

ARTICLE 1  
SHORT TITLE AND PURPOSE

1.01 SHORTTITLE

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

1.02 PURPOSE

The zoning districts established by the Ordinance and the regulations specified for each such district have been developed in accordance with the continuing formulation of a comprehensive plan for the physical development of Flowerfield Township (Township) as a part of St. Joseph County. In their application and interpretation, the provisions of this Ordinance shall be held to be minimum requirements adopted to promote the public safety, health, morals, and general welfare. Among other purposes, these provisions are designed to conserve and protect lands, water, and other natural resources in the Township for their most suitable purposes; to preserve productive agricultural lands for agricultural uses; to reduce hazards to life and property from flooding and air and water pollution; to secure safety from fire and other dangers of excessive public costs that result from unguided community development; to avoid undue concentration of population by regulating and limiting the density or use of land; to lessen congestion in the public highways and streets; to facilitate the economical provision of adequate streets and highways, educational and recreational facilities, sewerage, drainage, and water supply systems while avoiding the installation of such utility services to illogical locations; and to enhance the social and economic stability of Flowerfield Township.

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annul, or interfere with existing provisions of other laws or ordinances except those specifically or impliedly repealed by this Ordinance, or with any private restrictions placed upon property by covenant, deed, or other private agreement unless repugnant hereto.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.

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 reused for” includes rearranged for,” redesigned for,” “intended for,” “maintained for,” or ‘ 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 1919, 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 ft 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, period for 5 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. **COMMISSION:** This term, and the term 'Planning Commission,'" shall mean the Flowerfield Township Planning Commission.
23. **COMPOST:** Compost is a light, dry, humus material created from the biochemical decomposition of organic matter due to the metabolic activity of aerobic microorganisms.

24. **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.
25. **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.
26. **CONVALESCENT OR NURSING HOME:** A convalescent home or nursing home is a home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three or more persons are cared for. Said home shall also conform to and qualify for license under applicable state laws (even though state Law may provide for different size regulations).
27. **GROUP DAY 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.

28. 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. One-Family (also known as a single-family dwelling): A detached building containing not more than one dwelling unit designed for residential use, complying with the following standards:
- 1) It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
  - 2) 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 manufacturer's 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.
  - 3) 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.

- 4) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- 5) 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.
- 6) 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 Planning Commission 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.
- 7) The dwelling shall have a minimum width across any front, side or rear elevation of 24 feet through 75% of its length and a length of not less than 40 feet.
- 8) 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 left.
- 9) 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.

- 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.
29. **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.
30. **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 or 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.

31. 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.
32. 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.
33. 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:

- 1) Any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order.
- 2) Any group of individuals, whose domestic relationship is transitory, temporary, or resort/seasonal in nature or character.
- 3) 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.

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.

34. **FAMILY BUSINESS:** A 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.
35. **FAMILY DAY 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.
36. **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.
37. **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.
38. **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.
39. **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.

40. **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.
41. **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.
42. **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.
43. **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.
44. **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 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).

- 45. FREESTANDING SIGN: Freestanding signs are elevated by supports so that the bottom of the sign is greater than 1½ foot above ground
- 46. GARAGE: An accessory building or portion of a main building used primarily for the storage of passenger vehicles.
- 47. 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.
- 48. GOVERNING BODY: The Township Board of Flowerfield Township.
- 49. 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.

50. HEALTH DEPARTMENT: The Branch-Hillsdale-St. Joseph Health Department.
51. HISTORIC STRUCTURES: Historic structures are structures that have received state or federal historic designation including centennial farms.
52. 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.
53. 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 are limited to such animals as dogs, cats, fish, birds, rodents, lizards, non-venomous snakes, and spiders.
54. INOPERABLE VEHICLES: Any vehicle intended for travel on public streets and roads, not capable of operating or not having current license and registration.
55. 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 (see Day 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 adults who are aged or physically impaired, 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.
- 56. INSTITUTIONAL OR PUBLIC USE: Churches, schools teaching academic subjects, hospitals, parks, civic centers, Libraries, other public or semipublic uses, and convalescent or nursing homes.
  - 57. 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.
  - 58. 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.
  - 59. 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.
  - 60. 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.
61. 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: the case of a lot abutting on one street, the front lot line shall mean the street right-of-way. In the case of a corner or double frontage lot, the front lot line shall mean the street right-of-way which is designated as the front street in the plat and/or in the request for a zoning compliance permit as determined by the zoning administrator.
  - 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.
62. 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 at the time of adoption of this Ordinance.

63. LOT AREA: The total horizontal area within the lot lines of a lot, excluding public right-of-way.
64. 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).
65. 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.
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. 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

68. **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.
69. **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 immediate use and development of the land excavated, such as for the purposes of building construction, septic tanks, swimming pools, etc. (see "Earthmoving").
70. **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.

71. 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.
72. 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.
73. 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.
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 are 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. **STORAGE SHED**: A storage shed is a small building that may or may not be built from a prepackaged kit. Storage sheds typically do not require a building permit and may or may not be constructed on a concrete slab or be anchored to the ground. Storage sheds are used for outside storage of yard implements and equipment. A storage shed has less than 120 gross square feet.
- 85. **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.
86. **STREET OR ROAD**: A street or road is the dedicated and accepted public thoroughfare including the right-of-way and roadway.
87. **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.
88. **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.
89. **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.
90. **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.
91. **TEMPORARY SIGN**: Temporary signs are for short-term advertising without permanent in-ground supports.
92. **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.
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 STRUCTURES AND USES

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

1. ALL accessory structures and uses shall meet the front setback requirements in all zoning districts in accordance with this Ordinance. Accessory structures shall be located not Less than 10 feet to the rear or side setback.
2. Accessory structures and uses shall be located at least 20 feet from any easement.
3. No accessory structure shall be used for dwelling purposes.
4. Accessory structures must be Located in the rear or side yards for all parcels of five (5) acres or Less.

4.02 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.

4.03 BASEMENT DWELLING

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

4.04 CHANNELIZATION

There shall be no new channelization on Lakefront properties that would increase the numbers of take 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.

4.05 CLEAR VISION CORNER

No obstructions exceeding 30 inches in height may be placed within the clear vision corner in any zoning district. No sign, fence, structure, or planting over 30 inches in height shall be planted or erected within the area of the clear vision corner.

#### 4.06 CORNER LOTS

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

#### 4.07 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%.

#### 4.08 DWELLING REQUIREMENTS

Every one-family dwelling shall:

1. Be 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 of this Ordinance for the zoning district in which it is located, included living area requirements, area, height, width, and dimension regulations.
2. Be connected to a public sewer and water supply or to such private facilities approved by the Health Department. All drain fields, absorption beds, or seepage pits shall not be closer than 100 feet from any lake, stream, river, or other surface water.

#### 4.09 DWELLINGS — FLOOR AREA REQUIREMENTS

All single-family dwellings shall have a minimum 960 square feet.

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) bedroom             | 750 square feet per unit.   |
| 4. | Three (3) bedroom           | 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. |

#### 4.10 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. 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.

#### 4.11 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 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.

#### 4.12 FARM ANIMALS

No animal or fowl, other than household pets, may be kept in any zoning district on a parcel of land of less than 4 acres, unless Special Land Use approval is granted.

#### 4.13 FLOOD PLAIN

No structure shall be erected in the flood plain areas of lakes, rivers and their branches, and tributaries.

#### 4.14 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, or telecommunication towers.

The height limitations may be exceeded above the height Limitations provided they are Located the same distance as their height from any adjoining property line, and also meet all applicable height restrictions of the FAA

#### 4.15 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 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.
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 GEA. Meals may be served in a separate room designed for serving meals and only to overnight guests, not the general public.

#### 4.16 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 may not be kept, bred, or maintained for commercial purposes.

#### 4.17 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.

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.

#### 4.18 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.

#### 4.19 PRINCIPAL USE

No lot may contain more than one principal use, structure or building provided that 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 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.

#### 4.20 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.

#### 4.21 RECREATIONAL VEHICLES

Recreational vehicles may not be stored in the front yard. No recreational vehicle shall be located on any lot where there is no principal building.

#### 4.22 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, unless said lot, yard, parking area, or other space is restricted by deed so that no dwelling can be placed upon it. If already less than the minimum required, it shall not be further divided or reduced. Lots in the same ownership that do not meet the minimum required lot size shall be combined to meet the dimensional standards for the zoning district in which they are located. No portion of an existing lot of record shall be sold if the new lot that is created does not meet the area and dimension requirements of the zoning district in which it is located.

#### 4.23 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.

#### 4.24 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' – 6"
Outdoor Storage Areas	6' to 8'*
Off-Street Parking facilities	4'-6"
Loading and Unloading Areas	6'
* Wall height shall be minimum of 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.

#### 4.25 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.

#### 4.26 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.

#### 4.27 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.

#### 4.28 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. A good quality fence of not less than 5 feet in height shall be required. The support posts thereof shall be constructed in a permanent manner and in such a way as to last for the duration of such pool. Such posts shall be spaced at intervals of not more than 8 feet. The fences shall entirely enclose the pool.
3. Every gate or other opening in the fence shall be designed and maintained to prevent entry of persons except as allowed by the property owner.
4. 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.
5. Pools may not occupy more than 40% of the area of the yard. In computing such area, all other accessory structures shall be excluded.

#### 4.29 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.

#### 4.30 TELECOMMUNICATION TOWERS

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

#### 4.31 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.

#### 4.32 TEMPORARY DWELLING FOR HARDSHIP

No garage or other accessory structure or mobile home failing to satisfy all of the criteria for a "temporary 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 within 100 feet of 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 mobile home.

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 for a mobile home 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. Temporary dwellings shall be allowed according to the following standards and conditions:

- a. Provided that 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. The use of a recreational vehicle or mobile home. Said permit shall only be valid for one designated site, and no recreational vehicle may be parked in a required front yard.
- 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. A temporary dwelling shall be connected to 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.
- e. The applicant must commence construction or reconstruction of the permanent dwelling within ninety (90) days after issuance of the building permit.
- f. 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.

#### 4.33 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.

#### 4.34 VEHICLE STORAGE

The unenclosed storage of unlicensed vehicles shall be prohibited in all residential zoning districts. Storage of licensed vehicles with a rated capacity of more than 1-1/4 tons shall be prohibited in all residential zoning districts.

#### 4.35 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 tine, 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 for swimming pools shall be allowed as required in this Ordinance.
- f. Fences shall not be Located within 30 feet of the ordinary high-water mark of a lake or stream.
- g. 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.
- h. Retaining walls are exempt from these provisions.

2. Agricultural Districts:

Fences on lots having a lot area greater than 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 fences located within 30 feet of a road right-of-way shall meet the following conditions:

- a. Fences not more than 4 feet in height are allowed if they are not more than 25% solid.
- b. Fences not more than 3 feet in height are allowed if they are more than 25% solid.
- c. Fences on lots of 4 acres or less or that are included in the boundaries of a recorded plat or a site condominium subdivision shall meet the requirements below.

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:
  - 1) Fences not more than 4 feet in height are allowed if they are not more than 25% solid.
  - 2) Fences not more than 3 feet in height are allowed if they are more than 25% solid.

#### 4.36 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 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 5 feet may be made in the planting strip to provide convenient access to the river or stream 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. Stairs, walkways, decks, and steps on embankments having a grade exceeding 12% must not, except for support structure, be embedded into the ground.

- c. The use of fertilizer is prohibited within 25 feet of the ordinary high water mark.
- d. There may be one boat dockage for every 25 feet of shoreline, not including wetlands.
- e. Grazing of Livestock shall not be allowed on waterfront lots within 25 feet of the ordinary high-water mark. Livestock may be allowed to water in areas having suitable embankments, providing there is adequate surface preparation to prevent erosion.

#### 4.37 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.

#### 4.38 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, 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.