docked, moored or stored at a common use riparian parcel shall be one boat for the required riparian frontage of eighty (80) feet.
- A. A marina, as defined below, and launching of motorized boats are prohibited.
  - B. A seasonal structure, as defined below, may be permitted without a permit from the Michigan Department of Environmental Quality
8. **Definition.**
- A. **Marina.** A facility that is owned or operated by a person, extends into or over an inland lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing of recreational watercraft. A permit from the Michigan Department of Environmental Quality is required for a marina.
  - B. **Seasonal Structure.** Any type of dock, boat hoist, ramp, raft, or other recreational structure that is placed into an inland lake or stream and removed at the end of the boating season. No MDEQ permit is required for a seasonal structure.

**SECTION 12.25:****Small Community Water and Waste Water Systems**

No small community water or waste water system, hereby defined as an independent system intended for the use by a limited number of residential users for the collection, treatment, and distribution of potable water, and/or the collecting, transporting, treating, and disposal of sanitary waste water, shall be built or installed in the Township unless it meets the following requirements.

- 1. The system shall meet all applicable County, State, and/or Federal requirements.
- 2. For the purposes of this Ordinance, a small community wastewater system shall not be considered a public sanitary sewer system.
- 3. A site plan shall be submitted which contains the following:
  - A. The location of a twelve (12) foot paved access drive to access any community treatment facility;
  - B. The location of a paved parking and turnaround area for maintenance vehicles;
  - C. The location of and the proposed security and screening of the treatment site;
  - D. The relationship of the treatment site to the location of housing, open space, and recreation sites.

4. The area allocated for the drain field and the reserve drain field may be used for recreation; however, it shall not be counted toward meeting the minimum recreation and open space provisions for residential development in this Ordinance.
5. The system shall be designed to service all developable sites within the proposed development. The design engineer may submit a request to exclude a specified number of sites from connection, provided that specific reasons are given as to why all sites cannot be connected.
6. The Township may require the site plan to address how the community septic system would be converted into a public sanitary sewer should a public sanitary sewer system be available within two hundred (200) feet of any property in the development.

**SECTION 12.26:****Well Drilling, Environmental Drilling, and Environmental Consulting Operations**

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Well-drilling, environmental drilling, and environmental consulting operations shall be permitted by the Zoning Administrator provided they meet the following requirements:

1. Minimum site size shall be three (3) acres.
2. Minimum frontage shall be 200 feet.
3. Frontage shall be on a major thoroughfare.
4. Minimum separation between driveways shall be 500 feet.
5. Equipment storage shall be setback at least 150 feet from the front property line with no outdoor storage of equipment and supplies (not enclosed within a building) visible from the road. All outdoor storage shall be screened from any residential used property.
6. There shall be no storage of any hazardous or contaminated material(s) on site, except that cleaning solvents, fuels and similar products used in maintaining equipment may be stored subject to all such products being stored in compliance with all Fire Marshal and applicable health, safety and environmental regulations. The quantities of materials stored shall not exceed that customary for equipment maintenance.
7. There shall be no on-site cleaning of equipment utilized for any environmental drilling, excavation, or cleanup operation.
8. Outdoor advertising shall be limited to one (1) sign not exceeding 32 square feet in area.
9. Accessory buildings shall be setback a minimum of 50 feet from any residentially used property.
10. All applicable County, State, and/or Federal requirements must be met.

## SECTION 12.27:

**Fences and Walls**

Fences and Obscuring Walls shall be permitted in all zoning districts, subject to the following standards:

1. No fence shall exceed 6 feet in height.
2. No fence in a front yard shall exceed 3 feet in height. On lots with multiple street frontages, all yards abutting street frontage shall be considered front yards for the purposes of this section. Lots in the AR District shall be exempt from this section, provided that all front yard fences over 3 feet in height meet the following requirements:
  - A. The fence is not an opaque screening fence, and is designed to allow a person on one side to see through to the other side. The Zoning Administrator shall determine if a fence is sufficiently see-through.
  - B. The Clear Corner Vision requirements in Section 12.18 must be met.



*Split Rail*



*Metal Open Fence*

3. Pool fences shall comply with the requirements of the Building Code. If the Building Code requirements conflict with the requirements of this Ordinance, the Building Code requirements shall apply.
4. Clear corner vision as described in Section 12.18 must be maintained at all intersections of roadways or driveways.
5. Fences that enclose animals must be designed sufficiently to prevent the animal from escaping the enclosure, subject to approval by the Zoning Administrator.
6. Barbed wire or any other sharp point or instrument designed to prevent access and located on the top or on the side of any fence shall be prohibited unless, in the opinion of the Zoning Administrator, they are necessary to preserve the public, healthy, safety, and welfare of the surrounding area.
7. Electrified fences shall be prohibited, except in the following circumstances:
  - A. In the AR District, on lots they are specifically necessary to enclose animals, in the opinion of the Zoning Administrator.
  - B. Invisible electric fences designed to only shock animals wearing a specialized collar.
8. All applicable County, State, and/or Federal requirements must be met.
9. **Conflicts.** In the event of a conflict between this section and another regulation or standard in this ordinance, the specific standard, not this section, shall apply. In cases where the Ordinance requires fencing for screening or security, the Township may permit the fence to exceed the standards of this section, if needed to achieve a screening or security goal.

### SECTION 12.28:

## Landscaping

1. **Purpose.** The purpose of this Article is to:

- A. Promote the health, safety, and welfare of the community by:
  - (1) Protecting the character, appearance, and thereby the value of land and residential neighborhoods
  - (2) Recognizing the role of trees and shrubs in enhancing the quality of the community.
  - (3) Reducing soil erosion and depletion and increasing water retention in the soil to reduce runoff.
- B. Protecting the stability of each parcel and lot within the Township by requiring screening or land use buffers between contiguous land uses of different or conflicting intensity of use.
- C. Enhance the appearance of commercial developments, vehicular use areas, off-street parking areas, street and road right-of-ways, and land directly abutting said right-of-ways, thereby reducing or eliminating conditions which may lead to blighted conditions.
- D. Enhance the public health, safety, and welfare of the community by assisting in the definition and recognition of traffic flows related to commercial, office and multiple family residential developments, vehicular use areas, off-street parking areas, street and road right-of-ways, and land directly abutting said right-of-ways.

2. **When Required.**

- A. The provisions of this Section regarding the design of new landscaping shall apply to all parcels or lots on which an improvement or development is proposed requiring Site Plan Approval from the Planning Commission (including Planned Unit Developments), and/or Special Use Approval. The Planning Commission shall enforce the provisions of this section regarding design during the review process.
- B. For existing sites with a previously approved landscape plan, the Planning Commission shall have the option of requiring the site to comply with its previously approved landscape plan, rather than altering the landscaping to comply with this section. In the event that an applicant is permitted to comply with the previously approved plan, rather than designing a new one, all plantings that are dead or otherwise in poor condition shall be replaced by a planting of similar species and size (at planting). If the applicant cannot produce a previously approved landscape plan, then the sites must be brought into compliance with this Ordinance.
- C. The Zoning Administrator shall enforce the provisions regarding installation and maintenance of landscaping during construction and the ongoing operation of the site in question.

3. **Schedule of Landscape Regulations.**

The following landscaping requirements shall apply in the zoning districts listed.

	C, OS, C-R, M-1	AR, RR	R-1, R-2, R-3	RM, MHP
<b>Street Frontage</b>				
<b>Min. Width of Landscape Area</b>	10 feet (a)	See Township Subdivision Ordinance	See Township Subdivision Ordinance	10 feet (a) (b)
<b>Trees Per 50 Feet of Frontage</b>	1	See Township Subdivision Ordinance	See Township Subdivision Ordinance	1
<b>Shrubs Per 50 Feet of Frontage</b>	8	See Township Subdivision Ordinance	See Township Subdivision Ordinance	8
<b>Knee Wall (Located between Landscaping and Parking Lot)</b>	3 Feet high Brick or Masonry	N/A	N/A	3 Feet high Brick or Masonry

	C, OS, C-R, M-1	AR, RR	R-1, R-2, R-3	RM, MHP
<b>Parking Lot Perimeter</b>				
<b>Square Footage</b>	10% of parking area	5% of parking area	5% of parking area	10% of parking area (c)
<b>Trees Per 500 sq. ft. of Landscape Area</b>	1	0.5	0.5	1
<b>Shrubs per 500 sq. ft. of Landscape Area</b>	8	4	4	8
<b>Parking Lot Interior</b>				
<b>Total Square Footage</b>	5% of total parking area(d)	None	None	5% of total parking area(d)
<b>Island Minimum Size</b>	200 sq. ft	N/A	N/A	200 sq. ft.
<b>Island Ground Cover</b>	Mulch, Grass, or Native Ground Cover Plantings	N/A	N/A	Mulch, Grass, or Native Ground Cover Plantings
<b>Trees</b>	1 per island	N/A	N/A	1 per island
<b>Snow Storage Area</b>	(e)	(e)	(e)	(e)
<b>Adjacent to Residential Zoning Districts (AR, RR, R-1, R-2, R-3, RM, or RMH)</b>				
<b>When Applicable (f)</b>	<b>All Uses:</b> Choose from Options 1, 2, or 3	<b>Non-Residential Or Agricultural Uses:</b> Choose from Options 1, 2, or 3  <b>Residential/ Agricultural Uses:</b> Exempt	<b>Non-Residential Uses:</b> Choose from Options 1, 2, or 3  <b>Residential Uses:</b> Exempt	<b>Multi-Family or Manufactured Housing Adjacent to R-1, R-2, or R-3:</b> Must use Option 1  <b>All Other Uses:</b> Choose from Options 1, 2, or 3
<b>Option 1: Landscape Buffer</b>	30 foot deep landscape buffer 1 tree per 30 feet of property line 8 shrubs per 30 feet of property line	30 foot deep landscape buffer 1 tree per 50 feet of property line 8 shrubs per 50 feet of property line	30 foot deep landscape buffer 1 tree per 50 feet of property line 8 shrubs per 50 feet of property line	30 foot deep landscape buffer 1 tree per 50 feet of property line 8 shrubs per 50 feet of property line
<b>Option 2: Evergreen Screen</b>	10 foot wide landscape area Staggered double row of evergreens forming a complete screen as viewed from the residential zone.	10 foot wide landscape area Staggered double row of evergreens forming a complete screen as viewed from the residential zone.	10 foot wide landscape area Staggered double row of evergreens forming a complete screen as viewed from the residential zone.	10 foot wide landscape area Staggered double row of evergreens forming a complete screen as viewed from the residential zone.
<b>Option 3: Fence or Wall</b>	Masonry, Brick, or Vinyl At least 6 feet tall, designed to completely screen, as viewed from the residential zone.	Masonry, Brick, Wood, or Vinyl At least 6 feet tall, designed to completely screen, as viewed from the residential zone.	Masonry, Brick, Wood, or Vinyl At least 6 feet tall, designed to completely screen, as viewed from the residential zone.	Masonry, Brick, Wood, or Vinyl At least 6 feet tall, designed to completely screen, as viewed from the residential zone.

Footnotes:

- (a) The frontage landscape area must be entirely on private property, and shall not extend into the public right-of-way. A non-motorized pathway, sidewalk, (or associated easement) may be located in the frontage landscape area. However, if a sidewalk/pathway (or easement) is located within the frontage landscape area, the landscape area must be increased to 15 feet in width.
- (b) In RM and MHP districts, the street frontage requirements shall only apply along adjacent thoroughfares, and shall not apply to interior access roadways.
- (c) In RM and MHP districts, "parking area" shall include only parking lots that serve community amenities and/or multiple dwelling units. Roadways, driveways to individual units, and other paved areas shall not be included in the calculation of required landscaping.
- (d) Landscape islands shall not be required for parking lots with 20 spaces or fewer.
- (e) A snow storage area must be designated adjacent to all parking lots. The snow storage area shall not contain required landscape plantings.
- (f) At the time of site plan approval, the applicant shall propose a buffering option based on the choices provided in the table. The Planning Commission may require a specific option, rather than the one proposed, upon determining that the chosen option would be not provide sufficient screening and buffering for the proposed use.

4. **Plan Requirements.** Landscape Plans shall illustrate areas of existing trees or wood lots which shall be removed and those that will be retained, as well as the type, quantity, location, and size of plant material proposed. All plantings proposed to meet a requirement of this section must be clearly labeled with their species and size at planting. The Landscape Plan shall show the location of all buildings, paving, proposed lawn areas, and all other information necessary to permit the Administrative Site Plan Review Committee, Planning Commission, and their associated staff and/or consultants, to fully evaluate the landscape treatment proposed to ensure conformity with the spirit and intent of this Ordinance.
5. **Modifications to Approved Plan.** The Zoning Administrator may permit minor revisions and deviations from the approved Landscape Plan, provided:
  - A. The changes do not constitute a wholesale change of the approved Landscape Plan.
  - B. The revised plan is consistent with the requirements of this Article.
  - C. The revised plan is consistent with the spirit and intent of the original approved Landscape Plan.
6. **Installation.**
  - A. Landscaping shall be installed in a manner consistent with accepted planting procedures set forth by the American Association of Nurserymen and approved by the American National Standards Institute, Inc., and the Landscape Plan approved by the Township.
  - B. Installation of all landscaping, screen fences, screen walls, etc. shall be completed prior to issuance of a Certificate of Occupancy for the proposed development, unless it is determined that the weather conditions may jeopardize the landscape materials or the stability of the screen walls.
  - C. If it is determined that weather conditions are not suitable for the installation of plant materials, screen walls, etc., a temporary Certificate of Occupancy may be issued, provided the developer submits for review and approval a cost estimate for the completion of the Landscape Plan and provides the Township with a cash deposit, certified check, or irrevocable letter of credit in the amount of the approved cost estimate. In no case shall a Certificate of Occupancy or Temporary Certificate of Occupancy be issued without the aforementioned submission. At the time of submission of the cash deposit, certified check, or irrevocable letter of credit, the Zoning Administrator shall establish a completion date at which time all improvements proposed in the Landscape Plan shall be completed. Failure to complete all improvements by the established completion date shall result in the forfeiture of the deposit to the Township and shall not release the developer from the obligation for installation and completion of the improvements proposed in the Landscape Plan. The Zoning Administrator may grant one extension for sixty (60) days after a written request from the developer, provided circumstances warrant such an extension. The Zoning Administrator may release the cash deposit, certified check, or irrevocable letter of credit, only after completion of the work to be performed.
7. **Protection of Landscape Areas.** Landscape areas, that is, areas consisting of grass, ground cover, shrubs, flowering trees, deciduous trees, evergreen trees, etc., shall be protected from vehicles using one of the following options:
  - Curbs
  - Bumper Blocks
  - Small shrubs along the edge of the landscape area
  - Locating the landscape area below the grade of the adjacent parking lot
8. **Plant and Landscape Materials.** All plant material that is required to be installed by this section shall:
  - A. Conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurserymen, Inc., and approved by the American National Standards Institute, Inc.



- B. Be true to name in conformity with the current edition of "Standardized Plant Names," American Joint Committee on Horticultural Nomenclature.
- C. Be typical of their species or variety, have normal habits of growth, well branched, and densely foliated when in leaf.
- D. Be of sound health and vigorous in appearance, free from disease, insect pests, eggs, or larvae, and have healthy, well-developed root systems.
- E. Be freshly dug and nursery grown.
- F. Be chosen according to soil, climatic conditions, and environmental factors for the proposed development.
- G. Trees shall have straight trunks with leaders intact, undamaged, and uncut.
- H. Lawn areas shall be planted in species of grass normally grown as permanent and maintained lawns in southeast Michigan. Grass may be sodded or seeded and mulched. When seeding and mulching, hydroseeding or similar method shall be used. Sod or seed shall be clean, free of weeds and noxious pests or disease.
- I. Ground cover shall be planted in a manner which will present a finished appearance and be reasonably complete after a full growing season.
- J. Hedges, where provided, shall be planted and contained so as to form a continuous, unbroken, solid, visual screen within one full planting season. Where plants are to be used as a hedge for screening purposes, the maximum spacing will have to be determined based on the plant proposed.
- K. Minimum size of plant material:
  - (1) Deciduous shade trees -- shall be species having a trunk which can be maintained with over seven (7) foot clear stem. Deciduous trees shall have a minimum caliper of two (2) inches at the time of planting.
  - (2) Deciduous ornamental trees -- shall be a minimum of eight (8) feet in height at the time of planting.
  - (3) Evergreen trees -- shall be a minimum of four (4) feet in height at the time of planting.
  - (4) Shrubs -- shall be a minimum of two (2) feet in height at the time of planting, or two (2) feet in spread if the plants are low spreading evergreens.
  - (5) Vines -- shall be a minimum of thirty (30) inches in length after one growing season.
- L. Artificial plant material shall not be considered to fulfill landscaping requirements.
- M. A variety of species shall be chosen, in order to avoid monoculture and promote a natural ecosystem within the landscape area.

9. **Discouraged Species.** The following trees, because of various problems, shall be considered in conflict with a developing community and are of undesirable quality, and therefore shall be not be installed in order to comply with a requirement of this section, nor shall existing trees of these species be used to count towards a requirement of this section.

Acer negundo	Box Elder
UI-1 varieties	EI-1 varieties
Aesculucusvarieties	Horse chestnuts
Populus varieties	Poplar varieties
Salix varieties	Willow varieties
Catalpa varieties	Catalpa varieties
Ailanthus altissima	Tree of Heaven
Morus varieties	Mulberry varieties
Ginkgo biloba (female)	

10. **Maintenance.**
- A. All landscape materials, plant materials, or manufactured materials, shall be kept in a neat and orderly manner, free from debris and refuse.
  - B. All diseased, unhealthy, and dead plant material shall be removed immediately and replaced, unless the Zoning Administrator determines that weather conditions may jeopardize the health of the landscape material. If the plant material is not planted immediately, the owner shall provide a cash deposit, certified check, or irrevocable letter of credit in the amount equal to the installation. Failure to complete the installation shall result in forfeiture of the deposit to the Township and shall not release the owner from the obligation to replace the vegetation. Replacement material (trees or shrubs) shall be installed at or as close as possible to the size of the material at the time of their removal.
  - C. The approved Landscape Plan shall be considered a permanent record and integral part of the site plan approval. Unless otherwise approved by the Zoning Administrator under Section 12.27.5 any revisions to, or removal of, plant materials will place the parcel in non-conformity with the originally approved Landscape Plan and shall be viewed as a violation of this Ordinance and the agreed upon terms of the Final Site Plan approval.
  - D. The applicant, at the time of the submission of the site plan approval, shall demonstrate to the Planning Commission that adequate provisions have been made to supply water to all landscape areas. This may be accomplished by the installation of an irrigation system or outside hose bibs of sufficient quantity and location to provide water for the landscape areas where specified.
11. **Use of Existing Vegetation in Lieu of Required Plantings.** The Planning Commission may determine that existing vegetation is sufficient to meet the spirit of this Ordinance, even if it does not meet the letter of the specific regulations, and require the protection and ongoing maintenance of existing vegetation in lieu of enforcing some or all of the relevant landscaping requirements for a given site. Existing vegetation used to comply with the requirements of this section must be kept in good condition. In the event that the plants die, they must be replaced by conforming plantings.
12. **PUD Requirements Supersede.** The requirements of Articles 7, 8, and 9 shall apply within PUDs, and shall supersede this section in the event of a conflict.
13. **Waivers.** The Planning Commission may alter or waive the standards of this section upon determining that strict compliance with the regulations is not practical due to physical, legal, or regulatory constraints that are not the result of actions by the applicant, or that the proposed landscaping for the site sufficiently meets the spirit of this section, if not the letter.

ARTICLE 13:  
**SIGNAGE**

13

## SECTION 13.01:

## Purpose and Intent

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This section is intended to protect and promote the health, safety, and welfare of the residents of Oceola 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 in the community. These regulations are further intended to be content neutral, while providing reasonable identification for businesses and other uses within the community, and protecting the First Amendment right to Freedom of Speech. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination and other aspects of signs in the Township.

## SECTION 13.02:

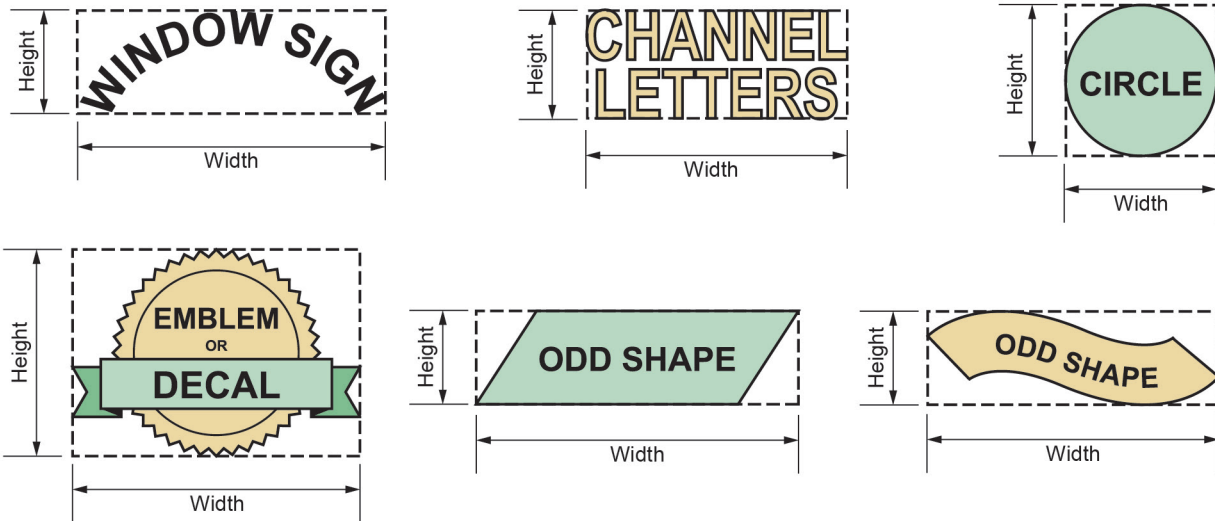
## Signage Definitions

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For the purposes of this section, the following terms shall have the following meanings. For all terms not defined in this section, the definitions in Article 17 shall apply. For all terms not defined in Article 8, the definition in the most recently published version of the Merriam-Webster Dictionary shall apply.

1. **Architectural Feature.** An integral element of a building that does not contain any discernible message.
2. **Architectural Gateway Element.** A structure constructed at the entrance to a neighborhood, multi-family residential complex, business park, public park, or other similar complex that contains architectural features designed to attract attention to the entranceway. Architectural Gateway Elements shall also be permitted at the entrances to agricultural properties.
3. **Artwork.** Any decorative element that is not integral to a building and does not contain an immediately discernible message. Artwork is not considered signage.
4. **Awning.** A roof-like cover intended to shade a window or door opening or provide protection from the weather which is constructed of canvas or other opaque material stretched over a supporting frame attached directly to a building. Awnings may or may not be constructed so as to be raised or retracted to a position against the building when not in use. No structure that extends beyond a roofline shall be considered an awning for the purposes of this Ordinance.
5. **Banner.** A sign on paper, cloth, fabric, or other combustible material (excluding wood and/or plastic) of any kind, either with or without frames.
6. **Building Frontage.** Any side of a building that either has a public entrance to the building or is visible from a public road or public parking lot. For the purposes of this section, "frontage" shall mean "building frontage."
7. **Business.** Any non-residential use occupying physical space on a lot, regardless of whether the use operates for a profit or not, regardless of whether the use is in the public or private sector, and regardless of whether the use is open to the general public. This definition shall only apply within this section.
8. **Canopy.** A structure with a roof and support posts, but no walls. A canopy shall not be attached to a building. This definition shall apply only within this section.
9. **Directional Signs.** Signs located on a site in such a way as to direct pedestrian and/or automobile traffic through the site.
10. **Drive-Thru Service Window.** A window used for serving a product directly from a building to customers in a car.
11. **Electronic Messaging.** The use of changing lights or video screen(s) to form a sign message or messages in text or graphic or video display form wherein the messages and the rate of change can be modified by electronic process.

12. **External Illumination.** Lights designed to illuminate a sign that are not located within the sign itself.
13. **Flag.** A piece of non-rigid cloth used to display a message or design.
14. **Footcandles.** A unit of illuminance on a surface equal to one lumen per square foot.
15. **Freestanding Sign.** A sign supported by a base placed in or upon the ground and not attached to any building or other structure.
16. **Government Sign.** Signs erected by or on behalf of a government body.
17. **Internal Illumination.** Lights designed to illuminate a sign from within the sign itself.
18. **Main Pedestrian Entrance.** An entrance to a building where the general public is welcome to enter. If a building has multiple entrances where the general public is welcome, then the applicant shall designate a Main Pedestrian Entrance on the application for a sign permit.
19. **Marquee Sign.** A projecting sign that is taller, wider, or otherwise larger than the permitted maximum size for a projecting sign in this ordinance.
20. **Mural.** See "Artwork."
21. **NIT.** A unit of luminance equivalent to one candela per square meter.
22. **Non-Conforming Sign.** A sign that was legally installed and was existing prior to the adoption of this section that does not comply with the provisions of this section.
23. **Permanent Sign.** Any sign constructed and intended to be displayed for an indefinite, long-term period of time. Any sign, regardless of construction and intention, that is in place for more than six months shall be considered a permanent sign.
24. **Permit.** A sign permit issued by the Building Department that must be obtained prior to the installation of a sign.
25. **Projecting Signs.** A sign constructed as to be attached at one end to a building and to extend out from the building.
26. **Pylon or Pole Mounted Signs.** A sign supported by a single base that is less than 75% of the width of the sign.
27. **Sign.** A device, structure, fixture, or placard using graphics, symbols, logos, and/or written copy designed specifically for the purpose of conveying an explicit message. Architectural features, architectural gateway elements, and artwork that do not contain an explicit message shall not be considered signs.
28. **Sign Area.** The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame of other material or color forming an integral part of the display, or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle. Back-to-back sign faces shall be counted as one sign face for the purposes of measurement.



## Sign Height and Width

29. **Sign Height.** The distance from the grade at the bottom of a sign to the upper-most point of the sign. If the sign is located on a berm, the height of the berm shall be included in the height of the sign. If the sign is on a slope, then the sign height shall be measured from the average grade at the base of the sign.
30. **Storefront.** An entrance open to the general public that allows direct access to a single ground floor business. This definition shall only apply to this Article.
31. **Temporary Signs.** Any sign not constructed and intended to be displayed for an indefinite, long-term period of time.
32. **Tube Lights.** Any light fixture that has the appearance of a "tube" of light, including neon, LED, or other lighting types.
33. **Wall Signs.** Any sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building.
34. **Window Signs.** Any sign, located within a building or affixed upon a window, which is intended to be visible from the exterior of the building.

SECTION 13.03:

## Permit Process

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1. **Permits.** It shall be unlawful for any person to erect, alter, or structurally change a sign or other advertising structure, unless the type of sign is specifically listed in Section 13.04, without first obtaining a permit in accordance with the processes set forth by the Township Board. A permit shall require payment of a fee, which shall be established by the Township Board.
2. **Removal Agreement or Bond.** The Zoning Administrator may require a performance guarantee to guarantee the future removal of a sign.
3. **Exceptions.** A new permit shall not be required for changing the message of a previously-approved sign without altering the size, shape or backing material of the sign and without adding electronic capability. Permits shall also not be required for the cleaning or maintenance of a sign, nor for the types of signs listed in Section 13.04.

SECTION 13.04:

## Signs Exempt from Permitting Requirements

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1. The following signs shall not require a permit to be installed:
  - A. Government Signs.
  - B. Flags, as defined in this ordinance.
  - C. All signs under 4 square feet in area.
  - D. All signs required to be erected by law.
  - E. **Architectural Features/Artwork.** Integral decorative or architectural features of buildings or works of art, including murals, so long as such features or works do not contain an explicit message, words in any language, moving parts, or illumination. Murals must be painted with the permission of the property owner.
  - F. **Temporary Signs.** A temporary sign in place for more than six months shall be considered a permanent sign and shall be subject to all relevant provisions of this Ordinance. Signs on lots where all or a portion of the lot is for sale or for lease shall be exempt from this limitation. Temporary signs that meet the standards below shall be permitted in all Zoning Districts and shall not require a permit. Temporary signs that do not meet the standards below shall be considered illegal and shall be removed.
    - (1) All signs must be freestanding signs or window signs.
    - (2) Temporary signs shall not be illuminated.
    - (3) The total area of temporary signs on a single lot shall not exceed thirty-six (36) square feet. No individual sign may exceed sixteen (16) square feet.
    - (4) The maximum sign height of each freestanding temporary shall be four (4) feet.
    - (5) Temporary signs shall be located solely on private property outside of any street right-of-way or corner clearance area.
    - (6) Prior to erecting or placing any temporary sign, the permission of the property owner where the sign is to be located must be obtained.

## SECTION 13.05:

**Prohibited Signs**

1. The following shall be prohibited throughout the Township:
  - A. Signs which incorporate in any manner or are illuminated by any flashing or moving lights, or where any illumination can shine directly into the eyes of any occupant of any vehicle traveling upon any highway, driveway or parking area, or into any window of any residence within 200 feet, or where the illumination interferes with the visibility or readability of any traffic sign or device.
  - B. Exterior pennant strings, feather flags, spinners, and streamers, such as those shown below.



- C. Temporary wall signs, including banners.
- D. Any sign or object which has any visible motion, moving or animated parts or image, whether movement is caused by machinery, wind, or otherwise, except for electronic message signs and flags.
- E. Any sign which obstructs any fire escape.
- F. Any sign erected on a tree or utility pole.
- G. Any sign structure or frame that no longer contains a sign.
- H. Roof signs or any sign which projects above the roof line or top of a canopy.
- I. Any sign projecting into the public right-of-way.
- J. Any sign erected on any property, public or private, without the consent of the property owner.
- K. Any sign which simulates or imitates in size, color, lettering, or design, any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse the drivers or motorized vehicles.
- L. Signs that simulate or could in any way be confused with the lighting of emergency vehicles or traffic signals shall be prohibited.
- M. Signs that obstruct vision or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.
- N. Any sign which incorporates any open spark or flame.
- O. Signs, flags, and artwork that depict the "Specified Anatomical Areas" as defined in Article 19 nor the "Specified Sexual Activities" defined in Article 19.



- P. Tube lights, whether LED, neon, or any other type of light.
- Q. Inoperable vehicles placed on a lot for the purpose of serving as signage.
- R. Signs that bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful.
- S. Any sign which, in the opinion of the Township Board , has deteriorated to the point where it has become unsafe or a blight on surrounding properties.
- T. The Township shall have the authority to immediately remove or cause to be removed any sign which has been placed or located within the public right-of-way contrary to the provisions of the Ordinance or not authorized by the Livingston County Road Commission or the Michigan Department of Transportation. The Township or its agents shall not incur any obligation to retain, store, or maintain any materials or salvage resulting from the removal of such signs.

**SECTION 13.06:****Lighting and Electronic Messaging**

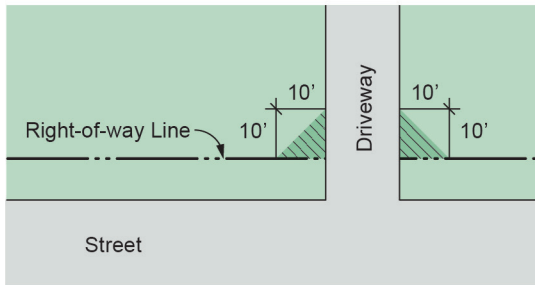
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- 1. External illumination shall be permitted in all zoning districts.
- 2. Internal illumination shall be permitted only in the AR, OS, C, CR, and M-1 Zoning Districts.
- 3. Electronic Messaging. Electronic message signs shall be permitted in the AR, OS, C, CR, and M-1 Zoning Districts, subject to the following standards:
  - A. Only one electronic message sign is permitted per lot.
  - B. The maximum area of electronic messaging shall be half the maximum permitted area of the sign in which the electronic message board is placed.
  - C. Copy change shall be no more frequent than once per 5 seconds.
  - D. Glare shall be reduced and/or minimized in such a manner as to maintain an appropriate level of contrast during the day. To reduce driver distraction at night and light trespass into residential areas, an automatic dimmer shall be installed to control brightness, which shall not be manually overridden at any time. The maximum brightness of the sign shall not exceed 10,000 NITs. From sunset to sunrise, the sign shall be set to no more than 1,000 NITs.
  - E. Motion, Animation and Video Prohibited: Video display, animation, scrolling text, flashing, whirling, fading, dissolving transitions, or any other type of motion are prohibited.

## SECTION 13.07:

**Clear Corner Vision**

All freestanding signs in all zoning districts must allow clear corner vision for all street intersections and driveway entrances. Freestanding signs must be under three feet tall within a triangle formed by two points, each 10 feet away from the intersection of the right-of-way line and the driveway, and the line connecting them.

**Clear Vision Area**

## SECTION 13.08:

**Permanent Signs Permitted in the AR District**

1. **Non-Residential and Non-Agricultural Uses.** Non-Residential Uses and Non-Agricultural Uses in the AR districts, including but not limited to religious institutions and private schools, shall be subject to the standards for the OS, C, CR, and M-1 districts, in Section 13.10, except that internal illumination and electronic messaging shall be prohibited.
2. **Residential and Agricultural Uses.** Residential and Agricultural Uses in the AR Districts shall be subject to the following standards:
  - A. **Wall and Window Signs.** One wall sign or window sign per lot, not to exceed four square feet, on a lot containing a Home-Based Business. The sign may be on the principal structure, or may be on an accessory structure where the business is operated. The Home-Based Business must be in compliance with the standards of Section 5.17 in order to be granted a permit for a sign.
  - B. **Freestanding Signs.**
    - (1) Maximum Signs Per Lot: 1
    - (2) Maximum Area Per Sign: 48 square feet
    - (3) Maximum Sign Height: 6 feet, except if it is integrally designed as part of an Architectural Gateway Element.
    - (4) Required Setback: 4 square feet
    - (5) Pylon Signs shall be prohibited.
    - (6) **Farm Entrance Gateway:** An archway, with sufficient clearance to allow a vehicle to pass underneath, may be constructed along a driveway to a parcel used for agriculture. The archway may contain up to 20 square feet of signage, and shall be allowed in addition to the other signage permitted in this section.

SECTION 13.09:

## Permanent Signs Permitted in the RR, R-1, R-2, R-3, MHP, and RM Districts

1. **Non-Residential Uses.** Non-Residential Uses in RR, R-1, R-2, R-3, MHP, and RM districts, including but not limited to religious institutions and private schools, shall be subject to the standards for the OS, C, CR, and M-1 districts, in Section 13.10, except that internal illumination and electronic messaging shall be prohibited.
2. **Residential and Agricultural Uses.** Residential and Agricultural Uses in the RR, R-1, R-2, R-3, MHP, and RM Districts shall be subject to the following standards:
  - A. **Wall or Window Signs.** One wall sign or window sign per lot, not to exceed four square feet, on a lot containing a Home-Based Business. The sign may be on the principal structure, or may be on an accessory structure where the business is operated. The Home-Based Business must be in compliance with the standards of Section 5.17 in order to be granted a permit for a sign.
  - B. **Freestanding Signs.** One sign per vehicle entrance of residential subdivisions, neighborhoods, mobile home parks, and condominium/apartment complexes, subject to the following standards. No other permanent freestanding signage is permitted on lots containing Residential and/or Agricultural uses in the RR, R-1, R-2, R-3, MHP, and RM Districts
    - (1) **Maximum Height.** 6 feet, except if it is integrally designed as part of an Architectural Gateway Element.
    - (2) **Maximum Area.** 16 square feet.
    - (3) **Required Setback.** 4 square feet
    - (4) Pylon Signs shall be prohibited.

SECTION 13.10:

## Permanent Signs Permitted in the OS, C, CR, and M-1 Districts

1. **Wall Signs.** Wall signs in the OS, C, CR, and M-1 districts are subject to the following standards:
  - A. The following shall apply when determining which parts of a building are considered “building frontages” for purposes of this Ordinance:
    - (1) Any side of the building that either has a public entrance to the building or is visible from a public road or public parking lot shall be considered a building frontage.
    - (2) Where a business has multiple building frontages, the permitted wall signage shall be calculated separately for each building frontage. However, no building frontage shall have more square footage of signage than the building frontage with the main pedestrian entrance to the building, regardless of the width of any of the building frontages.
    - (3) Any building frontage that contains a sign shall be designed to be architecturally compatible with the building frontage containing the main pedestrian entrance.
  - B. Each business with a storefront is permitted 1 square foot of wall signage for every linear foot of building frontage, up to 100 square feet. Where multiple businesses share one building or lot, the building frontage of each business shall be calculated separately based on the width of the individual storefronts.
  - C. Commercial or industrial buildings with no storefronts shall be permitted 1 square foot of signage for each linear foot of building frontage, up to 100 square feet. Sign permits must be requested by the owner of the building, not individual tenants.

- D. There shall be no limit on the number of wall signs permitted on a lot, provided that all other standards are met.
  - E. Canopy structures, such as those used for gas stations, shall be permitted 20 square feet of signage on each face of the canopy.
2. **Awning Signs.** An awning sign may be used in place of a wall sign for any ground-floor business, provided that the following standards are met.
- A. The awning shall not extend more than six feet over the sidewalk in front of the business, regardless of whether the sidewalk is private or in the public right-of-way.
  - B. The awning shall have a minimum ground clearance of eight feet.
  - C. Signage may not exceed 70% of the face area of the awning.
  - D. Awnings may be externally illuminated, but back-lit or internally illuminated awnings are prohibited. Awning signs may not contain electronic messaging.
3. **Freestanding Signs.** Freestanding signs are subject to the following standards:
- A. Only one freestanding sign is permitted per lot, regardless of the number of businesses on the lot. Sign permits must be requested by the owner of the lot, not individual tenants.
  - B. **Maximum Height.** 20 feet
  - C. **Maximum Area.** 64 square feet
  - D. **Minimum Setback.** 4 feet
  - E. Pylon Signs shall be prohibited in the OS, C, and CR Districts, but shall be permitted in the M-1 District.
4. **Directional Signs.** One directional sign shall be permitted per approved driveway from a public road, subject to the following:
- A. **Maximum Height:** 4 feet
  - B. **Maximum Area:** 3 feet
  - C. Directional signs may be internally or externally illuminated, but may not contain electronic messaging.
  - D. Additional signage shall be permitted adjacent to the drive aisles for a drive-thru service window, with the following standards:
    - (1) No more than six signs shall be permitted.
    - (2) The maximum area of any sign shall be 48 square feet.
    - (3) No more than two signs shall exceed 32 square feet in area.
    - (4) The maximum height of any sign shall be 10 feet.
    - (5) No more than two signs shall exceed 8 feet in height.
  - E. The Planning Commission may approve additional directional signs during the Site Plan Approval Process if the Commission determines they are necessary for efficient flow of traffic and pedestrians through a site.
5. **Projecting Signs.** Projecting signs are subject to the following standards:
- A. Maximum sign area of 16 square feet.

- B. The faces of the sign must be parallel to each other and no more than six inches apart.
  - C. The bottom of the sign must be at least nine feet from grade.
  - D. The sign shall not extend above the roof line of the building.
6. **Window Signs.** Window signage may not cover more than 25% of any window. Transparent signage material, that lets light through in both directions, shall be exempt from this limit.

**SECTION 13.11:**

## **Non-Conforming Signs**

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A non-conforming sign may be continued and shall be maintained in good condition as described elsewhere in this section, except that a non-conforming sign shall not be structurally altered or repaired so as to prolong its life or as to change its shape, size, type or design unless such change shall make the sign conforming; nor shall a non-conforming sign be replaced by another non-conforming sign.

Notwithstanding anything else in this Ordinance, any sign structure that is without a sign for more than 90 days must be removed.

**SECTION 13.12:**

## **Costs**

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All costs incurred by the Township in removing signs not in accord with Article 13 shall become a lien on the property on which said sign is erected and may be collected at law from those responsible for said sign or equity by foreclosure and sale of the land upon which the sign was erected or may be assessed to the property the sign was erected and collected as a property tax.

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ARTICLE 14:  
**NON-CONFORMING  
USES AND  
NON-CONFORMING  
BUILDINGS**



**SECTION 14.01:****Non-Conforming Uses, General Provisions**

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Within the districts established by this Ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment; it is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises, premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance 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 Ordinance and upon which actual building construction has been diligently carried on.

Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

**SECTION 14.02:****Non-Conforming Lots**

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Notwithstanding limitations imposed by other provisions of this Ordinance, a principal use and customary accessory buildings may be erected on any single plotted lot or parcel or lot of record at the effective date of adoption or amendment to this Ordinance. This provision shall apply even though such lot or parcel fails to meet the requirements for area or width, or both that are generally applicable in the respective district. Minimum yard or setback dimensions and other requirements not involving area or width, or both, of the parcel or lot shall conform to the regulations for the respective zoning district. In instances where vacant non-conforming lots or parcels of record are located adjacent or proximate to existing residential development, the

Township Supervisor, or Supervisor's designated party, shall review and grant or deny approval of the placement of the dwelling and accessory buildings on the site to insure compatibility with the existing development. Variances of yard and setback requirements may also be requested from the Zoning Board of Appeals. However, the lot's non-conforming status shall not be used as justification for approving a variance. (See Article 15, Zoning Board of Appeals).

*Amended 9-6-2007, Effective 9-19-2007*



**SECTION 14.03:****Non-Conforming Uses of Land**

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

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If such non-conforming use of land ceases for any reason for a period of more than one hundred eighty (180) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

**SECTION 14.04:****Non-Conforming Structures**

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Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance such structure may be continued so long as it remains otherwise lawful, subject to the following conditions:

1. No such structure may be enlarged or altered in a way which increases its non-conformity.
2. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of the floor area become unusable without repair, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**SECTION 14.05:****Non-Conforming Uses of Structures and Land**

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If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may continue so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of such structure to a use permitted in the district in which it is located.
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

3. In a C or MI district, if no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use of the same or more restricted classification provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this section. Where a non-conforming use of a structure, land, or structure and land in combination, is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification. *Amended 9-6-2007, Effective 9-19-2007*
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
5. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for one hundred eighty (180) consecutive days, the structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
6. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

**SECTION 14.06:****Repairs and Maintenance**

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On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty percent (50%) of the market value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**SECTION 14.07:****Uses Subject to Special Use Permit**

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Any existing use which would be permissible only by special use permit within the district in which it is located shall not be deemed a non-conforming use, even though all required conditions under this Ordinance may not be met, but shall, without further action, be deemed a conforming use in such district.

**SECTION 14.08:****Change of Tenancy or Ownership**

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There may be a change of tenancy, ownership or management of any existing non-conforming uses of land, structures and premises provided there is no change in the nature or character of such non-conforming uses.

*Adopted 2-18-1982*

ARTICLE 15:  
**SPECIAL PERMITS**

15

## SECTION 15.01:

## Purposes

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Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more use districts. However, the function and characteristics of an increasing number of new kinds of land uses, combined with conclusive experience regarding some of the older, familiar kinds of uses, call for a more flexible and equitable procedure for properly accommodating these activities in the Township. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied, depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will, at the same time, maintain adequate provisions for the security of the health, safety, convenience, and general welfare of the township's inhabitants.

In order to accomplish such a dual objective, provision is made in this Article for a more detailed consideration of each certain specified activity, as it may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as SPECIAL USES and may be authorized by the issuance of a SPECIAL USE PERMIT with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

The following sections, together with previous references in other Articles, designate what uses require a special use permit. With any exception noted, the procedures for obtaining such a permit apply to all special uses indicated.

## SECTION 15.02:

## Procedures for Making Application

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Any application for a special use permit for any land or structure use permitted under this Article shall be submitted in accordance with the following procedures:

1. **Application Submitted to Planning Commission.** Any application shall be submitted through the Zoning Administrator to the Planning Commission on a special form for that purpose. Each application shall be accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.
2. **Data Required in Application.** Every application shall be accompanied by the following information and data:
  - A. Special form supplied by the Zoning Administrator, filled out in full by the applicant.
  - B. Site plan, drawn to a readable scale, of the total property involved, showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.
  - C. Preliminary plans and outline specifications of the proposed development for all construction.
  - D. A statement with supporting evidence regarding the required findings specified in Section 15.03 below.
3. **Review by Planning Commission.** The Planning Commission shall review the proposed development, as presented on the submitted plans and specifications, in terms of the standards established in this Article.

4. **Notice and Hearing.** After adequate review and study of any application, the Planning Commission shall hold a public hearing or hearings upon every application. Notice of the request shall be published in a newspaper of general circulation in the Township and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the subject site and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification. Such notice shall be given not less than fifteen (15) days before the date of the hearing. The notice shall do the following:
  - A. Describe the nature of the request.
  - B. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - C. State when and where the request will be considered.
  - D. Indicate when and where written comments will be received concerning the request.
  - E. Indicate that a public hearing on the request may be requested by any property owner or the occupant of any structure located within three hundred (300) feet of the property being considered for the special use regardless of whether the property or occupant is located in the zoning jurisdiction.
5. **Issuance of Special Use Permit.** Only upon conclusion of hearing procedures relative to a particular application may the Planning Commission issue a special use permit. Any use for which a special use permit may be granted shall be deemed a use permitted in the district in which such use is located, PROVIDED:
  - A. Such permit was issued in conformity with the provisions of this Article; and
  - B. Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.
6. **Site Plan Approval.** Site plan approval shall be required in connection with every application for a special use permit.

**SECTION 15.03:**

**Basis of Determination**

The Planning Commission shall establish beyond reasonable doubt that the general standards specified in the following and the specific standards outlined in each applicable Article of this Ordinance shall be satisfied by the completion and operation of the proposed development.

1. **General Standards for Making Determinations.** The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and shall find adequate evidence showing that such a use on the proposed location:
  - A. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Township Master Plan of current adoption;
  - B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
  - C. Will not be hazardous or disturbing to existing or future neighboring uses;
  - D. Will be a substantial improvement to property in the immediate vicinity and to the community as a whole;

- E. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
  - F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
  - G. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors; and
  - H. Will be consistent with the intent and purposes of this Article.
2. **Conditions and Safeguards.** The Planning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and to ensure that the intent and objectives of this Article will be observed.
- A. The Planning Commission may require discontinuance of a use authorized by special use permit after a specified time period as a condition of issuance.
  - B. The Planning Commission may require that a specified percentage of authorized construction and/or development be completed within a specified time period as a condition of issuance. Failure to meet this requirement shall invalidate special use authorization for only that portion of the lot or parcel not developed as required.
3. **Time Periods.** Special use permits may be issued for time periods as determined by the Planning Commission. In any case, if the use permitted by issuance of a final special use permit has not commenced within one (1) year after issuance of said permit, the permit shall become null and void. To be under construction shall be deemed to have commenced.
4. **Enforcement.** Conditions and requirements stated as a part of special use permit authorization shall be a continuing obligation of holders of said permits. The Zoning Administrator shall make periodic investigations of developments authorized by special use permit to determine compliance with all special use permit requirements. All violations shall be corrected within thirty (30) days after an order to correct is issued by the Zoning Administrator. Violations not corrected within this time period shall automatically cancel the permit.
5. **Renewal.** Renewal of a special use permit on request shall be withheld only upon a determination by the Planning Commission either (1) that the conditions prescribed in the original special use permit included the requirement that the use be discontinued after a specified time period, or (2) that there has been a failure of substantial compliance with any condition or provision of the original special use permit.
6. **Financial Guarantee.** In authorizing a special use permit, the Planning Commission may require that a bond, or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping, and the like.
7. **Reapplication.** No application for a special use permit which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify consideration by the Planning Commission.
8. **Specific Requirements.** The foregoing general standards are basic to all special uses; and the specific requirements accompanying the sections relating to particular uses are in addition and shall be required in all applicable situations.

**SECTION 15.04:**

## **Appeals of Planning Commission Decisions Under This Article**

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A person considering himself aggrieved by a decision of the Planning Commission in the granting or denial of a special use permit shall have the right to appeal said decision to the Township Board. The appellant shall file a letter with the Township Clerk, within ten (10) days of the decision of the Planning Commission. The appellant's letter shall specify with particularity the reason(s) that the appellant is appealing the decision of the Planning Commission and the appellant's appeal shall be limited to those issues stated with particularity in said letter. The appeal shall be based and considered solely on the record including the appellant's letter of appeal, the minutes of public hearings and informational hearings, site plans and other documentation presented to the Planning Commission prior to its decision in connection with the special use permit, written statements made by the Planning Commission supporting its decision, written responses to questions promulgated by the Township Board, etc. In its determination of the appeal, the Township Board may take (but is not limited to) any of the following actions:

1. Affirm the decision of the Planning Commission with or without modification.
2. Reverse the decision of the Township Commission and state its reason(s) therefore.
3. Refer the matter back to the Planning Commission for further hearings or other action prior to final determination of the appeal by the Township Board.
4. Refer the matter to the Zoning Board of Appeals if the issue appears to be a matter of interpretation of the provisions of this Article.

*Amended 9-6-2007, Effective 9-19-2007*

The Township Board shall normally render its decision an appeal within ninety (90) days of its receipt of the appeal.

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ARTICLE 16:  
**SITE PLAN  
APPROVAL**



**SECTION 16.01:****When Required**

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An application for site plan approval shall be submitted under the following circumstances:

1. Whenever site plan approval is required by any provision of this Ordinance.
2. For any proposed land use, except single-family residential, in which off-street parking areas are required under Section 9.01 10. of this Ordinance.
3. For any land use in an RM, C, CR, OS, PUD, MI, or MHP District.
4. For all non-residential land uses permitted in AR, RR, R-1, R-2, or R-3 District, such as, but not limited to, churches, schools, and public facilities.
5. For any land use within an RPUD, CPUD, or IPUD.
6. For any land use upon lands which have been divided in such a manner that certain pieces thereof are isolated from public road frontage, unless the site in question is a lot lying in a subdivision platted prior to the 1968 Plat Act. This subsection shall not require any additional approval of a site plan on any lot which is a part of a development for which site plan approval has been granted.
7. For any land use which may be permitted only by special use permit in the zoning district it is located within.

**SECTION 16.02:****Pre-Application Conference**

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Applicants are encouraged to confer informally with the Supervisor and the Planning Commission Chairperson, or a Chair-appointed Planning Commission member, prior to preparing and submitting a formal application for site plan approval.

**SECTION 16.03:****Application for Site Plan Approval**

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Prior to commencing any construction, an applicant shall submit ten (10) copies of an application for site plan approval to the Zoning Administrator, together with all required fees, maps, and plans. The application shall include a brief statement regarding compliance with each of the standards for approval set forth in this article. The site plan shall include the following data, at a minimum:

1. North Arrow and Scale
2. Vicinity Map with land use and transportation arteries within 1,000 feet.
3. Date and Revisions Dates
4. Name, address, and telephone number, of owner, developer, architect, and/or engineer
5. Legal Description
6. Property lines with dimension and area of parcel
7. Topographical information at contour intervals of no more than two feet
8. Location and height of all existing and proposed structures

9. Building setbacks (actual and district regulations), and clearance between buildings.
10. Exterior elevations of proposed structures and interior floor plan.
11. Location and dimensions of existing and proposed roads, marginal access drives, easements, rights-of-way, drives, sidewalks, curb openings, signs, exterior lighting, parking areas, and related improvements.
12. Proposed and existing landscaping, fences, and walls.
13. Proposed locations, size, types of existing and proposed trees over 6 inches in diameter.
14. Natural features (marshlands, streams, drains, lakes, wetlands, and flood plains)
15. Location and size of existing and proposed surface water and water drainage facilities.
16. Parking spaces – location, size, type, and number required and proposed.
17. Location of outdoor storage facilities and screening.
18. Location and method of screening the refuse disposal area.
19. Location and type of existing and proposed signage.
20. Percentage of building coverage and impervious surface ratio.
21. Disposal and storage plan for toxic/hazardous materials.
22. County Road Commission or MDOT approval.
23. County Road Commission review for street names.
24. County Health Department Approval – wells and septic tanks.
25. County Drain Commission approval, if adjacent to or discharging into a county drain, or for soil erosion control.
26. State of Michigan approval for development in floodway or wetland, stream discharges.
27. Submission of items listed in Subsections 1-26 may be waived by the Planning Commission in an instance where the Planning Commission finds that they are not relevant.

**SECTION 16.04:****Duties of Zoning Administrator**

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Under this Article, it shall be the duty and responsibility of the Zoning Administrator to:

1. Receive complete applications for site plan approval and required fees, and sign and date applications received. Application fees shall be non-refundable.
2. Place the application for site plan approval on the appropriate Planning Commission agenda.
3. At least one week prior to the meeting at which the application is to be considered by the Planning Commission, make available copies of the application and supporting documents to each Planning Commission member.
4. Upon receipt of approved site plan, grant a land use permit in accordance therewith.
5. Following completion of construction by the applicant, inspect the subject site and submit a report to the Planning Commission concerning compliance with any conditions of preliminary approval.

**SECTION 16.05:****Duties of the Planning Commission**

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Under this Article, it shall be the duty and responsibility of the Planning Commission to:

1. Review all applications for site plan approval and make recommendations to the Township Board concerning compliance with each of the standards of approval.
2. Recommend appropriate changes to the site plan or conditions upon which the site plan should be approved.
3. Recommend whether a performance guarantee will be necessary to assure completion of planned improvements on the subject site.
4. Transmit the recommendations approved by a majority vote of the Planning Commission to the Township Board for approval.
5. Review periodic inspection reports submitted by Zoning Administrator, and recommend action to Township Board if necessary.
6. Review final report of Zoning Administrator following completion of construction by the applicant, and recommend to Township Board whether conditions of preliminary approval have been satisfied.

**SECTION 16.06:****Duties of the Township Board**

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Under this Article, it shall be the duty and responsibility of the Township Board to:

1. Review applications for site plan approval, together with Planning Commission recommendations, and determine whether the standards of approval will be satisfied.
2. If the standards of approval are satisfied by the application for site plan approval, or may be satisfied after certain changes or with certain conditions, the Township Board shall grant preliminary approval to the site plan as applied for, or with changes or conditions, as the case may be.
3. If the Township Board finds that the standards of approval will not be satisfied, even with changes or with conditions, the Township Board shall deny the application for site plan approval.
4. If the Township Board determines that a performance guarantee is necessary to assure completion of planned improvements on the subject site, it shall order that a performance guarantee in an appropriate form and amount be posted as a condition to site plan approval.
5. Review any recommendation for action proposed by the Planning Commission pursuant to this Article.
6. Upon completion of construction on the subject site, review the final report of the Zoning Administrator and the recommendations of the Planning Commission and determine whether applicant has fully complied with the approved site plan and any conditions.
7. Take any action necessary to assure that necessary improvements incidental to an approved site plan are completed as approved.
8. Grant final site plan approval, upon the finding that construction on the subject site has been completed in accordance with the approved site plan.

**SECTION 16.07:**

## **Standards for Approval**

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No site plan shall be approved pursuant to this Article unless the Township Board finds that each of the following standards is satisfied:

1. The site plan shall conform to all applicable sections of this Ordinance and to applicable State and Federal laws.
2. The site plan shall protect, promote and enhance the public health, safety, convenience, and general welfare with respect to:
  - A. Placement of driveways, roads or pedestrian walkways.
  - B. Vehicular circulation within the subject site, as it relates to adjacent properties and roadways.
  - C. Acceleration and deceleration lanes to enter roadways.
  - D. Elimination or protection of attractive nuisances.
  - E. Ready access for emergency vehicles.
  - F. Adequate drainage.
  - G. Adequate lighting of public areas, where needed.
  - H. Visibility along and upon traffic ways.
  - I. Available water supply.
  - J. Marginal access drives (roads parallel to main thoroughfares to separate local from through traffic).
  - K. Location and screening of solid waste receptacle areas.
3. The site plan shall provide satisfactory and harmonious relationships between the development on the subject site and existing and prospective development of contiguous land and adjacent neighborhoods. This standard is satisfied if each of the following criteria is satisfied:
  - A. The site is adequately landscaped and/or fenced to shield offensive elements and to provide a harmonious buffer to adjacent properties.
  - B. The site layout is designed to protect property values of adjacent properties and the general neighborhood.
  - C. Adequate provisions are made to protect adjacent properties from unnecessary noise.
  - D. Pedestrian and vehicular traffic and parking patterns are designed to prevent unnecessary disturbance to adjacent property owners and the general neighborhood.
4. The site plan shall provide maximum preservation of natural features and sensitive environmental areas, including major tree stands, unstable soils or wet areas.

## SECTION 16.08:

## Validity of Approved Site Plan

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1. Approval of the site plan is valid for a period of twelve (12) months following Township Board Approval. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion within twelve (12) months following Township Board approval, and if a written request for extension has not been submitted by the applicant, the approval of the final site plan shall be null and void.
2. **Extensions.** The Township may grant extensions of to the site plan approval where written application for an extension is filed with the Zoning Administrator prior to the termination of the twelve (12) month approval period. The Zoning Administrator shall review the site plan for compliance with any Zoning Ordinance amendments adopted since the Site Plan was approved. If there have been no amendments that would impact the site plan, the Zoning Administrator may grant an extension of up to 24 months. If there have been amendments, the applicant must submit for a new Site Plan approval, demonstrating compliance with the amendments.

## SECTION 16.09:

## Performance Guarantees

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1. **Improvements.** As used in this section, “improvements” means those features and actions associated with a project which the Township Board considers necessary to protect natural resources, for the health, safety, and welfare of the residents of the Township and future users or inhabitants of the subject site and surrounding area, including roadways, lighting, utilities, sidewalks, screening, and drainage.
2. **When Required.** To ensure compliance with the Zoning Ordinance, with any conditions imposed pursuant to site plan approval, and to ensure faithful completion of any improvements, the Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township Board, covering the estimated costs of improvements associated with the project for which site plan approval is sought to be deposited with the Township Clerk. Such performance guarantee shall be deposited at the time of the issuance of the land use permit.
3. **Rebates.** In any case where a performance guarantee has been submitted in the form of a cash deposit, a portion of such deposit shall be rebated to the applicant in reasonable proportion to the ratio of work completed on the required improvements as work progresses. The ratio of work completed shall be determined by the Zoning Administrator during his periodic inspection. Performance guarantees in any form other than cash deposits shall be returned to the applicant only after completion of construction and final site plan approval by the Township Board.

## SECTION 16.10:

## Fees

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Required fees under this article shall be prescribed by the Township Board in the duly enacted “Schedule of Fees.”

## SECTION 16.11:

## Construction of Article

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The provisions of this article shall be construed to be in addition to any other requirements or provisions of this Ordinance, of other Township Ordinances, or of State or Federal law.

ARTICLE 17:  
**ZONING BOARD  
OF APPEALS**



## SECTION 17.01:

## Organization

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There is hereby established a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

1. **Membership.** The Zoning Board of Appeals shall consist of five (5) regular members, all appointed by the Township Board. The Township Board may appoint not more than two (2) alternate members to said Board.

One of the regular members of the Zoning Board of Appeals shall be a member of the Planning Commission. The remaining regular members and any alternate members shall be selected from the electors of the Township. One member may be a member of the Township Board.

No employee or contractor of the Township Board may serve as a member of the Zoning Board of Appeals. A member of the Township Board shall not serve as chairman.

A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

2. **Terms:** The term of each regular and alternate member shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively. The term of a member shall be stated in the resolution appointing that member. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
3. **Seating of Alternate Members.** An alternate member may be called by the Township Clerk to serve as a member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member of the Zoning Board of Appeals for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest.
4. **Duties of Alternate Members:**
  - A. To serve as a voting member, but not as an officer, during the absence of a regular member.
  - B. The alternate member having been appointed shall serve in the case until a final decision has been made.
  - C. An alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
5. **Business.** The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Board is present.

## SECTION 17.02:

## Procedures

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The Zoning Board of Appeals shall annually elect its own Chairman, Vice-Chairman, and Secretary. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may determine by rule. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The ZBA shall adopt its own rules or



procedures. The Township Clerk shall maintain an accurate record of the ZBA's proceedings and findings, which shall be filed in the office of the Township Clerk and shall be a public record. Duplicates shall be kept on file at the Township Hall.

The fees to be charged for appeals shall be set by resolution of the Township Board. In those instances wherein lot area and yard requirements in lots existing of record cannot be complied with and must therefore be reviewed by the Zoning Board of Appeals, the required fees for appeal, in whole or in part, may be refunded to the petitioner at the discretion of the Township Board.

#### SECTION 17.03:

### Secretary and Counsel

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The Township Clerk shall be responsible for providing secretarial services for the Zoning Board of Appeals and the Township Attorney may give legal counsel to the Zoning Board of Appeals upon its request. An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals.

#### SECTION 17.04:

### Jurisdiction

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The Zoning Board of Appeals shall not have the power to alter or change the Zoning district classification of any property, nor to make any change in the terms of this Ordinance, but does have the power to act on those matters where this Ordinance provides for an administrative review, interpretation and to authorize a variance as defined in this section, and the laws of the State of Michigan. Said powers include:

1. **Interpretation of Zoning Ordinance.** To hear and decide appeals where it is alleged by the appellant there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance including interpretations of the Zoning Map.
2. **Appeal of Administrative Decisions.** To hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with administration or enforcement of the Zoning Ordinance.
3. **Variance.** To authorize, upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape, contour, or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to the owner of such property. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a Special Use Permit is required. No variance shall be granted by the Zoning Board of Appeals unless all the following conditions are met:
  - A. That there are exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not apply generally to other property or uses in the same district and have not resulted from any act of the applicant subsequent to the adoption of this Ordinance;
  - B. That such variance is necessary for the preservation of a substantial property right belonging to other property in the same district;
  - C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or in the district in which the property of the applicant is located; and
  - D. That the granting of such variance will be in harmony with the general purpose and intent of this Ordinance.

In granting a variance, the Zoning Board of Appeals shall specify, in writing, to the applicant, such conditions, which secure substantially the objectives of the regulation or provision to which such variance applies and the breach of any such condition shall automatically invalidate the permit therefore.

- E. Each variance granted under the provisions of this Ordinance shall become null and void unless:
- (1) The construction authorized by such variance or permit has been commenced within one (1) year after the granting of such variance and pursued diligently to completion; or  

The occupancy of land or buildings authorized by such variance has taken place within one (1) year after granting of such variance.
  - (2) No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.
4. Other Items Contained in the Zoning Ordinance. To hear and decide on other matters referred to the Zoning Board of Appeals or upon which the Zoning Board of Appeals is required to pass under the Zoning Ordinance, without making the findings set forth in Section 17.04 2. which are applicable to variances.

#### SECTION 17.05:

### Appeals

The appeal to the Zoning Board of Appeals based in whole or in part on the provisions of this Ordinance may be taken by any person, firm, or corporation aggrieved by any governmental officer, department, board, or bureau aggrieved by the decision of the Zoning Administrator. Such appeal shall be taken by filing a notice of appeal with the Zoning Administrator within ten days after the date of the Zoning Administrator's decision on appropriate forms provided by the Zoning Administrator, payment of the required fee, and shall transmit all papers constituting the records of such appeal to the Zoning Board of Appeals. The Zoning Board of Appeals may require the applicant to furnish such surveys, plans or other information as may be reasonably required for the proper consideration of the matter. Upon a hearing before the Zoning Board or Appeals, any person or party may appear in person, or by agent, or by attorney.

The submittal of a complete and accurate application for appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life or property by reason of facts stated in the certificate. Upon acceptance of the Zoning Administrator's certificate by the Zoning Board of Appeals, proceedings shall not be stayed, except by a restraining order which shall be granted by the Zoning Board of Appeals or by the Circuit Court.

1. **Variance Public Hearing Notice Requirements.** When a notice concerning a request for a variance has been filed in proper form with the Zoning Board of Appeals, the secretary shall immediately place the said request for appeal upon the calendar for hearing. Notice of the public hearing shall be published in a newspaper of general circulation in the Township and shall also be served personally or by first-class mail to the parties making the request for variance, and to all persons to whom real property is assessed within a radius of three hundred (300) feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question regardless of whether the property or occupant is located in the zoning jurisdiction.

If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall be given not less than fifteen (15) days before the date the appeal will be considered. All notices by mail shall be deemed to have been given when deposited in the United State Post Office. The notice shall do all of the following:

- A. Describe the nature of the request.

- B. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - C. State when and where the request will be considered.
  - D. Indicate when and where written comments will be received concerning the request.
2. **Appeal or Interpretation Public Hearing Notice Requirements.** Upon receiving a written request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, a notice of the hearing shall be published in a newspaper of general circulation in the Township and shall also be served personally or by first-class mail to the parties making the request for interpretation or appeal. If the request for interpretation or appeal involves a specific parcel, a written notice shall be sent by first-class mail or personal delivery to all persons whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the property in question. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall be given not less than fifteen (15) days before the date of the interpretation or appeal will be considered. The notice shall state the nature of the request and the time, date, and place of the public hearing.
3. The Zoning Board of Appeals shall decide upon all matters appealed within a reasonable time and may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken. The final decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board in each particular case.

The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant any matter upon which the Board is required to pass under the ordinance, or to grant a variance in the ordinance.

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ARTICLE 18:  
**ADMINISTRATION  
AND ENFORCEMENT**



**SECTION 18.01:****Administration and Administrator**

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The provisions of this Ordinance shall be administered by the Township Planning Commission and the Township Board in accordance with the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008, as amended, and the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.

The Township Board shall employ a Zoning Administrator to act as its officer to effect proper administration of this Ordinance. The individual selected, the terms of employment, and the rate of compensation shall be established by the Township Board. Members of the Township Board and members of the Planning Commission shall be ineligible to serve as Zoning Administrator.

The Planning Commission shall at least once per year prepare for the Township Board a report on the administration and enforcement of the Zoning Ordinance and recommendations for amendments and supplements to the Ordinance.

**SECTION 18.02:****Duties of Zoning Administrator**

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The Zoning Administrator shall have the power to grant Land Use Permits, to make inspections of buildings or premises necessary to carry out their duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out the duties of the Zoning Administrator. The Zoning Administrator shall administer and enforce other Township Ordinances at the discretion and direction of the Township Board.

The Zoning Administrator shall:

1. Receive and review all applications for Land Use Permits and approve or disapprove such applications based on compliance or non-compliance with the provisions of this Ordinance.
2. Receive all applications for Special Use Permits and process applications so as to formulate recommendations for the Planning Commission.
3. Receive all applications for appeals, variances or other matters which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications with recommendations and supporting material to the Zoning Board of Appeals for determination.
4. Receive applications for amendments to this Ordinance and refer such applications together with recommendations to the Planning Commission.
5. Maintains a map or maps showing the current zoning classifications of all land in the Township.
6. Maintain written records of all actions taken by the Zoning Administrator and file a summary of such action with the Township Board monthly.
7. Be responsible for providing forms necessary for the various applications provided for in this Ordinance and shall be responsible for what information is necessary on such forms for the effective administration of this Ordinance.
8. The Zoning Administrator shall not refuse to issue a permit when the conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may result upon the granting of said permit.

## SECTION 18.03:

## Land Use Permits

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1. **Requirement For.** Excavation for any building or structure shall not be commenced, nor shall the erection of, addition to, alteration or move of, any building or structure be undertaken, and no new land use shall be commenced until a land use permit has been secured from the Zoning Administrator. Changes in internal construction of a building which do not alter the use of the property do not require a land use permit, but a building permit issued by the County is mandatory. Except upon a written order of the Township Zoning Board of Appeals under the provisions of Article 15, no such land use permit shall be issued for any building or structure where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.
2. **Application Requirements.** Application for a Land Use Permit shall be made in writing to the Zoning Administrator, signed by the person, firm, co-partnership, or corporation requesting the same or by the duly authorized agent of such person, firm, co-partnership or corporation. There shall be submitted with all applications for land permits, a site layout or plot plan, showing:
  - A. The location, shape, area and dimensions for the lot, lots or acreage.
  - B. The location of the proposed construction or alteration upon the lot, lots, or acreage affected.
  - C. The dimensions, height and bulk of structures.
  - D. The nature of the proposed construction or alteration and the intended uses.
  - E. Proposed structure setbacks.
  - F. The present use being made of any existing structure affected and any proposed change in the use thereof.
  - G. The yard, open area and parking space dimensions.
  - H. Any other information deemed necessary by the Zoning Administrator to determine compliance with this Ordinance and to provide for its enforcement.
3. **Void of Permit.** Any Land Use Permit granted under this section is valid for a period of twelve (12) months from the date of the granting of the permit.

The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant, or his agent, or is in violation of any of the provisions of this Ordinance or of any other Ordinance or regulations of the Township.
4. **Permit Fee.** A fee in accordance with the duly adopted schedule of fees shall be paid to the Zoning Administrator at the time of filing the application for Land Use Permit. The purpose of the fee is to cover any necessary administrative and inspection costs incurred in connection with the application.

## SECTION 18.04:

## Fees

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Fees for inspections and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this Ordinance shall be collected by the Township Zoning Administrator in advance of the issuance of such permits or certificates and conveyed in full to the Township Treasurer. The amounts of such fees shall be set by the Township Board.

## SECTION 18.05:

## Changes and Amendments

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

1. **Procedure.** The procedure for making amendments to this Ordinance shall be in accordance with Act 110 of the Public Acts of 2006, as amended.

The Oceola Township Board at any time may initiate a petition to rezone. A petition, together with a completed and signed application and fees, shall be filed with the Zoning Administrator. The Zoning Administrator shall review the application as to form and submit preliminary information to the Township Planner for review and report. The Zoning Administrator shall transmit same to the Township Planning Commission for review and establish a date for a Public Hearing on the petition for the Planning Commission and shall give proper notice for the hearing as provided in Act 110, P.A. of 2006, as amended. Notice of the Public Hearing shall be published in a newspaper of general circulation in the Township. The notice shall be made at least fifteen (15) days prior to the hearing.

Public Hearing requirements shall apply to amendments initiated by the Township Board or the Township Planning Commission. However, requirements of written notice to property owners shall not apply to comprehensive revisions to the Zoning Ordinance.

2. **Notice of Hearing.** Notice of hearing shall be given in the following manner:

- A. If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, the Clerk shall publish a notice of the rezoning in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall be given not less than fifteen (15) days before the date the application will be considered.

The notice shall:

- (1) Describe the nature of the rezoning request.
- (2) Indicate the property that is the subject of the rezoning request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
- (3) State when and where the rezoning request will be considered.
- (4) Indicate when and where written comments will be received concerning the request.

3. Include the places and times at which the proposed text and any maps of the zoning ordinance may be examined.

- A. If eleven (11) or more adjacent properties are proposed for rezoning, the Clerk shall publish a notice of the rezoning in a newspaper which circulates in the Township. The notice shall be given not less than fifteen (15) days before the date the application will be considered.

The notice shall:

- (1) Describe the nature of the rezoning request.
- (2) Indicate the property that is the subject of the rezoning request.



- (3) State when and where the rezoning request will be considered.
- (4) Indicate when and where written comments will be received concerning the request.
- (5) Include the places and times at which the proposed text and any maps of the zoning ordinance may be examined.

- B. Notice of the hearing shall be mailed at least fifteen (15) days in advance of the hearing to each electric, gas, pipeline, public utility company, telephone company, and cable company, and railroad operating within the Township that chooses to register its name and address with the Planning Commission for the purpose of receiving such notice. The notice shall include the places and times at which the proposed text and any maps of the zoning ordinance may be examined. An affidavit of mailing shall be obtained.

*Amended 9-6-2007, Effective 9-19-2007*

- 4. **Information Required.** The petitioner shall submit a detailed description of property and surrounding area, to the Township. When the petition involves a change in the zoning map, the petitioner shall submit the following information:
  - A. A legal description of the property.
  - B. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
  - C. The name and address of the petitioner(s) and owner(s).
  - D. The petitioner(s)'s interest in the property, and if the petitioner is not the owner, the name and address of the owner(s).
  - E. Date of filing with the Township.
  - F. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information. This provision is not applicable to Township Board request.
  - G. The desired change and reasons for such change.
- 5. **Steps in Making a Change.**
  - A. Petitioner submits application and fee.
  - B. Zoning Administrator transmits application to Planning Commission, sets hearing date, and publishes notices of hearing as prescribed in Sections 18.05.1. and 18.05.2.
  - C. Planning Commission holds hearing, makes a decision, transmits decision to the County Planning Commission and to the Township Board.
  - D. Township Board either enacts, rejects or sends back to the Planning Commission for revision, any proposed changes as an Ordinance Amendment. If enacted the text, or summary thereof, shall be published in the newspaper within fifteen (15) days after adoption.
- 6. **Findings and Facts Required.** In reviewing any petition for a zoning amendment the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for resolution of the petition, to the Township Board, within sixty (60) days of the filing date of the petition.

The facts, data, and issues to be considered by the Planning Commission shall include, but are not limited to, the following:

- A. Consistency with the goals, policies and future land use map of the Master Plan. If conditions upon which the Master Plan was developed (such as market factors, demographics, infrastructure, traffic and environmental issues) have changed significantly since the Master Plan was adopted, as determined by the Township, the Planning Commission/Township Board shall consider the consistency with recent development trends in the area.
- B. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
- C. Evidence the applicant cannot receive a reasonable return on investment through developing the property with at least one (1) of the uses permitted under the current zoning.
- D. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- E. Will the requested change be a deterrent to the improvement or development of adjacent property in accord with existing regulations?
- F. The capacity of the infrastructure and services to accommodate the uses permitted in the requested zoning district without compromising the "health, safety and welfare".
- G. The apparent demand for the types of uses permitted in the requested zoning district in relation to the amount of land currently zoned and available to meet the demand.
- H. Will the requested change constitute a grant of a special privilege to an individual as contrasted with the general welfare?
- I. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
- J. Can the site meet all of the dimensional standards for the zoning district?
- K. If a rezoning is appropriate, is another zoning district more appropriate than the one requested?
- L. Other factors deemed appropriate by the Planning Commission and Township Board.
- M. Are there substantial reasons why the property cannot be used in accord with existing zoning?
- N. Is it impossible to find adequate sites for proposed use in existing zoning districts permitting such use?

## SECTION 18.06:

## Enforcement

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The provisions of this Ordinance shall be enforced by the Township Board and the Zoning Administrator or any other employees and officials as the Township Board may delegate to enforce the provisions of this Ordinance. The methods and mechanisms of enforcement shall be as determined by the Township Board by resolution or Ordinance.

1. **Violation and Nuisance.** Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Ordinance are declared to be a municipal Municipal Civil Infraction and a nuisance per se. Any and all building or land use activities considered possible violations of the provisions of this Ordinance shall be reported to the Zoning Administrator.
2. **Inspection of Violation.** The Zoning Administrator or other designee of the Township Board shall inspect each alleged violation and shall order correction in writing to the violator within thirty (30) days, of all conditions found to be in violation of this Ordinance. A copy of any order issued shall be filed with the Supervisor of the Township Board before their next regular meeting.
3. **Correction Period.** All violations shall be corrected within a period of thirty (30) days after the order is issued, or such longer period of time, not to exceed six (6) months, as the Township shall determine. A violation not corrected within this period shall be considered a Municipal Civil Infraction under the Ocoela Township Municipal Civil Infractions Ordinance.
4. **Penalties.** Every person, corporation, or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order to the Zoning Administrator, Zoning Board of Appeals, Planning Commission or the Township Board issued in pursuance of this Ordinance shall be guilty of a Municipal Civil Infraction and shall be subject to penalties as described in the Ocoela Township Municipal Civil Infractions Ordinance, or any other applicable penalties enacted for zoning violations by the Township Board. The imposition of any penalty shall not exempt the offender from compliance with the provisions of this Ordinance.
5. **Remedies.** The Zoning Administrator, the Township Board, the Planning Commission, the Zoning Board of Appeals, or the Attorney of Ocoela Township and any interested party, may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any unlawful erection, alteration, maintenance or use. The rights and remedies herein provided are civil in nature and in addition to criminal remedies.
6. **Scope of Remedies.** The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law. All fines collected shall belong to the Township and shall be deposited in the general fund.

## SECTION 18.07:

## Compliance Bond

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A surety bond or escrow account may be required by the Planning Commission to insure the complete construction of structures and the development of the land area, as proposed and approved, in connection with any request for rezoning.

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ARTICLE 19:  
**DEFINITIONS**

19

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include words "intended", "designed", or "arranged to be used or occupied"; the word "building" includes the word "structure", and the word "dwelling" includes the word "residence"; the word "lot" includes the words "plot" or "parcel".

Terms not herein defined shall have the meaning customarily assigned to them.

Uses listed in Section 4.01 are defined in Article 5, not in this Article.

Signage terms are defined in Section 13.02, not in this Article.

**ACCESSORY BUILDING:** A subordinate building or structure on the same lot with the main building, or part of the main building, exclusively occupied by, or devoted to an accessory use.

**ACCESSORY USE:** A use subordinate to the main use on a lot and used for purposes customarily incidental to those of the main use.

**AGRICULTURE:** Any land or building used for pasturage, floriculture, dairying, horticulture, viticulture and livestock and poultry husbandry. Compliance with the Generally Accepted Agricultural Management Practices (GAAMPs) under the Michigan Right to Farm Act is NOT required to be considered agriculture under this Ordinance. However, compliance with the GAAMPs is required to qualify for any exemptions granted under the Right to Farm Act, or to qualify for any exemptions granted within this Ordinance based on compliance with the GAAMPs.

**ALLEY:** Is any dedicated public way affording a secondary means to access to abutting property, and not intended for general traffic circulation.

**ALTERATIONS:** Is any change, addition, or modification in construction or type of occupancy, any changes in the structural members of a building, such as walls, or partitions, columns, beams, or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

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

**AREA, NET SITE:** The total area within the property lines of project excluding external streets.

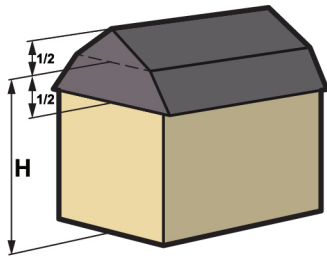
**AREA, BUILDING:** The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

**BASEMENT:** Is that portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

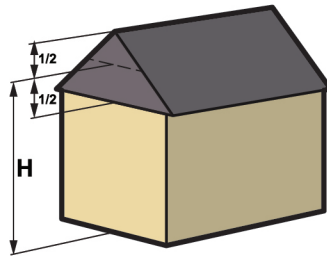
**BENEFIT, RECOGNIZABLE AND SUBSTANTIAL:** A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and use(s); including, without limitation: Long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features or a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis; reducing to a significant extent the nonconformity or a nonconforming use or structure, i.e., modification of a nonconforming use or structure so that, to a significant extent it is rendered more conforming, or less offensive, to the zoning district in which it is situated.

**BLOCK:** Is the property abutting one side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

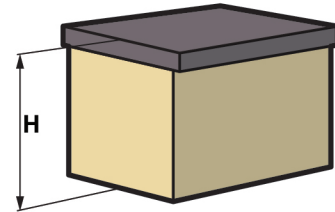
**BUILDABLE AREA:** The buildable area of a lot is the space remaining after the minimum open space requirements of the Ordinance have been complied with.



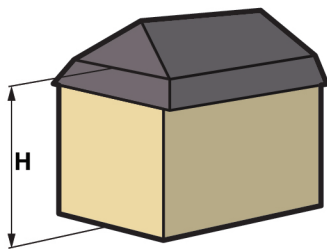
Gambrel Roof



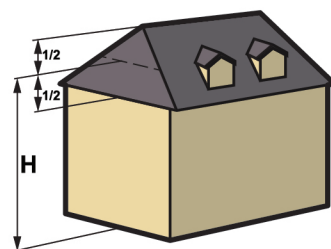
Gable Roof



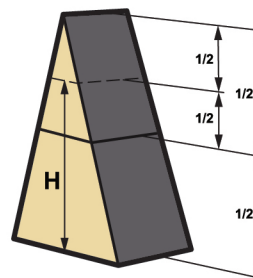
Flat Roof



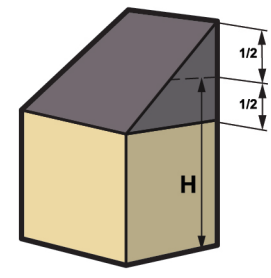
Mansard Roof



Hip Roof



"A" Frame



Studio / Shed Roof

## Building Height

H = Height of Building

**BUILDING:** A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels, is a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

**BUILDING HEIGHT:** Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height shall be measured from the average ground level of the grade at the building wall. For buildings with a cupola or other architectural appurtenance, the building height shall be the average distance between the highest point of the architectural appurtenance and the lowest point of the eaves.

**BUILDING INSPECTOR:** In the absence of a Township Building Inspector this shall refer to the County Building Inspector.

**BUILDING LINE:** (See attached diagrams) Is a line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

**BUILDING, MAIN OR PRINCIPAL:** A building in which is conducted the principal use of the lot on which it is situated. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**COMMON DRIVEWAY:** A private way for passage established in accordance with Section 10.40 of this Zoning Ordinance.

**COMMUNITY IMPACT STATEMENT:** An assessment of the developmental, ecological, social, economic and physical impacts of the project on the natural environment and physical improvements on and surrounding the development site. Information required for compliance with other ordinances shall not be required to be duplicated in the Community Impact Statement.

**CONSTRUCTION:** Is the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved and provided, however, that not more than twelve (12) months have elapsed since the permit was issued for such construction.

**DENSITY:** The number of families residing on, or dwelling units developed on, an acre of land. As used in this Ordinance, all densities are stated in families per net acre, that is, per acre of land devoted to residential use, exclusive of land in streets, alleys, parks, playgrounds, school yards, or other public lands and open spaces.

**DEVELOPER:** The individual or entity providing financial backing and logistical planning for improvements to a parcel of land.

**DWELLING UNIT:** Is a building or portion thereof, designed for occupancy by one (1) family (as defined in this Article) for residential purposes and having cooking facilities.

**DWELLING UNIT, MANUFACTURED:** A building or portion of a building designed for long-term residential use and characterized by the following:

The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

**DWELLING UNIT, MOBILE HOME:** A structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air- conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of this Zoning Ordinance. A mobile home is a type of manufactured housing.

**DWELLING UNIT, SITE BUILT:** A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site- built dwelling units shall include dwelling units constructed of precut materials, and paneled wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

**DWELLING, ONE-FAMILY:** Is a building designed exclusively for and occupied exclusively by one (1) family (as defined in this Article).

**DWELLING, TWO-FAMILY:** Is a building designed exclusively for occupancy by two (2) families (as defined in this Article), living independently of each other.

**DWELLING, MULTIPLE-FAMILY:** Is a building or portion thereof, designed exclusively for occupancy by three (3) or more families (as defined in this Article) living independently of each other.

**ERECTED:** Includes built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises which is required for construction.

Excavation, fill, drainage, and the like, shall be considered a part of erection.



**ESSENTIAL SERVICES:** The phrase “essential services” means the erection, construction, alteration, or maintenance of public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply, or disposal systems, including towers and poles for the support of electrical or communication cable, sewers, pipes, drains, wires, mains, conduits, fire alarm boxes, traffic signals, hydrants and other similar equipment, and accessories in connection therewith which are necessary for the furnishing of adequate service by public utilities and municipal departments. The term “Essential Services” does not include office buildings, substations, maintenance depots, towers containing microwave or intra-company communication systems, or structures which are enclosures or shelters for service equipment. The following shall not be considered Essential Services in any circumstances: commercial wireless telecommunication facilities for voice and data service, wind energy conversion systems, or solar energy conversion systems.

**EXCAVATION:** Is any breaking of ground, except common household gardening and ground care.

**FAMILY:** A group of people living together as a single housekeeping unit in a single dwelling unit using common cooking facilities. An individual person living alone shall also be considered a “family” for the purposes of this Ordinance.

**FARM:** All of the contiguous neighboring or associated land operated as a single unit in which farming is carried on directly by the owner, operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees provided; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, poultry farms and apiaries; but stone quarries or gravel or sand pits shall not be considered farms hereunder. Compliance with the Generally Accepted Agricultural Management Practices (GAAMPs) under the Michigan Right to Farm Act is NOT required to be considered a farm under this Ordinance. However, compliance with the GAAMPs is required to qualify for any exemptions granted under the Right to Farm Act, or to qualify for any exemptions granted within this Ordinance based on compliance with the GAAMPs.

**FARM BUILDINGS:** Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities. Compliance with the Generally Accepted Agricultural Management Practices (GAAMPs) under the Michigan Right to Farm Act is NOT required to be considered a farm building under this Ordinance. However, compliance with the GAAMPs is required to qualify for any exemptions granted under the Right to Farm Act, or to qualify for any exemptions granted within this Ordinance based on compliance with the GAAMPs.

**FENCE:** Is a structure of definite height and location to serve as an enclosure.

**FENCE, OBSCURING (WALL):** Is a structure of definite height and location to serve as an obscuring screen..

**FILLING:** Is the depositing or dumping of any matter onto, or into the ground, except common household gardening land ground care.

**FLAG LOT:** A Flag Lot is a parcel of land in the AR District not fronting or abutting a public or private road and where access to the public or private road is by a private right-of-way.

**FLOOR AREA:** For the purposes of computing, is the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

**FLOOR AREA, USABLE:** (For the purposes of computing parking) Is that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise or for utilities shall be excluded from this computation of “usable floor area”.

Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. For the purpose of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display or merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces. (See attached diagrams.)

**GRADE:** The complete surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

**GREENBELT:** Is a strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

**JUNK:** For the purpose of this Ordinance, the term “junk” shall mean any motor vehicles, machinery, appliances, product, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

**KENNEL, NONCOMMERCIAL:** More than three (3) dogs but less than six (6) dogs over six (6) months of age, housed on one lot and owned by the residents thereof shall be deemed to be a noncommercial kennel, provided that the dogs are not used for any commercial purpose except occasional breeding.

**KENNEL, COMMERCIAL:** More than three (3) dogs over six (6) months of age used on one lot, whether owned or boarded, when intended to produce income other than from occasional breeding, or six (6) or more dogs over six (6) months of age housed on one lot for any purpose,

**LAND USE PERMIT:** A permit for proceeding with excavation, construction, alteration or moving, of any real property issued in accordance with a plan that complies with all of the provisions of this Ordinance.

**LIVESTOCK:** Domestic animals such as cattle, horses, and sheep.

**LOADING SPACE:** Is an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**LOT:** A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) principal building with its accessory buildings, and providing the open spaces, parking spaces required by this Ordinance.

**LOT OF RECORD:** Is a parcel of land, the dimensions of which are shown on a recorded plat on file with the county Register of Deeds at the time of adoption of this Ordinance or in common use by Municipal or County officials and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

**LOT AREA:** Is the total horizontal area within the lot lines of the lot. (See attached diagram.)

**LOT CORNER:** A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two chords of which form an angle of one hundred thirty-five degrees (135) or less. The point of intersection of the street lot lines is the “corner”. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

**LOT, DOUBLE FRONTAGE:** An interior lot having frontages on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a Land Use Permit. If there are existing structures in the same block fronting one or both of the streets the required front yard setback shall be observed on those streets where such structures presently front.

**LOT, INTERIOR:** A lot other than a corner lot. Any portion of a corner lot more than one hundred twenty (120) feet from the “corner” measured along a front street lot line, shall be considered an interior lot.

**LOT COVERAGE:** The part or percent of the lot occupied by building or structures, including accessory buildings or structures.

**LOT DEPTH:** The main horizontal distance from the front street line to the rear lot line.

**LOT LINES:** The lines bounding a lot as defined herein.

1. **Front Lot Line.** In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, all lot lines abutting streets shall be considered front lot lines.
2. **Rear Lot Line.** Is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
3. **Side Lot Line.** Is any lot line other than the front lot line or rear lot line. A side lot line separating a lot from street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT WIDTH:** Is the horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback intersects the side lot lines.

**MAIN THOROUGHFARE:** Is an arterial street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of one hundred twenty (120) feet shall be considered a major thoroughfare.

**MANUFACTURED HOUSING COMMISSION:** The Michigan Manufactured Housing Commission.

**MANUFACTURED HOUSING UNIT (MOBILE HOME):** A structure, transportable in one (1) or more sections, which is built on a non-motorized chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, house trailer, trailer coach, or travel trailers.

**MANUFACTURED HOUSING SUBDIVISION:** Individually-owned lots subdivided according to the provisions of Act 288 of the Public Acts of Michigan of 1967, as amended, intended as a site for the placement for dwelling purposes of manufactured, mobile, modular or pre-manufactured homes.

**MANUFACTURED HOUSING PARK (MOBILE HOME PARK):** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured or mobile home, subject to conditions set forth in the Michigan Manufactured Housing Commission Rules and Michigan Public Act 96 of 1987, as amended.

**MANUFACTURED HOUSING UNIT SITE (MOBILE HOME SITE):** An area within a manufactured or mobile home park which is designated for the exclusive use of a specific mobile home.

**MASTER PLAN:** Is the comprehensive plan including graphic and written proposals 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 or parts thereof.

**MEZZANINE:** Is an intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

**MINIMUM SIGN HEIGHT:** (See Section 11.02 DEFINITIONS)

**MOBILE HOME:** Any vehicle designed or constructed to permit conveyance upon the public streets or highways and so constructed as to permit its occupancy as a dwelling or sleeping place for one or more persons, and having no foundations other than wheels, jacks, or skirting, so arranged as to be integral with, or portable by, said vehicle.

**MOBILE HOME COMMISSION ACT:** Act. No. 96 of the Public Acts of 1987, as amended being R 125.2301 et seq. of the Michigan Compiled Laws Annotated (MCLA).

**MOBILE HOME PARK:** Any premises designed to be occupied by more than one mobile home or house trailer to serve for dwelling or sleeping purposes of families.

**MODULAR HOME:** A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and shall not be considered a mobile home.

**MOTOR VEHICLES:** A vehicle, especially one for passengers, carrying its own power source for use on ordinary roads.

**MULTI-FAMILY UNITS:** The dwelling units in a multiple dwelling building or development, as defined herein:

1. **Studio Unit.** A dwelling unit consisting of not more than one room in addition to kitchen, dining and necessary sanitary facilities.
2. **One Bedroom Unit.** Is a dwelling unit containing no more than one bedroom as defined by the Building Code.
3. **Two Bedroom Unit.** Is a dwelling unit containing no more than two bedrooms as defined by the Building Code.
4. **Three or More Bedroom Unit.** Is a dwelling unit containing more than two bedrooms as defined by the Building Code.

**NATURAL FEATURES:** Natural features shall include soils, wetlands, floodplain, water bodies, topography, vegetative cover, and geologic formations.

**NON-CONFORMING BUILDING OR STRUCTURE:** Any lawful building or other structure which does not comply with applicable bulk regulations for the district, either at the effective date of this Ordinance or as a result of a subsequent amendment thereto. (See attached diagram.)

**NON-CONFORMING USE:** Any lawful use, whether of a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district, either at the effective date of this Ordinance or as a result of a subsequent amendment thereto.

**NURSERY, PLANT MATERIAL:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for sale, on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetable or Christmas trees.

**OPEN SPACE:** An unoccupied space open to the sky on the same lot with a building.

**OCCUPIED:** The word "occupied" includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

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

**PORCH, UNENCLOSED:** A covered entrance to a building or structure which is not enclosed by any walls, screens, or windows (including retractable windows), but may have pillars and/or railings, that projects out from the main wall of the building.

**PRINCIPAL BUILDING:** Is a building in which is conducted the principal use of the lot upon which it is situated.

**PRINCIPAL USE:** Is the principal use to which the premises are devoted and the principal purpose for which the premises exist.

**PRIVATE ROAD:** A road established in accordance with Section 10.37 of this Zoning Ordinance.

**PRIVATE ROAD DEVELOPMENT:** A division of land, other than subdivisions as defined by the Subdivision Control Act of 1967, resulting in one (1) or more parcels having a lot width of less than one hundred twenty (120) feet as frontage on a public street.

**PUBLIC PARK:** Any park, playground, beach, outdoor swimming pool, parkway, within the jurisdiction and control of a governmental agency authorized by State Statutes to own and maintain parks.

**PUBLIC ROAD:** A road dedicated to the public and accepted by a governmental agency authorized to construct, operate, and maintain roads.

**PUBLIC UTILITY:** Any persons, firm, corporation, municipal department, board, or commission duly authorized to furnish and furnishing, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, or water services.

**PUBLIC SEWER SYSTEM:** A public sewer system shall be defined as central or community sewage system of pipes and structures including pipes, channels, conduits, manholes, pumping stations, sewage and waste treatment works, diversion and regulatory devices, outfall structures, and appurtenances, collectively or severally, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transportation, treating or otherwise handling sanitary sewage or industrial liquid wastes of such a nature as to be capable of adversely affecting the public health; operation and maintained by the general public, residential district or area, firm or corporation.

**RESIDENTIAL UNIT:** See Dwelling Unit.

**RIGHT-OF-WAY:** A street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles.

**ROAD FRONTAGE:** The straight line distance between the points where each of two (2) property lines intersect a public or private road right-of-way.

**SEPARATE OWNERSHIP:** Ownership of a parcel of property wherein the owner does not own adjoining vacant property. Owner of a property may include dual or multiple ownership by partnership, corporation or other group. Provided, that the owner of a number of contiguous lots of record may have as many said contiguous lots of record considered as a single lot of record for the purpose of this Ordinance as he so elects and in such case the outside perimeter of said group of lots of record considered as a single lot of record for the purpose of this Ordinance as he so elects and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof.

**SETBACK:** The minimum horizontal distance between the front of the building, excluding steps and unenclosed porches, and the front street or private road right-of-way line.

**SOIL REMOVAL:** Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials to a depth not greater than twelve (12) inches, except common household gardening and general farm care.

**SPECIAL USE:** A use which is subject to the conditional approval of the Planning Commission. A special use may be allowed only when there is a specific provision in the Ordinance stating that the special use may be allowed. An approved special use is not considered to be a non-conforming use.

**STATE EQUALIZED VALUATION:** The value of the Township assessment roll as equalized through the process of State and County equalization.

**STORAGE STRUCTURE:** Anything constructed or erected, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location in, on, or below the ground; for which the primary use of said structure is for storage purposes, and when it is the primary building (see building definition, Article 19) on the parcel or lot.

**STORY:** Is that part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty percent (50%), by cubic content, is below the height level of the adjoining ground.

**STORY, HALF:** Is an uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story directly below, and the height above at least two hundred (200) square feet of floor space is seven feet six inches (7'6").

**STREET:** A thoroughfare which affords a principal means of access to abutting property and which has been accepted as a public street.

**STRUCTURE:** Anything constructed or erected, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location in, on, or below the ground.

**STRUCTURAL ALTERATION:** Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams or girders, or any change in the width or number of exits, or any substantial change in the roof.

**TEMPORARY USE OF BUILDING:** Is a use of building permitted to exist during periods of construction of the principal building or use, or for special events.

**TENTS:** Tents as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground.

**TOWNSHIP BOARD:** The words "Township Board" shall mean the Oceola Township Board.

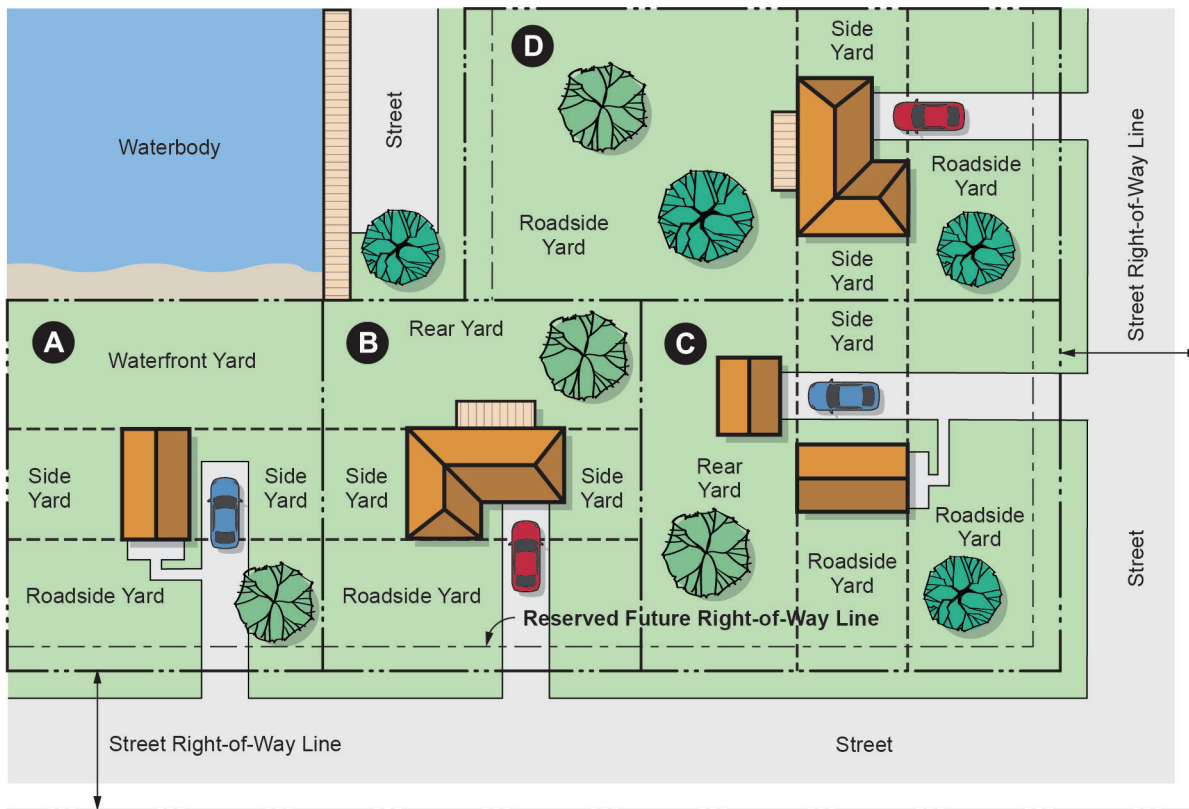
**TRAILER CAMP:** (See CAMPGROUNDS)

**TRAILER PARK:** (See MOBILE HOME)

**UNDERLYING ZONING:** The zoning classification and regulations applicable to the property immediately preceding the grant of an application to designate the property planned unit development.

**USE:** Is the purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

**WALL:** (See FENCE, OBSCURING)



**YARDS:** Are the open spaces on the same lot with a principal building, unoccupied and unobstructed from the ground upwards except as otherwise provided in this Ordinance, and as defined herein:

1. **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building.
2. **Rear Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the principal building.
3. **Side Yard.** An open space between the main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the sideline to the nearest point of the principal building.

**ZONING BOARD OF APPEALS:** The words “Zoning Board of Appeals,” shall mean the Zoning Board of Appeals for the Township of Oceola.

**ZONING EXCEPTIONS AND VARIANCES:**

1. **Exception.** Is an use permitted only after review of an application by the Board of Appeals or Commissions, such review being necessary because the provisions of this Ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review as required by the Ordinance.
2. **Variance.** Is a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The “exception” differs from the “variance” in several respects. An exception does not require “undue hardship” in order to be allowable. The exceptions that are found in this Ordinance appear as “special approval” or review by Planning Commission, Legislative Body, or Board of Appeals. These land uses could not be conveniently allocated to one or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following:
  - A. They require large areas.
  - B. They are infrequent.
  - C. They sometimes create an unusual amount of traffic.
  - D. They are sometimes obnoxious or hazardous.
  - E. They are required for public safety and convenience.

**ZONING VARIANCE:** Is a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause peculiar or exceptional practical difficulties to the owner of such property owing to circumstances unique to the individual property on which the variance was granted.





ARTICLE 20:  
**INTERPRETATION**

20

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, or annul or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits; the provisions of this Ordinance shall control.

ARTICLE 21:  
**VALIDITY**

21

This Ordinance and the various articles, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

ARTICLE 22:  
**ENACTMENT AND  
EFFECTIVE DATE**

22

Made, passed, and adopted by the Board of Trustees of the Township of Oceola, Livingston County, Michigan on March 7, 2023. Effective on April 3, 2023.