

FLOWERFIELD TOWNSHIP
ZONING ORDINANCE

Final Draft

ORDINANCE NO. _____

2010

TABLE OF CONTENTS

ADOPTION

ARTICLE 1 SHORT TITLE AND PURPOSE

1.01	Short Title	1-1
1.02	Purpose	1-1
1.03	Scope	1-1

ARTICLE 2 CONSTRUCTION LANGUAGE

2.01	Rules of Construction	2-1
------	-----------------------------	-----

ARTICLE 3 DEFINITIONS

3.01	Definitions.....	3-1
------	------------------	-----

ARTICLE 4 GENERAL PROVISIONS

ARTICLE 5 CLASSIFICATION OF DISTRICTS

ARTICLE 6 AGRICULTURAL DISTRICT (AG)

ARTICLE 7 RURAL RESIDENTIAL DISTRICT (R-1)

ARTICLE 8 MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

ARTICLE 9 HIGH DENSITY RESIDENTIAL DISTRICT (R-3)

ARTICLE 10 BUSINESS DISTRICT (B-1)

ARTICLE 11 SURFACE WATER OVERLAY DISTRICT (SWO)

ARTICLE 12 NONCONFORMING USES

ARTICLE 13 PARKING AND LOADING SPACES

ARTICLE 14 SIGNS

ARTICLE 15 SITE PLAN REVIEW

ARTICLE 16 SPECIAL LAND USES

ARTICLE 17 ADMINISTRATION AND ENFORCEMENT

ARTICLE 18 ZONING BOARD OF APPEALS

ARTICLE 19 SEPARABILITY AND REPEALS

LIST OF FIGURES

Building Height
Corner Clearance.....
CAFO
Floor Area
Corner, Interior and Through Lots.....
Lot Width Diagram.....
Nonconformance.....
Building Setback.....
Yards Diagram
Wall or Fence Height.....
Table of District Regulations
Zoning Map

LIST OF TABLES

Table of Off-Street Parking Requirements
Table of Off-Street Loading Requirements.....

ADOPTION

FLOWERFIELD TOWNSHIP ZONING ORDINANCE

ORDINANCE NO. _____

ADOPTED: _____

PUBLICATION: _____

EFFECTIVE: _____

This is an Ordinance to establish zoning districts, provisions, and regulations for the Township of Flowerfield, pursuant to the provisions of Act 110 of 2006, as amended. This ordinance sets forth regulations and minimum standards for the use and protection of lands and structures within each zoning district. It establishes provisions for the administration, enforcement, and amendment of this Ordinance, establishes a Zoning Board of Appeals and prescribes penalties for the violation of the provisions herein.

THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, ORDAINS:

Flowerfield Township Zoning Ordinance Adoption

ARTICLE 1

SHORT TITLE AND PURPOSE

1.01 SHORT TITLE

This ordinance shall be known as the Flowerfield Township Zoning Ordinance (Ordinance).

1.02 PURPOSE

This Zoning Ordinance provides for the regulation of land development and the establishment of districts within (the Township) which regulate the use of land and structures to meet the needs of the citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land. The Zoning Ordinance ensures that uses of land are situated in appropriate locations and relationships, limits the inappropriate overcrowding of land, congestion of population, transportation systems, and other public facilities. The Zoning Ordinance facilitates adequate and efficient transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and promotes public health, safety, and welfare. The zoning regulations herein are uniform for each class of land or buildings, dwellings, and structures within each zoning district.

The Zoning Ordinance also establishes zoning districts which apply only to land areas and activities involved in special programs to achieve specific land management objectives and avert or solve specific land use problems, including the regulation of land development and the establishment of districts in areas subject to damage from flooding or beach erosion. The Zoning Ordinance designates or limits the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles. This Zoning Ordinance is based upon the Flowerfield Township Master Plan adopted May 2009. The Zoning Ordinance gives reasonable consideration to the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development.

1.03 SCOPE

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with existing provisions of other laws or ordinances except those specifically or impliedly repealed by this Ordinance, or with any private restrictions placed upon property by covenant, deed, or other private agreement unless repugnant hereto. Except for manufactured housing communities, where this Ordinance imposes a greater restriction than is imposed or required by such rules, regulations, or private restrictions, the provisions of this Ordinance shall control. Insofar as the provisions of this ordinance are inconsistent with the provisions of ordinances adopted under any other law, the provisions of this ordinance shall be controlling.

This Ordinance or any subsequent zoning decision based upon this Ordinance, shall not have the effect of totally prohibiting the establishment of a land use in the presence of a demonstrated need for that land use within either the Township or surrounding area within the state, unless there is no location within the Township where the use may be appropriately located, or the use is unlawful.

This Ordinance does not regulate or control the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes and does not have jurisdiction with reference to the issuance of permits for the location, drilling, completion, operation, or abandonment of such wells.

ARTICLE 2

CONSTRUCTION OF LANGUAGE

2.01 RULES OF CONSTRUCTION

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
4. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A building or structure includes any part thereof.
6. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
7. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” “either . . . or,” the conjunction shall be interpreted as follows:
 - A. “And” indicates that all the connected items, conditions, provision, or events shall apply.
 - B. “Or” indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

ARTICLE 3
DEFINITIONS

3.01 DEFINITIONS

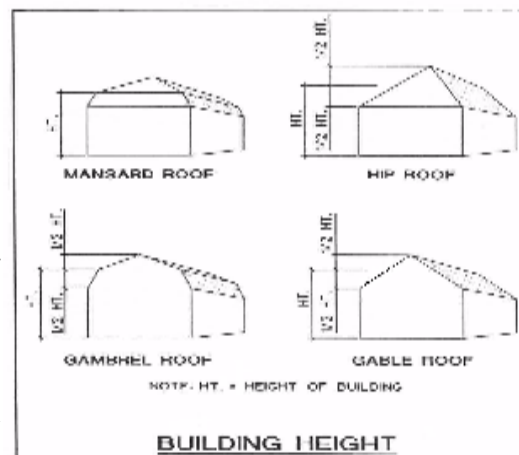
For the purpose of this Ordinance, certain terms and words are herewith defined.

1. **ACCESSORY BUILDING OR STRUCTURE:** A subordinate structure on the same premises with a main building or structure occupied or devoted to an accessory use. Where an accessory building is attached to a main building, such accessory building shall be considered part of the main building.
2. **ACCESSORY USE:** A use naturally and normally incidental and subordinate to a principal use on the same premises.
3. **ADULT FOSTER CARE FACILITIES:** Adult foster care facilities include medium group homes, large group homes, and congregate facilities. These facilities (not private homes) provide 24-hour care to seven or more adults. Adult Foster Care Facilities are licensed under Act No. 218 of 1979, the Adult Foster Care Facility Licensing Act.
4. **AGRICULTURAL PRODUCTION:** The production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables.
5. **APPEAL:** An entreaty or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.
6. **APPLICANT:** An applicant shall be any individual, partnership, public or private corporation, authority, agency, or any other legal entity or a combination of any of them, whether they hold an ownership interest in the land or not, who submit an application to the Township as required by this Ordinance.
7. **ARCHITECTURAL FEATURES:** Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.
8. **AUTOMOBILE REPAIR SHOP:** Automobile repair is any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision service such as body, frame, or fender straightening and repair; overall painting and vehicle rust proofing, refinishing, or steam cleaning.
9. **BASEMENT:** A portion of a building that is partially or wholly below grade, provided that where the vertical distance from the average-finished grade to the ceiling of said area is greater than one-half of the total height of the area, said area shall not be considered a basement.

10. **BED AND BREAKFAST:** A Bed and Breakfast is a residential structure that, besides being a permanent home, provides temporary room and board as a home occupation.
11. **BERM:** A berm is a mound of earth graded, shaped, and improved with landscaping in a way used for screening purposes.
12. **BILLBOARD:** A billboard is a specific type of off-premises freestanding sign in excess of 100 square feet intended to attract the attention of the motoring public.
13. **BOARD:** Wherever the word Board is used, it refers to the Township Board.
14. **BUILDING:** An independent structure having a roof supported by columns or walls intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, or other accessory structures.
15. **BUILDING CODE:** The State of Michigan Residential Building Code shall be the official building code provision of Flowerfield Township referred to herein as the Building Code.
16. **BUILDING HEIGHT:** The vertical distance measured from the grade of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip, and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average ground level of the terrace at the building wall (see illustration entitled Building Height).

17. **BUILDING INSPECTOR:** The building inspector is the person or persons appointed by the Township Board to inspect buildings for conformance to the State of Michigan Residential Building Code (Building Code) or other building codes as may be adopted by the Township. The duties of the Building Inspector shall include enforcement of the Building Codes.

18. **BUILDING PERMITS:** A building permit is the written authority issued by the authorized person of the Township permitting the construction, removal, moving, alteration, or use of a building in conformity with the provisions of this Ordinance.



19. **CAMPS AND CAMPGROUNDS:** Camps and campgrounds include, but are not limited to, RV campgrounds, tent and trailer campgrounds, youth YMCA, YWCA, Boy or Girl Scouts, church camps, children's camps (as licensed by Act No. 116 of 1973 Child Care Organizations Act), and adult foster care camps (as licensed by Act No. 218 of 1979 Adult Foster Care Licensing Act). Children's Camps are residential, day, troop, or travel camps conducted in a natural environment for more than four school-age children, apart from their parents, relatives, or legal guardians, for five or more days in a 14-day period.

20. CLEAR VISION CORNER: A clear vision corner is that portion of a corner lot closest to the intersection, where obstructions might impair the ability of drivers to see oncoming traffic. The clear vision corner is a triangular area created by a line drawn between two points each being 30 feet from the intersection of the rights-of-way of two intersecting streets.

21. COMMERCIAL: This term relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services or the maintenance of service offices or recreation or amusement enterprises, or garage/basement sales operating more than 12 days during any 12-month period.

22. COMMERCIAL STABLE: A facility for the business of boarding horses or renting horses to the public.

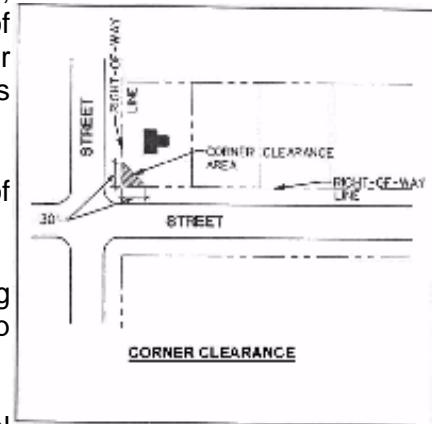
23. COMMISSION: This term, and the term "Planning Commission," shall mean the Flowerfield Township Planning Commission.

24. COMPOST: Compost is a light, dry, humus material created from the biochemical decomposition of organic matter due to the metabolic activity of aerobic microorganisms.

25. COMPOST FACILITIES: A compost facility is a commercial resource-recovery operation involving the transportation of resource material to the site from off-site locations or resource products from the site that involves the processing of organic material into compost. A product that is "compostable" is one that can be placed into a composition of decaying biodegradable materials, and eventually turns into a nutrient-rich material. It is almost synonymous with "biodegradable," except it is limited to solid materials and does not refer to liquids.

26. CONFINED ANIMAL FEEDING OPERATION (CAFO): The concentrated confined feeding or holding of animals or poultry including, but not limited to, horse, cattle, sheep, or swine feeding areas; dairy confinement areas; slaughterhouse or shipping terminal holding pens; poultry and egg production facilities; and fur farms in buildings or in pens or lots where the surface has been prepared with concrete, rock, or fibrous material to support animals in wet weather or that have wastewater treatment works. A confined animal feeding operation is any lot, yard, corral, or other area in which livestock are confined, primarily for feeding and growth. The term does not include areas used for raising crops or other vegetation or upon which livestock are allowed to graze. Any agricultural use that contains animal units as defined by the generally accepted agricultural and management practices for site selection and odor control for new and expanding livestock production facilities as authorized by Public Act 261 of 1999, which amended the Michigan Right to Farm Act is considered a CAFO.

27. DWELLING: A building or portion thereof that is occupied wholly as the home, residence, or sleeping place by one or more human beings, either permanently or transiently, but in no case shall a tent be considered a dwelling. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this Ordinance and shall comply with the provisions hereof relative to dwellings. Garage space,



whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

- A. Dwelling, Two-Family (also known as a duplex dwelling): A detached building containing two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth above for "Dwelling, One-family."
 - B. Dwelling, Multiple-Family: A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth above for "Dwelling, One-family."
 - C. Dwelling Unit: A building or portion thereof having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one family, either permanently or transiently. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.
 - D. Efficiency Unit: A dwelling unit located in a multiple-dwelling and consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room, providing the unit has not less than 350 square feet of floor area.
28. EARTHMOVING: Earthmoving is the noncommercial removal of such natural resources as sand, gravel, or earth materials, or the alteration of land to prepare or render land suitable for uses allowed in the zoning district in which the land is located. This definition shall not include excavation which, by its nature, is of limited scope and duration and which is undertaken primarily for the immediate use and development of the land excavated, such as for purposes of building construction, septic tanks, swimming pools, etc.
29. ESSENTIAL SERVICES: Means the erection, construction, alteration or maintenance by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission of distribution systems, collection, communication, supply or disposal systems, including poles, wires mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrant or other similar equipment and accessories in connection therewith.

Essential services shall not include buildings other than are primarily enclosures or shelters of the above essential service equipment, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, or for the public health, safety or general welfare. Notwithstanding any other provision in this Ordinance, landfill operations, telecommunications towers and antennas, and electrical substations or gas regulator stations services, shall not be regulated or allowed as essential under this Ordinance.

This ordinance is consistent with the Electric Transmission Line Certification Act, 1995 PA 30, in that if the Michigan Public Service commission grants a certificate of public convenience and necessity issued for a major transmission line or a transmission line, that certificate shall take precedence over a conflicting local ordinance, law, rule, regulation, policy, or practice that prohibits or regulates the location or construction of a transmission line for which the commission has issued a certificate.

30. EXCAVATION: Excavation means the removal of sand, stone, gravel, or fill dirt below the average grade of the surrounding land or road grade, whichever shall be highest. Excavation shall mean any breaking of the ground to hollow out by cutting or digging or removing any soil matter, except common household gardening and general farm care.
31. EXOTIC ANIMALS: Exotic animals are non domestic wild animals including any non game species of mammal, bird, reptile, or amphibian not indigenous or not now commonly found in St. Joseph County such as wolves, bears, lions, tigers, leopards, gorillas, boars, or wolverines.
32. FAMILY: A family shall mean "traditional family" or "functional family" as defined below:
- A. Traditional family — an individual or group of two or more persons related by blood, marriage or adoption, together with foster children and domestic household employees of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single domestic housekeeping unit in a dwelling.
 - B. Functional family— a collective number of individuals domiciled together in one dwelling whose relationship is of a permanent and distinct domestic character, with a demonstrable and recognizable bond, characteristic of a cohesive unit, and who are in fact cooking and living as a single nonprofit housekeeping unit. A "functional family" shall not include any of the following:
 - i. Any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order.
 - ii. Any group of individuals, whose domestic relationship is transitory, temporary, or resort/seasonal in nature or character.
 - iii. Any group of individuals whose association is essentially for convenience or economics, or for the limited duration of their education, training or a similar determinate period of time.
 - iv. Any person or group of persons seeking the rights and privileges of a "family" as defined in subparagraph a or b above in any administrative, judicial, or quasi-judicial proceeding, whether as the proponent or by way of defense, shall have the burden of proving that their domestic relationship satisfies the criteria in either subparagraph a or b above.
33. FAMILY BUSINESS: A family business activity, other than a home occupation that is incidental to the principal residential or agricultural use of the subject property and which is owned and operated by persons residing on the same premises.
34. FAMILY CHILD CARE HOME: A private home in which one to six children are received for care and supervision, including those children less than seven years old in the resident family. This number shall not include more than two children less than twelve months old. A family day care home is a facility licensed and regulated by the State of Michigan under Act 116 of 1973, as amended. A family day-care home shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones, including those zoned for single-family dwellings, and shall not be subject to a Special Land Use permit or procedure different from those required for other dwellings of similar density in the same zone.

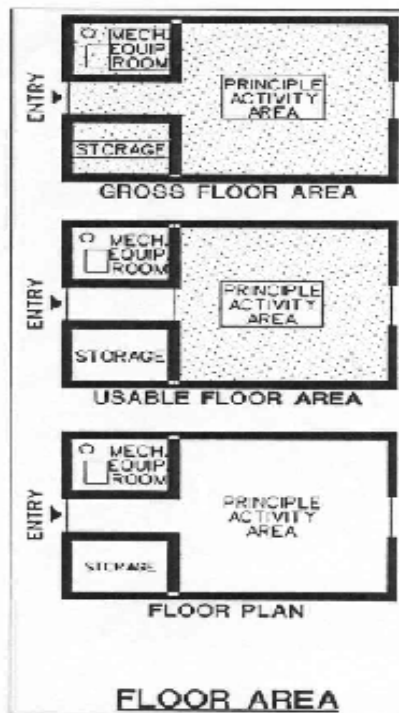
35. FARM: Any parcel of land that is used for the raising of agricultural products, livestock, poultry or dairy products for gain and uses incidental thereto; provided that the incidental uses shall be subordinate to normal agricultural use. Farm includes a farm dwelling and necessary accessory farm structures within the property boundaries and the storage of crops produced on the ownership as well as equipment used in farming operations.
36. FARM ANIMALS: Farm animals are all domesticated animals that are not household pets or exotic animals. Farm animals are limited to such types of animals as horses, pigs, goats, sheep, cattle and chickens.
37. FARM BUILDINGS: Any building or structure, other than a dwelling, moved upon, maintained, used, or built on a farm that is essential and customarily used on farms of that type for the pursuit of their agricultural activities.
38. FARM PRODUCTS: Farm products are those plants and animals useful to human beings produced by agriculture and include, but are not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aqua culture products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture and, as further defined by the Michigan Right-to-Farm Act, P.A. 93 of 1981.
39. FARMING: Farming is the operation and management of a farm or a condition or activity that occurs at any time, as necessary, on a farm in connection with the commercial production, harvesting, and storage of farm products or any other activity, as determined by the Michigan Commission of Agriculture and as further defined by the Michigan Right-to-Farm Act, P.A. 93 of 1981. Farming shall include the following activities:
 - A. The generation of noise, odors, dust, fumes, and other associated conditions resulting from farming.
 - B. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm dryers.
 - C. Field preparation, ground and aerial seeding, and spraying.
 - D. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides, but not recycled materials.
 - E. The use of alternative pest-management practices.
 - F. The fencing, feeding, watering, sheltering, transportation, treatment, uses, handling, and care of farm animals.
 - G. The management, storage, transport, utilization, and application of farm products, including manure or agricultural wastes.

- 40. **FENCES AND WALLS:** Fences and walls are accessory structures erected to enclose or screen areas of land. Retaining walls are erected to support an embankment or to prevent erosion or collapse of steep slopes.
- 41. **FILLING:** Shall mean the depositing or dumping of any material ONTO or INTO the ground, except residuals from common household gardening and general farm care.
- 42. **FLOOD PLAIN:** All areas adjoining a lake, stream, river, creek, or a channel, which are subject to inundation at the 100-year flood plain level as approved by the Michigan Department of Natural Resources.

43. **FLOOR AREA:** The floor area of a building shall be computed using the following standards:

A. **Floor Area, Gross (GFA):** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building (which is what this normally is referred to as) shall include the basement floor area when more than one-half of the basement height is above the established curb level or finished lot grade, whichever is higher (see Basement). Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.

B. **Floor Area, Usable (UFA):** The measurement of usable floor area shall include that portion of the total area of all the floors of the building, measured from the exterior faces of the building, used for or by the principal activity or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage, utility or mechanical equipment, sanitary facilities, stairwells, or otherwise not occupied by people. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of five (5) feet or more (see illustration entitled Floor Area).



- 44. **FREESTANDING SIGN:** Freestanding signs are elevated by supports so that the bottom of the sign is greater than 1½ foot above ground.
- 45. **GARAGE:** An accessory building or portion of a main building used primarily for the storage of passenger vehicles.
- 46. **GRADE:** The building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially unlevel ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.

47. **GROUND SIGN:** Ground signs are attached directly to the ground or have a clear space beneath the sign of less than 1½ foot. Ground signs may have messages on one or more sides.
48. **GROUP CHILD CARE HOME:** A group day care home is a facility for the care of children or adults for less than 24 hours. Day care homes do not include state licensed residential facilities, family day care homes, foster-family homes, or adult foster care facilities. (See also institutional care facilities.) A group day care home is further defined as follows:
- A. **Group Day Care Home:** A private home where 7 to 12 children are received for care and supervision. This number shall not include more than two children younger than two years old. A group day care home is a facility licensed and regulated by the State of Michigan under Act 116 of 1973, as amended.
 - B. **Adult Day Care (Private Home):** Adult day care facilities offer a supervised environment for temporary care of adults 18 years old and older.
49. **HEALTH DEPARTMENT:** The Branch-Hillsdale-St. Joseph Health Department.
50. **HISTORIC STRUCTURES:** Historic structures are structures that have received state or federal historic designation including centennial farms.
51. **HOME OCCUPATIONS:** Home occupations are activities carried on in the home being clearly incidental and secondary to the principal residential use. Home occupations shall provide for the use of a single-family residence by an occupant of that residence to give instruction in a craft or fine art.
52. **HOUSEHOLD PETS:** Any animal kept for companionship, personal enjoyment, and pleasure, and treated with fondness that is customarily kept within a dwelling. Household pets are commonly purchased in a pet store and have been tamed or domesticated and are not likely to bite, attack, or cause death, maiming, or illness or act in a vicious manner toward humans without provocation. Household pets include but are not limited to such animals as dogs, cats, fish, birds, rodents, lizards, non-venomous snakes, and spiders.
53. **INOPERABLE VEHICLES:** Any vehicle intended for travel on public streets and roads, not capable of operating or not having current license and registration.
54. **INSTITUTIONAL CARE FACILITIES:** An institutional care facility is a facility for the care of children or adults such as, but not limited to, hospitals, extended-care facilities, and nursing homes. Institutional care facilities do not include state licensed residential facilities, or adult foster care facilities. Institutional care facilities can be further defined as follows:
- A. **Child Care Center:** A facility, other than a private home, where one child or more is received for care and supervision.
 - B. **Inter generational Day Care:** A day care facility that combines the care of children with the care of adults.

- C. Child Care Institution: A facility licensed for the care of 12 or more children
 - D. Adult Day Care (Institutional): Adult day care facilities offer a supervised environment for temporary care of adults in an institutional (nonresidential) setting.
 - E. Assisted Living Facilities: Assisted living facilities provide care to elderly individuals as a special combination of housing, personalized supportive services, and health care. Assisted living facilities include independent living facilities, senior housing, or extended-care facilities. Assisted living facilities are not regulated or licensed by state agencies.
 - F. Extended-Care Facilities: Extended-term care facilities provide inpatient nursing and health related personal care other than in a private home, in which one or more children or adults who are aged or physically impaired, or suffering serious bodily disorders, are received for care and supervision. Extended-term care facilities include nursing homes, hospice facilities, sub acute care facilities, and homes for the aged as regulated by Act No. 368 of 1978 Public Health Code, as amended., Said facilities shall conform to and qualify for license under applicable state laws (even though state law may provide for different size regulations).
55. INSTITUTIONAL OR PUBLIC USE: Churches, schools teaching academic subjects, hospitals, parks, civic centers, libraries, other public or semipublic uses, and convalescent or nursing homes.
56. JUNK: For the purpose of this Ordinance, junk shall mean any motor vehicles, machinery, appliances, product, and merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition that cannot be used for the purposes for which the product was manufactured.
57. JUNKYARD: For the purpose of this Ordinance, junkyard shall mean any place where the storing, dismantling, wrecking, and disposition of junk is carried on, but does not include uses established entirely within enclosed buildings in conformance with all other provisions of the Zoning Ordinance. The term includes automobile wrecking yards and salvage areas used for the storage, keeping or abandonment of junk and scrap metals.
58. KENNEL: Any lot or premises on which six (6) or more dogs or cats are kept: (1) permanently in a structure, which is not the principal residence, or (2) temporarily boarded for persons other than the owner. Kennels shall comply with all applicable Township, county, and state regulations.
59. LOT: A lot is a piece or parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this Ordinance, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision. Site condominium units shall be considered lots.
- A. Lot Depth: The depth of a lot is the mean horizontal distance from the center of the front lot line to the center of the rear lot line. In the case of a waterfront lot, it is from the ordinary high water mark to the street right-of-way line. In the case of an acreage parcel, it is from the front lot line to the rear lot line.

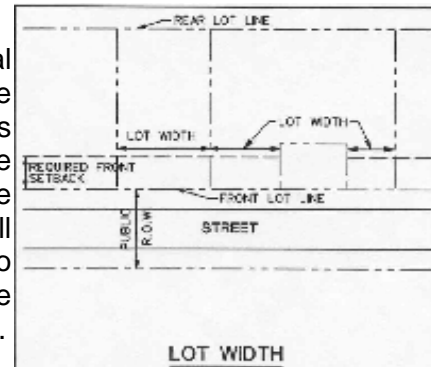
- B. Lot, Double Frontage: A lot other than a corner lot having frontage on two more or less parallel streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.
- C. Lot, Interior: An interior lot is a lot other than a corner lot with only one lot line fronting on a street.



- 60. LOT AREA: The total horizontal area within the lot lines of a lot, excluding public right-of-way.
- 61. LOT, CORNER: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees (see illustration entitled Corner, Interior, and Through Lots).
- 62. LOT LINES: Any line dividing one lot from another or from the right-of-way, and thus constitute property lines bounding a lot.
 - A. Lot Line, Front: In the case of a lot abutting on one street, the front lot line shall mean the street right-of-way.
 - B. Lot Line, Rear: The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than 10 feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply, the Planning Commission or Zoning Board shall designate the rear lot line.
 - C. Lot Line, Side: Any lot boundary-line that is not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.
- 63. LOT OF RECORD: A lot of record is a lot the dimension and configuration of which are shown

on a map recorded in the office of the Register of Deeds for St. Joseph County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed in the State of Michigan) and likewise so recorded on a file with the county and in existence prior to 2004.

64. LOT WIDTH: Lot width is the uninterrupted horizontal distance between the side lot lines, measured at the required front setback line. In the event that a lot has more than one such uninterrupted horizontal distance due to another lot within its interior (as shown in the figure), only the greater of the horizontal distances shall be used to determine lot width and under no circumstances shall the minimum lot width be determined based on more than one horizontal distance.



65. MANUFACTURED HOUSING COMMUNITY: For the purpose of this Ordinance, a manufactured housing community means a parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. Person means an individual, partnership, association, trust, or corporation, or any other legal entity or combination of legal entities.

66. MOBILE HOME: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a year-round 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.

67. MODULAR, PREFABRICATED, PRECUT, AND SECTIONAL HOMES: A dwelling unit consisting of two or more transportation factory-fabricated units designed to be assembled as a single residential structure on a foundation as required for a conventional residence, and which complies with all particulars of the Building Code.

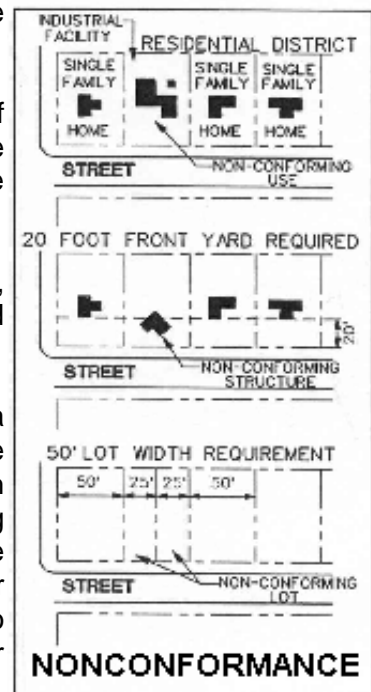
68. **NATURAL RESOURCE REMOVAL:** Natural resource removal is the extraction and/or excavation of sand, gravel, topsoil, clay, earth, marl, peat, or any other nonrenewable earth material not regulated in the Mine Reclamation Act, Act 92 of 1970, as amended, in a regular commercial operation by excavating directly from such resources lying exposed in their natural state or by removing any overburden lying above such resources. It does not include excavation or grading preliminary to a construction project that by its very nature is of limited scope and duration and is for the immediate use and development of the land excavated, such as for the purposes of building construction, septic tanks, swimming pools, etc. (see "Earthmoving").

69. **NONCONFORMING USE, BUILDING, OR LOT OF RECORD:**

A. **Nonconforming Use:** A nonconforming use is a use that lawfully occupied a building or land at the effective date of this ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

B. **Nonconforming Building:** A nonconforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions (e.g., setbacks, height, lot coverage, and parking) of this Ordinance in the zoning district in which it is located (see illustration entitled Nonconformance).

C. **Nonconforming Lot of Record:** A nonconforming lot of record is a lot or parcel lawfully existing at the effective date of this Ordinance and which does not conform to the provisions of this Ordinance, i.e., area, width.



70. **OCCUPIED:** The word occupied includes the terms arranged, designed, built, altered, converted to, rent, leased, or intended to be inhabited not necessarily for dwelling purposes.

71. **OFF-PREMISES SIGN:** An off-premises sign is located on a parcel separate from the parcel that is the focus of the message being displayed and is any structure or portion thereof on which lettered, figured, or pictorial matter is displayed for advertising purposes not related to the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon. This definition shall not be held to include any sign used for official notices issued by a court or public body.

72. **ORDINARY HIGH-WATER MARK:** The ordinary high-water mark is defined by Act No. 346 of 1972, as amended, as the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a water level established by law, it means the high-established level.

73. **OUTDOOR BOILER OR BURNER:** The term "outdoor boiler or burner" shall mean a boiler,

furnace or stove that is fueled by the burning of a natural fuel source and is not located within a building or structure intended for habitation by humans or domestic animals, but that provides heat or hot water for such a building or structure.

74. **PARKING SPACE:** An area for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits, and being fully accessible for the storage or parking of self-propelled vehicles.
75. **PERSONAL PET FACILITIES:** Personal pet facilities are intended for the keeping of household pets on residential property. They include small enclosures and fenced yard areas.
76. **POLICE POWERS:** The "police powers" invested in the civil "state" are those powers to establish and enforce laws by which the actions of citizens may be regulated for the protection of public peace, safety, health (and morals) from trespass/injury - thereby protecting individual "lives, liberties and estates" from aggression.
77. **PRIME FARMLAND:** Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding. Prime farmland soils are published by the Natural Resource Conservation Service in each State's Soil Survey.
78. **PRINCIPAL BUILDING, USE, ACTIVITY, OR STRUCTURE:** The principal use, activity, building, or structure that is the primary structure located on an individual lot or predominant use or activity conducted on the lot upon which it is situated.
79. **PROPERTY OWNER:** The property owner is any individual, partnership, public or private corporation, or any other legal entity holding an ownership interest in land whether recorded or not. An ownership interest means ownership by one person or by different private entities if the land is owned by joint interest or by members of the same immediate family.
80. **PUBLIC AND INSTITUTIONAL USES:** Public and Institutional uses are churches, public parks, play fields, playgrounds, tennis courts, swimming pools, and nonprofit recreational clubs and recreational uses; municipal, county, state, and federal administration buildings; police and fire stations; charter; trade; public and parochial elementary, intermediate, and high schools (non boarding); public libraries and museums; community centers, civic centers; government-owned facilities, buildings and structures; cemeteries; and/or similar uses providing service necessary to the community.
81. **SITE CONDOMINIUM SUBDIVISION:** A site condominium subdivision is a division of land based on condominium ownership that is subject to the provisions of the Condominium Act, Public Act 59 of 1978.

82. **SITE PLAN:** A Site Plan is a scaled drawing that shows the locations and dimensions of improvements on a parcel of land such as, but not limited to, buildings, driveways, parking facilities, landscaping, sidewalks, signs, sewage systems, water supply, and drainage facilities.
83. **STATE LICENSED RESIDENTIAL FACILITY:** A state licensed residential facility means a structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Act No. 287, 1972, as amended, which provides resident services for 6 or less persons under 24-hour supervision or care for persons in need of that supervision or care not related to an adult member of the household. State licensed residential facilities include:
- A. **Foster Family Home:** homes in which less than five minor children are received for care and supervision, unattended by a parent or legal guardian.
 - B. **Foster Family Group Home:** A home in which either five or six minor children is received for care and supervision.
 - C. **Adult Foster Care Family Home:** A home with the approved capacity to receive six or fewer adults to be provided with foster care.
 - D. **Adult Foster Care Small-Group Home:** A home with the approved capacity to receive 12 or fewer adults, but which houses six or fewer.

In order to implement the policy of this state that persons in need of community residential care shall not be excluded by zoning from the benefits of normal residential surroundings, a state licensed residential facility providing supervision or care, or both, to 6 or less persons shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones, including those zoned for single family dwellings, and shall not be subject to a special use permit or procedure different from those required for other dwellings of similar density in the same zone.

State licensed residential facilities shall not include adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

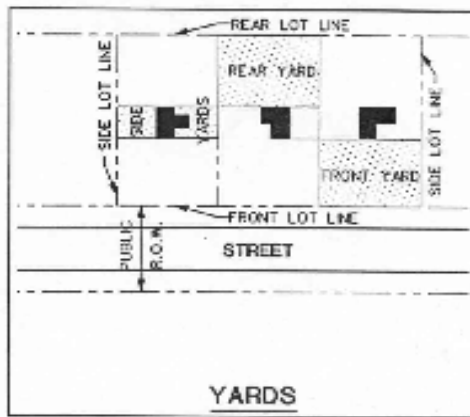
84. **STORY:** That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
- A. **Mezzanine:** A mezzanine floor may be used in this definition of a full story when it covers more than 50 percent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.
 - B. **Basement:** For the purpose of this Ordinance, a basement shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured, or, if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.
 - C. **Half Story:** A half story is that part of a building between a pitched roof and the uppermost

full story, said part having a floor area that does not exceed one-half the floor area of said full story, provided the area contains at least 200 square feet with a clear height of at least 7 feet and 6 inches.

85. STREET OR ROAD: A street or road is the dedicated and accepted public thoroughfare including the right-of-way and roadway.
86. STRUCTURE: A structure is anything constructed, erected, or to be moved to or from any premises that is permanently located above, on, or below the ground, including signs and billboards.
87. SWIMMING POOL: The term swimming pool shall mean any structure or container, located whether above or below grade, designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.
88. TELECOMMUNICATION ANTENNA: A telecommunication antenna is any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals, excluding satellite dish antenna.
89. TELECOMMUNICATION TOWER: A telecommunication tower is a structure designed and constructed primarily for the purpose of supporting antennae and accessory equipment used in receiving or transmitting telecommunication or radio signals from mobile communication sources and transmitting those signals to another wireless site, communication source or receiver or to a central switching computer which connects the mobile unit with land based telephone lines. Examples of such structures include, without limitations, freestanding towers, guy towers, monopole, and lattice towers to transmit or receive radio, television, cellular telephone, or related signals or transmissions.
90. TEMPORARY SIGN: Temporary signs are for short-term advertising without permanent in-ground supports.
91. 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 and shall not include those types of tents used solely for children's recreational purposes.
92. TOWNSHIP BOARD: The Township Board of Flowerfield Township.
93. TRAVEL TRAILERS: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging, but which does not exceed 8 feet in width or 35 feet in length. This term also includes folding campers and truck-mounted campers, but not mobile homes.
94. VARIANCE: A variance is a modification of the literal provisions of a dimension requirement, as opposed to the use of the property, which is granted when strict enforcement would cause unnecessary hardship or practical difficulties related to the character of the individual property on which the variance is granted. Hardships based solely on economic considerations are not

grounds for a variance.

- 95. VETERINARY CLINIC: A veterinary clinic is a facility for the medical treatment of animals. Keeping animals for limited periods for observation when in the care of a veterinarian does not constitute a kennel.
- 96. WALLS: See fences and walls.
- 97. WALL SIGN: Wall signs are attached to a building lying flat against the wall of the building therewith.
- 98. WATERFRONT LOT: A waterfront lot is any lot or parcel of land on an inland lake or stream. An inland lake or stream is a natural or artificial lake, pond, impoundment, river, stream, creek, or any other water body having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water and has a surface area of 5 acres or more.
- 99. YARD: An open space, on the same land with a building or group of buildings, which lies in the area between the building and group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. Yard area shall not include building overhangs. (See illustration entitled Yards).
 - A. Front: An open space extending the full width of a lot between the principal building and the front lot line, or right-of-way line.
 - B. Rear: An open space extending the full width of a lot between the principal building and the rear lot line.
 - C. Side: An open space extending on each side of the lot between the principal building



and the respective side lot line.

- 100. ZONING ADMINISTRATOR: The person or persons appointed by the Township Board to administer and enforce this Ordinance.

ARTICLE 4

GENERAL PROVISIONS

4.01 ACCESSORY BUILDINGS AND STRUCTURES

Except as otherwise provided in this Ordinance, the following requirements shall be met:

1. All accessory buildings and structures greater than 200 square feet shall meet the front, side, and rear setback requirements of the zoning district in which it is located.
2. No accessory structure shall be used for dwelling purposes except as otherwise may be allowed by this ordinance.
3. Accessory uses shall not involve the conduct of any business, trade or industry, except as may otherwise be allowed in this ordinance.
4. The distance between an accessory building or structure and any principal building shall not be less than ten (10) feet.
5. Accessory buildings shall be considered as attached to a principal building when the distance between two buildings is solidly covered and enclosed by a breezeway, portico, covered colonnade having a common wall or roof or similar architectural, feature. Such attachment shall not exceed thirty (30) feet in length.
6. An accessory building or structure shall not exceed the height limitation of the district in which it is located.
7. Small accessory buildings of less than two hundred (200) square feet, that are not on a concrete slab or anchored to the ground, shall be allowed without limitation and shall not require a zoning permit.

4.02 ACCESSORY DWELLINGS

1. Accessory dwelling units such as guesthouses or elder residences shall be permitted in conjunction with a single-family home in any Agricultural or Residential Zoning District subject to the following provisions:
 - A. Only one such dwelling unit shall be permitted on each premises and the use of the accessory dwelling unit, shall be limited to use as the residence of domestic employees, or family members of the owner or the lessee of the principal single-family dwelling. Legal evidence or affidavit of such shall be required to be submitted prior to the issuance of a building permit for an accessory dwelling.
 - B. The premises shall be the principal address of the owner or lease holder of the property.

- C. The accessory dwelling shall be erected as an integral part of the principal dwelling structure or as an integral part of an otherwise permitted accessory building such as an attached or detached garage.
- D. The minimum square footage of habitable floor area provided in the accessory dwelling shall be two hundred eighty (280) square feet for one person and four hundred (400) square feet for two persons. The maximum amount of floor area allowed in an accessory dwelling shall be six hundred fifty (650) square feet or fifty percent (50%) of the total floor area of the principal dwelling.
- E. In such instance that the accessory dwelling unit is to be a part of an otherwise permitted accessory building, the habitable floor area shall not comprise more than fifty percent (50%) of the total floor area of an accessory structure.
- F. Whether an integral part of the principal dwelling structure, attached, or detached accessory building, the accessory dwelling shall be equipped with its own domestic water supply, sanitary facilities approved by the St Joseph County Health Department, food preparation facilities, and means of outdoor entrance and exit.
- G. Detached accessory buildings containing an accessory dwelling unit shall comply with the provisions of this ordinance except that such building shall not be located closer than twenty-five (25) feet from the rear lot line.
- H. If attached to or integrated within the principal dwelling structure, only one (1) front entrance to the structure shall be visible from the front yard and there shall be no external evidence of occupancy by more than one (1) domestic unit (family). The floor area of the accessory dwelling shall not be calculated in maintaining the minimum required floor area for the principal dwelling unit.
- I. All building additions made to an existing structure to facilitate the provision of an accessory dwelling shall be done in a manner that conforms architecturally to the existing structure.

Detached accessory buildings containing an accessory dwelling shall be constructed to conform architecturally with the principal dwelling or an alternate architectural style similar to that for single-family homes in the zoning district.

4.03 ACCESS TO A PUBLIC STREET

All lots must abut on a public street or road for an uninterrupted distance equal to the minimum lot width as required in this Ordinance. For a lot abutting the end turnaround area of a cul-de-sac, the minimum road frontage will be 50 feet, provided the lot width meets the minimum lot width requirements of the zoning district in which it is located.

4.04 BASEMENT DWELLING

The use of the basement of a partially built or planned building as a residence or dwelling unit is prohibited.

4.05 CHANNELIZATION

There shall be no new channelization on lakefront properties that would increase the numbers of lake users and therefore substantially increase the dangers of polluting or degrade the water quality of the lake. Any alteration of any shoreline or stream shall conform to all rules and regulations of the Michigan Department of Environmental Quality.

4.06 CLEAR VISION CORNER

No obstructions exceeding thirty-six 36 inches in height may be placed within the clear vision corner in any zoning district. No sign, fence, structure, or planting over thirty-six 36 inches in height shall be planted or erected within the area of the clear vision corner. However, chain link fences may be allowed up to forty-eight (48) inches in height.

4.07 COMMERCIAL STABLES

Private commercial stables for the keeping of horses or other large domestic animals, for commercial use or hire on the site, shall be permitted within residential Districts when authorized by the Planning Commission as a Special Land Use.

4.08 CORNER LOTS

Where a lot is bounded by two intersecting streets, the front yard requirements shall be met on both street sides.

4.09 DRIVEWAYS

An approved driveway permit must be obtained from the St. Joseph County Road Commission and Michigan Department of Transportation (for driveways on M-216) and submitted to the Zoning Administrator prior to the issuance of a zoning permit. All driveways must maintain a cleared driving area their entire length to a width of 12 feet and a cleared height of 10 feet. No driveway may have a slope greater than 15%.

4.10 DWELLING REQUIREMENTS

Every dwelling shall be:

1. Located on an individual lot or site condominium unit satisfying the minimum lot size requirements for the zoning district within which it is located and shall comply with the other applicable minimum requirements of this Ordinance for the zoning district in which it is located, including height, width, living area requirements, area, and dimension regulations.
2. Connected to a public sewer and water supply or to such private facilities approved by the Health Department. No drain fields, absorption beds, or seepage pits shall be closer than 100 feet from any lake, stream, river, or other surface water.
3. A detached building containing not more than one dwelling unit designed for residential use and shall comply with the following standards:

- A. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- B. The dwelling, if not a mobile home, shall be firmly attached to a permanent foundation constructed on the site in accordance with the Residential Code and the area between the grade elevation of the lot and the structure shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the Residential Code for single-family dwellings. In the event that the dwelling is a mobile home, such dwelling shall be installed pursuant to the manufacturers setup instructions and the rules and regulations of the Michigan Mobile Home Commission and shall be secured to the premises by an anchoring system or device also complying with the rules and regulations of the Michigan Mobile Home Commission. In addition, the area between the grade elevation of the lot and the mobile home shall either have a wall of the same perimeter dimensions of the mobile home and constructed of such materials and type as required in the Residential Code for single-family dwellings or instead have skirting of the same perimeter dimensions of the mobile home, which skirting shall be in compliance with the standards set forth in Rule 604 of the Michigan Mobile Home Code promulgated by the Michigan Mobile Home Commission.
- C. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism (if removable), undercarriage or chassis.
- D. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- E. The dwelling contains no additions or rooms or other areas that are not constructed with similar or better quality workmanship and materials as the original structure.
- F. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended. With respect to any mobile home that is not certified with the aforementioned regulations as complying with the above-mentioned construction and safety standards, the applicant shall provide certification from the mobile home manufacturer or other reliable source that the mobile home complies in all material respects with the aforementioned standards. The Zoning Administrator shall have authority to require the applicant to submit to an inspection of its mobile home by the Township Building Inspector to assist the Commission in its determination.
- G. The dwelling shall have a minimum width across any front, side or rear elevation of 24 feet through 75% of its length.
- H. The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be not less than 10% of the square footage of the dwelling or 100 square feet,

whichever is less.

- I. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinances of the Township pertaining to such parks.

4.11 DWELLINGS—FLOOR AREA REQUIREMENTS

All single-family dwellings shall have a minimum of Nine Hundred Sixty (960) square feet gross floor area

Multifamily dwellings shall have the following minimum floor area:

1. Studio/Efficiency apartment 480 square feet per unit.
2. One (1) bedroom 600 square feet per unit.
3. Two (2) bedrooms 750 square feet per unit.
4. Three (3) bedrooms 960 square feet per unit.
5. Four (4) or more bedrooms 1,000 square feet per unit plus an additional 100 square feet for every bedroom more than 4 bedrooms.

4.12 ESSENTIAL SERVICES AND PUBLIC UTILITIES

Essential Services and Public Utilities may be located in any zone. However, essential services and public utilities in any residential zone may be allowed only upon the review and approval of a Site Plan in accordance with this ordinance. Before approving such Site Plan the Planning Commission shall determine that all aspects therein conform to the requirements of this Ordinance and that the physical layout and relationship of the improvement will provide for the convenience, safety and welfare of the general public and will not adversely affect existing or potential, adjacent primary permitted uses. It shall be lawful for public utilities, municipal departments, or commissions to erect, construct, alter, or maintain underground or overhead gas, electrical, steam, or water distribution or transmission systems, collection, communication supply or disposal system, including poles and towers, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police equipment, and accessories in connection therewith, providing such services are below ground or located within a public right-of-way. Essential Services buildings, substations, and regulator stations located above ground or not located within a public right-of-way require a Special Land Use permit.

4.13 EXCAVATION OF TOPSOIL

Topsoil shall not be stripped, excavated or otherwise removed on any premises for sale or for use other than on the premises, except: (1) when in connection with construction and grading operations, (2) if the topsoil is in surplus amounts; or (3) as a product of authorized excavation of muck, peat, sand, gravel or other mineral deposits. All such activities shall conform to the sedimentation and erosion control regulations enforced by St. Joseph County. Excavation of topsoil, muck, peat, sand, gravel or other mineral deposits affecting areas greater than 20,000 square feet shall require review and

approval as a Natural Resource Removal Operation Special Land Use in accordance with this Ordinance. Site Plan Review shall be required to protect the public health, safety, and welfare and to protect ground and surface waters, natural drainage, and water tables.

4.14 EXOTIC OR WILD ANIMALS

Except as otherwise provided in this section, it is unlawful in this Township for a person to possess, breed, exchange, buy, sell, or attempt or offer to buy or sell, the following exotic or wild animals:

1. Non-human primates
2. Venomous cold blooded reptiles and other cold blooded animals that, if in contact with humans, are capable of inflicting fatal injury to the average human
3. All poisonous animals
4. Constrictor snakes, six feet in length or more
5. Exotic or wild family cats including but not limited to bobcat, cheetah, cougar, jaguar, leopard, lion, lynx, mountain lion, panther, puma, and tiger
6. Non-domesticated omnivores or carnivores including hybrid crosses of non-domesticated carnivores
7. Crocodilia (by example, crocodiles, alligators)
8. Piranha fish
9. Chondrichthyes (sharks)
10. Poisonous spiders, venomous or poisonous insects
11. Proboscides (by example, elephants)
12. Perissodactyla (generally nonruminant ungulate mammals with odd numbered toes, by example rhinoceros)

Wildlife sanctuaries and nature preserves for exotic or wild animals are prohibited. Exceptions to this prohibition shall be as follows: Zoological parks and aquariums that are accredited by the American Association of Zoological Parks and Aquariums, wildlife sanctuaries, nature preserves, circuses, bona fide scientific, medical, educational and research facilities or state licensed wild animal rehabilitation facilities.

4.15 FARM ANIMALS

Farm animals and fowl, may be kept in residential zoning districts on parcels of land less than 20 acres only according to the following standards:

1. There may be one (1) adult horse, cow or pig for every full acre of parcel size over the first 1 acre.

2. There may be two (2) adult goats, sheep for every full acre of parcel size over the first 1 acre.
3. There may be six (6) chickens, ducks, geese, or other fowl for every full acre of parcel size over the first 1 acre.
4. Noise or odors shall not adversely affect the use of adjoining properties or the surrounding neighborhood.
5. The owner of farm animals shall not permit or enable them to run at large. All areas where farm animals are kept must be enclosed with fencing appropriate to the type of animal being restrained.
6. Buildings used to house farm animals must be set back 50 feet from all property lines.
7. The homeowner must provide a protected enclosure. The property must be properly fenced in accordance with this Ordinance.
8. Farm animals shall not include exotic animals as regulated by St. Joseph County Animal Control.

4.16 FRONT YARD SETBACK AVERAGING

In any Residential Zoning District where the average depth of two or more adjacent front yards within one hundred (100) feet of the lot in question and in the same block and on the same side of the street, have existing buildings that are less than the minimum front yard depth prescribed for the zoning district in which the lot is located, then the required front yard may be modified to be no less than the average depth of the existing adjacent buildings; provided, however, that the depth of the setback shall not be less than twenty (20) feet.

4.17 HEIGHT EXCEPTIONS

The height requirements of all zoning districts may be exceeded for chimneys, silos, farm barns and storage structures, roof-mounted television and radio antennae, cupolas, spires, ornamental projections, water towers, telecommunication towers or wind turbines. The height limitations may be exceeded above the height limitations provided they are located at least the same distance as their height from any adjoining property line, and meet all applicable height restrictions of the FAA.

4.18 HOME OCCUPATIONS

Home occupations shall meet the following minimum standards:

1. No person other than immediate members of the family residing on the premises shall be engaged in such occupation.
2. The use of the dwelling for the occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the gross floor area (GFA) of the dwelling shall be used in the conduct of home occupations.

3. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupations other than one sign, not exceeding 6 square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
4. No home occupation shall be conducted in any accessory building except as a Family Business by Special Land Use permit.
5. There shall be no sale of products or services except as are produced on the premises by such home occupations.
6. No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupations shall be met off the street and other than in a front yard.
7. No equipment or process shall be used in such home occupation that creates noise; vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises or causes fluctuation in line voltage off the premises.
8. Outdoor storage of equipment, trucks, machines or supplies is prohibited.
9. Retail sales and machine manufacture of goods from raw materials is not allowed.
10. Bed and breakfast establishments may be located only in single-family dwellings operated by the property owner. There must be one parking space for each guest room. The number of guest rooms shall be limited to one for each 1,000 square feet of GFA. Meals may be served in a separate room designed for serving meals and only to overnight guests, not the public.

4.19 HOUSEHOLD PETS

Except in the agricultural zoning district, not more than six (6) household pets of any species may be kept on any parcel. Household pets kept, bred, or maintained for commercial purposes shall comply with State Law regarding kennels.

4.20 OPEN SPACE PRESERVATION OPTION

Land zoned for residential development may be developed, at the option of the land owner, with the same number of dwelling units on a portion of the land specified herein, but not more than 50%, that, as determined by the Township, could otherwise be developed, under existing ordinances, laws, and rules, on the entire land area, if all of the following apply:

1. The land is zoned at a density equivalent to 2 or fewer dwelling units per acre, or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.
2. A percentage of the land area specified in the zoning ordinance, but not less than 50%, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this

subsection would also depend upon such an extension.

4. The open space preservation option has not previously been exercised with respect to that land.
5. The development of land under the open space preservation option is subject to other applicable ordinances, laws, and rules, including rules relating to suitability of groundwater for on-site water supply for land not served by public water and rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

4.21 OUTDOOR STORAGE

The outdoor storage, collection or placing of discarded material, building materials, semi-trailers, inoperable or unlicensed motor vehicles or refuse is prohibited in all zoning districts.

4.22 OUTDOOR BOILERS AND BURNERS

Outdoor boilers and burners are permitted within the Township only if in compliance with the following regulations:

1. Zoning District - Outdoor boilers and burners may be installed and used only on parcels of land greater than one (1) acre.
2. Setback - Outdoor boilers and burners shall be located no less than 150 feet from the nearest building which is not on the same property as the outdoor boilers and burners.
3. Chimney Height - Outdoor boilers and burners shall have a chimney that extends at least 15 feet above the ground surface. The Mechanical Inspector may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.
4. Fuel – Only approved fuel without additives may be burned. The following materials are specifically prohibited:
 - A. Rubbish or garbage, including but not limited to food waste, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
 - B. Waste oil or other oily wastes.
 - C. Asphalt and products containing asphalt.
 - D. Treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
 - E. Any plastic material including, but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - F. Rubber, including tires and synthetic rubber-like products.

- G. Newspapers, corrugated cardboard, container board or office paper.
 - H. Grass clippings.
5. Permit - The owner of an outdoor boiler or burner shall obtain a zoning permit from the Township. The applicant for a zoning permit shall submit the following information:
- A. Verification that the outdoor boiler or burner will comply with the manufacturer's specifications for such outdoor boiler or burner.
 - B. Verification that the outdoor boiler or burner will comply with all applicable state and federal statutes.
 - C. A drawing providing the location and other relevant details of the proposed outdoor boiler or burner and of nearby residences, to establish compliance with all regulations contained in this Ordinance.

4.23 PONDS

1. PONDS, RECREATIONAL – No person shall erect, install, locate, or construct an outdoor pond, unless it has first been approved subject to the following:
- A. The pond shall be used for recreation or pleasure use only.
 - B. The extraction and removal of material from the property in excess of three (3) acres, as a part of the construction of the pond, shall require the issuance of a Natural Resource Removal permit in accordance with this Ordinance. A separate permit for the removal of topsoil, sand, or gravel must be obtained by the applicant.
 - C. The Planning Commission may waive or modify one or more of the standards if the pond is for use as a detention/retention facility required for stormwater management purposes.
 - D. Ponds located within five hundred (500) feet of a County Drain or surface water must be approved by the St. Joseph County Drain Commissioner and the Michigan Department of Natural Resources and Environment or its successor agency. **MDNRE approval is also required for ponds that are either within a regulated wetland or greater than five (5) acres in size.**
 - E. A pond may be located in any zoning district and may be considered a principal or accessory use.
 - F. At a minimum, a pond shall comply with all the yard requirements for the zoning district in which it is located. The Planning Commission may increase the minimum setbacks for ponds when in its discretion such is determined to be necessary to minimize potential public health and safety concerns or nuisance conflicts with adjoining properties.
 - G. As part of its authorization of a pond, the Planning Commission may approve the location of a pond in a front yard, but the pond shall not be located within 50-feet of a road right-of-way.

- H. No pond shall be drained in any manner that will cause water to flow upon the land of another.
 - I. No pond shall be constructed, installed, or maintained which either causes or contributes to the erosion of any adjacent, abutting, or nearby lands.
2. POND, AGRICULTURAL - No person shall erect, install, locate, or construct an outdoor pond, unless it has first been approved by the Planning Commission as a Special Land Use.

4.24 PRINCIPAL USE

No lot may contain more than one principal use, structure or building. Groups of apartment buildings or retail business buildings under single ownership shall be deemed a principal use collectively. A single-family dwelling, other than a farm dwelling, shall constitute a principal use, and except as otherwise allowed in this ordinance, only one single-family dwelling shall be allowed on a lot. Farm dwellings may be considered an accessory part of the agricultural principal use of farming. A principal use must be located entirely within a lot or parcel.

4.25 PUBLIC AND INSTITUTIONAL USES

Public and institutional uses may be located in any zoning district upon Special Land Use approval by the Planning Commission as provided in this Ordinance.

4.26 REQUIRED AREA OR SPACE

No lot or lots, required setback, yard, parking area, or other space shall be so divided, altered, or reduced as to make it less than the minimum required under this Ordinance.

4.27 ROADSIDE STAND

The size of any display at a roadside stand shall not exceed 400 square feet in area and may not be operated for more than 6 months in a calendar year.

4.28 SCREENING REQUIRED

All uses and activities requiring screening must be submitted to the Planning Commission according to the Site Plan Review requirements of this Ordinance. Screening may consist of walls, fences, vegetation, and berming or a combination of any of these as allowed by the Planning Commission.

All uses listed below shall be screened as required in this section.

- 1. Communication towers.
- 2. Multifamily dwellings.
- 3. Outdoor storage areas.

4. Loading and unloading areas.
5. Compost facilities.
6. All other uses specifically identified as having to meet the requirements of this section.

General Screening Requirements:

1. Walls and Fences (the following standards shall apply):
 - A. Walls and fences shall have no openings for vehicular traffic or other purposes except as otherwise provided in this Ordinance and except such openings as may be approved by the Planning Commission.
 - B. Walls and fences shall be constructed of durable, weather resistant, rustproof, and easily maintained materials.
 - C. Walls and fences may not be constructed with openings that exceed 20% of the surface. The openings shall not reduce the obscuring effect and shall not reduce the minimum height requirement.
 - D. The height of the required fence or wall shall be as follows:

USE	REQUIRED HEIGHT
Multifamily Dwellings	4' to 6'
Outdoor Storage Areas	6' to 8'
Off-Street Parking facilities	4'-6'
Loading and Unloading Areas	6'

2. Vegetation (the following standards shall apply):
 - A. Vegetation shall consist of upright conifers such as, but not limited to Blue, Green, White, or Serbian Spruce, Douglas fir, Austrian Pine, Juniper, or Hemlock.
 - B. There shall be a green belt planting strip with a width of not less than 20 feet along the property lines and may be within the required setback. Such green belt shall contain at least one straight or double staggered row of deciduous and/or evergreen trees, spaced not more than 40 feet apart, and at least three rows of deciduous and/or evergreen shrubs spaced not more than 8 feet apart and which grow to an ultimate height of no less than 12 feet.
 - C. For staggered, double-row plantings, trees shall be planted not more than 15 feet on center. For single row spacing, trees shall be planted not more than 10 feet on center.
 - D. Trees shall not be less than 5 feet in height at the time of planting.
 - E. Trees shall be set back from the property line so that branches do not extend beyond the property line at maturity.

- F. Existing trees that comply with the standards of this section, as determined by the Planning Commission, shall be credited toward meeting the screening requirements.
 - G. All required plant units should be maintained in a healthy, growing condition. Any required plant units that are destroyed, removed, diseased, or die, shall be replaced within 6 months with plant units that meet the requirements of this section. Failure to maintain required plant units in such a manner, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this Ordinance.
 - H. The plantings shall be maintained in a neat and attractive manner commensurate with the adjoining areas, and shall maintain their density and screening effect throughout the calendar year.
3. Berming (the following standards shall apply):
- A. Berms shall be at least 4' 6" in height, constructed with 1 foot of rise for each 3 feet of horizontal distance.
 - B. Berms shall be constructed of clean fill and topsoil, and seeded with perennial rye and an appropriate grass seed, and shall be covered with organic mulch.
 - C. Berms shall be landscaped with shrubbery and trees to enhance the screening effect and aesthetic appearance of the berm, and shall be maintained in a neat and attractive manner.
4. Landscaping (the following standards shall apply):
- A. Landscaping shall mean, at a minimum, an area constructed of clean fill and topsoil and seeded with perennial rye and an appropriate grass seed with a minimum 30% cover of plant materials and mulch.
 - B. Landscaping may include berms. Berms may include shrubbery and trees to enhance the landscaping effect and aesthetic appearance.
5. Screening of refuse storage areas (the following standards shall apply):
- A. Trash, garbage, and refuse storage and receiving areas are required to be screened from view. Screening walls or fences for these purposes shall be a minimum of 4' 6" in height and shall be of satisfactory height so as to completely screen the appropriate areas from view.
 - B. Screening walls shall have no openings except for gates or doors intended to access said area.
6. Surety, as required by this Ordinance, sufficient to cover the cost of the required screening, may be required and used if the required improvements are not completed within 12 months from the date of approval.

4.29 SEWER AND WATER

In the absence of public sewer and/or water, no building permit shall be issued for any building to be

occupied by human beings in whole or in part for residential, commercial, industrial or recreational purposes unless adequate provisions have been made for a safe water supply and sewage disposal system. Evidence of compliance with the requirements of the county health department shall accompany the application for a building permit.

4.30 SITE PLAN REVIEW

Whenever required in a zoning district of this Ordinance, a Site Plan must be submitted in accordance with the Site Plan Review requirements of this ordinance.

4.31 SMALL WIND ENERGY SYSTEMS FOR PERSONAL USE

Small Wind Energy Systems for personal use must have a rated capacity of not more than 30 KW and be intended primarily to reduce on-site consumption of utility power. Small Wind Energy Systems shall be a permitted use in the Agricultural and R-1 Residential zoning districts. Some locations may be unsuitable for a small energy system; automatically allowing use anywhere could cause problems. The following restrictions shall be required:

- A. The distance between a Wind Energy System and the owner's property lines shall be at least one and one-half (1 ½) times the height of the Wind Energy System tower including the top of the blade in its vertical position.
- B. Small Wind Energy Systems shall not be a nuisance at any property line.
- C. No Wind Energy System shall be installed until evidence has been provided, that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. These generators must comply with the Michigan Public Service Commission and utility requirements. Off-grid systems shall be exempt from this requirement.
- D. Measures shall be used to reduce the visual impact of wind turbines to the extent possible. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades.
- E. A study may be required to identify and assess any potential impacts on the natural environment, including but not limited to, wildlife, endangered species, wetlands, historical and cultural sites, antiquities and fragile ecosystems, and shall take appropriate measures to eliminate or mitigate impacts identified in the study.
- F. A process shall be created to resolve complaints from nearby residents. The process shall use an independent mediator or arbitrator and include a time limit for acting on a complaint.

Small Wind Energy Systems for personal use in any zoning district other than AG and R-1 and Large Wind Energy Systems with a rated capacity of more than 30 KW shall be considered a Special Land Use.

4.32 STATE LICENSED RESIDENTIAL FACILITIES

At least 45 days before licensing a residential facility, the state licensing agency shall notify the Township Board of trustees as to where the proposed facility would be located, to review the number of existing or proposed similar State Licensed Residential Facilities whose property lines are within a 1,500 foot radius of the property lines of the location of the applicant. The Township Board shall, when a proposed facility is to be located within the Township, give appropriate notification of the proposal to license the facility to those residents whose property lines are within a 1,500-foot radius of the property lines of the proposed facility. A state licensing agency shall not license a proposed residential facility when another state licensed residential facility exists within the 1,500-foot radius, of the proposed location or when the issuance of the license would substantially contribute to an excessive concentration of state licensed residential facilities within the Township. This shall not apply to state licensed residential facilities caring for 4 or less minors.

4.33 SWIMMING POOLS

Swimming pools may be installed in any zoning district as an accessory use. All pools must meet the following conditions:

1. Pools may be installed in the side or rear yards of a lot in residential and agricultural districts. All yard requirements shall be met, except as provided below.
2. No pool or pool enclosure shall be erected closer than 5 feet from the rear and side property lines of the lot. For corner lots, the pool shall not be located closer than 20 feet from any property line abutting any street.
3. Pools may not occupy more than 40% of the area of the yard. In computing such area, all other accessory structures shall be excluded.

4.34 TELECOMMUNICATION ANTENNAS

Telecommunication antennas shall be allowed by right on all existing towers or structures in any zoning district subject to the following:

1. An antenna on any existing structure does not exceed more than 30 feet above the highest point of the structure.
2. An existing tower may be modified or rebuilt a single time to a taller height to accommodate a new antenna provided that the tower shall be of the same tower type and that the tower is not more than 30 feet higher than the existing tower to accommodate the co-location of an additional antenna.

4.35 TELECOMMUNICATION TOWERS

Telecommunication towers for commercial radio and television, commercial telecommunications, microwave or television are permitted in the Agricultural District as Special Land Uses.

4.36 TEMPORARY STRUCTURES FOR NONRESIDENTIAL PURPOSES

Temporary structures for nonresidential purposes only may be allowed by permit by the Zoning

Administrator for the following activities. The permit shall specify the location of the temporary structure and shall cancel 6 months after the date of its issuance. The Zoning Administrator may renew the permit for additional 6-month periods, not to exceed two years, if he finds good cause.

1. Construction Office: The storage of building supplies and machinery, temporary storage buildings and customary trade, contractor, or architect's identification signs in connection with a construction project may be authorized by the Zoning Administrator for a period of up to 12 months.
2. Subdivision Office: The Zoning Administrator may authorize a temporary certificate of occupancy for a dwelling in a new subdivision to be used as a sales and management office for a period of 12 months.

In any event, the temporary structures and all debris shall be removed within 15 days after completion or abandonment of the work. Temporary buildings for uses incidental to construction work shall be removed promptly upon completion or abandonment of work.

4.37 TEMPORARY DWELLING FOR HARDSHIP

No garage or other accessory structure or mobile home failing to satisfy all of the criteria for a "dwelling" as defined herein, or a basement, partially constructed structure, whether fixed or portable, shall be used for temporary dwelling purposes. The Zoning Administrator may issue a permit for temporary use of a structure for use as a temporary dwelling (1) for disabled or infirm members of the family occupying a permanent dwelling on the same parcel, or (2) as a temporary living or working quarters for up to 180 days while a dwelling unit is being constructed on the same premises, or (3) for persons having short-term or temporary employment within the Township, (4) for use as a temporary dwelling for the occupants of a dwelling damaged by fire or storm providing they meet the following requirements:

1. The temporary dwelling must be located on the same lot or parcel as the principal residential dwelling.
2. The temporary dwelling has a water system and septic tank system that meets the requirements of the Health Department. A certificate from said department showing such compliance shall be filed with the building inspector before any use or occupancy is made of said temporary dwelling.
3. The lot area to be associated with the temporary dwelling must be defined, and the yard requirements for a single-family dwelling shall be met.
4. Any mobile home shall have skirting of non-corrosive metal or plastic.
5. Provided that the applicant demonstrates the ability and intent to erect, reconstruct, and/or complete a permanent dwelling on the premises.
6. If the temporary dwelling is a manufactured home, all plumbing, electrical apparatus, insulation and installation and construction within and connected to the mobile home shall be of a type and quality conforming in all material respects to the safety requirements contained in the mobile home construction and safety standards as promulgated by the rules of the U.S. Department of Housing and Urban Development (HUD) specifications for mobile home construction as

amended.

7. The time allowed by the temporary dwelling permit shall not exceed 1 year. A temporary housing permit issued under this section may be renewed annually for the same unit or location with the approval of the Zoning Administrator. It shall be the property owner's responsibility to renew a permit. Failure to renew a temporary permit within the specified time shall constitute expiration.

The fee to be paid for the issuance of a temporary dwelling permit shall be established by the Township Board. If a permit is renewed, an additional fee will be collected.

The Zoning Administrator shall revoke the temporary dwelling permit at any time if the usage violates any of the requirements outlined in this section. If a permit is revoked, the unit must be vacated and removed from the property within 30 days, or it constitutes a violation of the Ordinance and is subject to the penalties outlined in this Ordinance.

8. Temporary dwellings shall be allowed according to the following standards and conditions:
 - A. If a zoning permit has been issued for the permanent dwelling, the Zoning Administrator shall issue the temporary dwelling permit for the mobile home. A reasonable extension may be granted prior to completion of the dwelling,
 - B. For the use of a recreational vehicle or mobile home said permit shall only be valid for one designated site,
 - C. The applicant must first submit plans for and receive a building permit for the construction or reconstruction of a permanent dwelling upon the premises.
 - D. The applicant must commence construction or reconstruction of the permanent dwelling within ninety (90) days after issuance of the building permit.
 - E. The temporary dwelling shall cease to be used as a dwelling upon completion and occupancy of the permanent dwelling upon the premises. A mobile home used as a temporary dwelling shall be removed within 30 days after the purpose for which the permit was issued no longer exists.

4.38 TRAFFIC VISIBILITY AND CORNER CLEARANCE

On any corner lot in any zone, no fence, structure or planting over 30 inches in height, shall be erected or maintained on the street side of a line drawn between two points each being 30 feet from the intersection of the rights-of-way of two intersecting streets in order to prevent traffic hazards arising from inadequate visibility.

4.39 WALLS AND FENCES

Walls and fences shall be subject to the following conditions:

1. All zoning districts:

- A. All fences shall be erected with fence posts and supports on the interior side except to fence farm animals and livestock, in which case posts and supports may be on the exterior side but within the property line.
 - B. Under no circumstances shall a fence be constructed of used or unconventional fencing materials including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items.
 - C. Fences may be located on the property line, but may not extend into any right-of-way or onto adjacent property.
 - D. Fence heights shall be measured from the surface of the ground immediately below the location of the fence.
 - E. Fences shall not be located within 30 feet of the ordinary high-water mark of a lake or stream.
 - F. All fences shall be of such design and location that they do not obstruct the vision of motorists on adjacent roads or the vision of pedestrians or motorists leaving the premises.
 - G. Retaining walls are exempt from these provisions.
2. R-2 and R-3 Residential Districts:
- A. Fences not greater than 6 feet in height are allowed in side or rear yards.
 - B. Fences not more than 4 feet in height are allowed in the front yard if they are not more than 25% solid.
 - C. Fences not more than 3 feet in height are allowed in the front yard if they are more than 25% solid.
 - D. Fences on lots having a lot area in excess of 4 acres and not included in the boundaries of a recorded plat or a site condominium subdivision shall only be required to meet the provisions for all zoning districts as stated above, provided that any fence located within 30 feet of a road right-of-way shall meet the following conditions:
 - i. Fences not more than 4 feet in height are allowed if they are not more than 25% solid.
 - ii. Fences not more than 3 feet in height are allowed if they are more than 25% solid.

4.40 WATERFRONT LOTS

In order to preserve water quality in lakes, rivers and streams and to prevent deterioration of these resources and their tributaries, it is necessary to regulate the use of adjoining lands. Land uses abutting Township lakes, rivers and streams (not located within the Surface Water Overlay District), shall conform to the following provisions where applicable:

- 1. Planting Strips: A strip 25 feet wide, bordering river and stream banks, shall be planted and

maintained in trees or shrubs, or if undisturbed, it shall be left in its natural state. The following variations may be made:

- A. An opening, not to exceed twenty (20) feet may be made in the planting strip to provide convenient access from each property.
 - B. Trees and shrubs may be pruned or trimmed for a distance not to exceed 50 feet on each property to obtain a view of the river or stream.
2. Location of Septic Tank Drain fields: No septic tanks, dry wells, or drain fields may be closer than 100 feet to the ordinary high water mark of any lake, river or stream edge and must be constructed in compliance with all regulations of the County Health Department in placement and design.
3. Uses on Waterfront Lots: On waterfront lots, the water frontage shall be the front yard. In such case, no building is permitted within 25 feet of the adjoining street right-of-way, and side yard requirements shall be met. All uses on waterfront lots, including additions or extensions to existing buildings, shall meet the following requirements:
- A. All buildings shall be set back at least 65 feet from the ordinary high-water mark, unless the district standard is greater.
 - B. Except for support structure, stairs, walkways, decks, and steps on embankments having a grade exceeding 12% must not be embedded into the ground.
 - C. The use of fertilizer is prohibited within 25 feet of the ordinary high water mark.
 - D. Grazing of livestock shall not be allowed on waterfront lots within 25 feet of the ordinary high-water mark.

4.41 WATERFRONT SETBACK AVERAGING

In order to minimize the blockage of the waterfront view of existing dwellings on a waterfront lot, the setback from the shoreline upon which a structure is to be built shall, as determined by the Zoning Administrator, be the most applicable of the following:

1. Equal to the average setbacks of the structures already built on both sides of the lot or parcel upon which a dwelling is to be built.
2. Equal to the average setback of the existing structures with respect to an adjoining lot built on one side, and the required minimum waterfront yard setback of the other adjoining vacant lot or parcel.
3. Shall at least meet the required minimum setback of this zoning district, if lots and parcels adjacent on both sides of the lot or parcel upon which a structure is to be built upon are vacant.

4.42 ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF

No building, structure, land, or premises shall hereafter be used or occupied, and no building or structure shall be erected, moved, removed, reconstructed, extended, or altered except in conformity with the regulations herein set forth.

4.43 ZONING PERMITS

No building, structure, land or premises shall hereafter be used or occupied, and no building or structure shall be erected, moved, removed, reconstructed or extended until a zoning permit has been obtained. A zoning permit for a dwelling shall not be issued, where public sewers are not available until a septic system permit has first been obtained from the Health Department.

An application for a permit shall be in writing and upon forms furnished by the Township. A permit issued by the Zoning Administrator is nontransferable and must be obtained before any work, excavations, erection, alteration or movement is commenced. Satisfactory evidence of ownership of the lot or premises may be required by the Zoning Administrator and shall be furnished upon request. If the application is approved, the Zoning Administrator shall so mark both copies of the application over his signature and file one copy with the Building Official or Township Clerk and return the other copy to the applicant. Zoning Permits shall not be required for any of the following:

1. Sidewalks, patios, driveways, etc., that are not more than thirty (30) inches above adjacent grade
2. Annual and perennial plants, shrubs, trees, etc.
3. Vegetable and flower gardens
4. Mailboxes
5. Yard lights
6. Exterior building renovations such as windows, doors, siding, roofing, etc., that do not change the existing footprint or the use or function of the building
7. Interior renovations that do not change the use or function of the building
8. Other similar activities as determined by the Zoning Administrator

ARTICLE 5

CLASSIFICATION OF DISTRICTS

5.01 ZONING DISTRICTS

For the purpose of this Ordinance, Flowerfield Township is hereby divided into the following zoning districts to be known as:

- AG Agricultural District
- R-1 Rural Residential District
- R-2 Medium Density Residential District
- R-3 High Density Residential District
- SWO Surface Water Overlay District
- B-1 Business District

5.02 PROVISION FOR OFFICIAL ZONING MAP

For the purpose of this Ordinance, the zoning districts, as provided herein, are bound and defined as shown on a map entitled Official Zoning Map of Flowerfield Township. The official zoning map, with all explanatory matter thereon, is hereby made a part of this Ordinance.

5.03 INTERPRETATION OF BOUNDARIES

The Zoning Board of Appeals shall determine all questions concerning the exact location of the boundary lines of the districts.

5.04 SCHEDULE OF DISTRICT REGULATIONS

The following regulations regarding lot sizes, yards, setbacks, and densities apply within the zoning districts as indicated, including the regulations contained in the footnotes. No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of a lot used in complying with the provisions of this Ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

Zoning District	Minimum Lot Size Per Unit		Maximum Building Height, 1, 2		Minimum Setbacks 3,6,10			Minimum Floor Area Per Dwelling Unit, 7
	Area	Width	Stories	Feet	Front	Side	Rear	
AG	1 acre	220 feet	2.5	35	50	20	35	960 square feet single story 750 square feet ground floor/2 story
R-1	30,000 SF, 9	160 feet	2.5	35	50	10	35	960 square feet single story 750 square feet ground floor/2 story
R-2	20,000 SF, 9	100 feet	2.5	35	50	10	35	960 square feet single story 750 square feet ground floor/2 story
R-3 (with public utilities)	10,000 SF, 9	70 feet	2.5	35	35	10	35	960 square feet single story 750 square feet ground floor/2 story
R-3 (without public utilities)	15,000 SF, 9	85 feet	2.5	35	35	10	35	960 square feet single story 750 square feet ground floor/2 story
SWO	Same as the underlying zoning district							
B-1	20,000 SF	100	2.5	35	50	10	35	

5.05 FOOTNOTES TO SCHEDULE OF REGULATIONS

1. Excepting churches, schools, farm buildings and municipal buildings.
2. Permitted Height: No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected to exceed by no more than 15 feet the height limits of the district in which it is located; nor shall such structure have a total area greater than 10 percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building.
3. In all zoning districts, the required front yard setback shall not be used for off-street parking, loading or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives
4. Except for waterfront lots, all yards abutting upon a public street shall be considered front yards

for setback purposes. Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwellings on more than 60 percent of the lots of record on one side of the street in any one block in a single-family residential district, the depth of front yard for any building thereafter erected or replaced on any lot in such block need not be greater than the average depth of front yards of such existing buildings.

5. Architectural features, as defined, not including vertical projections, may extend or project into a required side yard not more than 2 inches for each 1 foot of width of such side yard and may extend or project into a required front yard or rear yard not more than 3 feet.
6. An unenclosed porch, paved patio, or terrace may project into a required front or rear yard for a distance not to exceed 16 feet.
7. The minimum floor area per dwelling unit shall not include area of basements, utility rooms, breezeways, porches or attached garages.
8. Minimum land area required for each dwelling unit in the R-2 District when public sewer are provided shall be:

Dwelling Unit Size	Land Area in Square Feet
Multiple Family Dwellings	
Efficiency or 1-bedroom unit	4,000
2-bedroom unit	4,000
3-bedroom unit	4,900
4 or more bedroom unit	6,300

For sites without public sewer, the maximum density for multiple family dwellings shall not exceed 8 units per acre. Documentation must be submitted which addresses the suitability of the site for the proposed density.

9. No permanently anchored accessory building or an accessory building with a foundation shall be located closer than 10 feet to a property line that abuts a residential district.
10. All area, bulk, and placement requirements shall be in accordance with the standards set by the Michigan Mobile Home Commission.

ZONING MAP

ARTICLE 6

AGRICULTURAL DISTRICT (AG)

6.01 STATEMENT OF PURPOSE

Agricultural districts are those open areas of the Township where farming, agricultural production dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. Large vacant areas, fallow land and wooded areas may also be included. Although the demand for other uses in these districts may ultimately outweigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply is essential to the health and welfare of the Township, county, state, and nation.

6.02 ALLOWED USES

1. Farms
2. Cemeteries, churches and parish houses, public schools and educational institutions and other municipal buildings, structures, or uses
3. Community buildings, public parks and recreational areas
4. Essential services
5. Single-family dwellings (On lots of record)
6. Storage Buildings

6.03 ACCESSORY USES

1. Antennae/satellite dishes
2. Buildings and uses such as barns, stables, silos, housing for farm labor, and accessory buildings, structures, and uses customarily incidental to any of the foregoing permitted uses customarily associated with agricultural activities
3. Children's play equipment
4. Family Child Care Home
5. Garages
6. Gardens and/or greenhouses
7. Home occupations
8. Personal pet facilities, including dog runs

9. Roadside stands not on permanent foundations for the sale of products grown or produced upon the premises together with incidental products related thereto
10. State Licensed Residential Facilities for Six Persons or Less. All state licensed residential facilities are considered accessory uses, provided they meet the requirements of this section and Act 287, 1972, as amended. State licensed residential facilities include foster-family homes, foster-family group homes, adult foster care family homes, and adult foster care small-group homes
11. Storage sheds
12. Swimming pools
13. Small Wind Energy Systems (with a rated capacity of less than 30 KW)

6.04 SPECIAL LAND USES

Obtaining a Special Land Use Permit in accordance with this Ordinance may permit the following uses:

1. Adult foster care facilities for seven persons or more
2. Airports and Landing Strips
3. Camps and Campgrounds, including Recreational Vehicle Parks
4. Compost Facilities
5. Confined Animal Feeding Operations
6. Family Businesses
7. Golf Courses and Country Clubs
8. Group Child Care Homes
9. Institutional and Residential Congregate Care Facilities
10. Kennels and Veterinary Clinics
11. Large Wind Energy Systems (with a rated capacity of more than 30 KW)
12. Migrant housing
13. Natural Resource Removal Operations
14. Public and Institutional Uses
15. Sawmills

16. Single-family Dwellings (Not on lots of record)

17. Telecommunications Towers

6.05 HEIGHT, AREA, AND DIMENSION REGULATIONS

The use of land and buildings in this zoning district shall meet all regulations as specified in the District Regulation Table 5.04.

Maximum lot coverage	15% for buildings and structures; not to exceed a total of 25% for structures, drives, and parking areas
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6.06 GENERAL REQUIREMENTS

Single-family dwellings are allowed on lots of record as of the date of this ordinance. Dimensional standards shall be the same as those for dwellings in the R-1 single-family residential zoning district.

ARTICLE 7

RURAL RESIDENTIAL DISTRICT (R-1)

7.01 STATEMENT OF PURPOSE

This district classification is designed to be the most restrictive of the residential districts to encourage an environment of predominantly large lot low-density single-family dwellings, together with a minimum of other residentially related facilities and activities primarily of service to the residents in the area. This is intended to accommodate moderately large lots that do not require public water and sanitary sewer services.

7.02 ALLOWED USES

1. Private single-family dwellings
2. Public parks and recreational facilities such as golf courses and parks
3. Churches
4. Essential public utility services, excluding buildings and substations and regulator stations
5. Cemeteries
6. Farms, excluding Confined Animal Feeding Operations (CAFO)
7. Storage Buildings

7.03 ACCESSORY STRUCTURES AND USES

1. Accessory buildings and uses customarily incident to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of a business
2. Antenna/satellite dishes
3. Children's play equipment
4. Family day care homes
5. Garages
6. Home occupations
7. Personal pet facilities, including dog runs
8. Private gardens and/or greenhouse when plants, flowers, or produce is not offered for sale
9. Roadside stands not on permanent foundations for the sale of produce grown on the premises

- 10. State licensed residential facilities for six persons or less, provided they meet the requirements of this section and Act 287, 1972, as amended. State licensed residential facilities include foster-family homes, foster-family group homes, adult foster care family homes, and adult foster care small-group homes
- 11. Storage sheds
- 12. Swimming pools
- 13. Small Wind Energy Systems (with a rated capacity of less than 30 KW)

7.04 SPECIAL LAND USES

- 1. Adult foster care facilities for seven persons or more
- 2. Camps and Campgrounds, including Recreational Vehicle Parks
- 3. Essential Services Buildings, substations, and regulator stations
- 4. Family Businesses
- 5. Group Child Care Home
- 6. Public and Institutional uses
- 7. Golf Courses and Country Clubs
- 8. Telecommunication Towers
- 9. Large Wind Energy Systems (with a rated capacity of more than 30 KW)

7.05 HEIGHT, AREA, AND DIMENSION REGULATIONS

The use of land and buildings in this zoning district shall meet all regulations as specified in the District Regulation Table 5.04.

Maximum lot coverage	15% for buildings and structures; not to exceed a total of 25% for structures, drives, and parking areas
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ARTICLE 8

MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

8.01 STATEMENT OF PURPOSE

This zoning district is designed to permit greater residential density than that provided in the R-1 district classification. It is designed to accommodate single-family dwellings, two-family dwellings, and higher density housing on moderately sized lots that do not require public utility service. This district is designed to permit the greatest density of residential uses allowed within the Township, together with other residentially related facilities designed to provide service to the inhabitants of the area.

8.02 ALLOWED USES

1. One-family dwellings
2. Two-family dwellings
3. Public golf courses, parks and other municipally owned or operated public recreational facilities
4. Churches
5. Essential public utility services, excluding buildings and substations and regulator stations
6. Cemeteries

8.03 ACCESSORY STRUCTURES AND USES

1. Accessory buildings and uses customarily incident to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of a business
2. Antennae/satellite dishes
3. Children's play equipment
4. Home occupations
5. Personal pet facilities, including dog runs
6. Private gardens and/or greenhouse when plants, flowers, or produce is not offered for sale
7. State licensed residential facilities for six persons or less, provided they meet the requirements of this section and Act 287, 1972, as amended. State licensed residential facilities include foster family homes; foster family group homes, adult foster care family homes, and adult foster care small-group homes
8. Storage sheds

- 9. Swimming pools

8.04 SPECIAL LAND USES

- 1. Adult foster care facilities for seven persons or more
- 2. Child Care Centers
- 3. Essential Services buildings, substations, and regulator stations
- 4. Family Businesses
- 5. Group Child Care Home
- 6. Institutional and Residential Congregate Care Facilities
- 7. Multiple Family Dwellings
- 8. Small Wind Energy Systems (with a rated capacity of less than 30 KW)

8.05 HEIGHT, AREA, AND DIMENSION REGULATIONS

The use of land and buildings in this zoning district shall meet all regulations as specified in the District Regulation Table 5.04.

Maximum lot coverage	15% for buildings and structures; not to exceed a total of 25% for structures, drives, and parking areas
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8.06 GENERAL REQUIREMENTS

- 1. Accessory buildings: There may be one accessory building for every 18,000 square feet of land area. The aggregate gross square footage of accessory buildings may not exceed the gross square footage of the principal structure.

ARTICLE 9

HIGH DENSITY RESIDENTIAL DISTRICT (R-3)

9.01 STATEMENT OF PURPOSE

It is the intent of this district to provide for a diverse residential environment by allowing single-family dwellings, duplexes, and multiple-family dwellings, and higher density housing on moderately sized lots which meet the requirements of this district that do not require public utility service. This district is designed to permit the greatest density of residential uses allowed within the Township, together with other residentially related facilities designed to provide service to the inhabitants of the area. Provisions are also made within this district to provide for grouped housing developments such as subdivisions; apartment complexes comprised of structures customarily known as garden apartments, terrace apartments, townhouses, row-housing units, and other housing structures of similar character; and, Manufactured Housing Communities.

9.02 ALLOWED USES

1. One-family dwellings
2. Two-family dwellings
3. Public golf courses, parks and other municipally owned or operated public recreational facilities
4. Churches
5. Essential public utility services, excluding buildings, substations, and regulator stations
6. Cemeteries
7. Manufactured Housing Communities

9.03 ACCESSORY STRUCTURES AND USES

1. Accessory buildings and uses customarily incident to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of a business
2. Antennae/satellite dishes
3. Children's play equipment
4. Family Child Care Home
5. Home occupations
6. Personal pet facilities, including dog runs
7. Private gardens and/or greenhouse when plants, flowers, or produce is not offered for sale

8. State licensed residential facilities for six persons or less, provided they meet the requirements of this section and Act 287, 1972, as amended. State licensed residential facilities include foster family homes; foster family group homes, adult foster care family homes, and adult foster care small-group homes
9. Storage sheds
10. Swimming pools

9.04 SPECIAL LAND USES

1. Adult foster care facilities for seven persons or more
2. Child Care Centers
3. Essential Service buildings, substations, and regulator stations
4. Family Businesses
5. Group Child Care Home
6. Institutional Care Facilities
7. Multiple-family dwellings

9.05 HEIGHT, AREA, AND DIMENSION REGULATIONS

The use of land and buildings in this zoning district shall meet all regulations as specified in the District Regulation Table 5.04.

Maximum accessory building height	No accessory building shall exceed twenty-four (24) feet in height.
Maximum lot coverage	25% for buildings and structures; not to exceed a total of 35% for structures, drives, and parking areas

9.06 GENERAL REQUIREMENTS

1. Accessory buildings: There may be one accessory building for every 8,000 square feet of land area. The aggregate gross square footage of accessory buildings may not exceed the gross square footage of the principal structure.

ARTICLE 10
BUSINESS DISTRICT (B-1)

10.01 STATEMENT OF PURPOSE

This district is designed to provide retail sales and commercial service uses catering to the needs of local residents and public.

10.02 ALLOWED USES

1. Automatic dry cleaning or laundry facilities
2. Retail sales businesses where no assembling, treatment or manufacturing is required
3. Offices
4. Banks, building and loan associations, and other lending institutions
5. Funeral parlors
6. Restaurants
7. Essential public utility services
8. Indoor theaters
9. Cleaning and laundry service customer stations
10. Barber shops and beauty parlors
11. Shoe repair shops
12. Churches
13. Multiple uses of buildings providing all of the uses are allowed by right
14. Off-premises Signs

10.03 ACCESSORY STRUCTURES AND USES

1. Accessory buildings and uses customarily incident to any of the foregoing, not including any manufacturing or treatment activities
2. Off-street parking and loading requirements in accordance with this ordinance
3. Signs

10.04 SPECIAL LAND USES

- 1. Telecommunication Towers

10.05 HEIGHT, AREA, AND DIMENSION REGULATIONS

The use of land and buildings in this zoning district shall meet all regulations as specified in the District Regulation Table 5.04.

Maximum lot coverage	15% for buildings and structures; not to exceed a total of 25% for structures, drives, and parking areas
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10.06 GENERAL REQUIREMENTS

None.

ARTICLE 11

SURFACE WATER OVERLAY DISTRICT (SWO)

11.01 STATEMENT OF PURPOSE

The Surface Water Overlay District is the application of an additional set of regulations that are supplemental to the underlying zoning district. This district is designed to preserve the safe and healthful conditions on all land within 500 feet of the water's edge of all rivers, and their tributary streams, to provide for other unique uses customarily associated with waterfront development. Its regulations are drawn to avoid contamination or destruction of streams and rivers and to protect the riparian rights of waterfront property owners. This article is also intended to regulate numbered and unnumbered zones on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.

It is the purpose of this Article to significantly reduce hazards to persons and damage to property as a result of flood conditions and to comply with the provisions and requirements of the National Flood Insurance Program, in accordance with the National Flood Insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency.

The purpose of the design requirements of this section is to slow the rate of storm water runoff, to reduce erosion and sedimentation, to protect water quality, to keep nutrients from entering rivers and streams, to maintain water temperatures at natural levels, to preserve fish and wildlife habitat, and to preserve the aesthetic and scenic values of the watershed environment.

The Federal Emergency Management Agency (FEMA) requires the designation of 100-year flood plains to determine eligibility for federal floodplain insurance.

The objectives of this Article include:

1. The protection of human life, health and property from the dangerous and damaging effects of flood conditions;
2. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas;
3. The prevention of private and public economic loss and social disruption as a result of flood conditions;
4. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
5. Insuring that the public has access to information indicating the location of land areas subject to periodic flooding; and
6. Preserving the ability of floodplains to carry and discharge a base flood.

11.02 DELINEATION OF THE SURFACE WATER OVERLAY ZONE

The “Zoning Map” shall be used to identify the generalized location of parcels in private and public ownership that are within this defined area.

1. The Digital Flood Insurance Rate Map (DFIRM) Database depicts flood risk information and supporting data used to develop flood risk data. The primary risk classifications used are the 1-percent-annual-chance flood event, the 0.2-percent-annual- chance flood event, and areas of minimal flood risk. The Flood Insurance Studies (FISs) and Flood Insurance Rate Maps (FIRMs) are published by the Federal Emergency Management Agency (FEMA). The FIRM is the basis for floodplain management, mitigation, and insurance activities for the National Flood Insurance Program (NFIP). The hardcopy FIRM and DFIRM and the accompanying FISs are the official designation of Special Flood Hazard Areas (SFHAs) and Base Flood Elevations (BFEs) for the National Flood Insurance Program (NFIP). The published effective FIRM panel numbers 0035D, 0045D, 0155D, 0160D are issued as the official designation of the SFHAs. As with any engineering analysis of this type, variation from the estimated flood heights and floodplain boundaries is possible.
2. The Surface Water Overlay Zone, including Special Flood Hazard Areas, shall overlay existing zoning districts delineated on the official Zoning Map. The boundaries of the Special Flood Hazard Areas shall coincide with the boundaries of the areas indicated as determined by the Flood Insurance Rate Maps.
3. The Flood Insurance Rate Maps are adopted by reference, appended and declared a part of this ordinance.
4. Where there are disputes as to the location of the Surface Water Overlay Zone or a Special Flood Hazard Area boundary, the Zoning Board of Appeals shall resolve the dispute in accordance with this Ordinance.
5. In addition to other requirements of this ordinance applicable to development in the underlying zoning district, compliance with the requirements of this Article shall be necessary for all development occurring within the Surface Water Overlay District. Conflicts between the requirements of this Article and other requirements of this ordinance or any other ordinance shall be resolved in favor of this Article, except where the conflicting requirement is more stringent and would further the objectives of this Article to a greater extent than the requirements of this Article. In such cases, the more stringent requirement shall be applied.

11.03 ALLOWED USES

All uses allowed in the underlying zoning district.

11.04 ACCESSORY STRUCTURES AND USES

Accessory buildings and uses customarily incident to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of a business.

11.05 SPECIAL LAND USES

All Special Land Uses allowed in the underlying zoning district

11.06 HEIGHT, AREA, AND DIMENSION REGULATIONS

As allowed in the underlying zoning district and further stated in this article.

11.07 GENERAL REQUIREMENTS

1. All new construction and substantial improvements within the Surface Water Overlay District, including the placement of prefabricated buildings and mobile homes, shall:
 - A. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
 - B. Be constructed with materials and utility equipment resistant to flood damage; and
 - C. Be constructed by methods and practices that minimize flood damage.
2. All new and replacement water supply systems shall minimize or eliminate infiltration of floodwaters into the systems.
3. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of floodwaters into the systems and discharges from systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
4. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.
5. Adequate drainage shall be provided to reduce exposure to flood hazards.
6. The Zoning Administrator or his representative shall review development proposals to determine compliance with the standards in this section.
7. Land shall not be divided in a manner creating parcels or lots that cannot be used in conformance with the requirements of this Article.
8. The flood carrying capacity of any altered or relocated watercourse not subject to federal or state regulations designed to insure flood carrying capacity shall be maintained.
9. Available flood hazard data from federal or state governments or other sources shall be reasonably utilized in meeting the standards of this section. Data furnished by the FEMA shall take precedence over data from other sources.
10. Compliance with the standards of this section shall be certified by a registered professional engineer or architect as may be required by the Zoning Administrator.

11.08 DEVELOPMENT PERMIT

Development, including the erection of structures and placement of mobile homes, within a flood hazard area shall not occur except upon issuance of a zoning compliance permit in accord with the requirements of (citation for sections dealing with zoning compliance permit issuance) and the following standards:

1. The requirements of this Article shall be met;
2. The requirements of the underlying zoning district and applicable general provisions of this ordinance must be met; and
3. All necessary development permits shall have been issued by appropriate federal, state and local authorities including a floodplain permit, approval, or letter of no authority from the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451. Where a development permit cannot be obtained prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

11.09 PROHIBITED USES

The following uses shall not be permitted within the Surface Water Overlay District:

1. Confined animal feeding operations (CAFOs)
2. Slaughterhouses
3. Gas stations
4. Automobile repair shops
5. Automobile washes
6. Oil-change establishments

11.10 DISTRICT STANDARDS

1. Front Setback: Shall be the same as the underlying zoning district.
2. Side Setback: Shall be the same as the underlying zoning district.
3. Rear Setback: Shall be the same as the underlying zoning district.
4. Lot Area: Shall be the same as the underlying zoning district.
5. Lot Width: Shall be the same as the underlying zoning district.
6. Floor Area: Shall be the same as the underlying zoning district.

11.11 MINIMUM REQUIREMENTS FOR ALL AREAS NOT WITHIN FLOOD HAZARD AREAS

1. Design Requirements: All new development, including additions or extensions to existing buildings, shall meet the requirements of this Section.
 - A. All buildings shall be set back at least 65 feet from the ordinary high water mark.
 - B. Within 35 feet of the ordinary high water mark, a maximum of 400 square feet of land may be covered by impervious surfaces, including all structures and paving for each 100 linear foot of water frontage.
 - C. No unsightly, offensive, or potentially polluting material, including, but not limited to, lawn clippings, leaves, garbage, trash, refuse, junk vehicles, junk, appliances, or toxic materials may be dumped or stored within 35 feet of the ordinary high water mark.
 - D. Except for boat dockages, structures that extend more than five feet into the water are prohibited.
 - E. Buildings shall be clustered as much as possible to retain open space and surrounding tree cover and to minimize changes in topography.
 - F. Stairs, walkways, decks, and steps on embankments having a grade exceeding 12% must not be embedded into the ground, except for support structure.
 - G. The use of fertilizer is prohibited within 25 feet of the ordinary high water mark.
2. Natural Vegetative Buffer: A natural vegetative buffer shall provide a planted green belt strip of land or area 25-foot-wide maintained in its natural state. Natural state shall mean native plants, shrubbery, tall grasses, and trees. The natural vegetation strip or area shall be maintained at the shoreline as follows:
 - A. A strip or area of land bordering each bank of a stream or river, at least twenty-five (25) feet wide from the established shoreline or ordinary high water mark.
 - B. Removal of vegetation in the buffer area shall be limited to no more than 25 percent of the length of this buffer, provided that cutting of this 25 percent shall not create a clear-cut opening greater than 25 feet wide for every 100 feet of shoreline.
 - C. Existing soil and organic matter shall not be altered or disturbed within the buffer.
3. Drainage of Surface Water: Proper site surface drainage shall be provided so that:
 - A. The removal of surface waters will not be discharged directly into surface water or adversely affect neighboring properties.
 - B. Storm water shall be removed from all roof areas, canopies, and paved areas and either stored on-site in a rain garden designed for that purpose or other comparable detention

basin, discharged to an underground drainage system, or released to an authorized community drainage system.

- C. The peak rate of storm water runoff from the site shall not increase as a result of the proposed development.
- D. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and so that it will not create ponding.
- E. Natural drainage courses shall be protected from grading activity.
- F. Where known, groundwater flow patterns shall not be interrupted.

11.12 MINIMUM REQUIREMENTS FOR ALL AREAS WITHIN ZONE “A”

No structure shall be erected in the floodplain Zone “A” as designated on the Flood Insurance Rate Maps.

11.13 MINIMUM REQUIREMENTS FOR ALL AREAS WITHIN ZONES “AE” and “AO”

1. Specific Base Flood Elevation Standards

- A. On the basis of the most recent available base flood elevation data the following standards shall apply in the Flood Hazard Area:
 - i. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the base flood level.
 - ii. All new construction and substantial improvements of non-residential structures shall have either:
 - a. The lowest floor, including basement, elevated to or above the base flood level; or
 - b. Be constructed such that below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied, and that the flood-proofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structure. Such certification shall be submitted as provided in this Article and shall indicate the elevation to which the structure is flood-proofed.
- B. The most recent base flood elevation data received from FEMA shall take precedence over data from other sources.

2. Mobile Home Standards

- A. All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties in accord with the following specifications:
 - i. Over-the-top ties shall be provided at each of the four corners of the mobile homes, with two additional ties per side at intermediate locations, except on mobile homes less than 50 feet in length, one tie per side shall be required;
 - ii. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, except on mobile homes less than 50 feet in length, four ties per side shall be required;
 - iii. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and
 - iv. All additions to a mobile home shall be similarly anchored.

- B. An evacuation plan indicating alternative vehicular access and escape routes shall be filed with St. Joseph County Emergency Management, for mobile home parks and mobile home subdivisions.

- C. Mobile homes within zones A1-A30 on the Flood Insurance Rate Map shall be located in accord with the following standards:
 - i. All mobile homes shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
 - ii. Adequate surface drainage away from all structures and access for a mobile home hauler shall be provided;
 - iii. In the instance of elevation on pilings, lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than 10 feet apart; and reinforcement shall be provided for piers more than six feet above ground level; and
 - iv. In mobile home parks and mobile home subdivisions which exist at the time this subsection is adopted, where repair, reconstruction or improvement of streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, the standards in subparagraphs a, b, and c of this subsection shall be complied with.

11.14 MINIMUM REQUIREMENTS FOR ALL AREAS WITHIN ZONE “AO”

- 1. The following standards shall apply in areas of shallow flooding denoted as “AO” zones on the FIRM:
 - A. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the FIRM;

- B. All new construction and substantial improvements of non-residential structures shall either:
 - i. Have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the FIRM; or
 - ii. Be flood-proofed together with attendant utility and sanitary facilities to the level specified in accordance with the standards in this Ordinance.

2. Floodway Protection Standards

- A. New construction, substantial improvements and all other development, including fill, shall be prohibited within zones numbered A1-A3O on the FIRM, except where it is demonstrated to the Zoning Administrator that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not harmfully increase the water surface elevation of a base flood. In determining whether a harmful increase will occur, compliance with Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, shall be required, if the allowable increase does not exceed one foot. Zones A1-A3O on the FIRM shall be considered the floodway.
- B. The uses of land permitted in an underlying zoning district shall not be construed as being permitted within the floodway, except upon compliance with the provisions in this section.

3. Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this article shall not be considered a guarantee or warranty of safety from flood damage. This ordinance does not imply that areas outside the flood hazard area will be free from flood damage. This ordinance does not create liability on the part of Flowerfield Township or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

11.15 ADDITIONAL REQUIREMENTS

No use of property shall be allowed without documented proof that the conditions required of FEMA for obtaining insurance are met; or written indication from the Michigan Department of Natural Resources and Environment (MDNRE) that compliance is unnecessary. These requirements shall apply to all property, any portion of which is indicated as being within the designated floodplain areas. It shall be the responsibility of the property owner to determine the location of the floodplain in accordance with the Site Plan Review procedures provided for in this ordinance, and that the floodplain does not encroach upon the limits of the parcel in question. For their own interest and protection, property owners are encouraged to obtain a written determination from the MDNRE when it is apparent from the "Zoning Map" that their property is within or directly adjacent to the designated area. No zoning or building permit will be issued until compliance with this Section has been documented.

11.16 SITE PLAN REVIEW REQUIREMENTS

To the extent not otherwise provided pursuant to the site plan requirements, the Zoning Administrator shall require, as applicable, submission of the following materials:

1. Plans drawn to a scale of one inch = 100 feet; the nature, location, dimensions, and elevation of the lot; existing or proposed structures; fill; storage of materials; and the relationship of the above to the location of the channel flood way and regulatory flood protection level.
2. A plan (surface view) showing elevations or contours of the ground at 5-foot intervals; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing buildings on the site; location and elevations of streets; photographs or maps showing existing land uses and vegetation; upstream and downstream soil types; and other pertinent information that may be required by the Zoning Administrator.

11.17 ADMINISTRATIVE DUTIES

1. With regard to the regulation of development within this Article, the duties of the Zoning Administrator shall include, but are not limited to:
 - A. Notification to adjacent communities and the Department of Natural Resources and Environment (DNRE) of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration;
 - B. Verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the flood hazard area, and in the case of flood-proofed structures, the elevation to which the structure was flood-proofed; and
 - C. Recording of all certificates of flood-proofing and written notification to all applicants to whom variances are granted in a flood hazard area zone indicating the terms of the variance, the increased danger to life and property, and the increased cost of flood insurance commensurate with the increased flood risk which may reach amounts in excess of \$25.00 for \$100.00 of insurance coverage per year. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.
2. All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.
3. It shall be the responsibility of the Zoning Administrator to obtain and utilize the best available flood hazard data for purposes of administering this ordinance in the absence of data from the Federal Insurance Administration.

11.18 SUPPLEMENTARY PERMIT APPLICATION INFORMATION

In the portion of the zoning ordinance where information which must be submitted with an application for a zoning compliance permit is specified, the following information necessary for administration of the flood hazard area zone requirements should be added.

11.19 FLOOD HAZARD AREA APPLICATION INFORMATION

1. In addition to the information required with an application for a zoning compliance permit, special use permit or any other type of development permission required under this ordinance, the following information shall be submitted as a part of an application for permission to commence any type of development within a Flood Hazard Area:
 - A. The elevation in relation to mean sea level of the floor, including basement, of all structures;
 - B. Where flood-proofing will be employed, the elevation in relation to mean sea level to which a structure will be flood-proofed;
 - C. Where flood-proofing will be employed, a certificate from a registered professional engineer or architect that the flood-proofing criteria of this ordinance will be met;
 - D. Where it can be determined that development is proposed within zones A1-A30 on the FIRM a certification as required by this ordinance;
 - E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
 - F. Proof of development permission from the appropriate federal, state and local agencies as required by this Article including a floodplain permit, approval, or letter of no authority from the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451;
 - G. Base flood elevation data where the proposed development is subject to Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451 or is greater than five acres in size; and
 - H. Additional information which may be reasonably necessary to determine compliance with the provisions of this ordinance.

11.20 FLOOD HAZARD AREA VARIANCES

1. Variances from the provisions of this Article shall only be granted by the Zoning Board of Appeals upon a determination of compliance with the general standards for variances contained in this ordinance and each of the following specific standards.
 - A. A variance shall be granted only upon the following:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii. A determination that the granting of a variance will not result in flood heights in excess of that permitted by this Article, additional threats to public safety, extraordinary public

expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

- B. The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.
- 2. The Zoning Board of Appeals may attach conditions to the granting of a variance to insure compliance with the standards maintained in this ordinance.
- 3. Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites, or any other state register of historic places without regard to the requirements of this section.

ARTICLE 12

NONCONFORMING USES

12.01 DESCRIPTION AND PURPOSE

The purpose of this section is to allow any lawful use existing at the time of the adoption or amendment of this Ordinance. The lawful use of a dwelling, building, or structure and of land or a premise as existing and lawful at the time of enactment of a zoning ordinance, or, in the case of an amendment of an ordinance, then at the time of the amendment, may be continued although the use does not conform to the ordinance or amendment.

In establishing terms for the completion, restoration, reconstruction, extension, or substitution of nonconforming uses different classes of nonconforming uses may be established in the ordinance with different requirements applicable to each class.

12.02 CONTINUANCE OF NONCONFORMING USE OR STRUCTURE

If the use of a dwelling, building, structure or land is lawful at the time of enactment of this Zoning Ordinance or an amendment to this Zoning Ordinance, then that use may be continued although the use does not conform to the Zoning Ordinance or amendment.

A change in the ownership, tenancy, or occupancy of a building or structure shall not restrict the continuance of its existing nonconforming use.

12.03 EXPANSION OF NONCONFORMING USES

No nonconforming use of any land or structure shall be enlarged or extended. However, a nonconforming use may be expanded throughout the structure in which it is conducted. Nonconforming uses that are not located within a building or structure may not be expanded to land not actually in use at the time of the adoption of this Ordinance or any amendment to these provisions thereto. Nonconforming uses having multiple buildings or structures shall not be expanded by construction of an additional building or structure. Structures or uses that are nonconforming by reason of height and area or parking provisions may be extended, altered or modernized provided that no additional encroachment of the height, area or parking provisions are occasioned thereby.

12.04 UNLAWFUL USE NOT AUTHORIZED

Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this Ordinance.

12.05 CHANGE OF USE

The use of a nonconforming building may be changed to another nonconforming use if the Zoning Administrator finds that such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the

conversion of a nonconforming use to a prior nonconforming use or to waive the other provisions of this article.

12.06 RESTORATION AND REPAIRS

1. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any structure declared unsafe by the Building Inspector. However, only repairs and maintenance work required to keep a nonconforming structure in sound condition may be made.
2. A nonconforming building or structure damaged by wear and tear, neglect, deterioration, and depreciation to such an extent that the cost of repair and rehabilitation exceeds 50% of its current market value at the time when the repairs or rehabilitation are proposed may be repaired or rehabilitated according to the current requirements of this Ordinance and the Building Code relative to new construction.
3. A nonconforming building or structure damaged by the elements, fire, collapse, public enemy, act of God, or other causes may be rebuilt or restored and its use resumed if the cost of such repair does not exceed 75% of the current market value of the building or structure that was damaged. A building damaged to such an extent that the cost of repair exceeds 75% of its current market value may be repaired or reconstructed according to the current requirements of this Ordinance and the Building Code relative to new construction.
4. Current market value will be determined by 1) the mean of two independent appraisals, or 2) by calculating 200% of parcel State Equalized Value, at the discretion of the property owner. Cost of repairs will be determined by the mean estimate of three independent contractors with experience in the type of work required.
5. A zoning permit must be secured before repairs, maintenance or reconstruction of a building. The Zoning Administrator shall determine the extent of such destruction, deterioration, or depreciation before issuing a zoning permit. Such repairs and maintenance work as are required to keep a nonconforming building or structure in sound condition may be made. Any such restoration shall be started within a period of 6 months of the time of such damage and diligently prosecuted to completion.
6. Historic structures may be reconstructed even if damaged 100% provided they do not exceed their previous size or location.

12.07 NONCONFORMING DUE TO RECLASSIFICATION

The foregoing provision of this article shall also apply to the buildings, land, or uses that hereafter become nonconforming due to any reclassification of districts or any subsequent change in the regulations of this Ordinance.

12.08 NONCONFORMING USE DISCONTINUED

If a nonconforming use is discontinued for a period of 1 year, it may not thereafter be continued. No nonconforming use, if changed to a use allowed in the zoning district in which it is located, shall be resumed or changed back to a nonconforming use.

12.09 EXISTING PLATTED LOTS

Any lot platted or created prior to the effective date of this Ordinance that fails to comply with the requirements of its zoning district may be used for a single family dwelling providing one of the following is met:

1. A structure is to be erected or rebuilt on any lot of record where there are existing structures within 250 feet on either side of the subject lot of record, the minimum yard requirements for the proposed structure shall be the average of the respective front, side, and rear yards of the adjacent structures within 250 feet of the side lot lines.
2. All structures meet the dimensional requirements of the zoning district in which they are located.

12.10 DETERMINATION OF A LOT OF RECORD

1. Upon application of any person claiming to be the property owner of the legal or equitable title to a parcel of land that was the subject of a deed or land contract not recorded in the office of the register of deeds on the effective date of the Ordinance, the Zoning Board of Appeals is authorized to determine whether the property owner is entitled to have the parcel treated as a lot of record in accordance with this Ordinance.
2. The Board shall grant a favorable determination when it finds, by a preponderance of the evidence that the instrument under which the premises is being purchased was executed prior to the effective date of this Ordinance or the subject amendment(s) thereto.
3. In making its determination, the Board is authorized to consider all matters it deems relevant including, but not limited to, the tax roll of the Township, the relationship of the parties to the purported transfer, the degree of formality of the purported document of transfer, and the testimony of the applicant and his witnesses.
4. Such a determination shall have only the effect of equating such a property owner with the owner of a lot of record and shall not relieve such property owner from complying with the other conditions set forth in this Ordinance in order that a zoning permit is granted.

ARTICLE 13

PARKING AND LOADING

13.01 INTENT AND PURPOSE

In all zoning districts, off-street parking facilities for the parking of motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided as herein prescribed.

13.02 MIXED OCCUPANCIES AND USES NOT SPECIFIED

In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately. Parking areas for churches, theaters or other uses in which the primary parking demand occurs out of normal work and business hours may be jointly used where adequate arrangements are made to the reasonable satisfaction of the Zoning Administrator to ensure that adequate space is available for each function.

13.03 SIZE AND ACCESS

Each off-street parking space shall have an area of not less than 170 square feet exclusive of access drives or aisles and shall be a minimum of 9 feet in width. There shall be adequate provision for ingress and egress to all parking spaces. No access or egress to a parking area accessory to a commercial or industrial use shall utilize any residential street unless it is a side street with no residential lots facing upon it. All parking areas with paved surfaces with more than three spaces shall have such spaces legibly painted on the surface of the parking area. Parking spaces for disabled persons must meet Americans with Disabilities Act (ADA) requirements.

13.04 UNITS OF MEASUREMENT

For the purpose of this section, Floor Area shall mean the gross floor area of all floors of a building or an addition to an existing building excluding basements and those areas used exclusively for storage of goods or supplies.

The total parking area excludes access drives within the parking area.

13.05 LOCATION OF OFF-STREET PARKING FACILITIES

Required off-street parking facilities shall be located on the same parcel as a principal use in residential and agricultural zones. In commercial and industrial districts, additional off-street parking is permitted as a principal use on a separate lot, which is adjacent to the principal use.

13.06 STANDARDS FOR PARKING AREAS

Except for single-family dwellings, any person desiring to establish a parking area shall submit plans showing the size, design, landscaping, curb cuts and other features of the parking lot. Every parcel of land, except for single-family dwellings, hereafter established as a parking area shall be developed and maintained in accordance with the following requirements:

1. Parking areas shall be effectively screened on any side that adjoins premises situated in a residential zone by a screening of evergreen hedge or other natural landscaping. If owners of adjacent residential properties agree, the screening may be a solid uniformly painted fence or wall. No part of any parking area or access drive shall be closer than 5 feet to any property line unless connected to another adjoining parking area by driveways. No access drive shall be less than 20 feet wide, or closer than 25 feet to any adjacent property or 50 feet to any other drive or intersecting street right-of-way lines. No part of a parking area shall extend into the required front setback area.
2. Every parking area shall be surfaced with an asphalt or similar durable surface approved by the County Road Commission, provided, however, that where access to the parking area is from an unpaved roadway, a durable dustless surface may be permitted. Adequate lighting shall be provided to protect the users of the parking area. Such lighting shall be arranged to reflect the light away from any adjoining residential buildings or streets.
3. All parking areas shall be used solely for the parking of passenger automobiles, and no commercial work, sales or service of any kind shall be conducted thereon. No sign, other than entrance, exit and condition of use signs, shall be maintained and the aggregate area of all such signs shall not exceed 12 square feet. The Zoning Administrator may establish conditions for screening or enclosures and permit noncommercial buses operated by public or semi-public bodies, provided no such bus be parked within 60 feet of the street line.
4. Parking areas must be approved at the same time and in the same way as approval for the use for which the parking is intended to serve. Where the parking area is on a separate parcel from the use it is intended to serve, the Zoning Administrator shall issue a permit upon receipt of the approved plan.
5. A Site Plan of the parking areas, driveways, signs, lighting, and landscaping shall be provided in this Ordinance for all parking facilities. Parking area, driveways, signs, lighting and landscaping shall be reviewed and approved by the Zoning Administrator, prior to issuance of a building permit, to ensure its adequacy in relation to ensure compliance with the standards set forth in this section. The Zoning Administrator shall ascertain that the proposed parking area is safely related to traffic, street intersections, buildings and pedestrian walkways and that surrounding properties are fully protected from detrimental effects. Parking areas containing 10 or more spaces shall be received and approved by the Planning Commission.
6. At least 5% of all parking areas shall be landscaped. A part thereof shall be located at the intersections of all internal driveways.
7. All parking areas must meet ADA requirements.

13.07 TABLE OF OFF-STREET PARKING REQUIREMENTS

The amount of required off-street parking for new uses or buildings, additions thereto and additions to existing buildings as specified above shall be determined in accordance with the following table. The space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this section.

USES	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
RESIDENTIAL	
Residential, One-Family, and Two-Family	2 for each dwelling unit
Residential, Multifamily	2 for each dwelling unit
Boarding and Rooming House	1 for each sleeping room
INSTITUTIONAL	
Churches, Temples, or Synagogues	1 for each 3 seats, based on maximum seating capacity in the main unit of worship
Hospitals	1 per 600 square feet of floor area
Sanitariums, Convents, Homes for the Aged, Convalescent Homes, Children's Homes	1 per 600 feet of floor area
Elementary and Junior High Schools	1 for each teacher and administrator, in addition to the requirements of the auditorium
Senior High Schools	1 for each teacher and administrator and 1 for each 10 students, in addition to the requirements of the auditorium
Private Clubs or Lodge Halls	1 for each 3 persons allowed within the maximum occupancy as established by fire, building, or health codes
Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or other Similar Uses	1 for each 2-member families or individuals
Golf Courses open to the general public, except miniature or "par 3" courses	6 for each 1 golf hole and 1 for each employee
Auditorium, stadium, sports arena, or similar place of outdoor assembly	1 for each 3 seats or 6 feet of bench
BUSINESS AND COMMERCIAL	
Automobile service stations	2 for each lubrication stall, rack, or pit; and 1 for each employee
Auto wash	1 for each employee
Beauty parlor or barber shop	3 spaces for each of the first 2 beauty or barber chairs, and 1-1/2 spaces for each additional chair
Drive-in establishments	1 for each 400 square feet of floor area, with a minimum of 25 parking spaces
Establishments for sale and consumption on the premises of beverages, food, or refreshments	1 for each 200 square feet of floor area
Furniture and appliances; household equipment; repair shops; showroom of a plumber, decorator, electrician or similar trade; shoe repair; and other similar uses	1 for each 800 square feet of floor area
Laundromats and coin-operated dry cleaners	1 for each 2 washing machines
Miniature golf courses	3 for each hole plus 1 for each employee
Mortuary establishments	1 for each 100 square feet of floor area

USES	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
Motor vehicle sales and service establishments, trailer sales and rental, boat showrooms	1 for each 400 square feet of floor area of sales room
Retail stores, except as otherwise specified herein	1 for each 200 square feet of floor area
OFFICES	
Banks, savings, and loan offices	1 for each 200 square feet of floor area
Business offices or professional offices except as indicated in the following item	1 for each 400 square feet of floor area
Medical or dental clinics, professional offices of doctors, dentists, or similar professions	1 for each 200 square feet of floor area
INDUSTRIAL	
Industrial or research establishments	1 for every 1-1/2 employee in the largest working shift. One space onsite shall also be provided for each construction worker during periods of plant construction
Wholesale or warehouse establishments	1 for every 1-1/2 employee in the largest working shift, or 1 for every 2,000 square feet of floor area, whichever is greater

13.08 PARKING VARIATION

Where it can be demonstrated that the parking requirements of this Article would provide an excessive amount of parking area for the needs of a particular use, a Site Plan with lesser area might be approved by the Zoning Board of Appeals provided all the following conditions are present:

1. Said use does not provide services to the public.
2. The maximum number of employees and visitors during any one 8-hour period can be demonstrated to be less than the parking space requirements this Ordinance provides for.
3. An agreement to provide additional parking if an increase in employees or visitors shall occur at a future time is made a part of the Site Plan.
4. An open landscaped area meeting the required area of this Section is shown reserved for future parking.
5. Said Site Plan approval of lesser requirements shall be valid only for the stated use. An Occupancy Permit for a new use shall not be issued unless a new Site Plan is reviewed and parking arrangements are found to be in accordance with the requirements of this Ordinance.

13.09 BUILDING ADDITIONS

Whenever an addition is made to an existing building, the parking area shall be increased sufficiently to meet the requirements of this Article.

13.10 PERMITS

Except for agricultural and residential uses, no parking area may be constructed, enlarged or altered before a zoning permit is obtained. Said permit shall not be issued until the Zoning Administrator has approved the Site Plan. No parking area shall be occupied or used as a parking area prior to the issuance of an Occupancy Permit for a parking area. Whenever the requirements of an approved Site Plan, this Ordinance or any special requirements are not being met, use of a parking area shall cease within 60 days after revocation of an Occupancy Permit.

13.11 REQUIRED OFF-STREET LOADING SPACE

In all districts, every building erected which is to be occupied by manufacturing, storage, retail store, wholesale store, warehouse, market, hotel, hospital, mortuary, laundry or uses similarly requiring the receipt or distribution of materials or merchandise shall provide and maintain off-street loading space. Each loading space shall be at least 12 feet in width, 36 feet in length and have a clearance of 14 feet. Such space may occupy any part of the required side or rear yard but shall comply with the same screening and buffering provisions as those required for parking areas to prevent detrimental effects to adjoining properties.

Such loading and unloading space shall be provided according to the following schedule:

GFA in Square Feet	Loading and Unloading Spaces Required
0 to 2,000	½ Space
2,000 to 20,000	1 Space
20,000 to 100,000	1 space, plus 1 space for each 20,000 square feet
100,000 to 500,000	5 spaces, plus 1 space for each 40,000 square feet
Over 500,000	15 spaces, plus 1 space for each 80,000 square feet

Off-street loading space area shall not be construed as, or counted toward, the supplying of area required as off-street parking space area.

ARTICLE 14

SIGNS

14.01 INTENT AND PURPOSE

The purpose of this section is to permit such signs as will not, because of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision, or impede traffic safety. Further, it is the purpose of this section to regulate such allowed signs in such a way as to prevent them from causing annoyance or disturbance to the citizens and residents of the Township or to adversely impair property values. All signs shall conform to all codes and ordinances of the Township and, except for "Exempted Signs" shall require approval and a permit issued by the Township for all signs erected or structurally altered.

14.02 GENERAL STANDARDS:

For determining the permitted number of signs, a sign shall be considered to be a single display surface or display device, containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without recognized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered a single sign. A sign contains subject matter relating to the premises on which it is located, or to products, accommodations, services, or activities, on the premises or at an alternate location.

14.03 GENERAL REQUIREMENTS

In all zoning districts, the following signs shall be permitted:

1. One non-illuminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not to exceed eight (8) square feet in total area.
2. One subdivision sign in subdivision developments, not to exceed thirty-two (32) square feet.
3. A sign or signs aggregating not more than twelve (12) square feet for parking uses where permitted by this ordinance.
4. Signs within the clear vision corner of any intersection must be ground signs less than 30 inches in height or freestanding signs with a minimum of 8 feet to the bottom of the sign. Sign supports within clear vision corners must be 6 inches in diameter or less.
5. Signs may not be located within public rights-of-way.
6. No sign shall extend above or exceed the highest roofline of the principal structure nor be more than 20 feet above the average grade level at the base of the sign. No sign shall exceed the height limitation of the zoning district in which it is located.
7. Back-to-back display on both sides of a signboard is considered a single sign area provided the separation between sides is not more than twelve (12) inches.

14.04 SIGNS IN THE AGRICULTURAL AND RESIDENTIAL ZONING DISTRICTS

1. A sign of not more than thirty-two (32) square feet identifying the name and activities of a nonresidential use is allowed in Agricultural and Residential zoning districts.
2. A professional sign or nameplate of not more than six (6) square feet may be installed on the wall of a principal dwelling or may be a freestanding sign.
3. Wall signs containing the names of the homestead or farmstead on accessory buildings or dwellings are exempt from permit and shall not be included in the calculation of allowed sign area.
4. Freestanding signs containing the names of the homestead or farmstead on accessory buildings or dwellings may be allowed up to thirty-two (32) square feet.

14.05 SIGNS IN THE C-1 COMMERCIAL DISTRICT

1. Each parcel is allowed one freestanding or ground sign. In addition, one wall sign is allowed on each parcel.
2. Directional signs up to eight (8) square feet, designating exits, entrances, parking and loading areas, shipping docks, or similar traffic control signs may be located 5 feet from the front property line.

Freestanding Signs:

1. Freestanding signs other than off-premises signs shall be allowed anywhere on the property on which the principal use is located, providing the sign is within 100 feet of the principal structure.
2. The total area of such a freestanding sign shall not exceed 75 square feet on each of two sides. Freestanding signs having more than two sides shall not exceed 150 square feet for all sides combined.

Wall Signs:

1. Wall-mounted signs shall be flat signs attached and parallel to the face of the building wall and shall be attached only to walls that face a public street and not higher than 20 feet from sidewalk grade. Where a principal structure has a marquee or canopy, which is an integral part of the structure, the front line of said marquee or canopy shall be at least 8 feet above the walk surface in front of the structure.
2. Wall signs must be attached to the building lying flat against the wall of the building herewith.
3. The maximum size for wall signs is 1 square foot of sign area for each one (1) linear foot of building width, except in residential districts where the maximum size is 6 square feet.

Ground Signs:

1. The total area of the allowed ground sign shall not exceed 100 square feet.

2. The highest point of a ground sign shall not exceed 6 feet.

14.06 OFF-PREMISES SIGNS

1. Off-premises freestanding signs must maintain a 10-foot setback from any right-of-way and property line.
2. Off-premises freestanding signs are allowed in all zoning districts.
3. There may be only one off-premises sign per parcel.
4. Off-premises signs in all zoning districts shall be limited to 24 square feet.

14.07 BILLBOARDS

Billboards are allowed only in locations authorized in accordance with the Highway Advertising Act, Act 106 of 1972, as amended provided they do not exceed 250 square feet in area. No billboard shall be erected on a lot with less than 100 feet of frontage. The setback requirements for a principal building shall be met, and no other use or accessory use shall be permitted on a lot with a billboard. Billboards shall not be situated within 1,320 feet of another billboard or on the same parcel as another sign. Parcels containing billboards must have frontage on a state or federal highway.

14.08 TEMPORARY SIGNS

The signs and devices listed in this section shall be allowed on a temporary basis and shall not require a permit.

1. Temporary signs such as "For Rent," "For Sale," "Election," or other noncommercial signs are allowed in all zoning districts. Real estate signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed up to a total area of eight (8) square feet are allowed in all zoning districts. Such signs shall be removed within 14 days after the sale, rental, or lease.
2. One "For Rent" or "For Sale" sign is allowed for each parcel.
3. Temporary signs shall not be displayed for more than 6 months, except as otherwise provided in this section.
4. Temporary signs may not exceed an area of eight (8) square feet.
5. Only one sign to advertise a new plat may be erected except where two or more drives provide ingress or egress to or from the plat on to a public highway, in which case a sign may be placed at each entrance. Signs advertising new plats shall not exceed 32 square feet in area and shall be removed when 75% of the platted lots are sold.
6. Construction signs that identify the name of the building; the property owner, architect, engineer, contractor, and other individuals involved with the construction, but not including any advertisement of any product or service during the period of construction, are allowed in all

zoning districts. Signs shall have a maximum surface area of 16 square feet, shall be confined to the site of construction, and shall be removed within 14 days following occupancy for the intended use of the project.

7. Election campaign signs, announcing a candidate or issue to be voted on, are allowed but shall be confined to private property.
8. Community or special event signs advertising public entertainment or event, if specially approved by the Planning Commission and only for locations designated by the Planning Commission, are allowed during and for 14 days before and 14 days after the event.
9. The Planning Commission may allow by permit, temporary pennants, flags, or banners in any business or industrial zone for a period of not more than 30 days, provided that they be kept in a state of good repair.
10. Agricultural test plot signs are allowed in the AG agricultural zoning district.

14.09 SIGN ILLUMINATION

1. Illumination shall be so oriented to the sign that it does not produce glare.
2. The source of light must not be visible from adjacent properties or to adjacent rights-of-way.
3. Sign lighting must not cast light away from the sign and must be shielded from vehicular traffic.
4. No lighting or sign shall be so placed or designed as to be confused with or appear similar to a safety device.
5. Electronic Message Board (LED) signs must not exceed a nighttime brightness of 375 candelas per meter squared at 4-lux illumination.
6. An electronic sign shall not have a rate of change between two static messages or images exceeding more than one change per 6 seconds and each change must be complete in 1 second or less.

14.10 MEASURING SIZE OF SIGNS

1. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. Round, oval, or odd-shaped signs are measured as though they were rectangular. Size shall be determined as the product of the height and width as measured at the widest and tallest points.
2. Wall signs (or any sign where the letters are affixed to a large background such as a wall or fence without a defined border) are measured by establishing an artificial rectangle around the perimeter of the sign message.
3. Supports extending around the sign are included in the measurement of the sign.

14.11 EXEMPTED SIGNS

The signs and devices listed in this section are exempted from the restrictions and requirements of this Ordinance and may be used without permit or approval when not in violation of any law or safety standard or any other portion of this Ordinance. The following shall not be included in the application of the regulations herein:

1. Signs not exceeding 1 square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations, and having no letter or symbol exceeding 2 inches in any dimension.
2. Official Flags and insignia of any government when displayed in a manner approved by the government represented.
3. Signs erected or required by governmental bodies or agencies deemed necessary for the protection of the public health, safety, welfare, and morals such as legal notices; identification, informational, or directional signs.
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
6. Street numbers and family names on mailboxes and mail box supports.
7. Signs not visible from any public way or from any point off the lot on which they are located.
8. Holiday decorations and greetings in season.
9. Signs required by law to be displayed.
10. Customary farm and farm crop signs on active farms.
11. Centennial farm signs.

14.12 PROHIBITED SIGNS

The signs and devices listed in this section shall not be allowed, erected, or maintained in any zoning district.

1. Flashing and intermittently illuminated signs and signs, which incorporate in any manner of flashing, or moving lights.
2. String lights used in connection with commercial premises for commercial purposes.
3. Any sign that has any visible moving part, visible revolving parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, or

mechanical means, including intermittent electrical pulsations or by action of natural wind currents.

4. Any sign or sign structure which is structurally unsafe; or constitutes a hazard to safety or health because of inadequate maintenance, dilapidation, or abandonment; or is not kept in good repair; or is capable of causing electrical shocks to persons likely to come in contact with it.
5. Signs which, by reason of its size, location, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets or roads.
6. Signs that obstruct free ingress to or egress from a required door, window, fire escape, or other required exit way.
7. Signs that make use of words such as "STOP," or "DANGER," or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.

14.13 APPLICATION REQUIREMENTS PERTAINING TO ALL BILLBOARDS AND SIGNS

1. Sign and billboard erection permits: No person shall erect, relocate, or cause to be erected or relocated any sign or billboard greater than eight (8) square feet in size without first obtaining a sign erection permit. No person shall repair, alter, or cause to be repaired or altered any sign or billboard greater than eight (8) square feet in size without obtaining a sign erection permit if two-thirds of the replacement value of the sign or billboard will be exceeded.
2. Procedure to obtain a permit:
 - A. Application for a sign erection permit shall be submitted on forms provided by the Township and permits issued by the Zoning Administrator and shall contain at least the following:
 - i. Name, address, and telephone number of the applicant and that of the owner of the premises upon which the sign or billboard is to be erected.
 - ii. Location of the building, structure, or lot to which or upon which the sign or billboard is to be attached or erected.
 - iii. Position of the sign or billboard in relation to nearby buildings, structures, signs, or billboards. A scale drawing containing such information shall be submitted.
 - iv. Two blueprints or ink drawings of the plans and specifications and the method of construction and attachment to a structure or ground.
 - v. A copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction of not less than 30 pounds per square foot.
 - vi. Name of the person, firm, corporation erecting the sign, or billboard.

- vii. The written consent of the owner of the structure or land upon which the sign or billboard is to be erected.
 - viii. Any required electrical permit.
 - ix. Each applicant shall pay the appropriate permit fees established by the Township Board.
- B. Prior to submission of the application to the Zoning Administrator, the application for a sign erection permit shall be submitted to the electrical inspector if the sign is to be illuminated. The electrical inspector shall examine the plans and specifications respecting all wiring and connections to determine whether the same complies with the Building Code and the customary safe practices followed by the electrical profession. The inspector shall approve said permit if the plans and specifications comply with any such code and practices.
- C. The Zoning Administrator shall, upon the filing of an application for a sign erection permit, examine the plans, specifications, other data, and the premises upon which it is proposed to erect such sign or billboard. If the proposed structure complies with the requirements of this Ordinance, the provisions of any Building Code and state law, he shall then issue a sign erection permit. Such permit shall be void if the work authorized under a sign erection permit has not been completed within 6 months from the date of issuance.

ARTICLE 15

SITE PLAN REVIEW

15.01 DESCRIPTION AND PURPOSE

This article establishes standards and requirements for the review and approval, by the Planning Commission, of Site Plans. It is the purpose of this article to require Site Plan approval for buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, and adjacent parcels and land uses, and on the character of future development. It is further the purpose of this article to achieve, through Site Plan Review, safe and convenient traffic movement, both within a site and in relation to access streets; harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites; and to conserve natural features and resources. It is further the intent of this article to delegate certain aspects of Site Plan Review authority to the Planning Commission, within the standards and requirements set forth in this article.

15.02 SITE PLAN AUTHORITY

As used in this article, "Site Plan" includes the documents and drawings, as specified by this article, that are necessary as a part of the land development review process to ensure that a proposed land use or activity is in compliance with applicable local ordinances and state statutes and is compatible with the character of the surrounding area; the adjacent uses of land; the natural environment; the capacities of public services and facilities; and the public health, safety, and welfare.

The standards and requirements provided by this article shall be in addition to those required elsewhere in this Ordinance that is applicable to the use or activity under consideration.

The intent of this article is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may accomplish their objectives in the utilization of his/her land within the regulations of this Ordinance and with minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses and environment in the immediate area and vicinity.

15.03 SITE PLAN APPROVAL

A site plan shall be approved if it contains the information required by the zoning ordinance and complies with the zoning ordinance and the conditions imposed pursuant to the ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance receives the mutual agreement of the landowner and the individual or body, which initially approved the site plan.

15.04 USES REQUIRING SITE PLAN APPROVAL

The following buildings, structures, and uses require Site Plan approval by the Planning Commission:

1. All uses allowed in the B-1 Business zoning district

2. All Special Land Uses
3. Earthmoving
4. Parking facilities containing 10 or more parking spaces
5. Churches
6. Public parks and recreational facilities such as golf courses and parks
7. Essential public utility services, excluding buildings and substations and regulator stations
8. Cemeteries

15.05 SKETCH PLAN

Sketch Plan review is voluntary and not mandatory. Preliminary sketches of proposed site and development plans may be submitted for review prior to formal Site Plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Township to better inform the applicant of the acceptability of the proposed plan prior to incurring extensive engineering and other costs that might be necessary for formal Site Plan approval. Sketch Plans shall include the following:

1. Legal description of the property
2. Small-scale sketch of properties, streets, and use of land within one-half mile of the area
3. A generalized map showing any existing or proposed arrangement of:
 - A. Streets
 - B. Lots
 - C. Access points
 - D. Other transportation arrangement
 - E. Buffer strips screening
 - F. Natural characteristics, including but not limited to, open space, stands of trees, brooks, ponds, floodplains, hills, dune classifications, dune crests, and similar natural assets
 - G. Signs; location and lighting
 - H. Buildings
4. A narrative describing:
 - A. The overall objectives of the proposed development

- B. Number of acres allocated to each proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and open space.
 - C. Dwelling densities by type.
 - D. Proposed method of providing sewer and water service, as well as other public and private utilities.
 - E. Proposed method of providing storm drainage.
 - F. Proposed method of re-vegetating open or exposed ground areas, both preexisting and newly created, to a stable condition.
5. In addition to the above said applicant shall submit the Sketch Plan Review fee in accordance with the established fee schedule to cover the normal and specially incurred expenses of the review.

15.06 REVIEW OF SKETCH PLAN

If the applicant chooses to submit a Sketch Plan, the Planning Commission will review it. The Planning Commission may request comments from other Township officials such as the fire chief, attorney, Zoning Administrator and planner, and base their recommendations on those review comments, as well as the purposes, objectives, and requirements in this Ordinance, and specifically, the following considerations when applicable:

- 1. Ingress and egress through the property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fires, catastrophe, or emergency
- 2. Off-street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development
- 3. Sewer, water, and storm drainage with reference to locations, availability, and compatibility
- 4. Screening and buffering with reference to type, dimensions, and character
- 5. Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties
- 6. Required setbacks
- 7. General compatibility with adjacent properties
- 8. The general purposes and spirit of this Ordinance and the general guidelines of the Township's Master Plan

15.07 FORMAL SITE PLAN REVIEW

Formal Site Plan Review is mandatory. An application for Formal Site Plan Review along with the Formal Site Plan shall be submitted 21 days prior to the next scheduled Planning Commission meeting. The Township Clerk or Zoning Administrator will review the application and plans for completeness, and then transmit the application and plans to the Planning Commission. Incomplete applications will not be forwarded for consideration. Formal Site Plans shall contain the following information:

1. The Date, North Arrow, and Scale: The scale shall be sized to appropriately fit on a 24- by 36-inch-sized sheet. The dates of all revisions shall be noted on the plan.
2. The name and firm address of the individual responsible for the preparation of the Site Plan.
3. The name and address of the property owner or applicant.
4. A location sketch drawn to scale showing the relationship of the proposed use to the area within 2,000 feet.
5. All lot and/or property lines and respective zoning districts abutting the subject property, including required setbacks are to be shown and dimensioned.
6. The location and height of all existing structures, drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking facilities, unloading areas, recreation areas, and other uses, on and within 100 feet of the subject property's boundary.
7. The location and dimensions of all proposed structures, drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking facilities (show dimensions of a typical parking space), unloading areas, recreation areas, common use areas, and areas to be conveyed for public use and purpose on and within 100 feet of the subject property's boundary.
8. The location and pavement width and right-of-way width of all abutting roads, streets, alleys, or easements.
9. The location of all landscaping and the location, height, and types of fences and walls.
10. Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems.
11. The location and size of all existing and proposed surface water drainage facilities.
12. Adequate information concerning soils, groundwater, water table, and the impact of the proposed activities on each.
13. Contour intervals shall be shown (2-foot intervals for average slopes of 10% and under, 5-foot intervals for slopes over 10%). Summary schedules and views should be affixed as applicable in residential developments, which give the following data:
 - A. The number of dwellings proposed (by type) including typical floor plans for each type of dwelling.

- B. The number and location (by code if necessary) of 1-bedroom units, 2-bedroom units, etc.
 - C. The residential area of the site in acres and in square feet, including breakdowns of both measures for any sub areas or staging areas (excluding all existing rights-of-way), and also indicates total square footage of rights-of-way for each sub area or staging area.
 - D. Typical elevation views of the front and side of each type of building.
14. A narrative describing the overall objectives of the proposed development, including the following:
- A. Number of acres allocated to each proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and open space.
 - B. Dwelling densities by type.
 - C. Proposed method of providing sewer and water service, as well as other public and private utilities.
 - D. Proposed method of providing storm drainage.
 - E. Proposed method of re-vegetating open or exposed ground areas, both preexisting and newly created, to a stable condition.
15. Such additional information as the Planning Commission may deem necessary in order to determine the impact of the proposed use on the public health, safety, and the general welfare, such as reviews of other local, county, state, and federal agencies.
16. The applicant shall ensure and be able to demonstrate, to the satisfaction of the Township, that all necessary and associated regulations are satisfactorily met, complied with, and completed.

The Planning Commission may approve a site plan lacking one or more of the site plan informational requirements set forth herein if it determines, in its sole discretion, that the nature of the proposed use or development, the subject property and/or the neighboring properties makes the provision of such information unnecessary to determine whether the site plan satisfies the standards set forth above.

15.08 REVIEW PROCEDURE

The Site Plan shall be submitted in 10 copies. Upon approval of a Site Plan, at least two copies of the Site Plan as finally approved shall be signed and dated by the chairperson of the Planning Commission. One copy of the signed Site Plan shall be filed in the Township's records and the other returned to the applicant.

15.09 STANDARDS FOR FORMAL SITE PLAN REVIEW

- 1. The Planning Commission shall review the Site Plan based on the purposes, objectives, and requirements of this Ordinance and on the standards provided by this article. As a part of its

review, the Planning Commission may distribute copies of the plan to other governmental departments or officials. Their review and comment would be on matters related to the plan that would fall under their jurisdiction or involve the discharge of their duties.

2. In reviewing a Site Plan, the Planning Commission shall determine whether the applicant has established that the Site Plan is consistent with this Ordinance and in accord with the adopted plan of the Township and more specifically, in reviewing the Site Plan, the Planning Commission shall specifically consider the following standards, as applicable:
 - A. Vehicular access and parking: The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways shall not create hazards to safety and shall not place demands on public services or facilities in excess of capacity. All buildings and structures shall be accessible by emergency vehicles.
 - B. External effects (general): Noise, odor, light, dust, dirt, smoke, or other external effects from any aspect of the proposed use shall not materially adversely affect adjacent and neighboring properties or uses. The Site Plan is harmonious with existing and future uses in the immediate area. The Site Plan shall be adequate to provide for the health, safety, and general welfare of the persons and property on the site and in the neighboring community.
 - C. Public services and utilities: The location, availability, and compatibility of necessary improvements, including but not limited to, sewage collection and treatment, potable water supply, storm drainage, lighting, roads, and parking facilities shall be considered to determine whether the use will be adequately served by necessary improvements. Utility distribution lines or associated utility installations shall be located so as to avoid adverse impacts both to neighboring properties and to the site.
 - D. Dimensional requirements: The dimensional arrangement of buildings and structures shall conform to the required yards, setbacks, and height restrictions of this Ordinance, or appropriate variances obtained.
 - E. Building arrangement: The proposed buildings and structures shall have a harmonious relationship to the site terrain, landscaping, open space, and other buildings and structures, existing and proposed. The bulk, location, and height of proposed buildings and structures, as well as the general character of the development, shall minimize any adverse effect on other uses of property in the surrounding area and shall not place demands on public services or facilities in excess of capacity.
 - F. Drainage of surface water: Proper site surface drainage shall be provided so that the removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. If practical, storm water shall be removed from all roof areas, canopies, and paved areas and carried away in an underground drainage system. The peak rate of storm water runoff from the site shall not increase as a result of the proposed development, and temporary onsite storage to reduce peak runoff from the site is encouraged. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and so that it will not create ponding.

- G. Exterior lighting: All lighting shall be installed and maintained in such a manner as to confine the illumination source or divert glare to the property upon which the use is located and to prevent glare or illumination from adversely affecting the safety or welfare of adjacent property or streets.
- H. Signs: The size, location, design, and lighting of signs shall be considered in relation to signs on adjacent sites, glare, traffic safety, and compatibility with adjoining properties, consistent with all applicable sign regulations. Signs shall be located and designed to minimize distraction or clutter.
- I. Special features: Storage areas, mechanical areas, service areas, truck loading areas, utility buildings and structures, and similar features shall be located, buffered, and/or screened so as to be unobtrusive; so as not to interfere with access to or circulation within the site; or so as not to detract from the visual impression of the site. Trash containers shall be enclosed on at least three sides by a structure aesthetically compatible with the development and surrounding property. Waste storage areas shall be maintained free from litter and in a sanitary condition.
- J. Landscaping: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Grade changes made shall be in keeping with the general appearance of neighboring developed areas. Plant materials shall be used to enhance the appearance of the site; to screen unsightly or harsh elements; and to provide visual relief from large monotonous features, such as parking facilities.

15.10 REGULATIONS

The following regulations shall apply to all land uses requiring Site Plan approval:

1. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development that requires a Site Plan approval until an approved Site Plan has been signed by the chairperson of the Planning Commission.
2. A zoning permit for any use requiring Site Plan approval will not be issued until the chairperson of the Planning Commission has signed an approved Site Plan.
3. The building inspector shall not issue a building permit for any use requiring Site Plan approval until the Zoning Administrator has issued a zoning permit.
4. An occupancy permit for any use requiring a Site Plan approval will not be issued unless the use as constructed conforms to the approved Site Plan.

15.11 CONDITIONS OF APPROVAL

Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in this ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

The Planning Commission may impose reasonable conditions upon the approval of a Site Plan. The conditions may include, but are not limited to, conditions necessary to ensure that public services and

facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources; the health, safety, welfare, and social and economic well-being of those who will use the land use or activity under consideration; residents and landowners immediately adjacent to the proposed land use or activity; or the community as a whole.
2. Be related to the valid exercise of the police power.
3. Be necessary to meet the intent and purpose of the zoning Ordinance, related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
4. Adequate off-street parking and loading spaces in accordance with this Ordinance shall be provided within 300 feet of the proposed use or structure.

15.12 SURETY

1. The Planning Commission may require, as a condition of final approval for a Site Plan, a financial guarantee (surety) acceptable to guarantee the construction of required improvements. The performance guarantee shall be deposited with the Township Treasurer at the time of the issuance of the permit authorizing the activity or project. The (Township) may not require the deposit of the performance guarantee until it is prepared to issue the permit. The (Township) shall establish procedures by which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements shall be made as work progresses.

“Required improvements” means those features and actions associated with a project which are considered necessary by the Planning Commission, to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval. The nature and duration of the guarantees are structured to achieve this goal without adding unnecessary costs to the applicant.

2. Construction or installation of improvements may not begin until the final Site Plan is approved. However, no further action may be taken by the property owner until all improvements are completed, inspected, and approved to ensure that streets are properly constructed, drainage facilities properly provided, and all other utilities and improvements properly installed. Only when all improvements are completed, inspected, and approved will occupancy permits or buildings permits be issued or property sold.

However, where the applicant has satisfied the surety requirements herein, to ensure that the required improvements will be completed, the above restrictions may be modified.

3. In large projects the surety may be released in stages. The applicant may be allowed to assign a portion of the total to each development stage as part of a complete phasing plan of the overall improvement. Surety for each subsequent phase depends on completion of the required improvements for the preceding phase. Where partial approval is granted, the surety may be released except that portion of improvements not yet approved, but continued adequate financial surety is required before approval of the final phase.
4. Similarly, the surety may be refunded based on completion of improvements. The Planning Commission may reduce the amount of the performance guarantee when portions of the required improvements have been installed. When the Township has received the required surety, it may be released upon request by the property owner. The Zoning Administrator will inspect the project to determine the percent completion of improvements. The Township will release up to 80% of a pro rata portion of the surety based on the percent complete as verified by the Zoning Administrator.
5. To insure compliance with the conditions imposed herein, the Township may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with a project for which site plan approval is sought, be deposited with the Treasurer of the Township to insure faithful completion of the improvements.

15.13 PROCEDURES FOR INSPECTING, APPROVING, AND ACCEPTING IMPROVEMENTS

1. Upon completion or substantial completion of all required improvements, the applicant must notify the Township in writing by certified mail, and shall send a copy to the Zoning Administrator. The Zoning Administrator will inspect all improvements of which such notice has been given and will file a detailed written report concerning such improvements with a statement of reasons for any rejection. Inspection fees will be charged for each site visit to prevent the engineer's time from being wasted. The cost of any rejected improvements will be set forth.
2. The Zoning Administrator's report should be the basis for whether the improvement is approved, partially approved, or rejected. The Township will notify the applicant in writing, by certified mail, of the contents of the report and the Township's action, within 120 days after receipt of the applicant's notice that improvements are complete.

15.14 RELEASE OR EXERCISE OF SURETY

1. In case of default of performance, the Township, upon 10-days notice, may undertake the completion of the required improvements, assigning the cost against the amount of the guarantee to be paid by the surety. Notice to the property owner shall be directed to the address given by the owner upon the initial application of the subdivision.
2. Whatever the type of surety used, the guarantee will not be released until the Zoning Administrator has certified that the required improvements have been completed according to specifications. A default will be declared upon expiration of the time allowed for completion of all improvements. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Township beyond the completion deadline for good cause and upon extension of the financial surety. In case of exercise of the surety, the proceeds from the guarantee will reflect:

- A. The cost of inflation of the labor and materials needed to complete the improvements.
- B. The special administrative costs associated with declaring a default, bidding or programming the project, and completing the project.
- C. The unforeseen costs of remedying the damage, deterioration, or faulty workmanship associated with the work already undertaken.

15.15 EXCEPTIONS

When other governmental agencies or public utilities automatically will own the utilities to be installed, or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, will be required by the Township for such utilities or improvements.

15.16 CHANGES TO SITE PLAN

Changes to a Site Plan, following approval by the Planning Commission, in connection with a use or activity, are prohibited. Subsequent actions altering, amending, or changing the approved use or activity in any way will require approval in accordance with the procedures described above.

15.17 ENFORCEMENT

A Site Plan, approved by the Planning Commission, in connection with a use or activity, shall have the full force and effect of the Ordinance. Subsequent actions relating to the use or activity authorized shall be consistent with the Site Plan as approved. Any violation of an approved Site Plan shall be grounds for the Township to order that all construction be stopped and to order that zoning permits, building permits, and certificates of occupancy be withheld until the violation is removed or until adequate guarantee of removal of the violation is provided to the Township. In addition, a violation of any approved Site Plan or failure to comply with any requirements of this article, including conditions of approval, shall be considered a violation of this Ordinance.

ARTICLE 16

SPECIAL LAND USES

16.01 DESCRIPTION AND PURPOSE

Special Land Uses are those uses of land that are essentially compatible with the uses allowed in a zoning district, but possess characteristics or location qualities that require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The following requirements and procedures provide for flexible zoning control while affording protection of property values and orderly and compatible development of property within the Township. The purpose of this article is to establish equitable procedures and criteria that shall be met for all Special Land Uses.

16.02 SPECIAL LAND USE STANDARDS

The Township Planning Commission, in addition to its other functions, is authorized to approve Special Land Uses within the various zoning classifications set forth in this ordinance.

Special Land Uses have been selected because of their unique characteristics, which, in the particular zoning district involved, under certain physical circumstances and without proper controls and limitations, might be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, the Township Planning Commission should not permit Special Land Uses within the particular zone in which they are listed unless and until approved by them, under the conditions, controls, limitations, circumstances, and safeguards proposed herein, and/or imposed by the Commission. The Planning Commission must ensure that the proposed Special Land Uses would be compatible with the other uses expressly permitted within said district, with the natural environment and the capacities of public services and facilities affected by the land use, and would not, in any manner, be detrimental or injurious to the use, development, or enjoyment of adjacent properties, to the occupants therefore, or to the general neighborhood. The Planning Commission should review Special Land Uses in consideration of the public health, safety, morals, and general welfare of the community; the use of lands in accordance with their character and adaptability; and that the standards required for the allowance of such Special Land Uses will, in its judgment, be met by the applicant at all times.

The standards insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The standards also insure that the land use or activity is consistent with the public health, safety, and welfare of the Township.

A request for approval of a land use or activity shall be approved if the request complies with these standards and conditions, other applicable ordinances, and state and federal statutes. The burden of proof of facts that might establish a right to a Special Land Use Permit under the foregoing standards shall be upon the applicant.

16.03 APPLICATION PROCEDURES

An application for a Special Land Use shall be submitted and acted upon in accordance with the following procedures:

1. All applications for Special Land Use Permits shall be submitted through the Zoning Administrator and shall include all pertinent information, plans, and specifications, as required. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application.
2. The Planning Commission shall, upon receipt of the application for a Special Land Use shall:
 - A. Advertise for a public hearing in accordance with the requirements of the Michigan Zoning Enabling Act, Act 110 of 2006, as amended
 - B. Hold a public hearing
 - C. Following such hearing, either grant or deny a permit for such Special Land Use
3. An application for a Special Land Use shall be accompanied by the following documents and information:
 - A. A Special Land Use application form submitted to the Township that has been completed in full by the applicant
 - B. A Site Plan as required in this Ordinance
4. In approving a Special Land Use, the Planning Commission may authorize other or different requirements or may determine that any of such requirements need not be satisfied, if justified by the relevant facts and circumstances and if the standards for consideration of Special Land Uses stated in this Chapter would nevertheless be satisfied.
5. The decision of the Planning Commission on a Special Land Use shall be incorporated in a statement that sets forth the findings, determinations, and conclusion relative to the Special Land Use under consideration. Said statement shall specify the basis for the decision of the Planning Commission and any conditions imposed.

16.04 BASIS FOR DETERMINATION

Prior to the approval of a Special Land Use application, the Planning Commission shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special Land Use under consideration.

1. The Planning Commission shall review the particular circumstances of the Special Land Use request under consideration in terms of the following general standards, and shall approve a Special Land Use only upon finding compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.

- A. The Special Land Use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of the surrounding area.
 - B. The Special Land Use shall not be hazardous to the adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, and welfare of persons.
 - C. The Special Land Use shall not place demands on public services and facilities in excess of current capacities.
 - D. The Special Land Use is in general agreement with the Township Master Plan.
2. The Planning Commission may impose conditions, with the approval of a Special Land Use, which are necessary to ensure compliance with the standards for approval stated in this section or any other applicable standards contained in this Ordinance. Such conditions shall be considered an intricate part of the Special Land Use and shall be enforced by the Zoning Administrator.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions that are changed.

16.05 SPECIAL LAND USES

The following uses shall only be allowed if the zoning district in which they are located specifically lists such use as a Special Land Use.

- 1. Adult Foster Care Facilities for seven persons or more
- 2. Airports and Landing Strips
- 3. Camps and Campgrounds, and Recreational Vehicle Parks
- 4. Child Care Centers
- 5. Commercial Stables
- 6. Compost Facilities
- 7. Confined Animal Feeding Operations
- 8. Essential Services buildings, substations, and regulator stations
- 9. Family Businesses
- 10. Golf Courses and Country Clubs

11. Group Child Care Homes
12. Institutional and Residential Congregate Care Facilities
13. Kennels and Veterinary Clinics
14. Large Wind Energy Systems
15. Migrant Housing
16. Multiple Family Dwellings
17. Natural Resource Removal Operations
18. Ponds, Agricultural
19. Public and Institutional Uses
20. Sawmills
21. Single-family Dwellings (Not on lots of record)
22. Small Wind Energy Systems
23. Telecommunication Towers

16.06 DESIGN STANDARDS

All Special Land Uses shall meet the requirements of the zoning district in which they are located. The following design standards shall be required in addition to the requirements of the zoning district in which they are located:

1. ADULT FOSTER CARE FACILITIES FOR SEVEN PERSONS OR MORE

Adult Foster Care facilities for seven persons or more shall be permitted subject to the following procedures and conditions:

- A. Adult foster care facilities shall have at least one parking space for every three (3) residents, and an off-street drop-off/pick-up area, including an onsite vehicle turnaround or separate entrance and exit points. All access points and vehicular and pedestrian circulation must be designed to accommodate elderly and disabled persons. All structures, facilities, design elements, and operational requirements shall be provided or complied with, as determined necessary by the Planning Commission.
- B. Based on the established capacity of the facility, a minimum of 150 square feet of open space area per person, with not less than 5,000 square feet of open space area per facility, shall be provided and maintained. For purposes of this section, "open space area" means an area available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or required parking facilities in the side or rear yard of the facility. The open

space area shall be free from sharp gravel, glass, or cinder and shall be well drained. The open space area shall be designed in a park-like setting completely screened from any abutting use by vegetation.

- C. All structures must be set back 75 feet from all property lines.
- D. The institutional care facility shall be registered and licensed as required under the Public Health Code, Act 368 of 1978, as amended).

2. AIRPORTS, HELIPADS, AND LANDING STRIPS:

Airports and landing strips shall be permitted subject to the following procedures and conditions:

- A. Airports and landing strips must be a minimum total area of at least 10 acres.
- B. No structures may be located closer than 100 feet to any property line. No structure shall be located in the setback area.
- C. There shall be a green belt planting strip with a width of not less than 20 feet along the property lines.
- D. No structure shall exceed 25 feet in height.
- E. The grounds shall be sloped to drain properly and to satisfactorily meet the approval of local engineering standards.
- F. The landing strip shall be arranged to satisfactorily and safely accommodate planes, or other similar aircraft.
- G. There shall be a maximum of one sign which shall bear only the name of the landing strip, shall have a maximum area of 32 square feet, may be lighted provided the source of light is not visible and not the flashing or intermittent type, and may be located within the green belt.
- H. There shall be permitted a facility for the repair of planes, and other similar facilities provided they are centrally located.
- I. There shall be no sales or display of aircraft.

3. CAMPS, CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS

Camps, campgrounds, and recreational vehicle park uses shall be permitted subject to the following procedures and conditions:

- A. Camps and campgrounds must be a minimum total area of at least 10 acres.
- B. No structures may be located closer than 100 feet to any property line. No campsite or any structure shall be located in the setback area.

- C. There shall be a green belt planting strip with a width of not less than 20 feet along the property lines and may be within the required setback. Such green belt may be required to contain deciduous and/or evergreen trees, and/or evergreen shrubs spaced to provide an adequate screen that would grow to an ultimate height of 12 feet. Existing vegetation may be used to meet this requirement.
- D. There shall be recreational areas at a ratio of at least 20% of the gross area of the campground. These recreational areas may be located within the 50-foot required yard, but not within the 20-foot green belt.
- E. Vehicular circulation system shall consist of improved drives or roads with a right-of-way of at least 33 feet wide and shall have unrestricted access to or from a public street.
- F. No structure shall exceed 25 feet in height.
- G. The grounds shall be sloped to drain properly and to satisfactorily meet the approval of local engineering standards.
- H. Each site shall be arranged to satisfactorily and safely accommodate a travel trailer, camper, or other similar camping apparatus.
- I. There shall be a maximum of one sign which shall bear only the name of the campground, shall have a maximum area of 32 square feet, may be lighted provided the source of light is not visible and not the flashing or intermittent type, and may be located within the required yard, but not within the green belt.
- J. Campgrounds, principally for the purpose of RV and tent camping may operate only from March 1 to November 30 of each calendar year.
- K. The facility must have rules of operation and bylaws approved by the Planning Commission.
- L. A facility for the retail sale of groceries, sundries, and other similar commodities is allowed, provided this facility is centrally located and has hours of operation coincidental with hours of operation of the campground that shall be posted. Posted hours shall be visible at all times.
- M. There shall be no sales or display of camping vehicles.
- N. There shall be located, within the campground, approved sanitary dumping facilities.
- O. All requirements, as regulated by Act 368 of 1978, as amended, shall be complied with.

4. CHILD CARE CENTERS

Special Land Uses will be issued to properly licensed childcare centers if the proposed facility meets the following specific guidelines:

- A. Is located not closer than 1,500 feet to any of the following:

- i. Another childcare center.
 - ii. An adult foster care small-group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act 218 of 1979, being sections 400.701 to 400.737 of the Michigan Compiled Laws.
 - iii. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code, Act 368 of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
 - iv. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
- B. Maintains the property consistent with the visible characteristics of the neighborhood.
 - C. Meets regulations, if any, governing signs used by the facility to identify themselves.
 - D. Meets regulations, if any, requiring off-street parking accommodations for employees.
 - E. The childcare center shall be registered and licensed as required for childcare facility under the Child Care Organizations Act, Act 116 of 1973, as amended.
 - F. All structures, facilities, design elements, and operational requirements of the facility shall be provided or complied with, as determined necessary by the Planning Commission.
 - G. Based on the established capacity of the facility, a minimum of 150 square feet of outdoor open space per person, with not less than 5,000 square feet of open space area per facility, shall be provided and maintained on the lot. For purposes of this section, "open space area" means the area located within the side or rear yard of the facility, exclusive of any area occupied by other structures, swimming pool, or required parking facilities. The open space area shall be free from sharp gravel, glass, or cinder and shall be well drained. The open space area shall be completely enclosed by a chain-link or solid fence of at least 4 feet in height.

5. COMMERCIAL STABLES

Commercial Stables shall meet the following standards:

- A. Boarding and Riding Stables shall have a minimum parcel size of not less than five (5) acres.
- B. Boarding and Riding Stables shall be accessory to the residential use of the parcel.
- C. All buildings, arenas, or exercise areas in which animals are kept shall be located a minimum of one hundred (100) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling or any building used by the public, and shall be located within a rear yard. However, horses may be pastured to the property line, provided they are properly fenced.

- D. All stables shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties.
- E. All manure shall be stored and removed or managed in a manner that minimizes off-site odors and must have a waste management plan in accordance with GAAMPS approved by the Michigan Department of Agriculture.
- F. Stables shall comply with Michigan state law.

6. COMPOST FACILITIES

Compost facilities may be permitted provided the Planning Commission finds that the following conditions are met:

- A. The site must be of sufficient size to accommodate the proposed operation.
- B. All active resource recovery-processing operations shall be visually screened from all adjacent parcels. The screen shall consist of berming and/or vegetation buffer located within a 500-foot setback.
- C. Has appropriate fencing to prevent compost material from leaving the site.
- D. Structures shall be permanent and for the storage of equipment only. Furthermore, all equipment associated with this use shall be stored within these structures when not in use.
- E. Access roads to the site shall be sufficiently engineered to accommodate heavy truck loading and unloading during peak operation periods. This shall include the grading application of base material and graveling or blacktopping of the road. The access road shall be of sufficient length and width to prevent any trucks from backing up or turning around within the public road right-of-way.
- F. All lighting used to illuminate the property and operation shall be directed away from all surrounding property.
- G. In addition to the requirement set forth herein, applications for such Special Land Use authorization shall include a Site Plan showing the following:
 - i. The area to be actively used for the preprocessing, mixing, shredding, grinding, watering, and dewatering of the compost material; and, if the same shall be in phases, a design for such phases shall be shown.
 - ii. The area for any loading and unloading, mechanical processing facilities, and settling ponds.
 - iii. An area for treatment facilities and resource storage and stockpiles.
 - iv. An area for overburdened storage.
 - v. An area for production facilities for resource recovery related activities.

- vi. Areas for and the types of permanent buildings and/or other improvements.
- H. An opinion based on a qualified engineering report as to the effect on the water table and wells within the area and reasons for such opinions and/or mitigation measures shall be submitted.
- I. A description of the operation, including a list of all of the temporary, permanent, stationary, and mobile equipment to be utilized shall be submitted and shall state the following:
 - i. The proposed vehicular access to the operation, circulation, and access routes within the site that include provisions for emergency vehicles to all portions of the site.
 - ii. The amount and source of water to be utilized in processing and the means, location, treatment, and disposal of such water.
 - iii. Hazardous substances as defined by the U.S. Environmental Protection Agency are prohibited. A detailed description of all materials to be processed must be submitted.
 - iv. Composting of manure is prohibited.
 - v. A detailed description showing the volumes, timing, and methods of processing the material.
- J. All structures, materials, and equipment shall be removed within 6 months after the termination of the use.
- K. The facilities comply with Public Act 141 of 1978, as amended, the St. Joseph County Solid Waste Management Plan, and with all other applicable federal and state laws, rules, and regulations.

7. CONFINED ANIMAL FEEDING OPERATION (CAFO)

- A. The parcel must be a minimum of 40 acres in size.
- B. All lighting used to illuminate the property and operation shall be directed away from all surrounding property.
- C. Open lagoons are prohibited.
- D. All buildings or areas where animals are kept shall be located a minimum of one hundred fifty (150) feet from any property line.
- E. The Site Plan shall include the following:
 - i. The area to be actively used for the feeding operation.
 - ii. The area for any loading and unloading, processing facilities, and settling ponds.

- iii. All areas for storage and stockpiles.
- iv. Areas for waste storage.
- v. Permanent buildings and/or other improvements.

F. The *operator* of a new *animal feeding operation* shall not locate or establish that operation:

- i. Within a delineated water protection area for a public water system. The water protection areas for water supply wells include the entire wellhead protection area. For the *surface-water* intakes of public water systems, water protection areas include all or portions of the surface water that supplies the water for the public water system, including all or portions of the surface-water's shoreline.
- ii. Within 1,200 feet (365.6 meters) of a private ground water well that is not owned by the operator or within 1,500 feet (457.1 meters) of a public ground water well which does not have a delineated source water protection area.
- iii. Within 1,000 feet (304.7 meters) of surface water which is not included in a source water protection area.

G. All buildings, pens and waste handling facilities for a Confined Animal Feeding use, including any land where liquid or slurry waste or such use is applied to the surface of such land shall not be located closer than one mile from any church, school, public use area, or dwelling unit not of the same ownership and not on the same premises as the confined animal feeding. Measurement of this distance shall be from the point of the building or waste handling facility of confined animal feeding use, including any land on which such undigested waste is applied to the surface of the land as a liquid or slurry whether or not such land is in the same ownership as the confined animal feeding use, nearest said church, school, public use area or dwelling to the nearest point of such dwelling, church, public use area or school.

Exceptions to these minimum spacing distances may be approved as part of granting of a special land use where special types of confined animal feeding uses, special provisions for odor and dust control, topography, prevailing winds or other factor or combination of other factors exist and it is determined by the Planning Commission, providing that reduction of this minimum spacing distance will not unreasonably interfere with the value, use and enjoyment of adjoining and neighboring properties. For purposes of this regulation, a dwelling unit not of the same ownership and not on the same premises as the confined animal feeding use shall be interpreted to mean that such dwelling is an occupied or habitable dwelling and, if vacant and not habitable, would not require more cost than its present assessed valuation to make such dwelling habitable.

H. Each confined animal feeding use shall submit a plan for the proper and timely disposal of dead animals and such plan shall be subject to the approval of the Planning Commission.

I. Each confined animal feeding use shall agree to permit unannounced access to the facilities, to allow inspection of the premises by persons designated by the Planning Commission to assure compliance with all conditions established by the Planning Commission

in authorizing such use, provided that such designated person shall make reasonable effort to contact the owner/operator of the use to be inspected prior to entering the premises for such inspection.

J. Any confined animal feeding use shall be located only in areas of the Township which are not subject to flooding on a 100-year basis, and only in areas where it is determined that the geology, soil permeability, depth to water table, drainage patterns and other natural environment characteristics will minimize the potential for surface and ground water contamination. In making a determination regarding the appropriateness of the site, the Planning Commission shall utilize the advice and recommendations of any entities with applicable environmental protection expertise.

K. Each confined animal feeding use shall be engineered, constructed and operated utilizing best management practices to minimize odor, dust, flies, vermin and other problems and hazards to avoid environmental contamination and / or negative impacts on adjoining and neighboring properties.

L. In authorizing any confined animal feeding use, the Planning Commission may attach any additional requirement or condition of design or operation of such use which will minimize the potential for environmental degradation and/or negative impacts on adjoining and neighboring properties, provided such requirement or condition is based upon scientific fact which may include recommendations by the Natural Resources Conservation District, the Department of Natural resources and Environment, geologists, biological engineers, civil engineers and any other entities with applicable environmental protection expertise.

M. Where any Federal or State permit for facilities associated with confined animal feeding uses are required, such permits shall be approved by the appropriate Federal or State agency and all facilities required by such Federal or State agency and all facilities and safeguards required by the Planning Commission shall be in place and operable prior to introduction of any animals into such use.

N. Residential dwellings existing on the same premises and under the same ownership as a confined animal feeding use shall remain under the same ownership and on the same premises with such confined animal feeding use and shall not be subdivided or otherwise sold off as a separate parcel unless the confined animal feeding use has been abandoned. Nothing in this subsection shall prohibit the relocation of any such dwelling unit to a location beyond the minimum spacing distance requirements from such confined animal feeding use.

O. A survey by a qualified individual shall be conducted as to the effect on the water table and wells within the area and reasons for such opinions and/or mitigation measures shall be submitted. In addition, the Township reserves the right to obtain a separate opinion from someone of his or her choice.

P. A description of the operation, including a list of all of the temporary, permanent, stationary, and mobile equipment to be utilized shall be submitted and shall state the following:

- i. The proposed vehicular access to the operation, circulation, and access routes within the site that include provisions for emergency vehicles to all portions of the site.

- ii. The amount and source of water to be utilized and the means, location, treatment, and disposal of such water.
 - iii. A detailed description showing the volumes, timing, and methods of processing.
- Q. The facilities comply with all other applicable federal and state laws, rules, and regulations.

8. ESSENTIAL SERVICES BUILDINGS, SUBSTATIONS AND REGULATOR STATIONS

- A. Essential services located above ground and outside of public rights-of-way will be subject to Site Plan review and the following terms and conditions:
- i. All buildings or structures must comply with the use, height, area, building, or structure necessary for public convenience and service, provided that such public building, structure, or use is designed, erected, and landscaped to conform harmoniously with the general architecture and plan of such zoning district, and the advantage of the proposed location to the utility is not outweighed by the detriment to the locality, and a different suitable location is not readily available.
 - ii. If the Planning Commission finds that the facility must be screened from view from adjacent residential properties then such screening shall consist of natural materials. Landscaping is preferred to walls and fences.
- B. Public Utility structures must comply with the setback provisions of the zoning district in which they are located plus 50%. Buildings shall be constructed of materials compatible with structures in the surrounding neighborhood. Other than vehicles, there shall be no outside storage of materials or equipment.

9. FAMILY BUSINESSES

A family business is incidental to the principal residential or agricultural use of the property and may take place in accessory buildings in addition to the principal residence. A family business is allowed subject to the following conditions and limitations:

- A. The business (retail or cottage industry) permitted shall be judged to be consistent with the character of the immediate area.
- B. No outdoor storage shall be allowed.
- C. The business shall not operate between the hours of 11 p.m. and 6 a.m.
- D. One sign relating to the business may be permitted on the premises. The sign shall not exceed twelve (12) square feet in area and shall not be lighted.
- E. There shall be no physical expansion of the business without the approval of the Planning Commission.

- F. No services shall be sold or conducted upon or from the premises that shall constitute a nuisance to adjoining residents because of noise, smoke, odor, electrical disturbance, night lighting or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or lighting shall not be discernible beyond the boundaries from which the business is conducted.
- G. The business shall be located on the same parcel with the family residence.
- H. In addition to those family members of a residence who reside on the parcel, no more than four other individuals may work on the premises in connection with the family business.
- I. The Planning Commission may limit the family business to a particular type of business; it may require the particular business to be operated only by the present owner and not by future owners or tenants; it may allow the business to operate for only a specified period of months or years unless an additional permit is granted.
- J. Vehicles, machinery, and equipment used in conjunction with the family business may not be stored or parked outdoors, unless it is screened from view from adjacent roadways and adjacent properties as may be approved by the Planning Commission.
- K. The Planning Commission may impose additional conditions and regulations, as it deems necessary to protect adjoining residents, property owners, and the values of adjoining properties.

10. GOLF COURSES AND COUNTRY CLUBS

Golf courses must be a minimum of 40 acres. No structures may be located closer than 100 feet to any property line.

11. GROUP CHILD CARE HOME

A Group Child Care Home licensed or registered under Act No. 116 of the Public Acts of 1973 shall be issued a Special Land Use permit, if the Group Child Care Home meets the following standards:

- A. Is located not closer than 1,500 feet to any of the following:
 - i. Another licensed Group Child Care Home.
 - ii. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being sections 400.701 to 400.737 of the Michigan Compiled Laws.
 - iii. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.6101 to 333.6523 of the Michigan Compiled Laws.

iv. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.

B. A Group Child Care Home shall have a minimum of 150 square feet of open space area per person, with not less than 5,000 square feet of open space area provided and maintained. For purposes of this section, "open space area" means an area available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or required parking facilities in the side or rear yard of the facility. The open space area shall be free from sharp gravel, glass, or cinder and shall be well drained.

C. All outdoor areas shall a minimum of four (4) foot fencing for the safety of the children in the Group Child Care Home as determined by the Planning Commission.

D. Maintains the property consistent with the visible characteristics of the neighborhood.

E. Does not exceed 16 hours of operation during a 24-hour period. The Planning Commission may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.

F. Meets the applicable sign regulations in this ordinance.

G. If the Group Child Care Home has employees, there must be provision for off-street parking accommodations.

12. INSTITUTIONAL AND RESIDENTIAL CONGREGATE CARE FACILITIES

Institutional care facilities shall be permitted subject to the following procedures and conditions:

A. An off-street drop-off/pick-up area must be provided, including an onsite vehicle turnaround or separate entrance and exit points. All access points and vehicular and pedestrian circulation must be designed to accommodate elderly and disabled persons. All structures, facilities, design elements, and operational requirements shall be provided or complied with, as determined necessary by the Planning Commission.

B. Based on the established capacity of the institutional care facility, a minimum of 150 square feet of open space area per person, with not less than 5,000 square feet of open space area per facility, shall be provided and maintained. For purposes of this section, "open space area" means an area available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or required parking facilities in the side or rear yard of the facility. The open space area shall be free from sharp gravel, glass, or cinder and shall be well drained.

C. All structures must be set back 75 feet from all property lines.

D. Parking shall be provided as required in this Ordinance.

E. The institutional care facility shall be registered and licensed as required under the Public Health Code, Act 368 of 1978, as amended).

13. KENNELS AND VETERINARY CLINICS:

Structures, including fences, must be set back 150 feet from all property lines and 600 feet from the nearest dwelling or R-1, R-2 or R-3 zoning district. All activities shall be conducted within enclosed structures.

14. LARGE WIND ENERGY SYSTEMS

A. Large Wind Energy Systems (LWES) with a rated capacity of more than thirty (30) kW for commercial power generation usage may be permitted as Special Land Uses. Commercial Wind Turbine Generators to produce electrical energy require treatment as a Special Land Use because:

- i. LWES are large structures, projecting up to four hundred (400) feet in height, dominating the skyline in local situations, and multiple units may be constructed in a concentrated area (e.g. wind energy farm);
- ii. LWES are a relatively new technology and are intended to provide electrical energy from wind forces as opposed to fossil fuel combustion (oil, gas, coal);
- iii. LWES require special sites with favorable wind and land surface conditions; and
- iv. LWES influence the landscape and, therefore, require special consideration to fit into areas where permanent or seasonal housing exists.

B. Applications for LWES shall meet the following conditions.

- i. The distance between any structure of a LWES and the owner's property lines shall be two (2) times the height of the wind tower including the blade in its vertical position;
- ii. Noise from LWES shall not be a nuisance at the property line. The applicant/owners shall provide certification before and after construction, that the LWES will not exceed normal levels;
- iii. The lowest point of the arc created by rotating blades shall be at least twenty (20) feet above ground level at the tower location;
- iv. No LWES shall be installed until evidence has been given to the local government that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. These generators must comply with the Michigan Public Service Commission and utility requirements;
- v. Signage shall be used to warn visitors about the potential danger of falling ice. All LWES within three hundred thirty (330) feet of a public road shall be shut down for the duration of any ice storm;
- vi. Measures shall be used to reduce the visual impact of wind turbines to the extent possible. Large Wind Energy System projects shall use tubular towers finished in a

single, non-reflective matte color or a camouflage scheme. There shall be a uniform appearance where there is more than one tower. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades;

- vii. A study shall be conducted to identify and assess any potential impacts on the natural environment, including but not limited to, wildlife, endangered species, wetlands, historical and cultural sites, antiquities and fragile ecosystems, and shall take appropriate measures to eliminate or mitigate impacts identified in the study;
 - viii. A process shall be created to resolve any complaints from nearby residents. The process shall use an independent mediator or arbitrator and include a time limit for acting on a complaint;
 - ix. Towers shall be secured or protected to prohibit access by unauthorized persons and a security fence may be required if determined to be in the best interest of the community;
 - x. The minimum eligible site area shall be twenty (20) acres, but a minimum of five (5) acres of site area is required for each tower proposed within an eligible property;
 - xi. The applicant shall be required to make application to the Federal Aviation Administration ("**FAA**") to apply for lighting standards that:
 - a. Are of the lowest intensity allowable;
 - b. Avoids strobe lighting or other intermittent white lighting fixtures;
 - c. May be a red top light that does not pulsate or blink; and
 - d. Comply with legal minimums per FAA requirements.
- C. Removal of Abandoned Towers - Towers or portions of towers and associated facilities that are no longer used or have been abandoned shall be removed within 12 months of the cessation of operations, unless the Zoning Board of Appeals has approved an extension of the 12-month period. At the time an application for construction of a tower is made, a copy of an agreement requiring the applicant to remove the tower and associated facilities upon cessation of operations shall be submitted along with other relevant documents, such as a signed lease, deed, or land contract. In the event a tower is not removed within the period stated above, (or as extended by the ZBA), the Township shall remove the tower and associated facilities and the costs of the removal assessed against the real property.

15. MIGRANT HOUSING

- A. The Planning Commission may permit housing of migrant farm workers and migrant employees in AG Districts as a Special Land Use. No structure may be used for such purposes in the Township, unless the Planning Commission finds all of the following conditions and requirements are met:

- i. Migrant housing shall be located on the same parcel of land as the principal structure or use to which they are accessory, and said parcel shall be at least 10 acres in size.
 - ii. Migrant housing may be occupied only between the periods of May 15 through November 15.
 - iii. Migrant housing may be used only by migrant farm workers and migrant employees.
 - iv. The rules, regulations, and standards of the State of Michigan governing the licensing and operation of migrant housing shall apply where any dwelling is used to house one or more migrant workers.
 - v. Migrant housing shall be located at least 200 feet from any public street, at least 200 feet from any other property line, and 400 feet from any dwelling of an adjacent property owner.
 - vi. No migrant housing shall have more than one story nor accommodate more than one family. No migrant housing shall be closer than 30 feet to another structure.
 - vii. No migrant housing shall be located between the front entry wall of any other migrant housing and a driveway or private roadway serving said other dwelling, and no migrant housing shall be closer than 30 feet to any such drive or roadway.
 - viii. Any other special conditions may be imposed by the Planning Commission to ensure a desirable living environment for the migrant workers, to protect the values and desirability of adjacent properties, and to ensure proper supervision of such workers.
- B. The applicant shall submit a Site Plan pursuant to this Ordinance and approved by the Planning Commission that shall signify the applicant's agreement to comply with said plans and all the above conditions and requirements at all times and shall further agree to the following:
- i. The premises and all migrant housing shall be available for the inspection of the Zoning Administrator.
 - ii. All premises and structures shall be regularly maintained.
 - iii. Any migrant housing that is not occupied by migrant workers during five (5) consecutive seasons shall be removed by the owner within 6 months.

16. MULTIPLE FAMILY DWELLINGS

Multiple family dwellings may be permitted provided the Planning Commission finds that all of the following conditions are met:

- A. Every principal entry shall be visible from a public street. No entrance shall be located further than 150 feet from off-street parking facilities.
- B. A front yard of 35 feet shall be required.

- C. Where more than one building is located on a lot, the following requirements apply:
 - i. No building shall be located in front of the main entrance wall of another building unless separated by a common yard of at least 50 feet.
 - ii. No building shall be located behind another unless separated by common yard of at least 100 feet.
 - iii. Each building shall have a greenbelt of at least 30 feet unobstructed by any accessory structure.
 - iv. No building shall be located closer than a distance equal to its total height to any other building.
 - v. Each building shall contain complete and separate septic system facilities as required by the county health department.
- D. Maximum density: The maximum density for multiple dwellings shall not exceed eight (8) units per acre and five (5) townhouses per acre. Documentation must be submitted which addresses the suitability of the site for the proposed density. There shall be a minimum of 4,000 square feet of lot area for each dwelling unit.
- E. Landscaping: Screening and buffering is required in accordance with the buffering and landscaping provisions of this Ordinance.
- F. No building shall contain more than 12 dwelling units.
- G. Each unit shall contain complete and separate facilities as required for a single housekeeping unit.
- H. Siting: No dwelling in a grouped housing development shall be closer to a street access drive or a parking area than fifteen (15) feet.
- I. Screened Buffer Strip: When a side or rear lot line abuts property in the R-1 Zoning District, a well-maintained buffer strip no less than ten feet in width shall be required within the side yard and/or rear yard setbacks along shared lot lines. The buffer strip shall contain a well-maintained opaque fence no less than six feet in height. No screening shall in any way impair safe vertical or horizontal sight distance for any moving vehicles, or be closer than thirty (30) feet to any street right-of-way line.

17. NATURAL RESOURCE REMOVAL OPERATIONS

- A. It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to strip any topsoil, sand, peat, marl, clay, gravel or similar material, or use lands for filling within the Township without first procuring a Special Land Use permit in accordance with this ordinance.

- B. Application: The Planning Commission shall conduct a public hearing before approving a permit concerning such application. A separate permit shall be required for each separate site. Each application for a permit shall be made in writing to the Planning Commission and shall contain the following information in 6 copies as a condition precedent to the obligation to consider such request:
- i. Names and addresses of parties of interest in said premises setting forth their legal interest in said premises.
 - ii. Full legal description of the premises wherein operations are proposed.
 - iii. Detailed proposal as to method of operation, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
 - iv. Detailed statement as to exactly what type of deposit is proposed to be removed or deposited.
 - v. Topographical survey map showing existing grades and final grades after, to be prepared by a registered civil engineer.
 - vi. Such other information as may be reasonably required by the Planning Commission to determine whether a permit should be issued or not.
- C. Permit Fees: A fee shall be paid according to a fee schedule adopted by the Township Board.
- D. Permit: After reviewing all of the information submitted by the applicant and such other information as required by the Planning Commission, the Commission shall review, approve, or disapprove said application. The permit shall be issued provided the issuance of the permit would not detrimentally affect the public health, safety, morals and general welfare of the citizens of Flowerfield Township.
- i. It shall be the responsibility of the landowner or permit holder to use ecological conservation practices for all areas used for natural resource removal operations.
 - ii. No residential structures of a permanent or temporary nature shall be allowed.
 - iii. Part or all of the operation must be screened with a fence or other appropriate screening as determined by the Planning Commission.
 - iv. All truck operations shall be directed away from residential streets, whenever practical.
- E. All parcels proposed for natural resource removal shall have access to a major county thoroughfare as designated by being improved to the standards of the County Road Commission. Such access shall not create unreasonable interference with future or existing adjacent land uses.

- F. The Planning Commission shall find, in its discretion that the proposed operation shall not result in serious consequences in relation to interests the Township is authorized to protect.
 - i. The Planning Commission shall examine the proposed plans and shall note the effect of the proposed use upon the area involved and the relationships between proposed uses and future streets, lots, grades, and waterways.
 - ii. The Planning Commission may approve or disapprove of the proposed use. It may require that special conditions, such as fencing, screening, landscaping, yards, parking, location of structures, and time limitations, be imposed.
- G. The Planning Commission shall consider the following in making its determination, and shall determine the proper disposition of the application following the public hearing.
 - i. The proposed use will be reclaimed for an alternate use within a reasonable period of time.
 - ii. The proposed use will not adversely affect existing or future adjacent land uses substantially.
 - iii. The effect of the proposed use on drainage, surface water, water table, groundwater, etc.
 - iv. The proposed use shall not adversely affect the public health, safety, and general welfare.
- H. The Planning Commission may impose such special conditions, as it deems necessary to carry out the intent of this section prior to granting approval of any application. The Planning Commission may impose a reasonable corporate surety bond to ensure compliance with this section.
- I. Exceptions. A permit to fill or remove soil from an area not to exceed 20,000 square feet may be issued by the Zoning Administrator, provided information is formally submitted including the following:
 - i. Names and addresses of owners of property, and person or contractor responsible for filling or removing activities.
 - ii. Legal description and plot plan of property showing dimensions of area to be filled or removed from and to what finish elevation proposed.
 - iii. Type of Material to be Deposited: Approved material to include sand, soil, clay, dirt, stone, brick, and concrete provided all such materials to be in a level condition with a minimum of 6-inch, debris-free top cover suitable for the growing of turf within 6 months of date of issuance of permit. The maximum period of time such permit may be valid for is 6 months.

- iv. No permits will be required for excavations or filling for building construction purposes, pursuant to a duly issued building permit under the State of Michigan Residential Building Code or other building regulations as adopted by the Township.

18. PONDS, AGRICULTURAL

- A. No person shall erect, install, locate, or construct an agricultural pond, unless it has first been approved subject to the following:
 - i. The pond shall be used for agricultural use only.
 - ii. The creation of any pond resulting in the extraction and removal of material off-site shall require the issuance of a Mineral Removal permit in accordance with this Ordinance.
- B. Ponds located within five hundred (500) feet of a County Drain or surface water must obtain a "Soil Erosion and Sedimentation Permit" from the County Drain Commissioner and be approved by the Michigan Department of Environmental Quality ("**MDEQ**") or its successor agency. **MDEQ approval is also required for ponds that are either, within a regulated wetland or greater than five (5) acres in size.**

19. PUBLIC AND INSTITUTIONAL USES

Public and institutional uses may be permitted in any zoning district if the Planning Commission finds that the following conditions are met:

- A. That the proposed use will be harmonious with, and not harmful, injurious, or objectionable to, existing and projected future uses in the area.
- B. That the proposed use is adequately served by necessary improvements, including but not limited to water, sewer, electricity, roads, drainage, and parking.
- C. That the proposed use is in accordance with the development policies of Flowerfield Township.
- D. All front, side, and rear yard space shall be a minimum of 50 feet each from adjoining lot lines.

20. SAWMILLS

- A. The minimum area of the site shall be 10,000 square feet.
- B. The minimum street frontage shall be 100 feet.
- C. Where the site abuts property in any R-1, R-2, or R-3 zoning district, a buffer of 300 feet shall be provided along the property line.
- D. Exterior lighting shall be hooded or shielded to be deflected away from adjacent property.

21. SINGLE-FAMILY DWELLINGS (NOT ON LOTS OF RECORD)

- A. The Planning Commission may allow single-family dwellings in the agricultural district if the parcel on which the dwelling is to be located is poorly suited for agricultural production and any two of the following conditions are met:
- i) Soil Conditions: No prime agricultural soils may be included in any part of the proposed parcel.
 - ii) Slope: Slopes greater than 12% may be suitable for residential dwellings.
 - iii) High Groundwater Table, Floodplain, or Wetlands: While these may not be ideal building sites, some circumstances may make them suitable for residential use.
 - iv) Natural Vegetation: There exist mature stands of trees or thick brush.
 - v) Size, Shape, Orientation, or Physical Features: It must be demonstrated that existing conditions make the parcel difficult or impractical to farm.
- B. The Planning Commission, in making its determination, may consider factors such as, but not limited to:
- i) Past and present use of the parcel and adjoining parcels.
 - ii) Past productivity, vegetation, and the difficulty in making the parcel suitable for farming.
 - iii) The likelihood of conflicts arising between the residential use and the surrounding agricultural activities.
 - iv) The precedent set by allowing the residential use in the circumstances under consideration will not adversely affect the long-term plans and development policies of the Township.
- C. Parcel size may not exceed two (2) acres, unless that portion greater than two acres contains no prime agricultural soils.
- D. Must have proof that the water supply and Septic Systems are approved by the County Health Department.

22. SMALL WIND ENERGY SYSTEMS

Small Wind Energy Systems for personal use having a rated capacity of not more than 30 kW and be intended primarily to reduce on-site consumption of utility power. Some locations may be unsuitable for a small energy system; automatically allowing use anywhere could cause problems. The following restrictions shall be required:

- A. No Special Land Use permission is needed on small wind energy systems that remain

unconnected to any utilities and when all consumption of energy produced is used with the residing property.

- B. The distance between a Wind Energy System and the owner's property lines shall be at least one and one-half (1 ½) times the height of the Wind Energy System tower including the top of the blade in its vertical position.
- C. Small Wind Energy Systems shall not be a nuisance at any property line.
- D. No Wind Energy System shall be installed until evidence has been provided, that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. These generators must comply with the Michigan Public Service Commission and utility requirements. Off-grid systems shall be exempt from this requirement.
- E. Measures shall be used to reduce the visual impact of wind turbines to the extent possible. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades.
- F. A study may be required to identify and assess any potential impacts on the natural environment, including but not limited to, wildlife, endangered species, wetlands, historical and cultural sites, antiquities and fragile ecosystems, and shall take appropriate measures to eliminate or mitigate impacts identified in the study.

23. TELECOMMUNICATION TOWERS

- 1. Telecommunication towers for commercial radio, television, commercial telecommunications, and for microwave or television are permitted in the Agricultural District, according to the following standards:
 - A. To minimize the proliferation of towers within the Township, no new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower or structure can accommodate the applicant's proposed transmitting antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers or other structures. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed transmitting antenna might consist of the following:
 - i. No existing towers or structures are located within the geographic area that meets the applicant's engineering requirements.
 - ii. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - iii. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

- B. Towers shall be designed and constructed to accommodate both the applicant's equipment and that of a minimum of two other users.
 - C. Available tower space on existing towers will be required to be leased or sold at fair market value.
 - D. Transmitting antennas to be placed on buildings, existing towers or other structures shall be subject to all the requirements of this Section, including the Special Land Use Permit requirements referenced herein.
2. Design Standards - All steel towers and antenna supporting structures shall be designed to meet the current structural standards of the Telecommunications Industry Association and Electronic Industries Association known as TIA/EIA - 222 or its successor.
 3. Minimum Setback Distances –
 - A. Towers shall be setback from the property lines and street rights of way a minimum of the total height of the structure, to include any antennae projecting above the tower. Required setback shall be measured from the outer perimeter of the base of the tower, not its center point, to property lines or street rights of way. When a tower is to be mounted on another structure, the total height shall be combined heights of the structure, tower, and projecting antennas. The Planning Commission shall have authority to approve a tower with a lesser setback if (1) the proposed tower is to be constructed in a manner that would cause the tower in the case of collapse to remain within the boundaries of the property on which it is located and (2) the Planning Commission determines that a reduced setback will not have a material adverse impact upon any neighboring properties.
 - B. Anchorages for guyed towers must be on the same parcel of land as the tower and set back from property lines a minimum of 20 feet.
 - C. Accessory buildings shall be set back in accordance with the requirements of the District in which the property is zoned.
 4. Security Fencing - The tower base, anchorages for guyed towers and any accessory buildings shall be enclosed by a security fence consisting of a six (6) foot tall chain link fence topped with three strands of barbed wire or an eight (8) foot tall chain link fence.
 5. Obscuring Screen - A seven (7) foot tall obscuring screen of evergreens and shrubs shall be established and maintained to screen the tower base and associated accessory buildings from any neighboring properties.
 6. Lighting - Towers shall not be illuminated by artificial means and shall not display strobe lights or other warning lights unless specifically required by the Federal Aviation Administration, or other federal or state agency having authority over a particular tower.
 7. Signs - The use of any portion of the tower for signs other than the minimum required for warning or equipment information is prohibited.

8. Removal of Abandoned Towers - Towers or portions of towers and associated facilities that are no longer used or have been abandoned shall be removed within 12 months of the cessation of operations, unless the Zoning Board of Appeals has approved an extension of the 12-month period. At the time an application for construction of a tower is made, a copy of an agreement requiring the applicant to remove the tower and associated facilities upon cessation of operations shall be submitted along with other relevant documents, such as a signed lease, deed, or land contract. In the event a tower is not removed within the time stated above, (or as extended by the ZBA), the Township shall remove the tower and associated facilities and the costs of the removal assessed against the real property.
9. Additional Requirements - In addition to the information required for Special Land Use permits pursuant to this Ordinance, applicants for Special Land Use permits for a transmitting tower shall submit the following information.
 - A. A scaled Site Plan clearly indicating the location, type and height of the proposed tower, specifications on all proposed antennas, on-site land uses and zoning, land uses and zoning within 500 feet of the parcel on which the tower is located (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from site boundary lines and elevation drawings of the proposed tower. The Site Plan shall be prepared by or under the supervision of a professional engineer, architect, or architectural engineer licensed or registered by the State of Michigan. The Site Plan shall contain the name and firm address of the professional engineer, architect or architectural engineer responsible for the preparation of the Site Plan and the professional seal and signature of that person.
 - B. The legal description and ownership of the parcel on which the tower is proposed to be located. If the tower is proposed to be located upon just a leased portion of the parcel, the applicant shall also provide a legal description of such leased land.
 - C. The setback distances between the proposed tower and the boundaries of the parcel on which the proposed tower is located.
 - D. The method of fencing, finishing color of the tower and, if applicable, the method of screening and illumination.
 - E. A description of compliance with federal, state and local laws.
 - F. Each applicant shall submit a detailed site justification report, including a description of the process that eliminated other potential sites and a map showing the extent of planned coverage, approved locations of all other telecommunication sites, or adjoining municipalities that provide coverage including the applicant's location and the location and service area of the proposed telecommunication site.
 - G. Using technological evidence, the applicant must demonstrate that the proposed location is necessary to satisfy its function in the company's grid system. Specific locations will be evaluated using the following analysis and criteria (not listed in any order of priority):
 - i. Capacity and propagation analysis.
 - ii. Tower height visibility analysis.

- iii. Antenna separation analysis based on wavelength.
 - iv. Analysis of signal strength and signal thresholds necessary for cell hand-off.
 - v. Availability of suitable structures for antenna mounting.
 - vi. Topography as it relates to line of sight transmission for optimum service efficiency.
 - vii. Leasable lands and willing property owners.
 - viii. Screening potential of existing vegetation, structures, and topographic features.
 - ix. Compatibility with adjacent land uses, and preservation of historic views, vistas, buildings, and areas.
 - x. Least number of sites to cover desired area.
 - xi. Greatest coverage consistent with physical requirements.
 - xii. Opportunities to mitigate possible visual impact.
 - xiii. Availability of sites not within an established single-family community.
 - xiv. Preservation of view corridors, vistas.
 - xv. Potential for preservation of pre-existing character of site.
 - xvi. Impact on surrounding residential areas.
 - xvii. Availability of road access.
 - xviii. Availability of electric power.
 - xix. Availability of land based telephone lines or microwave link capability.
2. The Planning Commission shall consider the following factors in determining whether to approve a telecommunication tower as a Special Land Use:
- A. Height of the proposed tower.
 - B. Proximity of the tower to residential structures and residential district boundaries.
 - C. Nature of uses on adjacent and nearby properties.
 - D. Surrounding topography.
 - E. Surrounding tree coverage and foliage.

- F. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- G. Proposed ingress and egress.
- H. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
- I. Willingness of the applicant to allow co-location of antennas on the proposed tower at a reasonable charge.

ARTICLE 17

ADMINISTRATION AND ENFORCEMENT

17.01 ADMINISTRATION

The Township Board shall designate a Zoning Administrator to act as its officer to effect proper administration of this Ordinance.

17.02 ZONING PERMITS AND PLANS

No building or part thereof shall hereafter be erected, moved, enlarged or altered until the Zoning Administrator has granted a Zoning Permit. The owner or his agent shall file an application and it shall state the intended use of the structure and of the land. The application shall be accompanied by building plans; a plot plan and such other information as may be necessary to provide for the enforcement of this Ordinance. Plans shall be drawn to scale and shall show dimensions in figures; and in the case of multi-family, business, or industrial buildings by complete specifications. Building and plot plans shall be signed by the person preparing them and by the owner of the property or building involved. No Zoning Permit shall be issued unless the plans and intended use conform in all respects to the provisions of this Ordinance. All Zoning Permits shall expire 1 year from their date of issuance.

17.03 FEES

The Township Board is hereby given the authority to establish by resolution, at any regular public meeting, a schedule of fees, rates and charges for the administering of this Ordinance (including, but not limited to, the issuance of permits and the holding of hearings hereunder), provided that the same are reasonable and bear a reasonable relationship to the cost and expense of such administration and activity. The Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

17.04 DUTIES OF THE ZONING ADMINISTRATOR

The office of Zoning Administrator is hereby established. This Ordinance shall be enforced by the Zoning Administrator, who shall in no case issue any Zoning Permit where the proposed building, alteration or use would be in violation of any provision of this Ordinance.

1. Violations: The Zoning Administrator shall investigate any alleged violation of the Zoning Ordinance coming to his attention. If a violation is found to exist, he shall take appropriate action to enforce this ordinance. The Zoning Administrator shall do one of the following for each violation of the Zoning Ordinance:
 - A. Provide the property owner with a warning including an opportunity for corrective action
 - B. Impose a penalty for the violation.
 - C. Designate the violation as a municipal civil infraction and impose a civil fine for the violation.

2. Inspections: The Zoning Administrator shall inspect all new construction or alterations at the time footings are placed, and such additional inspections he deems necessary to insure compliance with the provisions of this ordinance. The Zoning Administrator shall make periodic inspections of the Township to ascertain that the requirements of this Ordinance are being complied with.
3. Records: The Zoning Administrator shall keep records of all applications and permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans, other than for one-family houses, and of all fees submitted with applications. The same shall form a part of the records of his office and shall be readily available to the Township Board and all other officials of the Township and County.

17.05 VIOLATION AND SANCTION

Except as otherwise provided by law, a use of land or a dwelling, building, or structure, including a tent or recreational vehicle, used, erected, altered, razed, or converted in violation of this Zoning Ordinance is a nuisance per se. The court shall order the nuisance abated, and the owner or agent in charge of the dwelling, building, structure, tent, recreational vehicle, or land is liable for maintaining a nuisance per se.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit or approval issued under this Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of the same, shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute and shall be punishable by a civil fine of not more than \$500, along with costs which may include all expenses, direct and indirect, to which Flowerfield Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of neither less than \$9 nor more than \$500 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction to obtain an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that such violation continues shall be deemed a separate and distinct violation.

ARTICLE 18

ZONING BOARD OF APPEALS

18.01 CREATION

There is hereby created a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers and jurisdiction as provided by Act 110 of 2006, as amended, and by the provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, morals and general welfare are secured and substantial justice done.

18.02 MEMBERSHIP

The Zoning Board of Appeals shall be composed of not less than three (3) regular members. The first regular member of the Zoning Board of Appeals shall be a member of the Township Planning Commission. The remaining regular members and any alternate members of the Zoning Board of Appeals shall be selected from the electors of the Township. The members selected shall be representative of the population distribution and of the various interests present in the Township.

One regular member may be a member of the Township Board. Such a member shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals.

A member of the Zoning Board of Appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties.

A member of the Zoning Board of Appeals who is also a member of the Planning Commission, or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission, or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

18.03 REMOVAL

A member of the Zoning Board of Appeals may be removed by the Township Board for nonperformance of duty or misconduct 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 misconduct in office.

18.04 TERM

Terms shall be for 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, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of

the term. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the board is present.

18.05 ALTERNATE MEMBERS

A Township Board may appoint not more than two alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend 2 or more consecutive meetings of the ZBA or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days. An alternate member may also be called to serve as a regular member to reach a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

18.06 GENERAL GRANT OF POWER

The Zoning Board of Appeals shall perform all the duties and have all the powers prescribed by Act 110 of 2006, as amended. It shall adopt rules of procedure consistent with the provisions of said Act and other local ordinances, as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

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. An appeal to the Zoning Board of Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of the Township, county, or state.

18.07 EMPLOYEES

The Board may employ clerical or other assistance as may be necessary, if it shall not incur any expense at any time beyond the amount made available for that purpose.

18.08 MEETINGS

Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the board in its rules of procedure may specify. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public.

18.09 PROCEDURES

The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a Zoning Board of Appeals. The Zoning Board of Appeals shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a Zoning Ordinance. Special Land Use and Planned Unit Development decisions may not be taken to the Zoning Board of Appeals.

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

An appeal to the Zoning Board of Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of this state or the (Township). In addition, a variance in the Zoning Ordinance may be applied for and granted under section 4 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.54. The Zoning Board of Appeals shall state the grounds of any determination made by the board.

An appeal shall be taken within such time as prescribed by the Zoning Board of Appeals by general rule, by filing with the body or officer from whom the appeal is taken and with the Zoning Board of Appeals a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.

An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or a circuit court.

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

If the Zoning Board of Appeals receives a written request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, the Zoning Board of Appeals shall conduct a public hearing on the request. Notice shall be given as required. However, if the request does not involve a specific parcel of property, notice need only be published and given to the person making the request.

At a hearing, a party may appear personally or by agent or attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.

If there are practical difficulties for nonuse variances in the way of carrying out the strict letter of the Zoning Ordinance, the Zoning Board of Appeals may grant a variance, so that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.

The following procedures and standards for approval are for the review of all types of variances.

1. The Zoning Board of Appeals may impose conditions as otherwise allowed under this act.
2. The Zoning Board of Appeals shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements or to any other non use-related standard in the ordinance.

18.10 DIMENSIONAL VARIANCES

Subject to the provisions of this Ordinance, and in addition to other duties and powers specified herein, the Board, after public hearing shall have the power to decide applications for dimension variances:

1. Where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Building Inspector or other administrative agency of the municipality in the carrying out of the provisions of this ordinance.
2. Where it is alleged that by reason of the exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or building or of the use of property immediately adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship; provided that the Board shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the lot.
3. Where it is alleged that there is practical difficulty in carrying out the strict letter of this Ordinance and a request made to vary such regulations, so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

18.11 USE VARIANCES

The Zoning Board of Appeals does not have the authority to grant variances from uses of land.

18.12 FEES

Upon filing of any appeal or application to the Board, the applicant shall pay a fee as set by the Township Board. Said fee shall be paid to the Township Clerk before any action is taken on said petition. Fees may be changed by the Township Board at any regular meeting.

18.13 VOTE NECESSARY FOR DECISION

The final disposition of any matter of the Board shall require the concurring vote of a majority of its members.

18.14 DECISION AS FINAL

The decision of the Zoning Board of Appeals shall be final. The decision of the ZBA is deemed final either: 1) when the ZBA issues its decision in writing, or 2) if the ZBA does not issue a written decision, then when the ZBA approves the minutes of its decision (at the next meeting).

A party aggrieved by the decision may appeal to the circuit court for the county in which the property is located.

18.15 TIME LIMIT

Subject to the exception set forth below, no variance granted by the Zoning Board of Appeals shall be valid for a period longer than six months unless either:

1. The use or structure made possible by the variance is established within the six month period, or
2. A building permit for the construction made possible by the variance is obtained within the six-month period and the construction is started and proceeds to completion in accordance with the building permit.

EXCEPTION: Variances granted which render vacant lots that would otherwise be unbuildable under the terms of this ordinance buildable (e.g. variances from lot area, lot width, road frontage, or lot depth-to-width ratio requirements) shall not be subject to the above six-month time limitation.

18.16 MINUTES AND RECORDS

The ZBA shall maintain a record of its proceedings that shall be filed in the office of the Township clerk and shall be a public record. The Secretary shall keep minutes of the Board's proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The Secretary shall keep records of the Board's examinations and official actions, all of which shall be filed with the Township Clerk and be a public record.

ARTICLE 19

SEPARABILITY AND REPEALS

19.01 SEPARABILITY

In case any article, section, or provision of this Ordinance shall be held invalid in any court, the same shall not affect any other Article, section or provision of this Ordinance, except so far as the article, section or provision so declared invalid shall be inseparable from the remainder or any part thereof.

19.02 REPEALING CONFLICTING ORDINANCES

In the case of any inconsistencies between this ordinance and an ordinance adopted under any other law, this ordinance shall be controlling. Any ordinances or parts thereof, in conflict with any of the terms of this Ordinance are hereby repealed to such extent as they are in conflict or inconsistent. However, the adoption of this Ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing Ordinance.

19.03 PRIOR ORDINANCE

In the event that any part or provision of this Ordinance is repealed by a court of law as the result of any judgment, then the prior version dated May 3, 2003 shall continue in effect.

19.04 EFFECTIVE DATE

This Ordinance was adopted on _____, 2010
This Ordinance was published on _____, 2010
This Ordinance shall take effect on _____ 2010

Teresa Ives
Flowerfield Township Clerk