

Zoning Ordinance

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**London Township
Monroe County, Michigan**

ACKNOWLEDGMENTS

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NOTICE OF ADOPTION

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ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

Section 1.01 Intent and Purpose.

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and buildings, and for all other purposes described in the Michigan Zoning Enabling Act (P.A. 110 of 2006). This Ordinance is based on the London Township Master Plan, and is intended to carry out the objectives of that Plan.

This Ordinance has further been established for the purposes of:

1. Regulating the intensity of land use to promote and protect the public health, safety and general welfare;
2. Providing for the general or basic needs of agriculture, recreation, residence, and commerce;
3. Providing adequate light, air, privacy and convenience of access to property;
4. Promoting healthful surroundings for family life in residential and rural areas;
5. Fixing reasonable standards to which structures and other site improvements shall conform;
6. Prohibiting certain uses or structures within specific zoning districts;
7. Preventing the overcrowding of land by regulating the use, height, location, and bulk of buildings in relation to the surrounding land;
8. Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses;
9. Defining the duties and responsibilities of the Planning Commission under this Ordinance; and creating a Zoning Board of Appeals and defining the powers and duties thereof;
10. Designating and defining the powers and duties of the zoning official(s) in charge of the administration and enforcement of this Ordinance;
11. Providing for the payment of fees for zoning permits and approvals required by this Ordinance; and
12. Providing for penalties for the violation of this Ordinance.

Section 1.02 Scope.

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

1. **Minimum requirements.** The provisions of this Ordinance shall be held to be the minimum required for the preservation, protection, and promotion of the public health, safety, convenience, comfort, and general welfare.
2. **Relationship to other ordinances or agreements.** This Ordinance is not intended to repeal or annul any ordinance, rule, regulation or permit previously adopted, issued, or entered into and not in conflict with this Ordinance, subject to the following:
 - a. Private deed restrictions or restrictive covenants shall have no effect on the applicability of this Ordinance.
 - b. Where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules or regulations, the requirements of this Ordinance shall govern.
3. **Unlawful structures and uses.** A structure or use not lawfully existing at the time of adoption of this Ordinance shall not be made lawful solely by adoption of this Ordinance.
4. **Vested right.** Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. Such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation, protection or promotion of the public health, safety, convenience, comfort or general welfare.

Section 1.03 Short Title.

This Ordinance shall be known and may be cited as the London Township Zoning Ordinance.

Section 1.04 Enabling Authority.

This Zoning Ordinance has been prepared and adopted under the authority of the Michigan Zoning Enabling Act (PA 110 of 2006, as amended). This Ordinance was adopted by the London Township Board of Trustees, following compliance with all procedures required by the Michigan Zoning Enabling Act (PA 110 of 2006, as amended).

Section 1.05 Authority, Duties, and Responsibilities.

The purpose of this Section is to set forth the specific duties, responsibilities, and scope of authority of the following boards, commissions, and persons that are charged with administering, implementing, and enforcing the provisions of this Ordinance:

1. Township Board.
2. Planning Commission.
3. Zoning Board of Appeals.
4. Township Clerk.
5. Designated zoning officials, including the Zoning Administrator, Building Official, Code Enforcement Officer, and Township Planner.

Authority and responsibility for the administration and enforcement of all provisions of this Ordinance shall be as follows:

A. General Limitations.

The Zoning Administrator, Building Official, Code Enforcement Officer, and any other Township officials or representatives as designated and authorized by the Township Board shall have the responsibility of carrying out such administrative and enforcement duties as specified in this Ordinance or as directed by the Township Board for the purpose of implementing these regulations.

1. All zoning officials shall administer and enforce this Ordinance precisely as written, and shall not modify or vary the terms of this Ordinance nor grant exceptions to the actual meaning of any clause, order or regulation contained in this Ordinance. Under no circumstances shall any zoning official ignore the terms of this Ordinance in carrying out designated duties.
2. It shall be unlawful for a zoning official to approve any plans or issue any permits or other approvals under this Ordinance unless such plans have been determined to conform to all applicable provisions of this Ordinance.
3. Zoning officials shall not refuse to approve a zoning permit upon determination that the permit applicant has complied with all conditions imposed by this Ordinance, despite violations of private contracts, covenants or private agreements that may occur upon the approval of the permit.

B. Township Board Authority and Responsibilities.

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

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

Zoning Enabling Act (PA 110 of 2006, as amended), the Township Board shall have the authority to adopt this Ordinance, and its related Official Zoning Map, as well as any subsequent amendments considered in accordance with Section 12.04 (Amendments). Adoption of any change to this Ordinance shall be by an amendatory ordinance.

2. **Review and approval of planned unit developments.** Township Board review and approval shall be required for all planned developments, in accordance with Article 14 (Planned Unit Development District).
3. **Setting of fees.** The Township Board shall have the authority to set, by ordinance or resolution, all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance, to defray expenses incurred in processing such permits, applications, and requests for action. In the absence of specific action taken by Township Board to set a fee for a specific permit or application, the appropriate administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
4. **Appointment, oversight, and removal of zoning officials.** The Township Board shall appoint a Zoning Administrator to act as its officer for the proper administration of this Ordinance; and shall appoint a Code Enforcement Officer to act as its officer for the proper enforcement of this Ordinance.
 - a. The Zoning Administrator and Code Enforcement Officer shall be appointed by the Township Board for such term, rate of compensation, and employment terms and conditions as the Board shall determine.
 - b. The Zoning Administrator or Code Enforcement Officer may be removed from office by the Township Board in accordance with such employment terms and conditions as the Board shall determine.
 - c. The duties and responsibilities of the Zoning Administrator and Code Enforcement Officer positions may be vested in one (1) person; divided among two (2) or more persons; or delegated to designated Township consultants, as the Township Board may determine.

C. Planning Commission Authority and Responsibilities.

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

1. **Zoning Board authority.** All powers, duties, and responsibilities for a zoning board as provided by the Michigan Zoning Enabling Act (PA 110 of 2006, as amended) are hereby transferred to the London Township Planning Commission in accordance with Section 11 of the Township Planning Act (P.A. 168 of 1959, as amended).
2. **Formulation of Zoning Ordinance.** The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or

amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to Township Board.

3. **Site plan and special use approval.** The Planning Commission shall be responsible for review and approval of site plans, per Section 12.01 (Site Plan Review); and for holding hearings, reviewing, and making determinations to approve, approve subject to conditions or deny applications for special use approval, per Section 12.02 (Special Uses).
4. **Planned development review and recommendation.** The Planning Commission shall be responsible for holding hearings; reviewing; and making recommendations to Township Board to grant approval, approval with conditions, or denial of proposed planned unit development (PUD) projects, per Article 14 (Planned Unit Development District).
5. **Formulation of a Master Plan.** The Planning Commission is hereby designated as the commission specified in Section 3 of the Township Planning Act (P.A. 168 of 1959, as amended), and shall perform the planning duties of said commission as provided in the statute.
6. **Review of matters referred by Township Board.** The Planning Commission shall be responsible for review of subdivision plats, and other land development matters referred by Township Board.
7. **Report on the operation of the Zoning Ordinance.** The Planning Commission shall periodically oversee the preparation of a report to Township Board on operations under the Zoning Ordinance, including recommendations as to the enactment of amendments or supplements to the Ordinance.

D. Zoning Board of Appeals Authority and Responsibilities.

The Zoning Board of Appeals shall have the authority and responsibilities specified in Article 17 (Zoning Board of Appeals) of this Ordinance.

E. Township Clerk Authority and Responsibilities.

The Township Clerk or duly authorized representatives shall have the following responsibilities under this Ordinance:

1. Publish all notices required by these regulations, or verify such publication by the Zoning Administrator.
2. Maintain official records and file all official minutes and documents in an orderly fashion.
3. Perform other related duties required to administer these regulations.

F. Zoning Administrator Duties and Responsibilities.

London Township shall appoint a Zoning Administrator to act as its officer for the proper administration of this Ordinance. The Zoning Administrator shall be appointed by the

Township Board for such term, subject to such conditions, and at such rate of compensation as the Board shall determine. The Zoning Administrator shall be responsible for administration of this Ordinance, as follows:

1. The Zoning Administrator shall provide citizens and public officials with information relative to these regulations and related matters, and shall assist applicants in completing appropriate forms and following procedures related to site plan review, rezoning, and other zoning matters.
2. The Zoning Administrator shall periodically report to Township Board and Planning Commission on the status of Township's zoning administration.
3. The Zoning Administrator shall distribute all applications for zoning or development approval (such as site plan review, special use review, and planned unit development review) with copies of the site plan and application to designated Township officials and consultants for review and comment.
4. The Zoning Administrator shall publish all notices required by these regulations, or assist the Township Clerk with such publication.
5. The Zoning Administrator shall forward to the Township Board, Planning Commission, and Zoning Board of Appeals all materials related to completed applications recommendations, petitions or other matters on which the board or commission is required to act.
6. The Zoning Administrator shall, in consultation with the Township Clerk, maintain the current Official Zoning Map of the Township and an up-to-date Zoning Ordinance text by recording all adopted amendments.
7. The Zoning Administrator shall review and approve zoning permit applications and, in consultation with the Building Official, review and recommend action on building permit applications in compliance with the provisions of this Ordinance.
8. The Zoning Administrator shall initiate investigations into alleged violations of these regulations in consultation with the Code Enforcement Officer and Township Board.
9. In carrying out designated duties, the Zoning Administrator shall have the authority to perform such other functions necessary or incidental to the administration of this Ordinance, as directed by the Township Board.

G. Building Official and Code Enforcement Officer Duties and Responsibilities.

The provisions of this Ordinance shall be enforced by the Code Enforcement Officer, Building Official, deputies of his department, and such other persons as the Township Board may designate.

1. The Building Official shall have the authority to grant building permits and certificates of occupancy as authorized by the State Construction Code enforced by the Township; issue warnings and citations; and make Inspections of buildings or premises necessary to carry out the enforcement of this Ordinance.

2. The Building Official shall be responsible for consulting with the Zoning Administrator to verify compliance with this Ordinance, prior to issuing building permits under the State Construction Code enforced by the Township.
3. The Code Enforcement Officer shall have the authority to investigate complaints of Ordinance violations; issue warnings and citations; and make Inspections of buildings or premises necessary to carry out the enforcement of this Ordinance.
4. If the Building Official or Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he or she shall notify the person responsible in writing for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
 - a. The Building Official or Code Enforcement Officer shall order discontinuance of any unlawful work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or prevent violation of Ordinance provisions.
 - b. The Building Official or Code Enforcement Officer shall be responsible for making periodic inspections of the Township or parts thereof for the purpose of finding violations of this Ordinance.

H. Township Planner Responsibilities.

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

1. Prepare and administer such plans and ordinances as are appropriate for the Township and its environs, within the scope of the appropriate Michigan planning and zoning enabling acts.
2. Advise and assist the Planning Commission and be responsible for carrying out the directives of the Planning Commission.
3. Advise and assist Township Board and other authorized Township bodies or officials and are responsible for carrying out their directives.
4. Provide citizens and public officials with information relative to these regulations and related matters.
5. At request of the Township, review applications for zoning or development approval, administrative appeals, variances, and take any action required under these regulations.
6. At the request of the Planning Commission or Township Board, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the Township.

7. Periodically report to the Planning Commission on the status of Township's zoning and planning administration.
8. Perform other related duties, as authorized, to administer these regulations.

Section 1.06 Zoning Permits.

No structure or site shall be used erected, moved, enlarged, altered or demolished until the owner or occupant has applied for and obtained a zoning permit. No permit shall be issued to erect, move, enlarge, substantially alter, or demolish a structure or site unless the request is in conformance with the provisions of this Ordinance. Zoning permits shall be subject to the following:

A. Building Permit includes Zoning Permit Approval.

For purposes of this Section and Ordinance, building permits issued by the Building Official in accordance with the State Construction Code enforced by the Township shall also include any zoning permit approval required under this Ordinance. The Building Official shall be responsible for consulting with the Zoning Administrator to verify compliance with this Ordinance, prior to issuing building permits under the State Construction Code enforced by the Township.

B. Zoning Permits.

Wherever a provision of this Ordinance requires approval of a permit for work not regulated by the State Construction Code enforced by the Township, zoning permit approval shall be required subject to the provisions of this Section. The Zoning Administrator shall have the authority to grant zoning permits, and shall be responsible for consulting with the Building Official to verify that no building permits are required for the proposed work under the State Construction Code enforced by the Township, prior to issuing a zoning permit under this Ordinance.

C. Application.

Zoning permit applications shall be filed with the Zoning Administrator, and shall be accompanied by a written explanation of the proposed improvements. Application materials shall include sufficient detail for the Zoning Administrator to determine whether the proposed improvements conform to the provisions of this Ordinance. The Zoning Administrator may require that submittal of a permit application be accompanied by plans and specifications drawn to scale and showing the following:

1. The location, shape, area, and dimensions of the lot involved.
2. The locations of water and septic systems proposed and existing in the general area.
3. The size, shape, dimensions, and location of any existing or proposed structures to be situated on the parcel.
4. The existing and proposed use of the parcel and all structures upon it.

5. The location and dimensions of any existing and proposed yard, open space, and parking areas.
6. Proposed setbacks of structures from property lines, roads, lakes, and streams.
7. Any other information deemed necessary by the Zoning Administrator for the proper enforcement of this Ordinance.

D. Permit Issuance.

Issuance of zoning permits under this Ordinance shall be subject to the following:

1. The Zoning Administrator shall issue a zoning permit within ten (10) business days after determination that the proposed work conforms with all applicable provisions of this Ordinance.
2. It shall be unlawful for the Zoning Administrator to issue a zoning permit for proposed work that does not or has not been determined to conform to all applicable provisions of this Ordinance.
3. No permit shall be issued until the Zoning Administrator has received notification of final approval of a site plan, special use or other necessary approval from the Planning Commission, including any conditions of approval.
4. In all cases where the Zoning Administrator shall refuse to issue a permit, the cause and reasons for such refusal shall be provided in writing to the applicant.
5. Proof of zoning permit approval shall be conspicuously posted upon the premises.

E. Revocation.

The Zoning Administrator may revoke a zoning permit in the case of failure or neglect to comply with any of the provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application for the permit. The Zoning Administrator shall notify the owner of such revocation in writing.

F. Duration.

For purposes of this Section and Ordinance, expiration or revocation of a building permit issued by the Building Official in accordance with the State Construction Code enforced by the Township shall also void any zoning permit approval. Where a zoning permit is issued by the Zoning Administrator in accordance with this Section, the following standards shall apply:

1. If construction is not started within 365 calendar days of the date a permit is issued, the zoning permit shall become void and a new permit application must be filed with the Zoning Administrator.
2. Upon written request, the Zoning Administrator may grant one (1) extension of zoning permit approval for up to 180 calendar days.

G. Zoning Inspections.

It shall be the duty of the holder of every permit to notify the Township of the time when the work subject to the permit is ready for inspection.

1. It shall be the duty of the Building Official to inspect work performed under an approved building permit for compliance with the provisions of this Ordinance.
2. It shall be the duty of the Zoning Administrator to inspect work performed under an approved zoning permit for compliance with the provisions of this Ordinance.

Section 1.07 Compliance Required.

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

Section 1.08 Fees and Performance Guarantees.

The Township Board shall, by resolution, establish a schedule of fees for all permit applications required by this Ordinance. These fees shall be used for the purpose of defraying the cost of administering this Ordinance. No action shall be taken on any application or appeal until the application is accurate and complete, and all applicable fees, charges, and expenses have been paid in full. The schedule of fees shall be posted on public display in the Township offices, and may be changed only by the Township Board.

A. Fees in Escrow for Professional Reviews.

An escrow fee may be required by the Zoning Administrator with any application for approval under this Ordinance, where professional input and review is desired before a final decision is made. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Township values to review the proposed application.

1. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals. Any unused fee collected in escrow shall be returned to the applicant within 90 days of final Township action on the applicant's request, or within 90 days of withdraw of the request by the applicant. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any zoning permit or other approval issued by the Township.
2. The professional review will result in a written report indicating the extent of conformance or nonconformance with this Ordinance, and identifying any problems that may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any written reports and statement of expenses for the professional services rendered, upon request.

B. Performance Guarantees.

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

1. The amount of the performance guarantee shall be established based on an estimate of the cost of completing of all required improvements proposed by the applicant pr designated Township consultants.
2. “Improvements” shall be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and welfare of residents of the Township and future users of the project including, but not limited to roadways, lighting, utilities, sidewalks, landscaping and screening, and drainage.
3. The form of the deposit shall be cash, certified check, irrevocable bank letter of credit or other surety acceptable to the Township Board.
4. Performance guarantees shall continue until such time as the Township notifies the surety that the conditions imposed upon the development have been met. The surety shall be released in its entirety when the Zoning Administrator is satisfied that the conditions for such action have been met.
5. As work progresses, the Township may rebate cash deposits in reasonable proportion to the ratio of work completed on the required improvements. Ten percent (10%) of the guarantee shall be retained by the Township pending a successful final inspection by the Zoning Administrator of all required improvements.

Section 1.09 Violation and Penalties.

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

A. Violation.

Failure to comply with any of the provisions of this Ordinance, or provisions of permits or certificates granted in accordance with this Ordinance shall constitute a violation subject to issuance of a municipal civil infraction citation and other measures allowed by law. The imposition of any fine or other penalty by the court shall not exempt the violator from compliance with the provisions of this Ordinance.

B. Correction Period.

All violations shall be corrected within 30 days following the receipt of an order to correct from the Building Official or Code Enforcement Officer. The Building Official or Code Enforcement Officer may grant an extension of up to 180 days upon determining that the additional time is necessary for correction. The Building Official or Code Enforcement Officer may require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.

C. Penalties.

The violation of any provision of this Ordinance by any firm, corporation, person or persons, or anyone acting on behalf of said person, persons, firm or corporation is a municipal civil infraction, for which the fine shall be not less than \$100.00 nor more than \$500.00 for the first offense and not less than \$500.00 nor more than \$1,000.00 for subsequent offenses, plus costs and other sanctions ordered by the court.

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

D. Public Nuisance.

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

ARTICLE 10

EXTERIOR LIGHTING

Section 10.01 Purpose.

The purpose of this Article is to preserve the lawful nighttime use and enjoyment of all properties in the Township through the establishment and enforcement of reasonable and consistent exterior lighting standards. Exterior lighting shall be designed, installed, and maintained to control glare and light trespass; conserve energy and resources; and prevent the degradation of the nighttime visual environment.

The standards of this Article are intended to protect the general welfare by allowing sufficient (but not excessive) lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas; to minimize the adverse effects of inappropriate lighting; and to provide for the safety and security of people and property in the Township.

Section 10.02 Scope.

The standards of this Article shall apply to all exterior lighting sources, and to all light sources visible from any road right-of-way or adjacent lot except for the provisions of Section 10.06.

Section 10.03 General Standards.

The following general standards shall apply to all light sources regulated by this Article:

A. Fully-Shielded.

Exterior lighting shall be fully shielded, using concealed source fixtures directed downward and away from adjacent lots and road rights-of-way. All exterior light fixtures shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution (see illustration).

B. Glare and Light Trespass.

Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, traffic hazards, and light trespass on neighboring lots.

C. Lamp Wattage.

Lamp wattages and types shall be consistent with fixture's style and function, as follows:

1. Fixtures in parking lots and high traffic areas shall use low or high-pressure sodium, metal halide or similar lamp types with maximum lamp wattage of 250 watts per fixture up to 20 feet in height above grade. A maximum of 400 watts per fixture shall be permitted for fixtures exceeding 20 feet in height above grade.
2. Decorative exterior light fixtures shall be limited to lamps with a maximum wattage of 100 watts per fixture.

D. Intensity.

The maximum intensity of light within any site shall not exceed the following standards:

Light Intensity	Maximum (footcandles)
At any point within the site	10.0
At any lot boundary or road right-of-way line	1.0

1. **Outdoor dealership sales area lighting.** The Planning Commission may permit a maximum lighting intensity of 20.0 footcandles for any point within a dealership outdoor sales area, provided that all site lighting is otherwise in compliance with this Ordinance.
2. **Pump island canopy lighting.** The Planning Commission may permit a maximum lighting intensity of 20.0 footcandles for any point under a gas station's pump island canopy, provided that all light fixtures under the canopy shall be fully recessed into the canopy structure, and all site lighting is otherwise in compliance with this Ordinance (see illustration).

E. Measurements.

Measurements of exterior lighting height and intensity shall be made in accordance with the following:

1. Light intensity levels shall be measured on the horizontal plane at grade level within the site.
2. Light intensity levels shall be measured on the vertical plane of the lot or road right-of-way boundaries at a height of five (5) feet above grade.
3. Fixture height shall be measured from grade level to the highest point of the light source (see illustration).

F. Submittal Requirements.

The following exterior lighting information may be required by the Planning Commission with any site plan, site condominium plan or subdivision plat application where exterior lighting is proposed to be altered or installed:

1. The location, type and height of all existing and proposed light fixtures.
2. A photometric grid measuring the overall light intensity within the site in footcandles.
3. Manufacturer's specifications and details for each type of light fixture, including the total lumen output, type of lamp, and method of shielding.

Section 10.04 Standards by Type of Fixture.

The following additional standards shall apply to specific types of exterior light fixtures, in addition to the provisions of Section 10.03 (General Standards):

A. Freestanding Pole Lighting.

The following standards shall apply to all freestanding, pole-mounted light fixtures:

1. **Maximum overall height.** The maximum height of pole-mounted fixtures shall be directly proportional to the fixture's proximity to the boundary of a residential district or lot occupied by an existing residential use, as follows:

Fixture Location	Maximum Height
Less than 50 feet from a residential district or use	15 feet
50 feet to 300 feet from a residential district or use	20 feet
More than 300 feet from a residential district or use	25 feet

2. **Hours of operation.** All private exterior lighting systems accessory to non-residential uses shall incorporate automatic timers. Exterior light fixtures shall not be illuminated after 11:00 p.m. or one-half (½) hour following the close of the business day, whichever is later. Such fixtures shall not be illuminated before sunrise or one-half (½) hour prior to the beginning of the business day, whichever is earlier. Minimal illumination for security purposes shall be permitted between these hours.

B. Architectural Lighting.

Architectural lighting shall be subject to the following:

1. **Facade illumination.** Exterior illumination of building facades shall be limited to fully shielded fixtures directed downward and towards the facade. All light from such fixtures shall be concentrated on the wall surface. Uplighting of a building facade shall be prohibited.
2. **Accent lighting.** Unshielded luminous tube (neon) or fluorescent lighting shall be prohibited as an architectural detail on the exterior of any structure; including but not limited to rooflines, cornices, eaves, windows, and door openings. The Planning Commission may approve internally illuminated architectural bands or similar shielded lighting accents as part of a site plan, upon determining that such lighting accents would enhance the aesthetics of the site, and would not cause off-site glare or light pollution.

C. Window Lighting.

All interior light fixtures visible through a window from a public right-of-way or adjacent property shall be shielded to prevent glare at the property line or within a public right-of-way. Unshielded luminous tube (neon) and fluorescent light fixtures shall be prohibited

where the light source would be visible through the window from a public right-of-way or adjacent property.

D. Illuminated Signs.

Sign illumination shall conform to the provisions of Article 9 (Signs).

Section 10.05 Prohibited Lighting.

The following types of exterior light sources and activities shall be prohibited:

1. **Mercury vapor lighting.** The installation of mercury vapor fixtures shall be prohibited.
2. **Animated lighting.** Lighting shall not be of a flashing, moving, animated or intermittent type, including electronic reader boards and other animated sign lighting.
3. **Searchlights and laser source lighting.** The use or operation of laser source light, searchlights, and similar high intensity light sources projected above the horizontal plane for outdoor advertising or entertainment purposes shall be prohibited unless approved as part of a temporary use permit by the Township.

Section 10.06 Exempt Lighting.

The following types of exterior lighting shall be exempt from the requirements of this Article, except that the Zoning Administrator may impose reasonable restrictions on the use of such lighting where necessary to protect the health, safety and welfare of the public:

1. Holiday decorations displayed for temporary periods not to exceed 90 calendar days.
2. Lighting for a permitted temporary circus, fair, carnival, or civic use.
3. Shielded streetlighting and pedestrian walkway lighting.
4. Exterior lighting accessory to an active farm, agricultural operation or single family dwelling, which does not cause off-site glare or contribute to light pollution.
5. Circumstances where federal or state laws, rules or regulations take precedence over the provisions of this Article, or where fire, police, emergency, construction or repair personnel need light for temporary or emergency situations.
6. Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps).

Section 10.07 Alternatives and Substitutions.

Specific lighting design alternatives or fixture substitutions may be permitted in accordance with the purpose of this Article and the following:

A. Decorative Light Fixtures.

The Planning Commission may approve the use of decorative light fixtures as an alternative to fully shielded fixtures, where such fixtures would enhance the aesthetics of the site without causing off-site glare or light pollution.

B. Alternative Lighting Designs.

The Planning Commission may approve an alternative lighting design, provided that the Commission finds that the design would be in accordance with the purpose of this Article.

C. Fixture Alteration or Replacement.

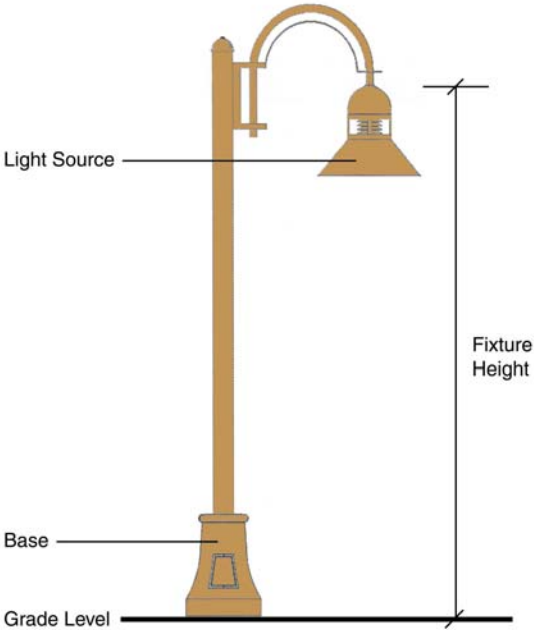
Light fixtures regulated by this Article shall not be altered or replaced after approval has been granted, except where the Zoning Administrator has verified that the alteration or replacement would comply with the provisions of this Article and the approved site plan.

Section 10.08 Exceptions.

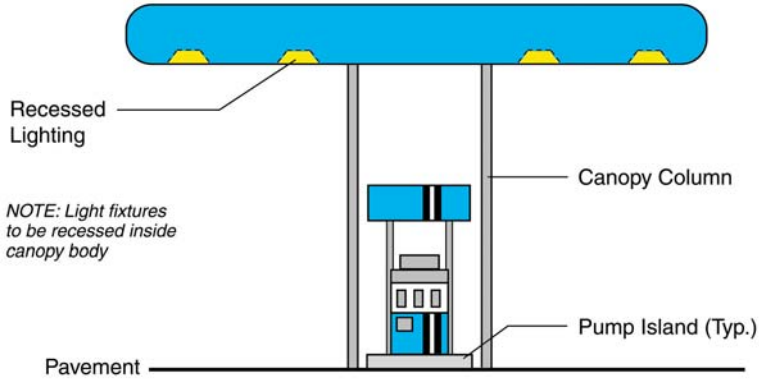
It is recognized by the Township that certain uses or circumstances may have special exterior lighting requirements not otherwise addressed by this Article. The Zoning Board of Appeals (ZBA) may waive or modify specific provisions of this Article for a particular use or circumstance, upon determining that all of the following conditions have been satisfied:

1. A public hearing shall be held for all lighting exception requests in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures).
2. The waiver or modification is necessary because of safety or design factors unique to the use, circumstance or site.
3. The minimum possible light intensity is proposed that would be adequate for the intended purpose. Consideration shall be given to maximizing safety and energy conservation; and to minimizing light pollution, off-site glare, and light trespass on to neighboring properties or road rights-of-way.
4. For lighting related to roads or other vehicle access areas, a determination is made that the purpose of the lighting cannot be achieved by installation of reflectorized markers, lines, informational signs, or other passive means.
5. Additional conditions or limitations may be imposed by the ZBA to protect the public health, safety or welfare, or to fulfill the spirit and purpose of this Article.

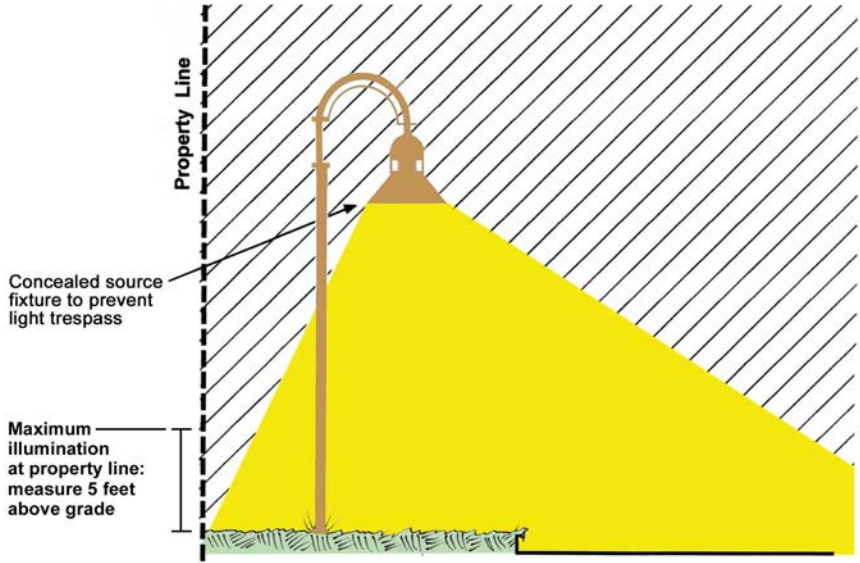
ILLUSTRATIONS



Light Fixture Height



Pump Island Canopy Lighting



Lighting Fixture Orientation and Shielding

ARTICLE 11

SPECIAL PROVISIONS

Section 11.01 Residential Open Space Development Option.

This Section establishes provisions under which a landowner may exercise the option to develop land with open space preservation in accordance with Section 506 of the Michigan Zoning Enabling Act (PA 110 of 2006, as amended).

A. Purpose.

The purpose of this development option is to preserve prime farmlands and open space in the Township by providing an alternative method for residential development, which allows the same number of home sites to be developed per Article 4 (Dimensional Standards), but clustered on no more than fifty percent (50%) of the land area. The remaining unused land would exist perpetually in an undeveloped state by means of a conservation easement or similar legal means that runs with the land.

B. Scope.

Land in the AG-1 (Agriculture-Conservation), AG-2 (Agricultural-Reserve), and R-1 (Rural Residential) Districts may be developed according to the standard conditions and requirements of this Ordinance, or in accordance with the open space preservation option of this Section. No portion of the development site shall have previously been part of an open space preservation option development. If the open space preservation option is selected, such land shall be developed in accordance with the conditions and requirements of this Section, and other applicable standards of this Ordinance.

C. Qualifying Conditions.

To be eligible for approval as a residential open space development, the applicant shall demonstrate to the Planning Commission's satisfaction that all of the following criteria have been satisfied:

1. The land is zoned for residential development at a density of two (2) or fewer dwelling units per acre if not served by a publicly-owned and operated sanitary sewer system; or a density of three (3) or fewer dwelling units per acre if served by a publicly-owned and operated sanitary sewer system.
2. The development of land under this Section shall not depend upon the extension of a public sanitary sewer or water supply system by the Township.
3. The clustering option allowed under this Section shall only occur on one (1) parent parcel, and shall not have previously been exercised on the same land.
4. Clustering of the dwelling units shall occur in a manner that preserves the basic amenities and qualities normally associated with single-family living (including privacy, personal open space, and adequate natural lighting and ventilation), while still allowing for innovative site layout and open space areas.

5. Natural amenities exist on the site, which would be preserved through use of the open space preservation option. Such assets may include prime farmlands, woodlands, natural stands of large trees, wildlife corridors or natural habitat areas or unusual topographic features.

D. Conceptual Review.

Applicants are encouraged to meet informally with the Zoning Administrator, other Township officials, and designated Township consultants to discuss a proposed development concept, site issues, application of Ordinance standards, and Township land development policies and procedures, prior to submitting plans for formal review.

1. Any person may also request that a conceptual open space development plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment.
2. The Township Board may set a fee for conceptual review of open space development plans to defray costs associated with such reviews.
3. Comments and suggestions by the Township regarding a conceptual open space development plan shall constitute neither an approval nor a disapproval of the plan, nor shall the Township be bound in any way by such comments or suggestions in preparing for formal submittal or review of an application for approval under this Section.

E. Development Review.

Applications for residential development approval under the open space preservation option of this Section shall be reviewed following the same procedures used for review and approval of:

1. A subdivision plat under the provisions of the Land Division Act (P.A. 288 of 1967, as amended); or
2. A condominium subdivision (site condominium) development under Article 13 (Condominium Regulations) and the Condominium Act (P.A. 59 of 1978, as amended); or
3. A detailed site plan, per site plan approval process specified in Section 12.01C (Site Plan Review Procedure), for applications that include a proposed metes and bounds (unplatted) land division under the provisions of the Land Division Act (P.A. 288 of 1967, as amended).

F. Required Information.

Applications for approval of a residential development under this open space preservation option shall be filed with the Zoning Administrator. Incomplete or inaccurate applications shall not be accepted for review, and shall be returned to the applicant. At a minimum, such applications shall include the following:

1. **Fees.** Appropriate fees, as set by resolution of the Township Board.

2. **Parallel plan.** The applicant shall submit a conceptual plan for the purpose of demonstrating the number of units, which could be developed under the existing zoning using traditional techniques, subject to the following:
 - a. This parallel plan shall be consistent with the standards of this Ordinance, including all standards of Article 4 (Dimensional Standards).
 - b. The plan shall identify all portions of land that are unbuildable for residential purposes due to the presence of wetlands, severe slopes, flood plains, or other features prohibiting residential development.
 - c. The plan layout shall show the location and width of all necessary road rights-of-way and stormwater management areas serving the conceptual development lots.
 - d. The plan layout shall conform to all county and state requirements for single-family residential development, and shall not impact wetlands regulated by the Michigan Department of Environmental Quality (MDEQ).
3. **Conservation easement.** Documentation of a proposed conservation easement or similar irrevocable legal instrument that runs with the land, to be used to ensure that the open space will be maintained in an open and undeveloped state in perpetuity.
4. **Development plan.** The development plan shall include all information required for the type of development approval requested (metes and bounds land division, subdivision plat or site condominium development). The development plan shall further include the following:
 - a. A site features inventory identifying active agriculture areas, topography at two (2) foot contour intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils based upon U.S. Soil Conservation Survey, regulated wetlands, floodplains, woodlands, and any additional features uniquely affecting the site.
 - b. Date, north arrow, and scale. Site plans shall be drawn to an engineer's scale appropriate for a sheet size of at least 24 by 36 inches. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be provided.
 - c. Documentation from the Monroe County Health Department, Michigan Department of Environmental Quality (MDEQ) or other agency with jurisdiction that each of the lots and dwellings can be adequately served by private well, septic or wastewater treatment systems; or documentation that the proposed dwellings will be served by existing or planned publicly-owned and operated water or sanitary sewer services.
 - d. Layout of all proposed roads, including the location and width of proposed rights-of-way, and the layout and design of proposed pedestrian paths, driveway curb cuts, and other improvements intended to serve individual lots in the development.

- e. Location of all utilities that would be necessary to serve the development and which would not be located within any public right-of-way or private road easement. Such utilities may include stormwater retention or detention basins, community sewage treatment systems, and community water supply systems.
- f. If the development requires septic tanks and drain fields the location of each shall be indicated. The applicant will also provide the required permits of approval from the Monroe County Health Department.
- g. The total number of acres to be developed; percentage of development area to total site area; and location and layout of each proposed lot (including building envelope, setbacks, and lot area, width, and frontage).
- h. The location and layout of all land areas to remain undeveloped, plus the total number of acres of land to remain undeveloped and percentage of undeveloped area to total site area.
- i. Location and proposed use of all proposed structures and improvements, other than dwelling units.
- j. Any additional information requested by the Zoning Administrator or Planning Commission to demonstrate compliance with the development standards of this Section, and the applicable requirements of this Ordinance.

G. Development Standards.

Every lot developed or to be developed with the open space preservation option shall comply fully with all of the following requirements:

- 1. **Permitted residential density.** The overall residential density of the open space development shall not exceed the maximum number of lots permitted for the parent parcel, per Article 4 (Dimensional Standards), as shown on the approved parallel plan.
 - a. Non-dwelling units within the development (such as a clubhouse) shall be subject to all the requirements of this Section, and further shall be subject to all other Township ordinances applicable to the type of structure proposed.
 - b. If non-dwelling structures are developed on the site, no reduction in the number of dwelling units shall be required. However, a lot shall be created for the non-dwelling unit and the required fifty percent (50%) of open space shall be maintained.
- 2. **Minimum required open space.** A minimum of fifty percent (50%) of the gross lot area of the parent parcel shall be retained and maintained in perpetuity as permanent open space.
- 3. **Lots abutting open space.** All dwelling units shall be so situated as to have at least one side of the lot abutting onto the open space area. In addition, the open

space shall be accessed by a 15-foot easement (for ease of access for equipment, etc for maintenance, or other acceptable uses of the provided open space). The Planning Commission may waive this requirement for all or a portion of the proposed development lots upon determination that an alternative layout satisfies the purpose and intent of this Section.

4. **Variety in dwelling unit design.** Variety in the design of individual units shall be provided by the use of design details that do not appear to be continuous or repetitious. Overly repetitious exterior design patterns, as determined by the Planning Commission, shall be prohibited.
5. **Perimeter landscaped buffer.** The Planning Commission may require that a landscaped greenbelt, berm or other buffer be provided along the perimeter of the development site, per Section 8.04 (Methods of Screening).
6. **Private roads.** If a private road is planned to serve the development within the Open Space Preservation Plan, it must conform to the standards of Section 11.03 (Private Roads).
7. **Dimensional standards.** The standards of Article 4 (Dimensional Standards) shall apply to lots created under this Section, subject to the following:
 - a. **Minimum building separation.** The minimum spacing between dwelling units constructed under this option shall be at least 25 feet.
 - b. **Minimum floor area.** The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the zoning district.
 - c. **Minimum yard setbacks.** The minimum yard setback standards of the zoning district shall apply to lots created under this open space preservation option, subject to the following:
 - (1) At the option of the landowner, the minimum lot area, lot width, and yard setbacks may be reduced, subject to a Planning Commission determination that the reduction is reasonable and necessary to preserve open space and meet the intent and purpose of this Section.
 - (2) All dwelling units shall be setback a minimum of 25 feet from any road right-of-way, as measured from either the public right-of-way dedication or from the private right-of-way easement.
 - d. **Minimum lot size.** The minimum lot area and lot width standards of the zoning district shall apply to lots created under this open space preservation option, subject to the following:
 - (1) At the option of the landowner, the minimum lot area and lot width may be reduced, subject to a Planning Commission determination that the reduction is reasonable and necessary to preserve open space and meet the intent and purpose of this Section.

- (2) Lots created under this option shall contain adequate lot area and width to provide for development of a principal dwelling and customary accessory structures without need for a variance.
- (3) Lots that directly abut the outer perimeter of the development site shall be designed to be reasonably consistent with adjacent uses, as determined by the Planning Commission.

H. Standards for Open Space.

At least fifty percent (50%) of the land proposed for development under the provisions of this Section shall remain perpetually in an undeveloped state by means of a conservation easement or similar legal instrument that runs with the land, as approved by the Township Attorney. Such open space preservation area shall conform to the following standards:

1. Open space shall be arranged to maximize preservation of prime farmlands, woodlands, natural stands of large trees, wildlife corridors or natural habitat areas or unusual topographic features.
2. Undeveloped lands may be arranged to interconnect with and be contiguous to existing or planned open space areas on abutting parcels, to the maximum extent practical.
3. Use of preserved open space shall be limited to ANIMAL AND AGRICULTURAL USES, outdoor recreation, hunting (where permitted), recreational trails, parks and playgrounds, and similar uses, as determined by the Planning Commission.
4. The open space may, but is not required to be dedicated to the use of the public.
5. All structures shall be located outside of land area designated as preserved open space. Only those structures or improvements that are consistent with the approved development plan and the terms of the conservation easement shall be permitted within the designated open space area.
6. The following areas shall not be considered in the calculation for open space:
 - a. Areas within utility easements.
 - b. Required yard setback areas for individual lots, and areas within required perimeter landscaped buffers.
 - c. Areas occupied by golf courses or off-street parking lots.
 - d. Land areas occupied by stormwater detention or retention basins or privately owned and operated wastewater treatment systems or community septic fields.

I. Conservation Standards.

The applicant shall provide a copy of the conservation easement or similar legal instrument that would run with the land and have the legal effect of preserving in

perpetuity in an undeveloped state the open space required by this Section. Examples of such a legal instrument include a conservation easement established per the State of Michigan Conservation and Historic Preservation Act (P.A. 197 of 1980, as amended). The legal instrument shall be subject to the following minimum requirements:

1. **Review and recording.** Such legal instrument shall be reviewed and approved by the Township Attorney prior to recording. After approval by the Township, the applicant shall record the conservation easement or similar legal instrument with the Monroe County Register of Deeds office, and shall provide proof of recording and a copy of the recorded documents to the Township.
2. **Irrevocable conveyance.** At a minimum, the instrument shall be irrevocable, shall run with the land, and shall convey all rights to develop the land to a land conservation organization or other public body with authority and ability to ensure that the open space will remain undeveloped.
3. **Permitted uses and development.** The instrument shall specify the allowable use(s) of the open space.
4. **Development plan.** The instrument shall require that the open space be maintained in perpetuity in an undeveloped state, without structures or other improvements, except as shown on the approved development plan. The development plan shall be attached to the recorded instrument as an exhibit.
5. **Maintenance.** The instrument shall require that the open space be maintained by parties who have an ownership interest in the open space; shall provide standards for scheduled maintenance of the open space; and shall allow for maintenance to be undertaken by the Township in the event that the open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

J. Amendments and Appeals.

No part of an open space preservation plan can be appealed to the Zoning Board of Appeals. Regulatory modifications are not subject to variance approval and any deviation from an approved development plan shall require approval by the Planning Commission. This provision shall not preclude an individual lot or dwelling unit owner within the development area from seeking a variance following final approval of an open space preservation plan, provided such variance shall not involve alterations to open space areas as shown on the approved plan.

An approved open space preservation plan, including any conditions of approval, shall not be altered except upon approval by the Planning Commission.

K. Performance Guarantees.

Based on review of the development plan and other application materials, the Planning Commission may require a performance guarantee, per the standards of Section 1.08 (Fees and Performance Guarantees).

Section 11.02 Wireless Communication Facilities.

A. Purpose.

The purpose of this Article is to:

1. Carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems, facilitating adequate and efficient provisions for wireless communications facility sites, and encouraging co-location of multiple antennae on a single tower.
2. Consider public health and safety in the location and operation of wireless communications facilities, and protect residential areas, community facilities, historic sites and landmarks from potential adverse impacts of towers and antennae.
3. Limit visual impacts by promoting the use of screening and innovative designs for such facilities, prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use.

B. Application.

The following information shall be provided with any application for approval of a wireless communications facility:

1. **Applicant information.** The name, address and telephone numbers for the applicant, property owner, tower operator and installation contractor; and the address, parcel identification number or location of the property on which the facility is to be located.
2. **Site plan.** A site plan, on eleven (11) inch by 17 inch paper, which identifies the type of wireless communications facility, as defined in this Ordinance, and includes the following:
 - a. A parcel survey, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the zoning lot upon which the facility will be located, and all existing structures and uses within 300 feet of the boundaries of the zoning lot.
 - b. A screening plan, with details of proposed fencing and screening materials.
 - c. Elevation drawings of all proposed towers and other structures on the site.
 - d. A location map for the proposed wireless communications facility, along with the location, height, type and owner or operator of all existing facilities within five (5) miles of the proposed location.
3. **Service area coverage maps.** A map of the area served by the provider's existing wireless communications facilities shall be provided, along with a map of

the same area showing the additional service area coverage of proposed facilities.

4. **Construction drawings.** Construction drawings shall be provided that include plans, specifications, materials, designs, dimensions, structural supports, heights, electrical components, methods of construction and type of illumination for each wireless communications facility.
5. **Permission to locate.** The applicant shall submit copies of a signed lease or other proof, satisfactory to the Township Attorney, of permission to locate a wireless communications facility on the site.
6. **Co-location agreement.** The applicant for a new or altered tower shall submit a written agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for co-location. Proposed antenna and equipment locations shall be indicated on the site plan and elevation drawings.
7. **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing London Township as the certificate holder and naming the London Township, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail 30 days written notice to the Township as certificate holder. The Township may require the applicant to supply a \$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.
8. **Maintenance agreement.** The applicant shall submit a plan for the long-term maintenance of the facility that identifies who will be responsible for maintenance of the facility, access, easements and required landscaping. The plan shall include a method of notifying the Township if maintenance responsibilities change.
9. **Removal agreement.** The applicant shall submit a signed removal agreement and a security bond or letter of credit, satisfactory to the Township Attorney, for the removal of towers or antennae as applicable. The applicant shall demonstrate that adequate funds will be available to the Township for the removal of such towers or antennae, restoration of the site and associated administrative costs incurred by the Township in the event that the applicant, property owner or their successors fail to remove the tower or antenna in a timely manner as required by this Section.
10. **Tax-related information.** The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the Zoning Administrator that this condition has been satisfied.
11. **Engineering certification.** Stress sheets and calculations showing that the structure is designed in accordance with applicable dead load and wind pressure

standards shall be submitted, along with signed certification by a professional engineer licensed by the State of Michigan specifying the manner in which the tower or antenna structure will fall in the event of accident, damage or failure, and verifying that the setback area would accommodate the structure and provide a reasonable buffer from adjacent parcels.

C. Type of Review Required.

The purpose of this Section is to establish consistent review procedures that ensure full compliance with the standards of this Article, and to ensure that the type and intensity of review and amount of required information is in direct proportion to the scale of the project and the intensity of the use. Wireless communications facilities shall be reviewed in accordance with the following table:

SITUATION or USE	Required Review and Approval		
	Planning Commission	Zoning Permit	Exempt
NEW TOWERS AND ANTENNAE			
Construction, alteration or enlargement of wireless communications facilities, including cell towers, AM antennae arrays, television or radio towers, and microwave or public utility transmission towers.	◆		
Installation of an antenna on an existing building or structure.	◆		
COLOCATION ON EXISTING TOWERS			
Co-location of an antenna on an existing approved tower.		◆	
SATELLITE DISH ANTENNAE			
Installation of a satellite dish antenna with a diameter of less than 1.5 meters.			◆
Installation of a satellite dish antenna with a diameter 1.5 meters or larger.		◆	
AMATEUR RADIO ANTENNAE			
Installation of an amateur radio transmission and reception antenna.		◆	
Installation of citizen band radio facilities, short wave facilities, an amateur radio reception-only antenna or governmental facilities subject to federal or state laws or regulations that preempt local regulatory authority.			◆

SITUATION or USE	Required Review and Approval		
	Planning Commission	Zoning Permit	Exempt
OTHER PROJECTS			
Repair, service or maintenance of an existing approved wireless communications facility, provided that all work is in compliance with approved plans, permits and applicable codes.			◆
Telecommunication facilities as defined by the METRO Act (P.A. 48 of 2002, as amended).			◆

1. **Exempt facilities.** Activities listed as exempt from review shall be permitted by-right, subject to the applicable standards of this Section.
2. **Facilities subject to zoning permit approval.** Such facilities shall be subject to review and approval by the Zoning Administrator in accordance with the applicable standards of this Section and Section 1.06 (Zoning Permits).
3. **Facilities subject to Planning Commission approval.** Such facilities shall be subject to a public hearing, and review and approval by the Planning Commission in accordance with the applicable standards of this Section and the review procedures specified in Section 11.02D (Review Procedure).

D. Review Procedure.

Construction, installation, replacement, co-location, alteration or enlargement of wireless communications facilities shall be reviewed in accordance with the following procedures:

1. **Procedure.** After a complete and accurate application has been received and review fees paid, wireless communications facilities subject to Planning Commission review shall be reviewed in accordance with the following procedure:
 - a. **Application submittal.** Application materials shall be submitted in accordance with the requirements of Section 11.02B (Application).
 - b. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate Township officials and staff for review and comment. The Zoning Administrator may also submit the plans to applicable outside agencies and designated Township consultants for review and comment.
 - c. **Public hearing.** A public hearing shall be scheduled and held before the Planning Commission for all wireless communications facilities subject to Planning Commission review, in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006, as amended) and Section 12.03 (Public Hearing Procedures).

- d. **Planning Commission action.** Subsequent to the hearing, the Planning Commission shall review the proposed wireless communications facility, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments.
 - (1) The Planning Commission shall verify whether the facility is in compliance with the requirements of this Section and Ordinance.
 - (2) The Planning Commission shall verify whether the facility satisfies the criteria for approval listed in Section 11.02I (Criteria for Approval).
 - (3) The Planning Commission shall then consider its findings, shall take action to approve, approve with conditions or deny the wireless communications facility, and shall set forth the reasons for their action.
2. **Effect of action.** Approval of the wireless communications facility by the Planning Commission shall allow the Building Official to review and issue a permit for the work associated with the application. No work may take place on the site except in accordance with an approved permit and the design and plans approved by the Planning Commission. If the Planning Commission denies the wireless communications facility, the applicant may submit a new wireless communications facility application that corrects any deficiencies in the denied application materials, facility design or location.
3. **Expiration of approval.** Approval of a wireless communications facility shall expire 365 days after the date of approval, unless a permit has been issued or construction has commenced. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant an extension of up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved wireless communications facility plans remains in conformance with the purpose and provisions of this Article.

E. General Requirements.

The following regulations shall apply to all wireless communications facilities:

1. **Federal, state and local standards.** Wireless communication facilities shall meet or exceed current standards of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Michigan Aeronautics Commission and any other agency of the state or federal government with regulatory authority, and shall further comply with applicable building, electrical and fire codes.
2. **Public safety.** Wireless communication facilities shall comply with applicable federal and state standards relative to radio frequency emissions, and shall be designed, constructed, operated and maintained in a structurally sound condition, using the best available technology to minimize any threat to public safety.

3. **Access.** Unobstructed permanent access to the facility shall be provided for operation, maintenance, repair and inspection purposes. Access may be provided by an easement.
4. **Lighting.** Wireless communications facilities shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission.
5. **Colors.** Towers, and antennae located on towers, shall be painted white. Antennae on buildings shall be painted to match or blend in with the building façade. The Planning Commission may modify this requirement upon finding that other colors or treatments would be more appropriate for the location.

F. Standards for Wireless Communications Towers.

The following shall apply to all wireless communications towers, microwave, or public utility transmission towers or antenna arrays, in addition to the provisions of Section 11.02E (General Requirements):

1. **Location.** Wireless communications towers shall be limited to lots in the AG-1 (Agriculture-Conservation), AG-2 (Agricultural-Reserve), and PSP (Public/Semi-Public Services) Districts that have sufficient lot area to accommodate the minimum setback requirements of this Section.
2. **Height.** Towers shall not exceed 200 feet in height as measured from certified grade to the highest point of the tower, including antennae attached to the tower. The Planning Commission may waive this height limitation, subject to the following:
 - a. Determination that the additional height is necessary to permit reasonable use of the tower and antennae, based upon documentation submitted by the applicant.
 - b. Determination that the additional height will not adversely impact abutting lots and uses to an extent greater than a tower that conforms to the maximum height standard of this subsection.
3. **Setbacks.** Towers shall be set back from the boundaries of adjacent lots, districts and uses as follows:
 - a. **From lot boundaries.** A minimum distance equal to one hundred percent (100%) of the height of the tower. Anchoring cables, equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of 50 feet.
 - b. **From adjacent districts and uses.** A minimum of 200 feet from the boundary of a residential zoning district or lot occupied by a residential use.
 - c. **Between towers.** New wireless communication towers shall be set back a minimum of one (1) mile from all existing towers. The Planning Commission may approve a lesser separation distance upon determining

that the tower location is necessary to satisfy reasonable operating requirements.

4. **Ground equipment enclosure.** All wireless communications towers, accessory structures and equipment enclosures shall be completely enclosed by an eight (8) foot high fence with a lockable gate to prevent unauthorized access. Screening shall be provided on all sides of the ground equipment enclosure in accordance with Section 8.04 (Methods of Screening).
5. **Co-location.** Wireless communications facilities shall be designed, constructed and maintained to accommodate co-location of multiple antennae on a single tower.
6. **Tower address.** Each wireless communications tower shall be designated with a specific and unique mailing address.

G. Standards for Antennae Located on Structures.

The following shall apply to antennae located on principal or accessory structures, in addition to the provisions of Section 11.02E (General Requirements):

1. Such antennae shall be limited to structures in the AG-1 (Agriculture-Conservation), AG-2 (Agricultural-Reserve), PSP (Public/Semi-Public Services) Districts, and IND (Industrial) Districts with a minimum height of 50 feet.
2. The antenna and support structure shall be permanently secured to the structure, and shall not exceed the structure height by more than 10 feet.

H. Standards for Amateur Radio Antennae:

The following shall apply to all amateur radio antennae, in addition to the provisions of Section 11.02E (General Requirements).

1. Amateur radio antennae shall be limited to lots in any zoning district that have sufficient lot area to accommodate the minimum setback requirements of this Section.
2. A maximum of one (1) such antenna shall be permitted per zoning lot, with a maximum height of 60 feet and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height.
3. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.

I. Criteria for Approval.

Construction, installation, replacement, co-location, alteration or enlargement of wireless communication facilities shall only be approved upon determination that all of the following conditions have been satisfied:

1. **Operating requirements.** The applicant shall demonstrate that operating requirements necessitate locating within the Township and the general area, and

shall provide evidence that existing towers, structures or alternative technologies cannot accommodate these requirements.

2. **Engineering requirements.** The applicant shall demonstrate that existing towers or structures are not of sufficient height or structural strength to meet engineering requirements, or are not located in a geographic area that meets these requirements.
3. **Impact on adjacent uses.** Nearby residential districts and uses, community facilities, historic sites and landmarks, natural beauty areas, and road rights-of-way will not be adversely impacted by the location of the wireless communications facility.
4. **Site characteristics.** Topography, vegetation, surrounding land uses, zoning, adjacent existing structures, and other inherent site characteristics are compatible with the installation of wireless communications facilities.
5. **Site design.** The design, lighting, color, construction materials, landscaping, fencing, screening, and other design elements are in compliance with applicable provisions of this Section and Ordinance.

J. Existing Towers and Antennae.

Wireless communications facilities for which building permits have been issued prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with Section 11.02E (General Requirements) and all approved plans, permits, and conditions of approval.

K. Rescinding Approval of Wireless Communications Facilities.

Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required bonds or insurance certificates, provide information to the Township about the facility as required by this Section or maintain and operate the facility in compliance with the provisions of this Section shall be grounds for the Township to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Planning Commission in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the wireless communications facility for which approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator or designated agent.

L. Removal of Wireless Communications Facilities.

Wireless communications facilities for which approval has been rescinded, or that have ceased operation for more than 365 contiguous days, shall be removed by the owner or operator within 90 days of receipt of notice from the Township requesting such removal.

Failure by the owner to remove such facilities upon request shall be grounds for the Township to seek court approval for such removal at the expense of the facility owner or operator.

M. METRO Act Telecommunication Facilities.

Nothing in this Ordinance shall be construed in such a manner to conflict with the regulatory process established for telecommunication facilities as defined and regulated by the METRO Act (P.A. 48 of 2002, as amended).

Section 11.03 Private Roads.

Private roads shall be subject to the following design standards and review procedures:

A. Development Review.

Applications for approval of a private road under this Section shall be reviewed as part of review and approval of a subdivision plat under the provisions of the Land Division Act (P.A. 288 of 1967, as amended), or a condominium subdivision (site condominium) development under Article 13 (Condominium Regulations) and the Condominium Act (P.A. 59 of 1978, as amended).

Where a private road is proposed to serve lots to be created by metes and bounds lot splits permitted by the Land Division Act (P.A. 288 of 1967, as amended), the private road shall be subject to site plan review and approval in accordance with Section 12.01 (Site Plan Review).

B. Public Hearing.

A public hearing shall be required for all private road applications. The public hearing shall be scheduled and held before the Planning Commission, in accordance with the Township Zoning Act (P.A. 184 of 1943, as amended) and Section 12.03 (Public Hearing Procedures).

C. Required Information.

Applications for approval of a private road under this Section shall be filed with the Zoning Administrator. Incomplete or inaccurate applications shall not be accepted for review, and shall be returned to the applicant. At a minimum, such applications shall include the following:

1. **Fees.** Appropriate fees, as set by the Township Board, for review of the proposed development plans.
2. **Development plan.** The development plan shall, at a minimum, include all of the following:
 - a. All information required for:
 - (1) Subdivision plat approval in conformance with the Land Division Act (P.A. 288 of 1967, as amended); or

- (2) Condominium subdivision plan approval in conformance with Article 13 (Condominium Regulations) and the Condominium Act (P.A. 59 of 1978, as amended); or
 - (3) Site plan approval in conformance with Section 12.01 (Site Plan Review) of this Ordinance, as applicable.
- b. A survey of the development site, showing lot lines, zoning districts, topography at two (2) foot contour intervals, water courses, drainage patterns, existing and proposed roads and road rights-of-way, easements, regulated wetlands, floodplains, woodlands, and any additional features uniquely affecting the site.
 - c. Documentation of compliance with the private road development standards of this Ordinance, and the applicable standards of the Monroe County Road Commission.
 - d. Any additional information requested by the Zoning Administrator or Planning Commission.

D. Development Standards.

Private roads in the Township shall conform to the following minimum design standards:

1. **Right-of-way.** New private road shall be located within a dedicated road right-of-way. The right-of-way shall have a minimum width of 66 feet or the applicable Monroe County Road Commission standard, whichever is greater. A dedicated right-of-way shall be provided for all extensions of existing private roads, and where additional lots of record are created on an existing private road.
2. **Length.** A private road shall not exceed 660 feet in length from a public road without a second direct access to a public road. The Planning Commission may waive this requirement upon determination that a second access is unnecessary or impractical.
3. **Pavement and road design.** All private roads shall be designed and constructed in accordance with the minimum requirements for private roads established by the Monroe County Road Commission, including pavement design guidelines; storm drainage; road elevation; pavement requirements; and access requirements from the public thoroughfare.
 - a. All private road easements shall be a minimum of 66 feet in width and shall include areas set aside for the installation of utilities.
 - b. All private roads shall have a minimum pavement width of 22 feet, and shall provide a minimum four (4) foot apron on both sides of the pavement width.
 - c. A cul-de-sac with a minimum radius of 60 feet shall be required at the end of any dead-end private road.

- d. The Planning Commission may waive any requirement for concrete or bituminous asphalt pavement for a private road under this Section, upon determination that an alternative material would be more suitable for the location, design or intended use of the private road.
4. **Outside agency permits and approvals.** The applicant shall be responsible for securing all necessary outside agency permits or approvals, including the Monroe County Road Commission. Copies of such permits and approvals shall be provided to the Zoning Administrator prior to the start of construction.

E. Additional Standards.

Private roads in the Township shall be subject to the following additional requirements:

1. **Maintenance agreement.** All private roads shall be owned and maintained by those parties having an ownership interest in the development. There shall be a recorded private maintenance agreement, restrictive covenant agreement or similar legal instrument to ensure that the road will be regularly maintained so that it is safe for travel at all times.
 - a. The instrument shall run with the land in perpetuity, including all lots abutting the private road with access rights to the road.
 - b. The instrument shall identify the method by which future maintenance will be financed; and shall include a long-term maintenance plan and schedule to ensure that the private road will be maintained in a manner that permits access by public safety and protection vehicles at all times.
 - c. The instrument shall be subject to review and approval by the Township Attorney prior to recording.
 - d. The approved instrument shall be recorded by the applicant with the Monroe County Register of Deeds Office, and a copy of the recorded document shall be provided to the Zoning Administrator.
2. **Hold harmless agreement.** Applicants or owners of the private road shall agree to indemnify and hold harmless the Township and its representatives from any and all claims for personal injury and property damage arising out of the use of the private road.
3. **Disclosure statement.** A disclosure statement shall be recorded as a deed restriction for any parcels serviced by a private road before each parcel is sold. The statement shall inform the purchaser that the road abutting or servicing the parcel is private and is not required to be maintained by any government agency.
4. **Road names.** All private roads names shall be approved by Monroe County Central Dispatch, with road and traffic signage installed prior to the sale of any lots. All private roads shall be posted as a "private road."
5. **Streetlighting.** At the location where the private road intersects with the public street, a streetlight, erected at the developer's expense, shall be required and installed in conformance with Monroe County Road Commission.

ARTICLE 12

PROCEDURES AND STANDARDS

Section 12.01 Site Plan Review.

A. Purpose.

The site plan approval procedures of this Section are instituted to provide an opportunity for the London Township Planning Commission to review the proposed development, alteration, and use of a site in relation to drainage, pedestrian and vehicular circulation, parking, structural relationships, utilities, screening, accessibility, and other site design elements. The purpose of this Section is to establish procedures and standards that provide a consistent method of review of site plans, and to ensure full compliance with the standards contained in this Ordinance and other applicable Codes and Ordinances.

Flexible review standards have been established to ensure that the type of review and amount of required information is proportional to the project's scale and use intensity. It is the further purpose of this Article to protect natural resources, minimize adverse impacts on adjoining or nearby uses and land, encourage cooperation and consultation between the Township and the applicant, and facilitate development in accordance with the Township's Master Plan.

B. Site Plan Approval Required.

The following development projects and uses districts shall require submission and approval of a site plan prior to establishment, construction, expansion or structural alteration of any structure or use:

1. All special approval uses, subject to the provisions of Section 12.02 (Special Uses).
2. All structures and uses in the AG-1 (Agricultural-Conservation), AG-2 (Agricultural-Reserve), R-1 (Rural Residential), R-2 (Urban Residential), and MHP (Manufactured Housing Park) Districts, other than:
 - a. Farming and active agricultural uses, as defined in Section 18.02 (Definitions).
 - b. One (1) single-family dwelling and customary accessory structures on a single residential lot of record.
 - c. Family child day care homes, as licensed by the State of Michigan.
 - d. Establishment of a home occupation listed in Section 5.204 (Home Occupations) as a permitted accessory use.
 - e. Essential service and public utility facilities.

3. All structures and uses in the FP (Flood Plain) District located within 500 feet of the 100-year floodplain, as defined by the Federal Emergency Management Agency (FEMA), National Flood Insurance Program, and Michigan Department of Environmental Quality (MDEQ).
4. All structures and uses in the C-1 (Convenience Commercial) and C-2 (Special Commercial) Districts.
5. All structures and uses in the I-R (Industrial-Research) and PSP (Public/Semi-Public Services) Districts.
6. Construction, expansion or alteration of a private road.
7. Construction, expansion or alteration of a residential open space development, as defined in Section 18.02 (Definitions), subject to the provisions of Section 11.xx (Residential Open Space Development Option).
8. Construction or expansion of farming, landscaping or recreation ponds, subject to the provisions of Section 5.108 (Ponds for Farming, Landscaping, and Recreation).
9. Construction, expansion or alteration of a manufactured housing park, as defined in Section 18.02 (Definitions), shall be subject to preliminary plan approval in accordance with the procedures and standards of Section 5.205 (Manufactured Housing Parks).
10. Construction, expansion or alteration of a condominium development, as defined in Section 18.02 (Definitions), shall be subject to condominium site plan approval in accordance with the procedures and standards of Article 13 (Condominium Regulations).
11. Construction, expansion or alteration of a planned unit development (PUD) project shall be subject to development plan approval in accordance with the procedures and standards of Article 14 (Planned Unit Development (PUD) District).
12. Construction, expansion or alteration of a wireless communications facility, as defined in Section 18.02 (Definitions), shall be subject to approval in accordance with the procedures and standards of Section 11.02 (Wireless Communication Facilities).

C. Site Plan Review Procedure.

Site plans shall be reviewed in accordance with the following:

1. **Application.** The owner of an interest in land for which site plan approval is sought and the owner's designated agent, shall submit a completed application form and sufficient copies of a site plan to the Township, along with appropriate review fees, as determined by Township Board. Any application or site plan that does not satisfy the information requirements of this Section shall be considered incomplete, and shall be returned to the applicant.

2. **Technical review.** Prior to Planning Commission consideration, the Zoning Administrator shall distribute copies of the site plan and application to designated Township officials and the Township Planner for review and comment. The Zoning Administrator or Planning Commission may also distribute copies of the site plan and application to other Township consultants or local agencies or departments with jurisdiction for comment on any problems the plans might pose.

3. **Planning Commission consideration of the site plan.** The Planning Commission shall review the site plan, together with any reports and recommendations from Township officials, the Township Planner, other Township consultants, and other reviewing agencies. The Planning Commission shall make a determination based on the requirements of this Ordinance and the standards of Section 12.01L (Standards for Site Plan Approval). The Planning Commission is authorized to table, approve, approve subject to conditions or deny the site plan as follows:
 - a. **Tabling.** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.

 - b. **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied.

If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant or agent to attend two (2) or more meetings shall be grounds for the Planning Commission to deny site plan approval.

 - c. **Approval.** Upon determination that a site plan is in compliance with the standards of this Ordinance, the site plan shall be approved.

 - d. **Approval subject to conditions.** The Planning Commission may approve a site plan, subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances, or approvals from other agencies.

4. **Recording of site plan action.** Planning Commission action on the site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, most recent plan revision date, and conditions or grounds for the Planning Commission's action.
 - a. After the Planning Commission has taken final action on a site plan, the Zoning Administrator shall clearly mark three (3) copies of the site plans APPROVED or DENIED, as appropriate, with the date that action was taken and any conditions of approval.

- b. One (1) marked copy will be returned to the applicant, the second copy will be given to the Building Department, and the third copy shall remain on file at the Township offices per State of Michigan retention guidelines.

D. Outside Agency Permits or Approvals.

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to the start of development or construction on the site.

E. Construction Plans.

Where detailed construction or engineering plans are required by the Township, Monroe County or other agency with jurisdiction, the applicant shall submit a copy of such plans to the Zoning Administrator for review. The Zoning Administrator or designated Township consultants shall verify that the site design and improvements shown on the construction or engineering plans are consistent with the approved site plan, except for changes that do not materially alter the approved site design, or that address any conditions of site plan approval.

Construction or engineering plans that are not consistent with the approved site plan shall be subject to review and approval by the Planning Commission as an amended site plan, prior to the start of development or construction on the site.

F. Approval of Phased Developments.

The Planning Commission may grant approval for site plans with multiple phases, subject to the following:

1. The site design and layout for all phases and outlots be shown on the site plan to ensure proper development of the overall site.
2. Improvements associated with each phase shall be clearly identified on the site plan, along with a timetable for development. Development phases shall be designed so that each phase will function independently of any improvements planned for later phases.
3. Each future phase shall be subject to a separate site plan review by the Planning Commission, and shall be required to meet all applicable Ordinance standards effective at the time of such review.

G. Site Plan Resubmission.

A site plan that has been denied may be revised by the applicant to address the reasons for the denial and then resubmitted for further consideration. The resubmitted site plan shall be subject to the same requirements, review fees, and approval procedures as a new application for site plan approval.

H. Expiration of Site Plan Approval.

Site plans shall expire 365 days after the date of approval, unless the construction plan for the project has been submitted to the Township for review.

Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of final approval for up to 180 days, provided

that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan remains in conformance with all applicable provisions of this Ordinance.

I. Rescinding Site Plan Approval.

Site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special use approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures), at which time the owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner or designated agent.

J. Revisions to Approved Site Plans

Minor revisions to an approved site plan may be administratively reviewed by the Zoning Administrator, provided that such changes do not materially alter the approved site design, intensity of use or demand for public services. Revisions to an approved site plan that are not considered by the Zoning Administrator to be minor, shall be reviewed by the Planning Commission as an amended site plan.

K. Compliance with an Approved Site Plan.

It shall be the responsibility of the landowner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

1. To ensure compliance with this Ordinance, the approved site plan, and any conditions of site plan approval, the Planning Commission or Zoning Administrator may require that a irrevocable performance guarantee be deposited with the Township Treasurer, subject to the standards of Section 1.08 (Fees and Performance Guarantees). The amount of the performance guarantee shall be sufficient to ensure faithful completion of the improvements associated with a project for which site plan approval is sought, as determined by the Zoning Administrator.
2. The Zoning Administrator or designee shall make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall be considered a violation of this Ordinance, and shall constitute grounds for the Planning Commission to rescind site plan approval.

L. Standards for Site Plan Approval.

The following criteria shall be used as a basis upon which site plans will be reviewed and approved, approved with conditions, or denied:

1. **Adequacy of information.** The site plan includes all required information in a complete and understandable form, provides an accurate description of the proposed uses, and complies with all applicable Ordinance requirements.
2. **Site appearance and coordination.** The site is designed in a manner that promotes the normal and orderly development of surrounding lands, and all site design elements are harmoniously organized in relation to topography, adjacent facilities, traffic circulation, building orientation, and pedestrian access.
3. **Preservation of site features.** The site design conserves natural features to the extent feasible. Such features may include wetlands, topography, tree-rows and hedgerows, wooded areas, and significant individual trees.
4. **Access and circulation.** Drives, streets, parking, site access and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets and promote safe and efficient traffic circulation within the site. In addition, adequate pedestrian access has been provided, which is in compliance with barrier-free access standards.
5. **Parking and loading.** Off-street parking lots and loading areas are arranged and located to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, and promote shared-use of common facilities where feasible.
6. **Landscaping and screening.** Landscaping and screening are provided in a manner that adequately buffers adjacent land uses and screens off-street parking, mechanical appurtenances, loading and unloading areas and storage areas from adjacent residential uses and public rights-of-way.
7. **Exterior lighting.** All exterior lighting fixtures are designed, arranged and shielded to minimize glare and light trespass, prevent night blindness and vision impairments, and maximize security.
8. **Impact upon public services.** The impact upon public services (including utilities, streets, police and fire protection, public schools and public sidewalks/pathways) will not exceed the existing or planned capacity of such services.
9. **Drainage and soil erosion.** Adjoining lakes, rivers, streams, lots, and road rights-of-way will not be adversely impacted by stormwater runoff and sedimentation.
10. **Emergency access and vulnerability to hazards.** All sites and buildings are designed to allow convenient and direct emergency access, and the level of vulnerability to injury or loss from incidents involving hazardous materials or processes will not exceed existing or planned emergency response capabilities.

M. Required Information for Site Plans

The following information shall be included with all site plan review applications, except where the Planning Commission determines that certain information is not necessary or applicable to the review:

Minimum Required Site Plan Information	Planning Commission Approval
SITE PLAN DESCRIPTIVE INFORMATION	
Name, address, telephone and facsimile numbers of the applicant (and landowner, if different from applicant) and firm or individual preparing the site plan; and the property location (address, lot number, tax identification number).	<input type="checkbox"/>
Existing and proposed use(s) and existing zoning of the land and surrounding parcels (including across road rights-of-way).	<input type="checkbox"/>
Address, legal description, and tax identification number of the parcel, with the gross and net land area.	<input type="checkbox"/>
SITE PLAN DATA AND NOTES	
Site plans shall be drawn to an engineer's scale appropriate for a sheet size of at least 24 by 36 inches. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be provided.	<input type="checkbox"/>
Location map with north-arrow.	<input type="checkbox"/>
Size and dimensions of proposed structures, including gross and usable floor area, number of stories, and overall height.	<input type="checkbox"/>
Calculations for parking, residential density or other Ordinance requirements.	<input type="checkbox"/>
EXISTING CONDITIONS	
Location of soil types and existing drainage courses, floodplains, lakes, streams, drains, and wetlands, with surface drainage flow directions.	<input type="checkbox"/>
Dimensions of all property lines, showing the relationship of the site to abutting properties. If the site is part of a larger parcel, the plan should indicate the boundaries of total land holding.	<input type="checkbox"/>
Existing site features, including significant natural and historical features, structures, driveways, fences, walls, signs, and other improvements; with notes regarding their preservation or alteration.	<input type="checkbox"/>
SITE PLAN DETAILS	
Location, dimensions, setback distances, and use(s) of all proposed improvements.	<input type="checkbox"/>
Locations and descriptions of all existing and proposed easements and rights-of-way for utilities, access, and drainage.	<input type="checkbox"/>
Identification of areas involved in each separate phase, if applicable.	<input type="checkbox"/>

Minimum Required Site Plan Information	Planning Commission Approval
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding.	<input type="checkbox"/>
Locations and methods of screening for any waste receptacles; ground-mounted generators, transformers, and mechanical (HVAC) units; and similar devices.	<input type="checkbox"/>
Outdoor sales, display or storage locations and method of screening, if applicable.	<input type="checkbox"/>
BUILDING DETAILS	
Building façade elevations for any proposed principal building, drawn to an appropriate scale and indicating type and color of building materials.	<input type="checkbox"/>
ACCESS AND CIRCULATION	
Dimensions and centerlines of existing and proposed rights-of-way, names of abutting streets, and the dimensions and type of paving materials for all roads, parking lots, curbs, sidewalks, and other paved surfaces.	<input type="checkbox"/>
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and street intersections.	<input type="checkbox"/>
Parking space and maneuvering aisle dimensions, pavement markings, traffic control signage, designation of fire lanes, and location of loading areas.	<input type="checkbox"/>
SCREENING AND LANDSCAPING	
Landscape plan, including location, size, quantity and type of proposed shrubs, trees, ground cover (including grass) and other live plant materials, and the location, size and type of any existing plant materials that will be preserved.	<input type="checkbox"/>
Planting list for proposed landscape materials, with quantities, sizes, and heights of proposed plant materials; botanical and common names; and methods of installation.	<input type="checkbox"/>
Landscape maintenance plan, including notes regarding replacement of dead or diseased plant materials	<input type="checkbox"/>
Proposed fences, walls or other screening devices, including typical cross-section, materials and height above grade.	<input type="checkbox"/>
UTILITIES, DRAINAGE, AND ENVIRONMENTAL INFORMATION	
Grading plan, with existing and proposed topography at a minimum of two (2) foot contour levels, drainage patterns and a general description of grades within 100 feet of the site to indicate stormwater runoff.	<input type="checkbox"/>
ADDITIONAL REQUIRED INFORMATION	
Other information as requested by the Zoning Administrator or Planning Commission to verify that the site and use are in accordance with the purpose and intent of this Ordinance and the Township's Master Plan.	<input type="checkbox"/>

Section 12.02 Special Uses.

A. Purpose.

This Section provides a set of procedures and standards for special uses of land or structures, which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. Special uses include those uses that:

1. Serve an area, interest or purpose that extends beyond the borders of the Township;
2. Create particular problems of control in relation to adjoining uses or districts;
3. Have detrimental effects upon public health, safety or welfare; or
4. Possess other unique characteristics that prevent such uses from being permitted "by right" as a principal use in a particular zoning district.

This Section is intended to provide a consistent and uniform method for review of special use applications, ensure full compliance with the standards contained in this Ordinance, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, and facilitate development in accordance with the objectives of the Master Plan.

B. Application Requirements.

Special use applications shall be submitted in accordance with the following:

1. **Eligibility.** The application shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which special use approval is sought, or by the owner's designated agent. The applicant or agent shall be present at all scheduled review meetings. Applications that are found by the Zoning Administrator to be incomplete or inaccurate shall be returned to the applicant.
2. **Application.** Special use applications submitted to the Township shall include the following information:
 - a. Contact information for the applicant and landowner, and proof of ownership. If the property is leased by the applicant, the owner's signed and dated authorization for the application shall be provided.
 - b. Address, location and tax identification number of the parcel.
 - c. A detailed description of the proposed use.
 - d. A site plan, if required by Section 12.01 (Site Plan Review).
 - e. Appropriate review fees, as determined by Township Board.
 - f. Any other information deemed necessary by the Zoning Administrator or Planning Commission to determine compliance with this Ordinance.

C. Special Use Review Procedure.

Special use applications shall be shall be reviewed in accordance with following procedures:

1. **Coordination with site plan review.** A site plan associated with a special use shall not be approved unless the special use has first been approved. The Planning Commission may, at its discretion, consider special use and site plan applications at the same meeting.
2. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate Township officials and the Township Planner for review and comment. The Zoning Administrator may also submit the application materials to designated Township consultants for review.
3. **Public hearing.** A public hearing shall be held for all special uses in accordance with Section 12.03 (Public Hearing Procedures).
4. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special use approval, together with any reports and recommendations from Township officials, the Township Planner, other Township consultants, and other reviewing agencies, along with any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards contained in Section 12.02H (Standards for Special Use Approval). The Planning Commission is authorized to table, approve, approve subject to conditions or deny the special use as follows:
 - a. **Tabling.** Upon determination by the Planning Commission that a special use application is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 - b. **Denial.** Upon determination that a special use application is not in compliance with the provisions of this Ordinance, including Section 12.02H (Standards for Special Use Approval), or would require extensive modifications to comply with said standards and regulations, the special use shall be denied. If a special use is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the special use.
 - c. **Approval.** The special use may be approved by the Planning Commission upon determination that it is in compliance with the provisions of this Ordinance, including Section 12.02H (Standards for Special Use Approval). Upon approval, the special use shall be deemed a conforming use permitted in the district in which it is proposed, subject to site plan approval, and any conditions imposed on the use. Such approval shall affect only the lot or area thereof upon which the use is located.

- d. **Approval subject to conditions.** The Planning Commission may approve a special use subject to reasonable conditions:
 - (1) Designed to protect natural resources, the health, safety, welfare, and social and economic well-being of users or patrons of the use under consideration, residents and landowners immediately adjacent to the proposed use, or the community as a whole; or
 - (2) Related to the valid exercise of the police power, and the impacts of the proposed use; or
 - (3) Necessary to meet the intent and purpose of this Ordinance, related to the standards established in this Ordinance for the special use under consideration, and necessary for compliance with those standards.

- e. **Recording of special use action.** Planning Commission action on the special use shall be recorded in the Planning Commission meeting minutes, stating the name, description, and location of the proposed use; address and tax identification number of the parcel; and the grounds for the Planning Commission's action. The Zoning Administrator shall keep one (1) copy of the written record on file in the Township, and shall forward one (1) copy to the applicant as evidence of special use approval and also give the effects of the approval.

- f. **Effect of Approval.** Special Use approval runs with the land. As long as the use remains as approval a change of tenant or owner will not effect the Special Approval.

D. Resubmission after Denial.

A special use application that has been denied shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

E. Appeals of Special Use Decisions.

The Zoning Board of Appeals shall not have the authority to consider appeals of special use determinations by the Planning Commission.

F. Expiration of Special Use Approval.

Special use approval shall expire 365 days after the date of approval, unless the use has been established on the site, or the construction plan associated with the special use has been submitted for review. Special use approval shall also expire upon expiration of the approved construction plan associated with a special use.

Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of up to 180 days, provided that the approved special use conforms to current Zoning Ordinance standards.

G. Rescinding Special Use Approval.

Approval of a special use may be rescinded by the Planning Commission upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans, or conditions of site plan or special use approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the land or structure(s) for which special use approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.

H. Standards for Special Use Approval.

Approval of a special use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards as deemed applicable to the use by the Planning Commission:

1. **A documented need exists for the proposed use.** A documented need exists for the proposed use within the community.
2. **Compatibility with adjacent uses.** The special use is compatible with adjacent uses and the existing or intended character of the zoning district and area. The use will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood.
3. **Compatibility with the Master Plan.** The special use location and character is consistent with the general principles, goals, objectives, and policies of the adopted Master Plan.
4. **Compliance with applicable regulations.** The proposed special use is in compliance with all applicable Ordinance provisions.
5. **Impact upon public services.** The impact of the special use upon public services will not exceed the existing or planned capacity of such services; including utilities, roads, police and fire protection services, drainage structures, refuse disposal, and availability or capacity of water and sewage facilities.
6. **Traffic impacts.** The special use is designed and located in a manner that minimizes any adverse traffic impacts caused or exacerbated by the use.
7. **Environmental and public health, safety, and welfare impacts.** The location, design, activities, processes, materials, equipment, and operational conditions of the special use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke,

fumes, odors, dust, glare, light, drainage or other adverse impacts as set by state, federal or other agencies with jurisdiction.

8. **Isolation of existing uses.** Approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

I. Compliance with Special Use Approval.

It shall be the responsibility of the owner of the property and the operator of the use for which special use approval has been granted to develop, improve, operate and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Ordinance and all conditions of special use approval until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

The Zoning Administrator or designee may make periodic investigations of developments for which a special use has been approved. Noncompliance with Ordinance requirements or conditions of approval shall constitute grounds for the Planning Commission to rescind special use approval.

Section 12.03 Public Hearing Procedures.

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006, as amended), and the following:

A. Public Notice.

Notice of the public hearing shall be posted by the Zoning Administrator at the place the hearing will be held; published in a newspaper of general circulation in the Township; and sent by mail or personal delivery to the applicant, owner(s) of property for which approval is being considered, all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and all occupants of structures within 300 feet of the boundary of the property regardless of whether the property or occupant is located in the zoning jurisdiction.

1. **Timing of notice publication.** The Zoning Administrator shall publish the required notice in a newspaper of general circulation in the Township, as follows:
 - a. **Notice Publication.** The notice shall be published once at least fifteen (15) days before the date the application will be considered for approval.
2. **Minimum notice contents.** The notice shall include:
 - a. Indicate the property that is subject of the request including all road addresses within the property. If there is no address, the Parcel Identification number shall be used as identification for the property.
 - b. The nature of the request
 - c. The time and place of the hearing and the body conducting the hearing
 - d. Indicate when and where written comments will be received concerning the request.
3. **Discretionary notice.** The Township may, at its discretion, post this notice at other public-accessible locations, including but not limited to Township Hall, community bulletin boards, and the Internet. The Township Board may also establish a policy to consistently send this notice by mail to persons located more than 300 feet from the boundary of the property in question, provided that the applicant shall not be required to pay for the additional mailing expenses.

B. Pre-Hearing Examination.

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

C. Right to Submit Written Statements.

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

D. Timeframe for Hearings.

The public hearing shall be scheduled for a date not more than 90 calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless a further time is agreed upon by the parties concerned.

E. Rights of All Persons.

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

F. Adjournment.

The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time, and place for the purpose of giving further notice, accumulating further evidence or information or for such other reasons that the body finds to be sufficient. Notice shall be provided of the adjourned hearing date, time, and place per Section 12.03A (Public Notice).

G. Governance.

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

Section 12.04 Amendments.

The Township Board may, after recommendation from the Planning Commission, amend, supplement or change the provisions of this Ordinance or Official Zoning Map. Such actions shall be consistent with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), and the following:

A. Initiation of Amendment.

Amendments to the provisions of this Ordinance may be initiated by the Township Board, Planning Commission, or Zoning Administrator, or by petition from one (1) or more residents or landowners of the Township. An amendment to the official Zoning Map (rezoning) may be initiated by the Township Board, Planning Commission, or Zoning Administrator, or by the titleholder for the property subject to the proposed amendment. No fee shall be charged for amendments initiated by the Township Board, Planning Commission or Zoning Administrator.

B. Application.

An amendment to this Ordinance (except those initiated by the Township Board, Planning Commission or Zoning Administrator), shall be initiated by submission of a complete and accurate application to the Township, along with the required fee established by Township Board. In the case of an amendment to the official Zoning Map, the following information shall accompany the application and fee:

1. A legal description and street address of the subject land, together with a survey and location map identifying the subject land in relation to surrounding properties.
2. The name and address of the landowner, and a statement of the applicant's interest in the subject land, if not the owner in fee simple title.
3. The existing and proposed zoning district designation of the subject land and surrounding properties.
4. A written description of how the requested amendment meets the criteria stated in this Section.

C. Amendment Review Procedure.

Proposed amendments to this Ordinance or Official Zoning Map shall be reviewed in accordance with the following:

1. **Technical review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Township officials and the Township Planner for review and comment. The Zoning Administrator may also submit the application materials to other designated Township consultants for review.
2. **Public hearing.** A public hearing shall be held for all proposed amendments in accordance with Section 12.03 (Public Hearing Procedures).
3. **Planning Commission consideration and recommendation.** Subsequent to the hearing, the Planning Commission shall review the proposed amendment,

together with any reports and recommendations from staff, the Township Planner, other Township consultants, and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings and recommendation in writing to the Township Board.

In considering an amendment to the official Zoning Map (rezoning), the Planning Commission shall consider the following factors in making its findings and recommendations:

- a. Consistency with the Master Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
 - b. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.
 - c. Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values.
 - d. Capacity of available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of Township residents or burdening the Township or Monroe County with unplanned capital improvement costs or other unplanned public expenses.
 - e. Capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).
 - f. The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.
 - g. The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.
 - h. The requested rezoning will not create an isolated or incompatible zone in the area.
 - i. Other factors deemed appropriate by the Planning Commission and Township Board.
4. **County Planning Commission review.** The Zoning Administrator shall forward a copy of the proposed amendment and the report and recommendation from the Township Planning Commission to the Monroe County Planning Commission for review and comment. The County Planning Commission shall have 30 days from the date of receipt from the Township to review the proposed amendment.

If no comments are received from the County within this period, the Zoning Administrator may presume that the County has waived its right for review.

5. **Township Board action.** The Zoning Administrator shall forward a copy of the proposed amendment, the report and recommendation from the Township Planning Commission, and any recommendation from the County Planning Commission to the Township Board for consideration and final action.
 - a. The Township Board may adopt or reject the proposed amendment, or may refer the amendment back to the Township Planning Commission for revision or further consideration.
 - b. If the Township Board requests revisions to the proposed amendment, the amendment and requested revisions shall be referred back to the Township Planning Commission for further consideration.
 - c. The Township Board may, at its discretion, hold additional public hearings on the proposed amendment, provided that notice of the hearing shall be published once in a newspaper of general circulation in the Township not less than five (5) and not more than 15 days before the hearing date.

D. Re-Application.

Whenever an application for an amendment to this Ordinance has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of 365 calendar days unless the Township Planner determines that one or more of the following conditions has been met:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
2. New or additional information is available that was not available at the time of the review.
3. The new application is materially different from the prior application.

Section 12.05 Conditional Rezoning Amendments.

The Township recognizes that, under certain instances, it may be to the Township's and the landowner's advantage to consider rezoning of certain lands if the application is accompanied by a site plan and subject to certain conditions. Accordingly, it is the intent of this Section to provide a conditional rezoning option to landowners in accordance with the provisions of Section 16i of the Township Zoning Act (P.A. 184 of 1943, as amended).

This option is intended to accomplish the objectives of the Zoning Ordinance through a rezoning review process that applies site-planning criteria to achieve integration of the development project and the surrounding area. Conditional rezoning represents a legislative amendment to the Zoning Ordinance. Such actions shall be consistent with Section 16i of the Township Zoning Act (P.A. 184 of 1943, as amended), and the following:

A. Eligibility.

A landowner shall have the option of seeking conditional rezoning in connection with submission of an application seeking rezoning. To be eligible for review as a conditional rezoning, the landowner shall, as part of an application for rezoning of land to a new zoning district classification, voluntarily offer certain site-specific regulations or conditions that are equally or more restrictive than the regulations of this Ordinance for the proposed zoning district.

B. Pre-Application Meeting.

Prior to submitting a conditional rezoning application, the applicant shall meet with the Township Planner and Township Zoning Administrator for preliminary review of the proposal and the review process. The applicant shall pay the expenses incurred by the Township for this meeting.

C. Application Requirements.

A conditional rezoning amendment shall be initiated by submission of a complete and accurate application to the Township, along with the required fee established by Township Board. Conditional rezoning applications shall be subject to the following requirements:

1. **Timing of application.** A landowner may submit an application for conditional rezoning at the time the application for rezoning is filed or at a subsequent point in the process of review of the proposed rezoning. The applicant may, through written notice to the Township, amend the conditional rezoning application at any point during the review process.
2. **General information.** In the case of any amendment to the official Zoning Map, the following information shall accompany the application and fee:
 - a. A legal description and street address of the subject land, together with a survey and location map identifying the subject land in relation to surrounding properties.
 - b. The name and address of the landowner, and a statement of the applicant's interest in the subject land, if not the owner in fee simple title.

- c. The existing and proposed zoning district designation of the subject land and surrounding properties.
 - d. A written description of how the requested amendment meets the criteria stated in this Section.
3. **Additional information for a conditional rezoning application.** The conditional rezoning application shall include the following additional information:
- a. **Conditional rezoning plan.** The applicant shall provide a conditional rezoning plan, with such detail as proposed by the applicant and approved by the Township Board in accordance with this Section. The conditional rezoning plan shall not replace the requirements for site plan, subdivision or condominium approval under this Ordinance.
 - b. **Rezoning Conditions.** Rezoning conditions shall be proposed in writing by the applicant, subject to the following:
 - (1) **Permitted conditions.** Rezoning conditions may include some or all of the following:
 - (a) The location, size, height, and setbacks of buildings, structures, and improvements.
 - (b) The maximum density or intensity of development (e.g., units per acre, maximum usable floor area, hours of operation, etc.).
 - (c) Measures to preserve natural resources or features.
 - (d) Facilities to address stormwater drainage and water quality using best management practices.
 - (e) Facilities to address traffic issues, such as through road paving or other road improvements.
 - (f) Farmland or open space preservation provisions.
 - (g) Minimum landscaping, buffering and screening provisions.
 - (h) Enhanced screening, beyond that required by this Ordinance.
 - (i) Building design, materials, lighting and sign criteria.
 - (j) Permissible and prohibited uses of the land.
 - (k) Measures to protect the rural viewshed, which is an undeveloped area adjacent to the road right-of-way having a minimum undisturbed depth of 300 feet, where existing wetlands, woodlands, farmlands or scenic vistas are preserved.

- (l) Reclamation and reuse of land, where previous use of land causes severe development difficulties or blight.
- (m) Other conditions as deemed important to the development by the applicant.
- (2) **Prohibited conditions.** Such rezoning conditions shall not:
 - (a) Authorize uses or development of greater intensity or density than are permitted in the district proposed by the rezoning.
 - (b) Authorize uses or development expressly or implicitly prohibited in the district proposed by the rezoning.

D. Review and Approval Procedures.

After the completed application and all required supporting materials have been received and fees paid, the proposed conditional rezoning amendment and application materials shall be reviewed in accordance with the following procedures:

1. **Technical review.** Prior to Planning Commission consideration, the proposed conditional rezoning amendment and application materials shall be distributed to appropriate Township officials and the Township Planner for review and comment. The Zoning Administrator may also submit the application materials to other designated Township consultants for review.
2. **Public hearing.** A public hearing shall be held for the proposed conditional rezoning amendment in accordance with Section 12.03 (Public Hearing Procedures).
3. **Planning Commission review and recommendation.** Subsequent to the hearing, the Planning Commission shall review the proposed conditional rezoning amendment, together with any reports and recommendations from staff, the Township Planner, other Township consultants, and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings and recommendation in writing to the Township Board.
4. **County Planning Commission review.** The Zoning Administrator shall forward a copy of the proposed conditional rezoning amendment and the report and recommendation from the Township Planning Commission to the Monroe County Planning Commission for review and comment. The County Planning Commission shall have 30 days from the date of receipt from the Township to review the proposed conditional rezoning amendment. If no comments are received from the County within this period, the Zoning Administrator may presume that the County has waived its right for review.
6. **Township Board action on the conditional rezoning amendment.** The Zoning Administrator shall forward a copy of the proposed conditional rezoning amendment, the report and recommendation from the Township Planning Commission, and any recommendation from the County Planning Commission to the Township Board for consideration and final action:

- a. **Additional hearings.** The Township Board may, at its discretion, hold additional public hearings on the proposed conditional rezoning amendment, provided that notice of the hearing shall be published once in a newspaper of general circulation in the Township not less than five (5) and not more than 15 days before the hearing date.
- b. **Rejection.** The Township Board may reject the proposed conditional rezoning amendment.
- c. **Adoption.** If the Township Board determines that it may adopt the conditional rezoning, then the Township Board shall direct the Township Planner and Township Attorney to prepare a draft conditional rezoning agreement, per Section 12.05E (Conditional Rezoning Agreements). Upon completion of the conditional rezoning agreement, the Township Board may adopt or reject the conditional rezoning amendment, including any conditional rezoning plan and conditional rezoning agreement.

E. Conditional Rezoning Agreement.

As directed by the Township Board, the Township Planner, Township Attorney, and applicant or designee shall prepare a proposed conditional rezoning agreement. The proposed agreement shall incorporate the conditional rezoning plan proposed by the applicant, and shall set forth the rezoning conditions and any other terms mutually agreed upon by the parties relative to the land subject to the proposed conditional rezoning.

1. **Contents and terms.** A conditional rezoning agreement shall include the following terms:
 - a. Agreement and acknowledgement that the conditional rezoning was proposed by the applicant to induce the Township to grant the rezoning, and that the Township relied upon such proposal and would not have granted the rezoning but for the terms in the conditional rezoning agreement.
 - b. Agreement and acknowledgement that the conditions and conditional rezoning agreement are authorized by all applicable state and federal laws and constitution, and that the conditional rezoning agreement is valid and was entered into on a voluntary basis, representing a permissible exercise of authority by the Township.
 - c. Agreement and understanding that the land in question shall not be developed or used in a manner that is inconsistent with the conditional rezoning plan and conditional rezoning agreement.
 - d. Agreement and understanding that the approval and conditional rezoning agreement shall be binding and upon and inure to the benefit of the landowner and the Township, and their respective heirs, successors, assigns, and transferees.
 - e. Agreement and understanding that, if a conditional zoning becomes void in the manner provided in this Section, no development shall be

undertaken or permits for development issued until a new zoning district classification of the land has been established.

- f. Agreement and understanding that each of the requirements and conditions in the conditional rezoning agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved conditional rezoning, taking into consideration the changed zoning district classification and the specific use authorization granted.
2. **Effective date and recording of conditional rezoning agreement.** A conditional rezoning shall become effective following both publication in the manner provided by law and recording of the conditional rezoning agreement with the Monroe County Register of Deeds office by the Township Clerk.
 3. **Amendment of conditional rezoning agreement.** Amendment of a conditional rezoning agreement shall be proposed, reviewed, and approved in the same manner as a new conditional rezoning application.
 4. **Expiration of conditional rezoning agreement.** The conditional rezoning approval shall expire following a period of two (2) years from the effective date of the rezoning unless:
 - a. Approved development of the land commences within such two (2) year period and proceeds diligently and in good faith as required by ordinance to completion; or
 - b. The rezoning is extended for good cause by the Township Board as provided for in Section 12.05J (Extension of Conditional Rezoning Approval).

F. Approval Criteria

The applicant shall have the burden of demonstrating that the following requirements and standards are met by the conditional rezoning plan, rezoning conditions, and conditional rezoning agreement:

1. **Enhancement of the project area.** The Township Board shall determine that approval of the conditional rezoning shall:
 - a. Accomplish the integration of the proposed land development project with the characteristics of the project area; and
 - b. Result in an enhancement of the project area that would be unlikely to be achieved or would not be assured without the use of conditional rezoning.
2. **In the public interest.** The Township Board shall determine that, in considering the site specific land use proposed by the applicant, sufficient conditions have been included in the conditional rezoning plan and conditional rezoning agreement so that the public interest would be served by granting the conditional rezoning.

In determining whether approval of a proposal would be in the public interest, the benefits that would be reasonably expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles and factors.

3. Other amendment considerations. In considering a conditional rezoning amendment, the Planning Commission and Township Board shall also consider the following factors:

- d. Consistency with the Master Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
- e. Compatibility of all potential uses allowed in the zoning district(s) under the proposed conditional rezoning with the site's physical, geological, hydrological, and other environmental features.
- f. Compatibility of all potential uses allowed in the zoning district(s) under the proposed conditional rezoning with surrounding uses, densities, and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- g. Capacity of available utilities and public services to accommodate all potential uses allowed in the zoning district(s) under the proposed conditional rezoning without compromising the health, safety, and welfare of Township residents or burdening the Township or Monroe County with unplanned capital improvement costs or other unplanned public expenses.
- h. Capability of the road system to safely and efficiently accommodate the expected traffic generated by all potential uses allowed in the zoning district(s) under the proposed conditional rezoning.
- i. The apparent demand for the types of potential uses allowed in the zoning district(s) under the proposed conditional rezoning in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.
- j. The boundaries of the proposed zoning district(s) in relationship to the surrounding area and the scale of future development on the site.
- k. The requested conditional rezoning will not create an isolated or incompatible zone in the area.
- l. Other factors deemed appropriate by the Township Board.

G. Zoning District Designation.

If approved, the zoning classification of the rezoned land shall consist of the district to which the land has been rezoned accompanied by a reference to "CR" (Conditional

Rezoning). For example, the Official Zoning Map designation for a conditional rezoning to the I-R (Industrial-Research) District would be "I-R/CR."

H. Re-Application.

Whenever a conditional rezoning application has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of 365 calendar days unless the Township Planner determines that one or more of the following conditions has been met:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
2. New or additional information is available that was not available at the time of the review.
3. The new application is materially different from the prior application.

I. Development Subject to Conditional Rezoning Requirements.

The use and future development of land subject to an approved conditional rezoning shall conform to all regulations governing development and use in the zoning district to which the land has been rezoned, and the more restrictive requirements specified on the approved conditional rezoning plan and in the conditional rezoning agreement.

1. No other development or use shall be permitted, and the requirements of the approved conditional rezoning plan and conditional rezoning agreement shall supersede all inconsistent regulations otherwise applicable under this Ordinance.
2. Approval of the conditional rezoning plan and agreement confirms only the rezoning of the land. Site plan, special use, subdivision plat, and condominium plan approval shall be required as provided for in this Ordinance, prior to any improvements to the land.

J. Extension of Conditional Rezoning Approval.

In the event that a bona fide development has not commenced within two (2) years from the effective date of the rezoning, the conditional rezoning and conditional rezoning agreement shall be void and of no effect.

1. The Township Board may approve one (1) extension of up to 365 calendar days, upon written request by the landowner received by the Township Clerk before the two (2) year time limit expires.
2. The landowner shall show good cause why the extension should be granted.

K. Revert to Former Zoning.

If the conditional zoning becomes void and of no effect, then by automatic reverter set forth in Section 16i of the Township Zoning Act (P.A. 184 of 1943, as amended), the land shall revert to its former zoning classification, which shall be confirmed by resolution of the Township Board.

L. Violations of the Conditional Rezoning Agreement.

If development or actions are undertaken on or with respect to the land that are in violation of the conditional rezoning agreement, such development or actions shall constitute a nuisance per se.

1. In such case, the Township may issue a stop work order relative to the land and seek any other lawful remedies.
2. Until curative action is taken to bring the land into compliance with the conditional rezoning agreement, the Township may withhold or, following notice and an opportunity to be heard, revoke permits and certificates; in addition to or in lieu of such other lawful action to achieve compliance.

ARTICLE 13

CONDOMINIUM REGULATIONS

Section 13.01 Purpose.

The purpose of this Article is to regulate projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this Ordinance and the Condominium Act (P.A. 59 of 1978, as amended). Condominium projects shall be reviewed in a manner consistent with equivalent projects within the zoning district.

Pursuant to the authority conferred by the Condominium Act (P.A. 59 of 1978, as amended), condominium subdivision plans shall be regulated by this Ordinance as site condominiums, and shall be considered equivalent to a platted subdivision for the purposes of enforcing the Township's site development standards. The intent of this Article is to ensure that condominium subdivision (site condominium) subdivisions are developed in compliance with all applicable standards of this Ordinance and the Land Division Act (P.A. 288 of 1967, as amended), except that the review procedures of this Article and Ordinance shall apply.

It is the intent of this Article that review of condominium subdivision (site condominium) plans be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed as a traditional subdivision under the Land Division Act (P.A. 288 of 1967, as amended), except that nothing in this Article shall be construed to require a site condominium development to obtain plat approval.

Section 13.02 Condominium Unit Requirements.

The following regulations shall apply to all condominium units:

A. Types of Permitted Condominium Units.

The following types of condominium units shall be permitted under this Article, subject to conformance with the use and zoning district standards of this Ordinance:

1. **Single-family detached units.** In the case of a condominium project in which the condominium units are intended for detached single-family residential purposes (site condominium), not more than one (1) single-family dwelling unit and permitted accessory structure shall be proposed or constructed on a condominium lot. No dwelling unit may be located on a condominium lot with any other approved principal use. The condominium unit shall be considered a lot under this Ordinance.
2. **Attached residential or multiple-family residential units.** Condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units, or by conversion of existing multiple-family or attached units or an existing building into residential

condominium units shall conform with all requirements of this Ordinance and the applicable zoning district.

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

B. Condominium Unit or Site Condominium Lot.

For purposes of this Article and Ordinance, each detached condominium unit or site condominium lot shall be considered the equivalent of a platted lot of record as referenced in the Land Division Act (P.A. 288 of 1967, as amended), and shall comply with the dimensional standards of the zoning district.

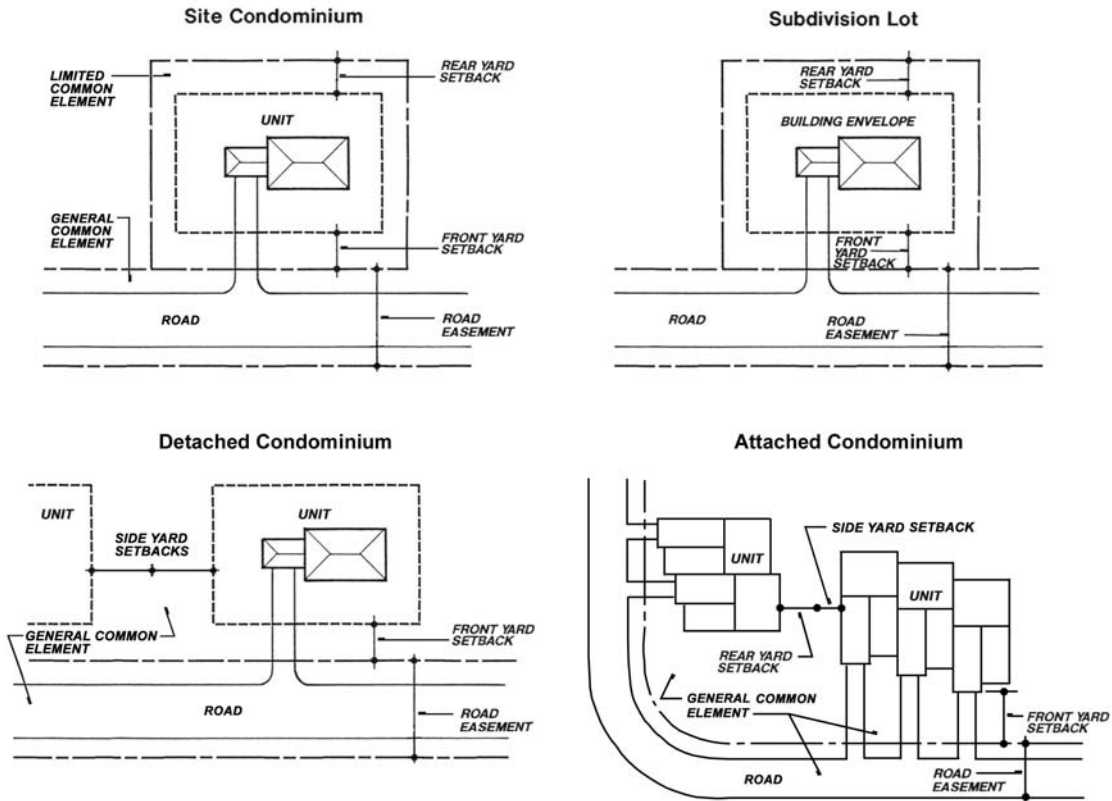
C. Area Computation.

The minimum area of the site condominium unit and the surrounding limited common element shall be equivalent to the minimum lot area and lot width requirements for the zoning district where the project is located. Areas within a public or private road right-of-way or equivalent easement or dedication shall not be included in the calculation of minimum condominium lot area or determination of dwelling density for a site.

D. Relocation of Lot Boundaries.

The relocation of boundaries or any other change in the dimensions of a condominium unit or site condominium lot shall be considered an amendment to the condominium documents and condominium site plan. Relocation of condominium lot boundaries, as permitted in Section 48 of the Condominium Act (P.A. 59 of 1978, as amended), shall comply with the requirements of Article 4 (Dimensional Standards), and shall be subject to the review procedures specified in Section 12.01C (Site Plan Review Procedure).

Any property remaining after the formation of a new unit lot by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act (P.A. 59 of 1978, as amended), shall comply with the requirements of Article 4 (Dimensional Standards) or shall be placed into common areas within the project.



Condominium Terminology

Section 13.03 Review Requirements.

A condominium project shall be subject to the site plan review procedures specified in Section 12.01C (Site Plan Review Procedure), and the following:

A. Conceptual Review.

To minimize time, costs and interpretation of Township development requirements, applicants are encouraged to meet informally with the Zoning Administrator, other Township officials, or designated Township consultants to discuss a conceptual condominium site plan, site issues and application of Ordinance standards, prior to submitting plans for formal review.

1. Any person may also request that a conceptual condominium site plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment. The conceptual plan shall include the minimum information required by Section 13.04A (Conceptual Condominium Plan Requirements).
2. Comments and suggestions by the Township regarding a conceptual plan shall constitute neither an approval nor a disapproval of the plan, nor shall the Township be bound in any way by such comments or suggestions in preparing for formal submittal or review of a condominium site plan.

For condominium subdivision (site condominium) developments, conceptual condominium site plan review shall be considered the equivalent of an initial plat investigation, as referenced in the Land Division Act (P.A. 288 of 1967, as amended).

B. Condominium Site Plan Review.

Prior to recording of the Master Deed of the condominium project as required by Section 72 of the Condominium Act, each condominium project shall be subject to review and approval of a condominium site plan by the Planning Commission. The plan shall include all information required by Section 13.04B (Condominium Site Plan Requirements).

The Planning Commission shall review and take action regarding a condominium site plan application in accordance with the review procedures specified in Section 12.01C (Site Plan Review Procedure), and the standards for approval specified in Section 12.01L (Standards for Site Plan Approval).

For site condominium developments, condominium site plan review shall be considered the equivalent of a preliminary plat review, as referenced in the Land Division Act (P.A. 288 of 1967, as amended).

C. Outside Agency Permits or Approvals.

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to construction plan approval.

D. Condominium Construction Plans.

When the Township, county or other agency with jurisdiction requires detailed construction or engineering plans, such plans shall be reviewed by the Township in accordance with Section 12.01E (Construction Plans). The plan shall include all information required by Section 13.04C (Condominium Construction Plan Requirements).

For site condominium developments, condominium construction plan review shall be considered the equivalent of a final plat review, as referenced in the Land Division Act (P.A. 288 of 1967, as amended).

Section 13.04 Required Plan Information.

A. Conceptual Condominium Plan Requirements.

The following information shall be included with a conceptual condominium site plan:

1. **Ownership interest.** Declaration of all persons with an ownership interest in the land on which the condominium project will be located, including a description of the nature of each entity's interest (e.g. fee owner, option holder, lessee or land contract vendee).
2. **Proposed use.** The proposed use(s) of the condominium project.

3. **Density.** The total acreage of the condominium site, acreage set aside for road rights-of-way, number of condominium units to be developed on the subject parcel and density computation on a unit per acre basis.
4. **Circulation.** The vehicular and pedestrian circulation system planned for the proposed development, including the designation of any road(s) for private ownership or dedication to the public.
5. **Road layout.** The location of existing roads adjacent to the development, with details for the location and design of interior roads and access drives, and proposed connections to abutting roads.
6. **Unit lot orientation.** The proposed layout of structures, unit lots, parking areas, open space and recreation areas.
7. **Drainage.** Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention or detention areas;
8. **Natural features.** Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and significant natural features such as tree stands, unusual slopes, streams and water drainage areas. The gross land area of all wetland areas and proposed open space dedications shall be provided.

B. Condominium Site Plan Requirements.

The following information shall be included with a condominium site plan:

1. **Site plan information.** All information required for a site plan review, as specified in Section 12.01M (Required Information for Site Plans). For condominium subdivision (site condominium) developments, all information required for preliminary plat approval shall be provided on the condominium subdivision plan.
2. **Condominium restrictions.** All deed restrictions, restrictive covenants or other proposed regulations for the layout, use and maintenance of public or common areas and structures shall be incorporated into the site plan as detail sheets and notes.
3. **Common areas defined.** Limited common elements, common elements, unit lots, preservation areas, convertible areas and any other designated ownership areas shall be clearly delineated on the site plan.
4. **Documents.** The master deed, condominium bylaws, restrictive covenants, and related condominium documents shall be provided for Township Attorney review.
5. **Additional information.** The following additional information shall be submitted for Township review:
 - a. Cross sections of roads, driveways, sidewalks, and other paved areas.
 - b. Details of any proposed sanitary, storm, and water system improvements.

- c. All condominium documents as defined in this Ordinance.
- d. All necessary easement documents showing the dedication of land areas for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing or removing pipelines, mains, conduits and other installations of a similar character; providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement; and excavating and refilling ditches and trenches necessary for the location of said structures.

C. Condominium Construction Plan Requirements.

The following shall be submitted to the Township as part of any construction or engineering plans for a condominium project:

- 1. **Revised plan.** A revised, dated, and sealed condominium construction plan shall be submitted incorporating all changes, if any, required to comply with condominium site plan approval.
- 2. **Outside agency approvals.** Verification of all required state and county approvals or comments pursuant to Section 13.03C (Outside Agency Permits or Approvals) above.
- 3. **Section 71 comments.** Presentation of all comments pursuant to Section 71 of the Condominium Act (P.A. 59 of 1978, as amended).
- 4. **Condominium documents.** Copies of the recorded condominium documents or copies of the documents in their final recordable form, including the required condominium construction plan (Exhibit B).

Section 13.05 Project Standards.

The following standards are applicable to condominiums:

A. Use Standards.

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

B. Subdivision Requirements.

The substantive requirements for roads, utilities, storm drainage, lots, and other improvements necessary to serve the development, as referenced in the Land Division Act (P.A. 288 of 1967, as amended), shall apply to all condominium subdivision (site condominium) projects.

C. Setbacks.

The setback requirements of the underlying zoning district, as specified in Article 4 (Dimensional Standards), shall establish the required interior and perimeter setbacks for the condominium development. Such setbacks shall be measured from the perimeter of

the condominium lot or road right-of-way line to the nearest part of the structure or building envelope.

D. Utility Connections.

Each site condominium unit shall be separately connected to available public water supply and sanitary sewer systems, where such services are available. Private well or septic services shall conform to county and state requirements, and proof of permits and approvals for such facilities shall be provided to the Township.

E. Roads and Access.

The internal circulation system shall provide adequate means of access and circulation, subject to the following:

1. **Roads.** The proposed development shall provide logical extensions of existing or planned public and private roads in the Township, and shall provide suitable road connections to adjacent parcels, where applicable. Roads shall be designed to meet the engineering standards of the Township or Monroe County, as applicable.
2. **Pedestrian pathways.** To provide access to all common areas and uses, the Planning Commission may require any of the following pedestrian facilities to be provided within and through a condominium development:
 - a. Minimum five (5) foot wide concrete sidewalks along interior and perimeter roads serving a condominium development.
 - b. Paved pedestrian paths constructed of asphalt, crushed limestone or similar durable materials.

Where required, such paths shall include logical connections to and extensions of pedestrian paths outside of the condominium project.

3. **Traffic impacts.** Traffic to, from, and within the site shall not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, relationship of the proposed project to main thoroughfares and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. The Planning Commission may require a traffic impact study, per Section 7.12 (Traffic Impact Studies).

F. Infrastructure and Other Site Improvements.

Drainage and utility facilities and improvements shall meet or exceed applicable Township, county, and state requirements.

1. **Underground utilities.** Utilities serving the development shall be installed underground, except where the applicant demonstrates to the Planning Commission's satisfaction that underground installation is impractical or cost prohibitive.

2. **Stormwater management.** Drainage structures (detention/retention basins, swales) shall be designed to blend with the site's natural features. Stormwater basins shall be designed to emulate a naturally formed or free form depression. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, it shall be decorative, in the determination of the Planning Commission.

Section 13.06 Monuments.

All condominium subdivision (site condominium) projects shall be clearly marked with monuments placed in the ground as follows:

A. Materials.

Monuments shall be made of solid iron or steel bars or pipes at least one-half ($\frac{1}{2}$) inch in diameter and 18 inches long, or other markers approved by the Township. The Township may require monuments to be completely encased in concrete at least four (4) inches in diameter.

B. Location.

Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of roads and at the intersection of the lines of roads with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature, and angle points in the side lines of roads and alleys; at all angles of an intermediate traverse line; and at the intersection of all limited common elements and all common elements.

1. **Reference.** If a required monument location is inaccessible or impractical, a reference monument shall be placed nearby with the precise location clearly indicated on the plans and referenced to the true point.
2. **Steel rods.** If a monument point is required to be on a bedrock outcropping or other hard surface, a steel rod, at least one-half ($\frac{1}{2}$) inch in diameter shall be drilled and grouted to a depth of at least eight (8) inches.
3. **Set at grade.** All required monuments should be placed flush with the surrounding grade where feasible.
4. **Condominium unit corners.** Permanent field monuments shall identify each site condominium unit corner, as defined by reference to appropriate condominium project monuments.

C. Timing.

The Township Board may waive the placing of any required monuments and markers for a reasonable time period on the condition that the proprietor deposits a performance guarantee with the Zoning Administrator in an amount sufficient to cover the costs for placing such monuments and markers, subject to the requirements of Section 1.08 (Fees and Performance Guarantees).

The period shall not exceed 365 days after the date of condominium construction plan approval. The performance guarantee shall be returned to the proprietor upon receipt of a certificate by a licensed surveyor that the monuments and markers have been placed as required within the time specified. Failure to complete within the time period will lead to forfeiture of the performance guarantee, and completion of the placement under the direction of the Zoning Administrator.

D. Proof of Inspection.

Upon completion of the setting of monuments as required by this Section, the applicant or developer shall submit a report to the Zoning Administrator from a licensed, independent surveyor.

1. The report shall include proof of inspection and verification of all monument locations.
2. The Township reserves the right to establish and maintain a list of approved surveyors, and may conduct additional inspections to verify the report's findings.

E. Unit Sales.

Upon completion and approval of the Final Condominium site plan and documents and prior to the sale of units; all units shall be numbered at the road.

Section 13.07 Post Construction Requirements.

A. Document Submittals.

1. It shall be the responsibility of the developer or proprietor of a condominium project to furnish the following items to the Zoning Administrator:
 - a. One (1) copy of the recorded Master Deed and all restrictive covenants as approved by the Township Attorney; and
 - b. Two (2) copies of the project site plan and an "as built survey," sealed by a licensed professional engineer, landscape architect or similar certified professional, in a format acceptable to the Township; and
 - c. One (1) copy of the project site plan and an "as built survey" in an electronic format acceptable to the Township.
2. The Zoning Administrator may withhold zoning permit approval for any structure within the condominium project, if such documents have not been submitted within 10 days after written request from the Zoning Administrator to do so.
3. The developer or proprietor shall also record all condominium documents and exhibits with the Monroe County Register of Deeds office in a manner and format acceptable to the County.

B. Plan Revisions.

If the condominium construction plan [Exhibit B, as required by the Condominium Act (P.A. 59 of 1978, as amended)] is revised, the revised plan shall be submitted to the Township for review and approval in accordance with Section 12.01J (Revisions to Approved Site Plans).

C. Amended Documents.

Amendments to any condominium document that significantly impact the approved condominium site plan, or any conditions of the condominium site plan approval, shall be submitted to the Planning Commission for review and approval. The Zoning Administrator may also submit the documents to the Township Attorney and designated Township consultants for review and comment.

D. Condominium Site Plan Expiration.

Condominium site plans shall expire 365 days after the date of approval, unless the construction plan for the project has been submitted to the Township for review. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of final approval for up to 365 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved plan remains in conformance with all applicable provisions of this Ordinance.

E. Rescinding Approval of a Condominium Site Plan.

Condominium site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of approval. Such action shall be taken in accordance with the procedural requirements of Section 12.01I (Rescinding Site Plan Approval).

ARTICLE 14

PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Section 14.01 Intent.

It is the intent of this Article to allow the use of the planned unit development (PUD) process authorized by the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) as an optional method of development review and approval. This Article has been established for the purposes of:

1. **Conserving prime farmlands and rural open space.** Consistent with the provisions of Michigan Public Act 228 of 2003, it is the intent of this Article to promote and encourage the conservation of prime farmlands and rural open space in the Township through the transfer of residential development potential from off-site prime farmland parcels to development parcels within zones planned for higher density residential uses.
2. **Promoting innovative development.** Promoting innovation in the development and use of land consistent with its location, character, and adaptability.
3. **Implementing the Master Plan.** Encouraging development that is consistent with the Township's Master Plan.

The provisions of this Article are intended to result in land development substantially consistent with zoning standards generally applied to the proposed uses, while allowing for the option of Township approval for limited modifications from the applicable standards of this Ordinance as applied to a particular site and development project.

Section 14.02 Scope.

The provisions of this Article may be applied to any parcel of land under single ownership in any zoning district, subject to a determination that the proposed project and site satisfy Section 14.03 (Eligibility Criteria). These regulations are not intended as a device for ignoring the more specific standards of the Township, or the planning upon which the standards are based.

The PUD process shall not be used in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards. Further, PUD projects shall not materially add public service or facility loads beyond those contemplated in the Master Plan or other adopted policies or plans.

Section 14.03 Eligibility Criteria.

To be eligible for planned unit development (PUD) approval, the applicant shall demonstrate to the Planning Commission's satisfaction that the following criteria will be met:

1. **Conservation of agricultural land.** Long-term conservation of agricultural land in the Township will be achieved, where such land could otherwise be subdivided or converted to non-agricultural uses through development permitted by this Ordinance.
2. **Sufficient land area for proposed uses.** The PUD site shall include a minimum of 20 acres of contiguous land. Additional non-contiguous land areas within the Township may be included as part of the proposed open space dedications for a PUD project.
3. **Compatibility with the planned development intent.** The proposed development shall be consistent with the intent and spirit of these regulations, as stated in Section 14.01 (Intent).
4. **Compatibility with the Master Plan.** The proposed development shall be compatible with the Township's Master Plan.
5. **Availability and capacity of public services.** The proposed type and intensity of use shall not exceed the existing or planned capacity of existing public services and facilities, including police and fire protection, traffic capacity of the Township's public roads, drainage and stormwater management facilities, availability of water, and capacity of existing or planned sanitary sewer facilities.
6. **Public benefit.** A recognizable and material benefit will be realized by both the future users of the development and the Township as a whole, where such benefit would otherwise be unachievable under the provisions of this Ordinance.

Section 14.04 Use Standards.

Proposed uses within a PUD project shall be compatible with the goals and objectives of the Township Master Plan, as determined by the Planning Commission, and shall conform to the following standards:

1. **Permitted uses.** Permitted uses within the development area of a PUD project shall be limited to the following use groups defined in Article 3 (Land Use Table): RESIDENTIAL USES, OFFICE, SERVICE, AND COMMUNITY USES, and COMMERCIAL USES.
2. **Exclusions.** Specific use groups or individual uses may be excluded by the Township Board from any PUD, upon recommendation by the Planning Commission.
3. **Use standards.** The specific standards of Article 5 (Use Standards) shall apply to all uses permitted within a PUD project.
4. **Non-residential uses in a residential PUD.** Where the Township's Master Plan designation is residential, the Township Board may permit a limited range of non-residential uses within a PUD project, subject to a Planning Commission recommendation and the following:

- a. Permitted non-residential uses shall be limited to five percent (5%) of the gross area of the residential land and ten percent (10%) of the gross floor area of any building occupied by residential uses.
- b. Permitted non-residential uses shall be primarily designed and operated for the use and benefit of the residents of the development.

Section 14.05 Residential Development Standards.

The purpose of this Section is to address the unique characteristics and development requirements of residential planned developments. The intensity and layout of residential uses in a planned unit development (PUD) project shall be subject to the following:

A. Minimum Permitted Density.

The maximum permitted density of a residential PUD project shall be determined as follows:

- 1. **Minimum required land area per dwelling unit.** The maximum permitted dwelling unit density shall be based upon the Township Master Plan’s future land use designation for the PUD project site and the following minimum required land areas per dwelling unit:

Township Master Plan Designation	Minimum Required Land Area Per Dwelling Unit
Agricultural (AG-1)	10.0 acres
Agricultural (AG-2)	2.5 acres
Low-Density Single-Family Residential	1.0 acres
Medium Density Residential	0.5 acres
Commercial or Industrial	
Floodplain/Nature Preserve Area	20.0 acres

- 2. **Dwelling unit density calculation.** The maximum permitted dwelling unit density shall be calculated as follows:
 - a. Determine the buildable area (in acres) of the PUD project site by subtracting land areas occupied by road rights-of-way, easements, regulated wetlands, and waterbodies from the gross land area.
 - b. Divide the buildable area (in acres) of the PUD project site by the minimum required land areas per dwelling unit for the site, as specified in Section 14.04.1.

- c. The resulting number is the maximum permitted number of dwelling units per net acre of land allowed for the PUD project. Any fractional units shall be discarded.

B. Density Bonus for Off-Site Open Space Preservation.

The Township Board may, after recommendation from the Planning Commission, permit a residential PUD project to include a density bonus above the number of dwelling units otherwise permitted by Section 14.05A (Maximum Permitted Density), subject to the following:

- 1. **Minimum conservation area.** The proposed PUD shall include conservation of a minimum of 20 acres of non-contiguous farmland or active agricultural land designated on the Township Master Plan’s future land use map as “Agricultural” or “Floodplain/Nature Preserve Area.”
- 2. **Bonus dwelling unit calculation.** The number of bonus dwelling unit allowed within the development area of a residential PUD project shall be calculated as follows:

Township Master Plan Designation	Number of Bonus Dwelling Units Allowed
Agricultural	One (1) bonus dwelling unit for each ten (10) acres of conserved land
Floodplain/Nature Preserve Area	One (1) bonus dwelling unit for each ten (10) acres of conserved land

- 3. **Standards for areas to be conserved.** Land proposed to be conserved shall be primarily used for farmland or active agricultural uses. Such land may include one (1) rural residential dwelling and customary accessory structures and farm buildings. The Township Board may, after recommendation from the Planning Commission, accept or reject any land area proposed for conservation.
- 4. **Maximum residential density.** The maximum permitted dwelling unit density within a PUD project, including permitted bonus dwelling units, shall not exceed the following:

Township Master Plan Designation	Maximum Dwelling Unit Density	Percent Increase Allowed over Section 14.05A
Agricultural	0.05 dwelling units/acre	0%
Low-Density Single-Family Residential	0.5 dwelling units/acre	20%
Medium Density Residential	6.0 dwelling units/acre	200%

Township Master Plan Designation	Maximum Dwelling Unit Density	Percent Increase Allowed over Section 14.05A
Commercial or Industrial		
Floodplain/Nature Preserve Area	0.050 dwelling units/acre	0%

5. **Conservation easement.** Such non-contiguous farmland or active agricultural land to be conserved as part of the PUD approval shall be protected by a dedicated conservation easement, subject to the following:
- a. The conservation easement shall ensure to the Township Attorney's satisfaction that conserved open space areas will be permanently preserved and irrevocably committed for that purpose.
 - b. The agency or entity intended to receive and hold the conservation easement holder shall be identified. The agency or entity shall demonstrate to the Township's satisfaction that it has the capability to hold and maintain the easement.
 - c. The conservation easement shall describe the permitted use(s) of the conserved open space, including specific restrictions regarding use, alteration, and permitted development activities.
 - d. The landowner shall be responsible for maintaining the conserved land in accordance with the conservation easement provisions. Public access to non-contiguous, conserved farmland or active agricultural land shall not be required for a conservation easement under this Section.
 - e. The conservation easement shall include procedures for periodic verification by the easement holder that the conserved land has been maintained in compliance with the conservation easement.
 - f. The conservation easement shall be recorded with the Monroe County Register of Deeds to provide record notice of the restrictions to all persons having a property interest in the conserved open space areas.

Section 14.06 Development Standards.

A planned unit development (PUD) project shall be consistent with the following general standards for the type, bulk, design and location of structures, common space, and public facility requirements. The Township Board may waive or modify the standards of this Section, upon determination that an alternative standard would be in accordance with the intent of this Article.

A. Unified Control.

The entire area of the proposed development shall be under single ownership or unified control, such that there is a single entity having responsibility for completing the entire project. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is given in advance to the Zoning Administrator and a unified ownership remains.

B. Dimensional and Use Standards.

The area, height, lot, yard, and bulk standards of Article 4 (Dimensional Standards) shall apply to uses permitted within a PUD project. These requirements may be modified within the PUD project, subject to approval by the Township Board after recommendation by the Planning Commission.

C. Roads and Access.

The internal circulation system shall provide adequate means of access and circulation, subject to the following:

1. **Roads.** The proposed development shall provide logical extensions of existing or planned public and private roads in the Township, and shall provide suitable road connections to adjacent parcels, where applicable. Roads shall be designed to meet the engineering standards of the Township or Monroe County Road Commission, as applicable.
2. **Pedestrian pathways.** To provide access to all common areas and uses, the Planning Commission may require any of the following pedestrian facilities to be provided within and through a PUD project:
 - a. Minimum five (5) foot wide concrete sidewalks along interior and perimeter roads serving the development.
 - b. Paved pedestrian paths constructed of asphalt, crushed limestone or similar durable materials.

Where required, such paths shall include logical connections to and extensions of pedestrian paths outside of the PUD project area.

3. **Traffic impacts.** Traffic to, from, and within the site shall not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, relationship of the proposed project to main thoroughfares and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. The Planning Commission may require the applicant to submit a traffic impact study for review, per Section 7.12 (Traffic Impact Studies).

D. Infrastructure.

Road, drainage and utility design shall meet or exceed the applicable Township, county, and state requirements. All utilities shall be installed underground, where feasible.

Drainage structures (detention/retention basins, swales) shall be designed to blend with the site's topography and minimize the need for perimeter fencing.

E. Other Site Improvements.

Exterior lighting, signs, structures, landscaping, and other improvements shall be designed and constructed to be consistent with the rural character of the Township, existing and planned land uses, and the site's natural features. Except where specifically permitted by the Township Board as a modification, all standards of this Ordinance shall apply to a PUD project.

Section 14.07 Project Phasing.

Where a planned unit development (PUD) project is proposed to be constructed in phases, the project shall be so designed that each phase shall be complete in terms of the presence of services, construction, facilities, and open space, and shall contain the necessary components to ensure the health, safety and welfare of the users of the planned development, and the residents of the Township. If a project will be constructed in phases, the following shall apply:

1. A narrative description of the phased process that describes all work to be done in each phase shall be submitted to the Planning Commission.
2. A phase shall not be dependant upon subsequent phases for safe and convenient vehicular and pedestrian access, open spaces or recreation facilities. Each phase shall be designed to provide a proportional share of the common open space required for the entire project.

Section 14.08 Conceptual PUD Plan Review.

Applicants are encouraged to meet informally with the Zoning Administrator, other Township officials or designated Township consultants to discuss a proposed development concept, site issues, application of Ordinance standards, and Township land development policies and procedures, prior to submitting plans for formal review.

1. **Planning Commission review.** Any person may also request that a conceptual PUD plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment. The conceptual plan shall include the following minimum information:
 - a. **Ownership interest.** Declaration of all persons with an ownership interest in the land on which the PUD project will be located, including a description of the nature of each entity's interest (e.g. fee owner, option holder, lessee or land contract vendee).
 - b. **Proposed use.** The proposed use(s) of the PUD project, including the dwelling unit density of proposed residential uses, size and location of proposed recreation areas, and gross floor area and land area of any non-residential uses.

- c. **Circulation.** The vehicular and pedestrian circulation system planned for the proposed development, including the designation of any road(s) for private ownership or dedication to the public.
 - d. **Road layout.** The location of existing roads adjacent to the development, with details for the location and design of interior roads and access drives, and proposed connections to abutting roads.
 - e. **Structures and improvements.** The proposed layout of structures, parking areas, and other improvements.
 - f. **Drainage.** Site drainage patterns, including topography and flow directions.
 - g. **Natural features.** Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and significant natural features such as tree stands, unusual slopes, streams and water drainage areas.
 - h. **Conservation areas.** The location and gross land area of any proposed off-site open space conservation areas shall be provided.
2. **Comments not binding.** Comments and suggestions by the Township regarding a conceptual plan shall constitute neither an approval nor a disapproval of the plan, nor shall the Township be bound in any way by such comments or suggestions in preparing for formal submittal or review of a PUD site plan.

Section 14.09 PUD Review Procedures.

This Section is intended to provide a consistent and uniform method for review of planned unit development (PUD) applications per the standards of this Ordinance. Approval of a PUD application shall require an amendment to the Zoning Ordinance to revise the official Zoning Map. PUD applications shall be subject to review and recommendation by the Planning Commission and approval by the Township Board in accordance with the following:

A. Application Requirements.

The application shall be submitted by the owner of an interest in land for which planned development approval is sought, or by the owner's duly designated agent. The PUD application and development plan shall be prepared in the manner specified in this Article.

The PUD application materials, required fees, and sufficient copies of the completed development plan shall be submitted to the Zoning Administrator for review. PUD applications or development plans that are found by the Zoning Administrator to be incomplete or inaccurate shall be returned to the applicant, and shall not be formally reviewed until revised to be substantially complete.

B. Required Information.

The following written documentation and graphical information shall be included as part of any PUD application submitted for review and recommendation by the Planning Commission, and authorization by the Township Board:

1. Documentation that the PUD application satisfies the standards of Section 14.03 (Eligibility Criteria).
2. Detailed descriptions and documentation for all proposed uses, per Section 14.04 (Use Standards). If the PUD will contain a residential component, dwelling unit density calculations shall be included, per Section 14.05 (Residential Development Standards).
3. Total site acreage and percent of total PUD project in various uses, including the proposed density of residential uses. If a density bonus is proposed, documentation shall be including indicating how the project meets the criteria listed in Section 14.05B (Density Bonus for Off-Site Open Space Preservation).
4. Identification and descriptions of any proposed modifications from the standards of this Ordinance.
5. A detailed development plan, as applicable to the type of project proposed, shall be submitted by the applicant in accordance with the following:
 - a. A detailed site plan, per the requirements of Section 12.01M (Required Information for Site Plans).
 - b. A final preliminary plat in conformance with the Land Division Act (P.A. 288 of 1967, as amended).
 - c. A condominium subdivision plan as provided by Article 13 (Condominium Regulations) and the Condominium Act (P.A. 59 of 1978, as amended).
6. Depiction of proposed development phases and estimated schedule for completion, per Section 14.07 (Project Phasing).
7. Other data and graphics that will serve to further describe the proposed PUD, and any additional information required by the Zoning Administrator or Planning Commission to ensure complete and efficient review of the proposed development.

C. Technical Review.

Prior to Planning Commission consideration, the PUD application and development plan shall be distributed to appropriate Township officials and staff for review and comment. The Zoning Administrator may also submit the application and development plan to applicable outside agencies and designated Township consultants for review.

D. Public Hearing.

Upon receipt of a complete preliminary PUD submittal, a public hearing shall be scheduled and held before the Planning Commission in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) and Section 12.03 (Public Hearing Procedures). The Planning Commission and Township Board may hold a joint public hearing on a PUD application.

The public hearing and notice required by this Section shall satisfy the public hearing and notice requirements of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) for amendment of the Zoning Ordinance.

E. Planning Commission Recommendation.

After the public hearing, the Planning Commission shall review the PUD application and development plan, together with any reports and recommendations from Township officials, consultants, and other reviewing agencies, along with any public comments. The Planning Commission shall make a determination based on the requirements of this Article and Ordinance, and shall submit a report on the public hearing and the Planning Commission's recommendation to the Township Board in accordance with the following:

1. **Tabling.** Upon determination by the Planning Commission that the PUD application or development plan is not sufficiently complete for consideration, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration and action on the PUD application and development plan until a later meeting.
2. **Recommendation of approval.** Upon determination that the PUD application and development plan conforms with the standards of this Article and Ordinance, the Planning Commission may recommend to the Township Board that the PUD application, development plan, and Zoning Map amendment be approved.
3. **Recommendation of approval subject to conditions.** The Planning Commission may recommend approval of a PUD application, development plan, and Zoning Map amendment to the Township Board, subject to reasonable conditions necessary to:
 - a. Ensure that public services and facilities affected by the proposed development will be capable of accommodating increased service loads caused by the development.
 - b. Protect the natural environment and conserve natural resources and energy.
 - c. Ensure compatibility with adjacent uses of land.
 - d. Promote the use of land in a socially and economically desirable manner.
 - e. Protect the public health, safety, and welfare of the individuals in the development and those immediately adjacent, and the community as a whole.

- f. Achieve the intent and purpose of this Article and Ordinance.
4. **Recommendation of denial.** Planning Commission shall recommend to the Township Board that the PUD application be denied upon determining that the PUD application or development plan:
- a. Fails to meet the PUD eligibility standards of Section 14.03 (Eligibility Criteria);
 - b. Fails to conform with specific provisions of this Article or Ordinance;
 - c. May be injurious to the public health, safety, welfare or orderly development of the Township; or
 - d. Is otherwise not in conformance with the intent of this Article.

A written record shall be provided to the applicant and the Township Board listing the reason(s) for such denial.

F. County Review of the proposed PUD rezoning.

The proposed Zoning Map amendment associated with the PUD application shall be subject to review and recommendation by the Monroe County Planning Commission in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). Following Township Planning Commission action on the PUD application, the Zoning Administrator shall transmit a copy of the PUD application materials to the County Planning Commission, along with a copy of the public hearing record and Township Planning Commission recommendations.

G. Preparation of a PUD Agreement.

Upon a recommendation of approval or approval with conditions by the Planning Commission, the applicant shall prepare a written agreement setting forth all conditions of approval of the PUD application, development plan, and Zoning Map amendment to ensure that the PUD project will conform with the standards of this Article and Ordinance.

- 1. **Review and recommendation.** The Township Attorney and Zoning Administrator shall review the proposed agreement, and may require revisions to the proposed agreement to ensure conformance with the standards of this Article and Ordinance. The Zoning Administrator may also submit the proposed agreement to applicable outside agencies and designated Township consultants for review.
- 2. **Minimum contents.** The agreement shall, at a minimum:
 - a. Incorporate by reference the final approved PUD plan.
 - b. List all conditions of approval, as recommended by the Planning Commission.

- c. List the proposed use(s) of the PUD project, including the dwelling unit density of proposed residential uses, size and location of proposed open spaces, and gross floor area and land area of any non-residential uses.
- d. Provide the legal description of the entire project, and specify the gross and net land area of the PUD project and gross land area of all dedicated open space conservation areas.
- e. Identify and describe all conservation easements, maintenance agreements, and dedications for common recreation areas, rights-of-way, utilities, and other infrastructure associated with the PUD.
- f. Detail a program and related financing mechanisms for maintaining common areas and other site improvements as shown on the PUD plan.
- g. Detail a program and related financing mechanisms for maintenance of private roads and infrastructure improvements required to serve the PUD project as shown on the approved PUD plan.
- h. Verify that the site will be developed in strict conformance with the approved PUD plan and any conditions of approval, and that existing site features will be preserved as shown on the approved plan.
- i. Provide a detailed timeline for completion of all phases or components of the PUD project, as shown on the approved PUD plan.

H. Township Board Authorization.

Following review and recommendation of the PUD application by the Planning Commission, and review of the proposed PUD agreement by the Zoning Administrator and Township Attorney, the applicant shall submit sufficient copies of the PUD application, development plan, and agreement to the Township Board for review and final action. The Township Board shall review the PUD application and development plan, together with any reports and recommendations from Township officials, consultants, and other reviewing agencies, and any public comments from the public hearing record.

- 1. **Additional public hearing.** Upon receipt of the PUD application and Planning Commission recommendation, Township Board, solely at their option, may schedule and hold an additional public hearing.
- 2. **Determination.** The Township Board may approve, approve with modifications, or deny the PUD application, development plan, and Zoning Map amendment, or may refer the PUD application back to the Planning Commission for further consideration or revision. The applicant shall be notified of the Township Board's action in writing, which shall identify all findings relevant to the action.

I. Effect of PUD Approval.

Approval of a planned development application shall constitute an amendment to the Zoning Ordinance. The approved PUD plan, development agreement, and any

conditions of approval, shall constitute an inseparable part of the zoning amendment, and all improvements and land uses shall conform with the approved PUD plan and agreement.

1. The Township Clerk shall designate the subject property on the Official Zoning Map as "PD#___," using a sequential numbering system that identifies each PUD project.
2. The Township Clerk shall publish notice of the adoption of the Zoning Map amendment in accordance with the requirements set forth in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).
3. The applicant shall record the approved PUD agreement with the Monroe County Register of Deeds Office, and shall provide proof of recording and a copy of the recorded documents to the Township.

J. Outside Agency Permits or Approvals.

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to the start of development or construction on the site.

K. Construction Plans.

Where detailed construction or engineering plans are required by the Township, Monroe County or other agency with jurisdiction, the applicant shall submit a copy of such plans to the Zoning Administrator for review. The Zoning Administrator or designated Township consultants shall verify that the site design and improvements shown on the construction or engineering plans are consistent with the approved PUD plan and agreement, except for changes that do not materially alter the approved site design, or that address any conditions of approval.

Construction or engineering plans that are determined by the Zoning Administrator to be inconsistent with the approved PUD plan and agreement shall be subject to review and approval as an amendment to the approved PUD, per Section 14.11 (Amendments), prior to the start of development or construction on the site.

Section 14.10 Appeals.

The Zoning Board of Appeals shall have no authority to consider any appeal of a decision by Township Board or Planning Commission concerning a planned development application.

Section 14.11 Amendments.

Amendments to an approved PUD shall be subject to the following:

1. **Minor amendments.** The following amendments to an approved PUD plan shall be considered minor amendments, which shall be subject to review and approval by the Planning Commission:

- a. Substituting landscape materials, provided a nurseryman or landscape architect certifies that the substituted species is of a similar nature or quality.
 - b. Limited alterations to the location or design of exterior light fixtures, signage, fencing, accessory structures, and similar site improvements, provided that the design and location are consistent with the overall site design and the requirements of this Ordinance.
 - c. Similar changes that, in the determination of the Planning Commission, will not adversely impact the overall PUD site design, intensity of proposed uses, general configuration of buildings and uses on the site, demand for public services or intent of this Article.
2. **Other amendments.** All other amendments to an approved PUD shall be subject to review and approval in accordance with the procedures specified in this Article for approval of a new PUD application.

Section 14.12 Expiration of PUD Approval.

If construction has not commenced within two (2) years of final PUD approval by the Township Board, all PUD approvals become null and void and a new PUD application shall be required to continue the project. Upon written request received prior to the expiration date, Township Board may grant one (1) extension of up to 365 calendar days, provided that the approved PUD plan remains in conformance with the intent and eligibility requirements of this Article, and adequately represents current conditions on and surrounding the site.

Section 14.13 Fees and Performance Guarantees.

Fees for the review of a conceptual, preliminary or final planned unit development submittal shall be in accordance with the schedule of fees adopted by resolution of the Township Board and Section 1.08 (Fees and Performance Guarantees). The applicant shall reimburse the Township for any outstanding review costs and fees, prior to PUD approval. Performance guarantees may be required for all public and common improvements in single- and multi-phased developments, in accordance with Section 1.08 (Fees and Performance Guarantees). Costs estimates for completing such improvements shall be made or verified by the Township Engineer.

Section 14.14 Compliance Required.

No construction, grading, tree removal, topsoil stripping or other site improvements or alterations shall take place, and no permits shall be issued for development on a zoning lot under petition for PUD approval until the requirements of this Article have been met.

Any violation of the approved PUD plan or agreement shall be considered a violation of this Ordinance, which shall be subject to enforcement action and penalties as described in this Ordinance.

Section 14.15 Rescinding Approval of a PUD.

Approval of a planned development may be rescinded by the Township Board upon determination that the approved PUD plan or PUD agreement have been violated, or that the site has not been improved, constructed or maintained in compliance with approved permits, approved PUD plan or PUD agreement. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Township Board in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures), at which time the developer of the PUD project, the owner of an interest in land for which PUD approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Township Board with regard to the rescission shall be made and written notification provided to the developer, owner or designated agent.

**ARTICLE 15
RESERVED**

ARTICLE 16

NONCONFORMITIES

Section 16.01 Intent and Purpose.

It is recognized that there exists within the districts established by this Ordinance lots, structures, sites and uses which were lawful prior to the effective date of adoption or amendment of this Ordinance, but that would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. Such uses are declared to be incompatible with permitted uses in the districts involved. It is the intent of this Ordinance to permit such nonconformities to continue until they are removed, but not to encourage their survival.

This Article is hereby established to:

1. Regulate the use and development of nonconforming lots, the completion, alteration and reconstruction of nonconforming structures, the re-development and improvement of nonconforming sites, and the maintenance, extension and substitution of nonconforming uses.
2. Specify the limited conditions and circumstances under which nonconformities shall be permitted to continue.
3. Establish standards for determining whether a use is nonconforming, and whether a nonconforming use has ceased to occupy a particular zoning lot.
4. Recognize that certain nonconformities may not have a significant adverse impact upon nearby properties, or the public health, safety and welfare. Accordingly, this Article establishes a “preferred class” of nonconforming uses, which distinguishes between nonconforming uses that are not desirable and should be eliminated as rapidly as possible, and those that may be perpetuated and improved in a manner that protects adjacent properties and the character of the district.

Section 16.02 Nonconforming Structures.

Nonconforming structures shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following conditions:

A. Expansion Restricted.

A nonconforming structure may be altered in a manner that does not increase or intensify its nonconformity. Alterations to a nonconforming structure that would increase or intensify a nonconformity shall be prohibited.

B. Normal Repairs and Maintenance.

Normal repair, maintenance or replacement of interior non-bearing walls, fixtures, wiring, plumbing or heating and cooling systems in nonconforming structures may be permitted in accordance with applicable code requirements, provided that such improvements do not result in an enlargement of a nonconforming structure, and provided that the cost of such improvements does not exceed the state equalized value of the structure at the time such work is proposed.

1. If a nonconforming structure becomes physically unsafe or unlawful due to a lack of repairs and maintenance, or is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
2. This Article shall not prevent work required for compliance with the provisions of the State Construction Code enforced by the Township.

C. Buildings under Construction.

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

D. Damaged or Unsafe Structures.

Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming structure damaged by fire, collapse, explosion, acts of God or acts of public enemy, provided that the expense of such reconstruction shall not exceed one hundred twenty percent (120%) of the state equalized value of the structure immediately prior to the damage.

1. Application for a building permit for such reconstruction shall be made within 365 calendar days of the date of such damage, and all work shall be completed within the building permit approval period.
2. The lot and damaged structure shall be adequately secured from unauthorized access to the Building Inspector's satisfaction.
3. Where pending insurance claims require an extension of time, the Zoning Administrator may grant one (1) extension of up to 365 calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.
4. Nonconforming structures that have been condemned or otherwise declared unsafe or uninhabitable by an authorized agent of the Township shall not thereafter be restored, repaired or rebuilt except in conformance with the standards of this Ordinance.

5. Nonconforming single-family dwellings and customary accessory structures shall be exempt from this Section, provided that application for a building permit shall be made within 365 days from the date of damage or destruction.

Section 16.03 Nonconforming Lots.

Existing lots of record that are not in compliance with the dimensional requirements of this Ordinance shall only be used, developed, or improved in accordance with the following:

A. Lot Division

A lot of record shall not be divided in a manner that would increase its nonconformity, cause an existing structure or site improvement to become nonconforming, or create one or more nonconforming lots.

B. Use of Nonconforming Lots.

Use of a nonconforming lot of record shall be subject to the regulations of this Ordinance for the district where it is located, and the following:

Single-Family Residential Districts. A single-family dwelling and customary accessory structures may be erected on an existing lot of record that is nonconforming with respect to minimum lot area or lot width requirements, subject to the following:

1. Such structures and uses are permitted in the district.
2. Such structures and uses shall conform to all other zoning district dimensional standards.
3. Public water and sanitary sewer service, or a potable water supply and wastewater disposal system approved by the Monroe County Health Department, shall be provided to the dwelling.

Section 16.04 Nonconforming Sites.

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

1. A nonconforming site shall not be improved or modified in a manner that increases its nonconformity.
2. The proposed site improvements shall resolve public safety deficiencies, including and fire code and State Construction Code violations, emergency access, and pedestrian/vehicle conflicts.

3. The proposed site improvements shall address at least two (2) of the standards specified in Section 12.01L (Standards for Site Plan Approval).
4. The scope of any additional site improvements requested by the Planning Commission shall be in reasonable proportion to the scale and construction cost of proposed building improvements, expansions or other improvements.
5. A reasonable timeline for completion of site improvements to an existing nonconforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of this Ordinance.

Section 16.05 Nonconforming Uses.

All nonconforming uses that have been designated as “preferred class” by Township action shall not be subject to the requirements of this Section, but rather shall be subject to the provisions of Section 16.06 (Preferred Class Designations). Nonconforming uses not designated as “preferred class” shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following:

A. Compliance with Other Applicable Standards.

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

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

B. Expansion Prohibited.

Nonconforming uses shall not be enlarged, increased in intensity, extended to occupy a greater area of land or floor area, or moved in whole or in part to any other portion of the lot or structure.

C. Cessation.

A nonconforming use that ceases for a period of more than 365 calendar days or is superseded by a conforming use shall not be resumed. If a structure associated with a nonconforming use is removed, or damaged by any means to an extent that the repair cost exceeds the state equalized value of the property, the nonconformity shall be deemed removed. All subsequent uses shall conform to the use provisions of this Ordinance.

Section 16.06 Preferred Class Designations.

It is the intent of this Section to establish a “preferred class” designation that the Planning Commission may approve for certain nonconforming uses, subject to the following:

A. Procedure.

The procedure for considering all preferred class nonconforming designations shall be as follows:

1. **Application.** Applications for consideration of a preferred class designation for a nonconforming use may be initiated by the owner, operator or person having beneficial use of the lot occupied by the nonconforming use. The application shall include a detailed description of the use, and the reasons for the request.
2. **Public hearing.** A public hearing shall be held for all requests for a preferred class nonconforming designation in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures).

B. Conditions for Approval of a Preferred Class Designation.

Subsequent to a public hearing, the Planning Commission may grant a preferred class designation upon finding that all of the following conditions exist:

1. **Use standards.**
 - a. The nonconformity does not significantly depress the value of nearby properties.
 - b. The use does not adversely impact the public health, safety, and welfare.
 - c. The use does not adversely impact the purpose of the district where it is located.
 - d. No useful purpose would be served by the strict application of Ordinance requirements that apply to the nonconformity.
2. **Signage.** The Planning Commission may require that signage associated with the use be brought into compliance with Article 9 (Signs).
3. **Plan for site improvements.** The Planning Commission may require that a site plan be submitted for review per Section 12.01 (Site Plan Review), which addresses the site improvement priorities listed in Section 16.04 (Nonconforming Sites).
4. **Other conditions.** The Planning Commission may attach conditions to the approval to assure that the use does not become contrary to the purpose of this Article and Ordinance; or to the public health, safety, and welfare.

C. Effect of Approval of a Preferred Class Designation.

Preferred class nonconformities may be perpetuated and expanded in accordance with an approved site plan, subject to the provisions of this Section and any conditions of approval. Preferred class nonconforming structures may be perpetuated, expanded, improved or rebuilt if damaged or destroyed, in accordance with an approved site plan and subject to the provisions of this Section and any conditions of approval.

D. Effect of Denial of a Preferred Class Designation.

An application for a preferred class designation that has been denied by the Planning Commission may not be appealed to the Zoning Board of Appeals, but may be resubmitted for Planning Commission consideration after a minimum of 365 calendar days have elapsed from the date of denial.

E. Cessation of Preferred Class Nonconforming Uses.

The preferred class designation shall be deemed removed when the principal structure occupied by a preferred class nonconforming use is permanently removed, or when a preferred class nonconforming use is replaced by a conforming use. All subsequent uses shall conform to the use provisions of this Ordinance.

F. Rescinding Approval of a Preferred Class Designation.

Failure of the owner, operator or person having beneficial use of a lot occupied by a preferred class nonconforming use to maintain or improve the site in accordance with the provisions of this Section, an approved site plan, or any conditions of approval shall be grounds for the Planning Commission to rescind the preferred class designation. Such action shall be subject to the following.

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures), at which time the owner, operator or person having beneficial use occupied by a preferred class nonconforming use shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Commission with regard to the rescinding of approval shall be made, and written notification provided to said owner, operator or person having beneficial use occupied by a preferred class nonconforming use.

G. Existing Dwellings in Non-Residential Districts.

Single-family dwellings so existing and used in non-residential zoning districts before the effective date of adoption or amendment of this Ordinance are hereby designated as preferred class nonconforming uses. Such dwellings and accessory structures may be used, repaired, expanded, altered or replaced if destroyed, subject to the following:

1. Use, repair, expansion, alteration, or replacement of the dwelling or accessory structures shall conform to all applicable dimensional and use standards of the R-1 (Rural Residential) District.

2. The use, dwelling and accessory structures shall be maintained in conformance with all other applicable federal, state, and local laws, ordinances, regulations and rules.

Section 16.07 Nonconforming Use Determinations.

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

A. Standards for Determining that a Use is Nonconforming.

The Zoning Board of Appeals shall determine that a use is nonconforming upon finding that the following three (3) statements are true:

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

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

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

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

Section 16.08 Unlawful Uses.

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

Section 16.09 Change of Tenancy or Ownership.

There may be a change of tenancy, ownership or management of any existing nonconforming lot, structure, site or use, provided that there is no change in the nature or character of the nonconformity.

Section 16.10 Recording of Nonconforming Uses.

The Zoning Administrator shall prepare and keep a record of all known nonconforming uses in the Township, which shall include the names and addresses of the owners of record and any occupants, the legal description of the zoning lot occupied by the use, and the nature and extent of use.

Section 16.11 Cessation of Nonconformities by Township Action.

The elimination of nonconforming structures and uses shall be considered to be for a public purpose and for a public use. The Township may acquire private property by purchase, condemnation, or other means for the removal of nonconforming uses. The cost of acquiring the private property may be paid from general funds or assessed to a special district, as provided in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). The Township Board may institute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with applicable Michigan statutes.

ARTICLE 17

ZONING BOARD OF APPEALS

Section 17.01 Authority.

The Zoning Board of Appeals (ZBA) is hereby established, which shall perform its duties as provided for in this Ordinance and the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) in such a way that the objectives of this Ordinance shall be served, public health, safety and welfare protected, and substantial justice done.

Section 17.02 Membership.

The Zoning Board of Appeals shall consist of three (3) regular members and one (1) alternate member appointed by the Township Board for three (3) year terms. Vacancies shall be filled for the remainder of the unexpired term by resolution of the Township Board. ZBA membership shall be subject to the following:

1. The first member of the ZBA shall be a member of the Township Planning Commission.
2. The second member of the ZBA may be a member of the Township Board and shall not serve as member of the ZBA Chair.
3. The additional regular and alternate members shall be selected from among the electors residing in the unincorporated area of the Township for at least one (1) year, provided that no elected officer of the Township or employee of the Township Board may serve simultaneously as an additional member.
4. Alternate members may be called on a rotating basis to sit as members of the Zoning Board of Appeals in the absence of regular members. An alternate member may also be called on to serve in the place of a ZBA member, with the same voting rights, for the purpose of reaching a decision on a case in which the member has abstained because of a conflict of interest.
5. Members of the ZBA shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and a public hearing by the Township Board.
6. In the event a ZBA member is elected to Township Board and such election increases the number of Township Board members serving on the ZBA to more than one (1), then such member's ZBA seat shall be deemed vacant.

Section 17.03 Rules of Procedure.

The Zoning Board of Appeals shall conduct business, organize meetings, and perform its duties as provided for in this Ordinance, the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), any rules of procedure adopted by the ZBA, and the following:

1. The ZBA shall elect a Chair and Vice-Chair from the regular ZBA membership.
2. A minimum of two (2) ZBA members shall constitute a quorum for the conducting of business. All meetings shall be open to the public, and shall be held at the call of the Chair and at such other times as the ZBA may determine.
3. The ZBA shall have the power to require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it.
4. The ZBA shall make no determination on a specific case until after a public hearing has been held in accordance with Section 12.03 (Public Hearing Procedures). Each decision shall include a written record of the specific findings and determinations made by the ZBA in the case. No permit authorized by such a decision shall be issued until the decision has taken effect.
5. The ZBA shall select a reasonable time and place for hearings, and shall give due notice to all parties. The ZBA shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.
6. The concurring vote of a minimum of two (2) ZBA members shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body; to grant a variance from any standard of this Zoning Ordinance; and to decide in favor of an applicant on any other matter upon which the ZBA is required to act.
7. Minutes shall be recorded of all proceedings, which shall contain evidence and data relevant to each case considered, together with the votes of the members and the final disposition of each case. Such minutes shall be filed with the Township Clerk and Zoning Administrator.
8. Two alternate members shall be appointed by the Board of Trustees to sit as members of the Zoning Board of Appeals in the absence of regular members. An alternate member may also be called on to serve in the place of a ZBA member, with the same voting rights, for the purpose of reaching a decision on a case in which the member has abstained because of a conflict of interest. Any alternate member shall have the same voting rights as a regular member of the ZBA.

Section 17.04 Applications.

Applications to the Zoning Board of Appeals shall be filed with the Township, with payment of the review fee established by Township Board. At a minimum, applications shall include the following:

1. The applicant's name, address, and contact information; and the address and location of the property involved in the request.
2. Zoning classification of the subject parcel(s) and all abutting parcels.
3. A plot plan of the site, drawn to scale with a north-arrow, showing all lot lines, road rights-of-way, easements, structures, setback dimensions, parking areas, driveways, and other site improvements.
4. A letter from the applicant stating the reasons for the request, and addressing the applicable review criteria specified in this Article for the type of request.
5. Any additional information deemed necessary by the ZBA to make a determination on the issue in question.

Section 17.05 Administrative Appeals.

The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of principle in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Consideration of administrative appeals shall be subject to the following:

A. Standing to Appeal.

Such appeals may be taken to the ZBA by the person, firm or corporation aggrieved, or by an official, department, board or commission of the Township affected by the order, requirement, decision or determination. Such appeals shall be filed with the Township within 30 calendar days of the order, requirement, decision or determination.

B. Stay of Proceedings.

An appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the Zoning Administrator certifies to the ZBA that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.

C. Review Criteria for Administrative Appeals.

The ZBA shall reverse an administrative decision only upon determining that the order, requirement, decision or determination:

1. Constituted an abuse of discretion;
2. Was arbitrary or capricious;
3. Was based upon an erroneous finding of a material fact; or

4. Was based upon an erroneous interpretation of the Zoning Ordinance.

After making such a determination, the ZBA may reverse or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as, in its determination, ought to be made under the provisions of this Ordinance. In doing so, the ZBA shall exercise all authority granted by this Ordinance to the person or body from whom the appeal is taken.

Section 17.06 Interpretation.

A. Interpretations of Zoning Ordinance Provisions.

The Zoning Board of Appeals shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purpose of this Ordinance and the Township Master Plan.

B. Determinations of Similar Uses.

In recognition that every potential use cannot be addressed in this Ordinance, the ZBA shall have the authority to determine whether a proposed use not listed in this Ordinance is similar to a principal or special approval use permitted by this Ordinance, subject to the following:

1. Prior to making such a determination, the ZBA must find that the principal or special approval use closely resembles the proposed use in terms of characteristics, intensity, nature and other common elements of such uses.
2. The ZBA may determine that the use is or is not similar to a use listed in this Ordinance, or may recommend to the Township Board that the proposed use be addressed through an amendment to this Ordinance.
3. If it is determined that there is no similar use listed in this Ordinance, the use shall be prohibited.
4. If it is determined that the proposed use is similar to a use listed in this Ordinance, the proposed use shall comply with any conditions or standards that apply to the listed use.

The ZBA may impose additional conditions or limitations upon the proposed use necessary to satisfy the intent and purposes of this Ordinance, to protect the health, safety, or welfare, or to preserve the social and economic well being of adjacent residents and landowners, or the Township as a whole.

C. Interpretation of Zoning District Boundaries.

Where an ambiguity exists as to zoning district boundaries, the Zoning Board of Appeals shall have the power to interpret the Zoning Map in such a way as to carry out the intents and purposes of the London Township Zoning Ordinance and Master Plan.

1. Boundaries that approximately follow the centerlines of roads, watercourses, lot lines or municipal boundaries shall be construed to follow such lines.
2. Boundaries that follow railroad lines or utility easements shall be construed to be midway between the main tracks, or along the centerline of such easements.
3. Boundaries that parallel or are extensions of features indicated in this Section shall be so construed.
4. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.
5. Where features referenced on the Official Zoning Map no longer exist or are at variance with the depiction on the Official Zoning Map, the ZBA shall interpret the district boundaries.

Section 17.07 Variances.

The Zoning Board of Appeals shall have the authority to grant variances from specific requirements of this Ordinance in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) and the provisions of this Article. The ZBA shall state the grounds for the granting or denying of a variance, and may consider lesser variances than that requested by an applicant. In granting a variance, the ZBA may impose conditions or limitations as it may deem reasonable in furtherance of the intent and purposes of this Ordinance.

A. Dimensional Variances.

The granting of a variance from particular area, setback, frontage, height, bulk, density or other dimensional (non-use) standards of this Ordinance shall require a finding of practical difficulties. To grant a variance, the ZBA shall determine that request meets one (1) or more of the following criteria:

1. **Practical difficulty.** Strict compliance with the specified dimensional standards will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or create a practical difficulty that would unreasonably prevent the owner from using the property for a permitted purpose.
2. **Unique circumstances.** The need for the variance is due to unique circumstances peculiar to the land or structures involved, that are not applicable to other land or structures in the same district.
3. **Substantial justice.** The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.
4. **Preservation of property rights.** The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same district and vicinity.

5. **Public safety and welfare.** The requested variance or appeal can be granted in such fashion that the spirit of this Ordinance will be observed and public safety and welfare secured.
6. **More than mere inconvenience.** The alleged practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.
7. **Not self-created.** The problem and resulting need for the variance has not been self-created by the applicant.
8. **Additional considerations.** The ZBA shall consider all of the following when reviewing a variance to ensure that the proposed variance is the minimum necessary to meet the requirements of the applicant under the Ordinance:
 - a. The granting of a lesser variance will not provide reasonable relief and substantial justice to the applicant.
 - b. The granting of a variance will not increase the hazard of fire or otherwise endanger public safety.
 - c. The granting of a variance will not unreasonably diminish or impair the value of surrounding properties.
 - d. The granting of a variance will not alter the essential character of the neighborhood or surrounding properties.
 - e. The granting of a variance will not impair the adequate supply of light and air to any adjacent property.

Section 17.08 Temporary Uses.

The Zoning Board of Appeals shall have the power to permit temporary uses, which may include the erection of a temporary structure, for periods not to exceed 365 calendar days. The ZBA may grant one (1) extension for up to one (1) additional calendar year. The granting or extension of a temporary use permit under this Section shall be subject to the following conditions:

1. The use shall be compatible with surrounding land uses, the intent of the zoning district, and the character of the area.
2. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district, nor on the zoning lot where the temporary use is permitted.
3. Approval of the temporary use will not interfere with or adversely impact protection of the public health, safety, and general welfare.
4. The site layout will provide adequate light and ventilation between structures, off-street parking, vehicular and pedestrian circulation, and access for emergency vehicles and personnel. The ZBA may seek the review and recommendation of

the Planning Commission regarding the proposed site layout prior to taking action on the request.

5. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of the use permitted, and arrangements for removing the temporary use at the termination of the permit period.

Section 17.09 Exceptions.

To hear and decide requests for exceptions and other matters upon which this Ordinance specifically authorizes the Zoning Board of Appeals to act. Any exception shall be subject to such conditions as the ZBA may require to preserve and promote the purpose of this Ordinance, and the character of the zoning district in question.

Section 17.10 Expiration of Approval.

No order of the ZBA permitting the construction or alteration of a structure shall be valid for a period longer than 365 calendar days, unless a building or zoning permit for such construction or alteration is obtained within such period, and the construction or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Zoning Board of Appeals permitting a use of a structure or land shall be valid for a period longer than 365 calendar days, unless the use is established within such period. Where establishment of the use is dependent upon the construction or alteration of a structure, such order shall continue in force and effect if a building or zoning permit is obtained within the 365 calendar day period, and the construction or alteration is started and proceeds to completion in accordance with the terms of such permit.

Section 17.11 Limitations of Authority.

The ZBA shall not have the authority to consider appeals of any decisions by the Planning Commission or Township Board regarding amendments to this Ordinance, special use approvals or planned unit development (PUD) applications. The ZBA shall not have the authority to alter this Zoning Ordinance or Official Zoning Map.

ARTICLE 18 DEFINITIONS

Section 18.01 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 and discretionary.
4. Words used in the present tense shall include the future; words used in the singular number shall include the plural; and words used in the plural shall include the singular, unless the context clearly indicates the contrary.
5. The word “building” includes the word “structure.” The word “build” includes the words “erect” and “construct.” A “building” or “structure” includes any part thereof.
6. The word “dwelling” includes “residence.” The word “lot” includes the words “plot” and “parcel.”
7. The term “act” or “action” includes “omission to act.”
8. The word “used” includes “arranged,” “designed,” “intended,” or “occupied.”
9. The terms “Zoning Ordinance” or “this Ordinance” includes the Zoning Ordinance of London Township and any amendments thereto.
10. The terms “abutting” or “adjacent to” includes land across a zoning or governmental boundary, property line, road, alley, dedicated right-of-way or access easement.
11. The phrase “such as” shall mean “such as but not limited to,” and the words “include” or “including” shall mean “including but not limited to.”
12. The word “person” includes an individual, firm, association, organization, corporation (public or private), partnership or co-partnership, limited liability company, incorporated or unincorporated association, trust or any other entity recognizable as a “person” under the laws of Michigan.
13. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions or provisions connected by one of the following conjunctions, the conjunction shall be interpreted as follows:

- a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
14. Words or terms defined in this Article shall be construed as defined herein. Words or terms not defined in this Article shall be defined in terms of their common or customary usage.
 15. Terms referred to in the masculine gender include the feminine.
 16. Unless otherwise stated, the word "days" shall mean calendar days; "month" shall mean any consecutive period of 30 calendar days; and "year" shall mean any consecutive period of 365 calendar days.

Section 18.02 Definitions

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

1. **Access Drive.** A private road designed to provide vehicular access from a public road.
2. **Access Management.** A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for lots adjacent to, and across from, one another; and the promotion of alternatives to direct access.
3. **Access, Reasonable.** A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access may be indirect and certain turning movements may be prohibited for improved safety and traffic operations.
4. **Adult Day Care Facility.** A facility which provides daytime care for any part of a day but less than 24 hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.
5. **Adult Foster Care Facility.** An establishment that provides supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation for adults over 18 years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

These facilities may be licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers or residential center for persons released from or assigned to a correctional facility. Adult foster care facilities are classified as follows:

- a. **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.
- b. **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
- c. **Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

- d. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for 24 hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee is a member of the household and occupant of the residence.
6. **Adult Entertainment Use.** Any business which primarily features sexually stimulating material or performances, including the following uses:
- a. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing “specified sexual activities” or “specified anatomical areas.”
 - b. **Adult Book or Video Store.** An establishment having a substantial portion equaling more than twenty percent (20%) of its stock in trade in books, magazines, periodicals or other printed matter, photographs, drawings, slides, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, recording tapes and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” or instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities” or “simulated nudity,” which are offered for sale or rental or an establishment with a segment or section devoted to the sale, rental or display of such material, which segment or section exceeds ten percent (10%) of the usable floor area of the establishment. This does not include items used for conception control or for protection from sexually transmitted diseases.
 - c. **Adult Entertainment Cabaret.** A nightclub, bar, lounge or similar commercial establishment, whether licensed by the Michigan Liquor Control Commission to offer beer or intoxicating liquor for consumption on the premises or not, which provides or features to customers live performances by employees or entertainment personnel which are distinguished or characterized by an emphasis on the exposure of “specified anatomical areas;” an emphasis on “specified sexual activities;” an emphasis on “nudity,” “state of nudity,” or “simulated nudity;” or a combination of any of the above.
 - d. **Adult Model Studio.** Any place where models who display “specified anatomical areas” are present to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

- e. **Adult Motel.** A hotel, motel or similar commercial establishment which rents or otherwise permits a room to be occupied in exchange for any form of consideration, and also:
- (1) Offers accommodations to the tenant or occupier of the room for any television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right-of-way or otherwise advertises the availability of this type of adult accommodations; or
 - (2) Offers a sleeping room(s) for rent for a period of time that is less than ten (10) hours; or
 - (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in less than a ten (10) hour period creates a rebuttable presumption that the establishment is operated as an adult motel.

- f. **Adult Personal Service Business.** A business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such a business includes, but is not limited to, modeling studios, body-painting studios, wrestling studios and conversation parlors. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths.

The following uses shall not be included within the definition of an adult personal service establishment:

- (1) Any establishment, club or business by whatever name designated, which offers or advertises or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths or other similar treatment by any person.
- (2) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner or any other similarly licensed or certified medical or healing arts professionals;
- (3) Establishments which offer massages performed by certified massage therapists;
- (4) Gymnasiums, fitness centers and health clubs;

- (5) Electrolysis treatment by a licensed operator of electrolysis equipment;
 - (6) Continuing instruction in martial or performing arts or in organized athletic activities;
 - (7) Hospitals, nursing homes, medical clinics or medical offices;
 - (8) Barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists;
 - (9) A bar, nightclub or lounge or other non-sexually oriented business that occasionally promotes a swimsuit or similar contest in which the contestants do not appear “nude” or in “a state of nudity;”
 - (10) Adult photography studios whose principal business does not include the taking of photographs of “specified anatomical areas” as defined herein.
- g. **Adult Theater.** A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or features live performances which are distinguished or characterized by an emphasis on the exposure of “specified anatomical areas” or by an emphasis on “specified sexual activities.”
- (1) **Adult Motion Picture Arcade or Miniature-Motion Picture Theater.** Any place where motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed depict, describe or relate to “specified sexual activities” or “specified anatomical areas.”
 - (2) **Adult Motion Picture Theater.** A commercial establishment which regularly features non-live performances or entertainment such as films, motion pictures, video cassettes, slides or similar photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing “specified sexual activities or “specified anatomical areas.”
 - (3) **Adult Outdoor Motion Picture Theater.** A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- h. **Escort Service.** An establishment that provides the services of escorting members of the opposite sex for payment of a fee.

- i. **Nude Modeling Business.** An establishment where an employee or entertainment personnel performs a massage or “specified sexual activities” while appearing in a “state of nudity,” “simulated nudity” or while displaying “specified anatomical areas,” and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted to customers.
- j. **Nude Modeling Studio.** An establishment where an employee or entertainment personnel appears in a “state of nudity,” “simulated nudity” or displays “specified anatomical areas,” and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted to customers.
- k. **Sexually Oriented Encounter Center.** A commercial enterprise that, for any form of consideration or prize, offers physical activities, contact, wrestling or tumbling between male and female persons or between persons of the same sex, when one or more of the persons is in a “state of nudity” or “simulated nudity” and the activity is intended to provide sexual stimulation or sexual gratification to its customers.
- l. **Sexual Paraphernalia Store.** An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display or storage, of instruments, devices or paraphernalia designed for use related to “specified anatomical areas” or as part of, in connection with or related to “specified sexual activities” (as defined herein) or an establishment with a segment or section devoted to the sale or display of such material.
- m. **Special Definitions.** With respect to adult uses or sexually oriented businesses, the following terms and phrases shall have the following meanings:
 - (1) **Massage Parlor.** An establishment wherein private massage is practiced or made available as a principal use of the premises.
 - (2) **Nudity or State of Nudity.** Appearing while any of the following portions of the human body are less than completely and opaquely covered:
 - (a) Genitals, whether or not in a state of sexual arousal;
 - (b) Pubic region or pubic hair;
 - (c) Buttock(s);
 - (d) The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or
 - (e) Any combination of the above.

- (3) **Nudity, Simulated.** A state of dress in which any artificial device of covering is worn on a person and exposed to view so as to simulate an actual “state of nudity.”
 - (4) **Sexual Intercourse.** Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person’s body or of any object, into the genital or anal openings of another’s body.
 - n. **Specified Anatomical Areas.** Portions of the human body defined as follows:
 - (1) Less than completely and opaquely covered;
 - (a) Human genitalia and pubic region;
 - (b) Buttock and anus; or
 - (c) Female breast below a point immediately above the top of the areola.
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 - o. **Specified Sexual Activities.** The explicit display of one or more of the following:
 - (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus or female breast;
 - (3) Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation oral copulation, sexual intercourse or sodomy;
 - (4) Human excretory functions as part of or as related to, any of the activities described above;
 - (5) Physical violence, bondage, mutilation or rape, actual or simulated, as part of or related to, any of the activities described above.
 - p. **Substantial Portion.** A use of activity accounting for more than twenty percent (20%) of any stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time or entertainment time measured per month.
- 7. **Aircraft Landing Strip, Private.** The use of land for the landing or taking off of aircraft by a proprietor residing in a housing unit contiguous to the site of the aircraft landing strip, and may include facilities for the shelter of aircraft but does

not include the boarding or care of aircraft owned by other than occupants of the housing units in common ownership with the aircraft landing strip.

8. **Airport, Private or Public.** The use of land for the landing or take off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo and all appurtenant areas used or acquired for airport buildings or other airport facilities.
9. **Alterations.**
 - a. **Structural.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of the construction of structural parts, means of egress or supporting members of a building, such as bearing walls, columns, beams, girders, roof or exterior walls.
 - b. **Building.** A change, addition or modification to; or enlargement or rearrangement of the type of occupancy, height, area, location, design or approved method of functioning.
 - c. **Sign.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of any part of any sign, including the sign copy area.
10. **Animal, Domestic.** An animal that has traditionally, through long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and has been kept as tame pets no longer possessing a disposition or inclination to escape or to bite without provocation nor cause death, maiming, or illness of a human, nor used for commercial breeding purposes. Domestic animals shall include the following:
 - a. Bird (caged)
 - b. Cat (domestic)
 - c. Prairie Dog (bred)
 - d. Chinchilla
 - e. Dog
 - f. Fish (non-biting or non-poisonous)
 - g. Lizard (non-poisonous)
 - h. Marmoset (bred)
 - i. Rodent (bred)
 - j. Snake (non-poisonous)
 - k. Spider (non-poisonous)

11. **Animal, Wild or Exotic.** Any animal not indigenous to the Township; incapable of being completely domesticated; requiring the exercise of art, force, or skill to keep it in subjection; or that a person is prohibited from possessing by law. Wild or exotic animals shall include, but not be limited to, the following:
- a. Alligator and crocodile (family)
 - b. Badger
 - c. Bear
 - d. Bird (wild)
 - e. Cat (wild family)
 - f. Coyote
 - g. Deer (family)
 - h. Dog (wild family)
 - i. Dog-Wolf
 - j. Ferret
 - k. Fish (biting and or poisonous)
 - l. Lemur
 - m. Lizard (poisonous)
 - n. Marten
 - o. Opossum (family)
 - p. Primate (family)
 - q. Raccoon
 - r. Snake and other reptile (poisonous)
 - s. Skunk
 - t. Spider (poisonous)
 - u. Weasel (family)
 - v. Wild boar or swine (family)
12. **Appeal.** An entreaty or petition for a hearing or review of facts or actions in connection with the public enforcement of this Ordinance.

13. **Applicant.** The property owner, or a person action with the written and signed authorization of the property owner to make application under this Ordinance.
14. **Awning.** Any overhead protective structure that is constructed in such a manner as to allow pedestrians or vehicles to pass under.
15. **Basement.** That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling.
16. **Bed and Breakfast Inn.** A dwelling in which overnight accommodations are provided or offered for transient guests for compensation as an accessory use, including provisions for a morning meal for overnight guests only.
17. **Bedroom.** A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings.
18. **Berm.** A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.
19. **Brewpub.** A restaurant or tavern (as defined within this Ordinance) licensed by the State of Michigan to produce and manufacture not more than 5,000 barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises, as provided for in MCLA 436.31b and 436.31c.
20. **Building.** A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, materials, equipment or similar items. This shall include tents, awnings or vehicles situated on private land and used for purposes of a building.
 - a. **Accessory Structure.** A structure or portion of a principal building, subordinate to and on the same premises as the principal building(s) and use(s), the use of which is incidental to, customarily associated with, and subordinate to that of the principal building and use. Accessory structures shall include garages, garden equipment sheds, small greenhouses and swimming pools.
 - b. **Principal Building.** A building in which is conducted the principal use of the lot on which said building is situated.
 - c. **Building Setback or Building Line.** The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front road or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided in this Ordinance. Such line, when adjacent to a building, is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

21. **Building Official.** The person or persons designated by the Township to administer and enforce the provisions of the State Construction Code enforced by the Township.
22. **Caliper.** The diameter of a tree trunk measured 18 inches above the ground level. The caliper of a multiple-trunk tree is determined by the full caliper of the largest trunk plus half the caliper of the other trunks.
23. **Campground, Modern.** A tract of land where recreational units are accommodated and water flush toilets and water under pressure are available at a service building or a water outlet and sewer connection are available at each site.
24. **Campground, Primitive.** A tract of land where recreational units are accommodated and water is furnished from a hand pump well and sewage is disposed of by means of a sanitary privy.
25. **Canopy Tree.** A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purposes of a canopy tree are to provide shade to adjacent ground areas and to enhance aesthetics.
26. **Cemetery.** Land used or intended to be used for burial of the human dead and dedicated for such purpose.
27. **Child Care Organization.** A governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. These facilities care for children under the age of eighteen (18) years of age, and are licensed and regulated by the State under Public Act 116 of 1973, as amended or Public Act 218 of 1979, as amended, and the associated rules promulgated by the State Department of Consumer and Industry Services. Such care organizations are classified below:
 - a. **Child Day Care Center.** A facility, other than a private residence, receiving one (1) or more preschool or school age children for group day care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. This facility is also described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
 - b. **Child Caring Institution.** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are

minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools or an adult foster care facility in which a child has been placed.

- c. **Family Child Day Care Home.** A private home, as licensed by the State of Michigan, in which up to six (6) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption.
 - d. **Foster Family Home.** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
 - e. **Foster Family Group Home.** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
 - f. **Group Child Day Care Home.** A private home, as licensed by the State of Michigan, in which up to twelve (12) children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage or adoption.
28. **Church, Temple, Place of Worship or Religious Institution.** A type of institutional use or site used for the regular assembly of persons, for the conducting of religious services, and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.
29. **Clinic.** Offices for one or more health practitioners engaged in treating the sick or injured on an outpatient basis.
30. **Civic Club.** A type of institutional use or organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit. See also **Lodge**.
31. **Cocktail Lounge or Night Club.** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar mechanical amusement devices.

32. **Code Enforcement Officer.** The person or persons designated by the Township to enforce the provisions of this Ordinance and other Township ordinances, as directed by the Township Board.
33. **Commercial Vehicle.** Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of 6,500 pounds. Any commercially licensed vehicle that does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles.
- a. **Semi-trailer.** A trailer unit customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone, including trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures, any of which above units exceeds twelve (12) feet in height.
 - b. **Truck Tractor.** A commercial vehicle capable of attaching to and propelling semi-trailers, mobile homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.
 - c. **Other Commercial Vehicles.** Any truck or motor vehicle with a cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than eight (8) inches. This shall include any vehicle which has a commercial license plate and which is designed to accommodate a body length in excess of nine (9) feet. This term does not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, and similar vehicles.
34. **Common Land.** A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners or occupants of individual building units in a subdivision or a planned unit development.
35. **Common Open Space.** An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common.
36. **Composting.** A controlled process of degrading compostable organic material by microorganisms.
- a. **Compostable Material.** Compostable or organic matter and material shall include typical yard wastes and clippings, such as and limited to leaves, grass clippings, vegetable, garden, or agricultural plantings debris, shrubbery or brush, weeds, tree trimmings less than four (4) feet in length and two (2) inches in diameter, that can be converted to

compost humus. This term does not include stumps, roots, animal waste, sewage sludge, or garbage.

b. **Composting Methods.** Composting may be achieved by several methods:

(1) **Mechanical.** A method in which the compost is continuously and mechanically mixed and aerated;

(2) **Ventilated cell.** Compost is mixed and aerated by being dropped through a vertical series of ventilated cells; and,

(3) **Windrow.** An open air method in which compostable material is placed in windrows, piles, or ventilated bins or pits and occasionally turned or mixed. The process may be anaerobic or aerobic, however, for purposes of this Ordinance only aerobic is permitted. Furthermore, sheet composting is not permitted.

c. **Composting Support Service Facility.** Those structures and spaces necessary for the operation of a composting facility. Such support services shall be devoted exclusively to the facility to which they are adjacent.

d. **Sheet Composting.** The composting of material that is spread in a thin layer over a large surface area on the ground in a sheet-like manner.

37. **Condominium.** A condominium is a system of separate ownership of individual units or multiple-unit projects according to the state Condominium Act (Public Act 59 of 1978, as amended). In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

a. **Convertible Area.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act (Public Act 59 of 1978, as amended).

b. **General Common Element.** The common elements other than the limited common elements intended for the common use of all co-owners.

c. **Limited Common Element.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

d. **Site Condominium.** All allocation or division of land permitted under the Condominium Act (Public Act 59 of 1978, as amended), which permits single family detached housing pursuant to a master deed.

e. **Site Condominium Project.** A condominium project designed to function in a similar manner or as an alternative to a platted subdivision.

A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

- f. **Condominium Subdivision Plan.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of the Condominium Act (Public Act 59 of 1978, as amended).
- g. **Site Condominium Lot.** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio. Condominium setbacks shall be measured as described below:
 - (1) **Front Yard Setback.** The distance between the public road right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the district shall equal two hundred percent (200%) of the minimum required setback for the zoning district, and shall be measured from the nearest pavement edge to the foundation of the unit.
 - (2) **Side Yard Setback.** The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two (2) units shall be double the side yard setback required in the zoning district.
 - (3) **Rear Yard Setback.** The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development rear yards setbacks shall be measured as the distance between the rear building line and the rear site (lot) line or where lot lines are not defined, the space between the rear building lines of two (2) buildings shall be double the rear yard setback required in the zoning district.
- h. **Condominium Master Deed.** The condominium document recording the condominium project as approved by the Township, including attached exhibits, and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan.
- i. **Condominium Unit.** The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit or any other type of use.

- j. **Contractible Condominium.** A condominium project from which any portion of the submitted land or building may be withdrawn per provisions of the condominium documents, this Ordinance, and the Condominium Act.
 - k. **Condominium Conversion.** A condominium project containing condominium units that were occupied before the establishment of the condominium project.
 - l. **Expandable Condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
38. **Congregate Living Dwelling.** A building or portion thereof containing living units designed for occupancy by senior citizens living independently of each other, except that cooking, kitchen, and dining accommodations are provided in a central area and not located within the individual living units.
- a. **Congregate Living Units.** Individual areas within a given congregate living dwelling that provides an enclosed living environment for self-maintenance activities, such as sleeping, grooming, bathing, and toiletry. Each living unit may be permanently occupied by no more than two (2) persons.
39. **Conservation Easement.** A legal agreement in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or a public body.
40. **Convalescent or Nursing Home.** A home for the care of two (2) or more children, the aged or infirm persons suffering serious or chronic bodily disorders, which may be licensed under applicable state laws.
41. **Corner Clearance Area.** A triangular area, formed at an intersection of road rights-of-way by a straight line drawn from one right-of-way line to the other at points set a specific distance from the intersection point.
42. **Cul-de-Sac.** A dead-end public or private road that terminates in a circular or semicircular section of road that allows for vehicle turnaround.
43. **Deceleration Lane.** An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.
44. **Deck.** A platform, commonly constructed of wood, which is typically attached to a dwelling unit, and which is typically used for outdoor leisure activities.
45. **Demolition.** An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.
46. **Density.** The number of dwelling units per net acre of land.

47. **Detention basin.** A facility designed for holding stormwater runoff for a limited period before releasing it to a natural watercourse.
48. **Development.** The construction of new structures or other site improvements on a zoning lot; relocation, alteration or expansion of an existing building; or the use of open land for a new use.
49. **Diameter Breast Height (D.B.H.).** The diameter of a tree measured in inches at four and one-half (4½) feet above the existing ground level.
50. **District.** A portion of the London Township within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under this Ordinance. This term is synonymous with the term “zoning district.”
51. **Drive-In Establishments.** A business establishment that provides facilities or spaces for the purpose of serving patrons in or momentarily stepped away from their motor vehicles, to facilitate consumption within motor vehicles.
52. **Drive-Through Lanes or Establishments** Facilities or spaces for the purpose of serving patrons from a window or booth while in their motor vehicles, rather than within a structure, to facilitate consumption within motor vehicles.
53. **Driveways.** A hard-surfaced access connecting parking space for motor vehicles with a road or alley, and permitting ingress and egress of a motor vehicle.
54. **Dumpster Enclosure.** Any exterior space that secures or screens containers, structures or other receptacles intended for temporary storage of solid waste materials.
55. **Dwelling.** A residential unit providing complete, independent living facilities for one (1) family, including permanent living, sleeping, cooking, eating, and sanitation facilities.
 - a. **Apartment.** A suite of rooms or a room in a multiple-family or commercial building arranged and intended as a place of residence for one (1) family or a group of individuals living together as a single housekeeping unit.
 - b. **Accessory Apartment.** A dwelling for one (1) family located within a principal building occupied by a permitted use in the district, with separate and individual kitchen, bath and toilet facilities, and a separate and distinct private entrance (i.e. “mother-in-law” apartment).
 - c. **Efficiency Apartment.** A dwelling unit with a bathroom and principal kitchen facilities designed as a self contained unit for living, cooking, and sleeping purposes, and having no separate designated bedroom.
 - d. **Attached Dwelling.** A dwelling unit attached to one (1) or more dwelling units by common major structural elements.

- e. **Detached Dwelling.** A dwelling unit that is not attached to any other dwelling unit by any means.
- f. **Manufactured Dwelling.** A building or portion of a building designed for long-term residential use and characterized by all of the following:
 - (1) The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended.
 - (2) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities.
 - (3) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
- g. **Manufactured Home.** A type of manufactured housing structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered manufactured homes for the purposes of this Ordinance.
- h. **Modular Dwelling.** A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport.
- i. **Multiple Family Building.** A building divided into apartments, townhouses or stacked flats and designed for residential occupancy by three (3) or more families and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for three (3) or more families.
- j. **Site Built Dwelling.** A dwelling unit that is substantially built, constructed, assembled, and finished on the lot intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of precut materials, and paneled wall, roof and floor sections where such sections require substantial on-site assembly and finishing.
- k. **Single-Family Dwelling.** A building designed exclusively for residential occupancy by not more than one (1) family.
- l. **Stacked Flats Building.** A building occupied by three (3) or more families, where dwellings are divided by party walls in the horizontal plane

- and floor-ceiling assemblies in the vertical plane. Each dwelling unit is capable of individual use and maintenance, and access, utilities, and service facilities are independent for each dwelling.
- m. **Townhouse.** A dwelling in a multiple-family building that is divided from the dwelling adjacent to it by a party wall extending the full height of the building. Each townhouse dwelling shall be capable of individual use and maintenance, and access, utilities, and service facilities shall be independent for each dwelling.
 - n. **Two-Family (Duplex) Dwelling.** A building designed exclusively for residential occupancy by two (2) families, where dwellings are divided by party walls in the horizontal plane or floor-ceiling assemblies in the vertical plane.
56. **Easement.** A grant of one (1) or more of the property rights by a property owner to or for use by the public or another person or entity.
57. **Erect.** To build, construct, reconstruct, move, attach, hang, place, suspend, affix, paint or undertake any physical operation on the premises required for development of a building, sign, site or structure; including, but not limited to construction, grading, excavations, fill, and drainage activities.
58. **Essential Services.** The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems or collection, communication, supply or disposal systems therewith that are reasonably necessary for the furnishing of adequate service for the general health, safety and welfare.
- a. Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this Ordinance.
 - b. Wireless communication towers or antennas, utility buildings and storage yards shall not be considered essential services under this Ordinance.
59. **Estate Sale.** The sale of used personal property belonging to the occupants of a residential dwelling and conducted on the residential lot to liquidate an estate.
60. **Excavation.** The removal, movement or breaking of ground, soil, gravel, stone or fill dirt, except common household gardening, farming, and general ground care of a residential or agricultural character.
61. **Exception.** An exclusion from the normal Zoning Ordinance rules and regulations allowed by the Zoning Board of Appeals under certain conditions.
62. **Exterior Architectural Feature.** The architectural style, design, general arrangement, and components of all of the outer surfaces of a structure, as

distinguished from the interior surfaces enclosed by such outer surfaces. Such exterior architectural feature shall include, by way of example but not by limitation, the kind, color, texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such structure, such as cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

63. **Extraction Operation.** Any pit, excavation or mining operation for the purpose of searching for, or removing any earth, sand, gravel, clay, stone, or other nonmetallic mineral in excess of 50 cubic yards in any calendar year. The term shall not include an oil well or excavation preparatory to the construction of a building, structure, roadway, or pipeline.
64. **Facade.** The vertical plane of the exterior surface of a building, including all visible architectural, decorative, and structural features.
65. **Family.** Means either of the following:
- a. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity (blood), marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
 - b. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond that constitutes the functional equivalent of the bonds that render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by appeal of the Zoning Administrator's determination to the Zoning Board of Appeals, subject to the standards of this Ordinance for such appeals.
66. **Farming and Active Agricultural Uses.**
- a. **Farm.** The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings, including forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine, and other similar animals and products.

- (1) Farms shall not include establishments for keeping or raising fur-bearing animals, private stables, commercial dog kennels, livestock production facilities, greenhouses or stockyards, except where such ANIMAL AND AGRICULTURAL USES are permitted by this Ordinance.
 - (2) A farm permitted by this Ordinance is not intended nor implied to permit storage or use of the site for trucking, equipment, vehicle repairs or sales, contractor yards, stump removal or processing, snow removal businesses, lawn maintenance businesses or any other activities other than those ANIMAL AND AGRICULTURAL USES permitted by this Ordinance or incidental to the active agricultural use.
 - (3) A farm as defined but not limited to Generally Accepted Agricultural Management Practices (GAAMPS) as determined by the Michigan Commission of Agriculture and as provided in the Michigan Right to Farm Act, (P.A. 93 of 1981, as amended).
- b. **Farm Buildings.** Any structure, other than a dwelling, which is constructed, maintained, and used on a farm, and which is essential and customarily used for agricultural operations.
 - c. **Farm Labor Housing or Migratory Labor Camp.** Temporary facilities provided for the housing of workers who are employed in the seasonal planting, harvesting, or processing of crops.
 - d. **Livestock or Farm Animals.** Animals used for human food and fiber or animals used for service to humans, including cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Farm animals do not include companion animals, such as dogs and cats, which are capable of being trained and adapting to living in a human environment.
 - e. **Livestock Production Facility.** The concentrated feeding of farm animals within a confined area or feedlot, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other livestock or fur-bearing animals.
67. **Fence.** Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this Ordinance; or for decorative use.
- a. **Chain-link fence.** A fence constructed of galvanized steel or similar materials as approved by the Zoning Administrator for the purpose of enclosing or securing an area.
 - b. **Ornamental fence.** A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation, and which does not block

vision to an extent greater than fifty percent (50%). Ornamental fences shall not include chain-link or wire fences or fences of similar construction.

- c. **Privacy fence.** A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than fifty percent (50%) for the purpose of obscuring or screening an area from public view.
 - d. **Rail fence.** A fence constructed of wood, vinyl or similar materials and consisting of one (1) to four (4) horizontal rails connecting to vertical posts spaced a minimum of six (6) feet apart, and which does not block vision to an extent greater than fifty percent (50%).
 - e. **Temporary fence.** A fence constructed of canvas, plastic, chain-link, wood or similar material for the purpose of enclosing or securing an area for a limited period of time; for securing a construction site against unauthorized access; or for public safety at a special event.
68. **Filling.** Filling shall mean the depositing or dumping of ground, soil, gravel, stone or fill dirt, except common household gardening, farming, and general ground care of a residential or agricultural character.
69. **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of Inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.
- a. **Area of Special Flood Hazard.** Land in a floodplain subject to one (1) percent or greater chance of flooding in any liven year.
 - b. **Base Flood.** The flood having a one (1) percent chance of being equaled or exceeded in any given year.
 - c. **Flood Insurance Rate Map (FIRM).** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
 - d. **Flood Hazard Boundary Map (FHBM).** The official map of London Township issued by the Federal Insurance Administration on which the boundaries of special flood hazards have been designated as Zone A.
 - e. **Flood Insurance Study.** The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary - Floodway Map and the water surface elevation of the base flood.
 - f. **Flood, 100-Year.** A flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year.
 - g. **Floodplain.** Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic

conditions raise the water levels. Determinants of a floodplain are as follows:

- (1) That area which typically is adjacent to a river, stream, or other body of water, and is subject to flooding from a 100 year flood.
- (2) Principal estuary courses of wetland areas that are part of the river flow system.
- (3) Contiguous areas paralleling a river, stream, or other body of water that exhibit unstable soil conditions for development.

- h. **Flood proofing.** Any combination of structural or nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or real property, water and sanitary facilities, structures and their contents.
- i. **Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood.

70. **Floor Area.** The sum total of the area of all buildings on a site excluding utility rooms and mechanical rooms, measured between the outer perimeter walls of the buildings, provided that space in a structure used for parking of motor vehicles shall not be computed in the floor area.

- a. **Gross Floor Area (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, not including any basements, utility rooms, breezeways, unfinished attics, porches or attached garages.
- b. **Residential Floor Area.** The sum of the horizontal areas of each story of the dwelling, as measured from the exterior faces of the exterior walls or from the centerline of walls separating dwellings units. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, or porches.
- c. **Usable Floor Area (UFA).** That portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or to customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for the display or sale of goods or merchandise, but not including areas used or intended to be used for the storage of merchandise, utility or mechanical equipment rooms or sanitary facilities. 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 four (4) feet or more.

71. **Frontage.** A linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way line, or at the front yard setback line for lots on cul-de-sacs.

72. **Garage Sale.** The sale of used tangible personal property and household personal belongings of the householder, conducted on an individual lot occupied by the householder's dwelling; and not for the sale, display or trading of manufactured or processed goods or articles of commerce obtained either new or used for the purpose of sale or resale.
73. **Garage, Private.** An accessory structure that is used for storage and maintenance of occupant-owned motor vehicles as an accessory use.
74. **Garbage.** Refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables; including spoiled food, dead animals, animal manure and fowl manure.
75. **Garden Center.** An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, landscaping materials, and equipment.
76. **Grade.** A reference plane representing the average of the finished ground level adjoining the building at all exterior walls established for the purpose of regulating the number of stories and the height of buildings. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
- a. **Grade, Average.** The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a structure.
 - b. **Grade, Finished.** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.
 - c. **Grade, Natural.** The elevation of the ground surface in its natural state, before construction begins.
77. **Greenbelt.** A strip of land, not less than five (5) feet in width, which is planted with trees or shrubs in compliance with the requirements of this Ordinance.
78. **Height.** The vertical distance measured from the grade of the building to the top of the highest roof beams of a flat roof, to the deck line for mansard roofs and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average grade of the terrace at the building wall. When a building faces on more than one road, the height shall be measured from the average of the grades at the center of each road front.
79. **Hazardous Materials.** Pursuant to the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended), "hazardous substance" shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to

the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act (P.A. 93 of 1981, as amended):

- a. Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, welfare, or the environment, considering the fate of the material, dose-response toxicity, or adverse impact on natural resources.
 - b. "Hazardous substance" as defined in the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510, 94 Stat. 2767).
 - c. "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).
 - d. "Petroleum" as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).
80. **Home Occupation:** Any business, occupation or activity undertaken for compensation within a dwelling unit that is incidental and secondary to the use of the structure as a dwelling unit.
- a. **Hobby.** An incidental activity carried on by the occupant of the premises for personal enjoyment, amusement or recreation, where the articles produced or constructed are not sold and the activity is not obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.
 - b. **Home Office.** An activity by the occupant of the premises within a dwelling unit that is incidental and secondary to the use of the structure as dwelling unit, in which work for compensation may include receiving or initiating telephone calls, mail, facsimiles or electronic-mail; preparing or maintaining business records; word or data processing; and similar activities.
81. **Hospital.** An institution providing in-patient or out-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time, plus such accessory uses as laboratories, educational facilities, food services, and staff offices.
82. **Hotel.** One or more buildings containing individual living or sleeping units primarily designed as temporary quarters for transient guests.
83. **Improvements.** Those features and actions associated with a project which are considered necessary to protect natural resources or the health, safety and welfare of the residents of the Township, and future users or inhabitants of the proposed project or project area; including parking areas, landscaping, roadways, lighting, utilities, screening, and drainage. Improvements do not include the entire project subject to zoning approval.

84. **Institutional Uses.** The following specific uses of an educational, social, or religious character, as defined or used in this Ordinance:
- a. Public and private elementary and secondary schools, business schools or private schools operated for profit, and institutions for higher education.
 - b. Auditoriums, theaters, concert halls, and similar places of assembly.
 - c. Libraries, museums, and similar centers for cultural activities.
 - d. Churches, temples, and other places of worship.
 - e. Post offices.
 - f. Private clubs, fraternal organizations, and lodge halls.
85. **Junk Yard or Motor Vehicle Storage or Dismantling Yard.** An open area where waste, used or secondhand material is bought and sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to scrap iron and other metals, paper rags, rubber tires, and bottles. A “junk yard” includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings. The term “junk yard” does not include drop-off stations for residential recyclables.
86. **Junk.** Any motor vehicle, machinery, appliance, product, merchandise with parts missing, scrap metal or other scrap material that is damaged, deteriorated or in a condition which cannot be used for the purpose for which the product was manufactured.
87. **Kennel.** Any building, lot or premises where four (4) or more dogs or cats over twelve (12) weeks of age are kept, or any structure, lot or premises where animals are kept or housed for remuneration. This definition shall not include the raising of animals for agricultural purposes, or premises used for residential purposes, where the occupant keeps personal pets.
88. **Laboratory.** A facility devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.
89. **Landfill.** A tract of land that is used to collect and dispose of “solid waste” as defined and regulated under the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).
90. **Lighting.** The following definitions are related to lighting:
- a. **Fixture.** The assembly that holds the lamp in a lighting system. The Fixture includes the elements designed to give light output control, such as a reflector, lens, ballast, housing, and attachments.
 - b. **Floodlight.** A fixture or lamp designed to direct light over a broad area.

- c. **Footcandle.** Illuminance produced on a surface one (1) foot from a uniform point source of one (1) candela, or when one (1) lumen is distributed into an area of one (1) square foot.
- d. **Fully Shielded Fixture.** An outdoor lighting fixture shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.
- e. **Glare.** An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.
- f. **Lamp or Bulb.** The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). "Lamp" is often used to denote the bulb and its housing.
 - (1) **High Pressure Sodium (HPS) Lamp.** High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures.
 - (2) **Incandescent or Tungsten-Halogen Lamp.** A lamp that produces light by a filament heated to a high temperature by electric current.
 - (3) **Low Pressure Sodium (LPS) Lamp.** A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure.
 - (4) **Mercury Vapor Lamp.** A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.
 - (5) **Metal Halide Lamp.** A high-intensity discharge lamp where the light is produced by radiation from metal-halide vapors.
- g. **Laser Source Light.** An intense beam of light, in which all photons share the same wavelength.
- h. **Light Trespass.** Light falling where it is not wanted or needed (also called spill light).
- i. **Lumen.** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One (1) footcandle is equal to one (1) lumen per square foot. One lux is one lumen per square meter.
- j. **Recessed Fixture.** An outdoor lighting fixture recessed into a structure so that the bottom of the fixture is flush with the ceiling or underside of the structure.

91. **Liquor License Establishment, Class C.** Any place licensed by the State of Michigan Liquor Control Commission to sell at retail beer, wine, and spirits for consumption on the premises.
92. **Loading Space.** An off-road space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
93. **Lodge.** An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on club policies and business.
94. **Lot.** A parcel of land consisting of one (1) or more lots of record occupied or intended to be occupied by a principal building or use and any accessory structures, and having frontage upon a public or private road.
- a. **Corner Lot.** A lot located at the intersection of two (2) roads or a lot bounded on two (2) sides by a curving road, where any two (2) chords of which form an angle of 135 degrees or less.
 - b. **Double Frontage or Through Lot.** A lot other than a corner lot having frontage on two (2) more or less parallel roads.
 - c. **Interior Lot.** A lot other than a corner lot with only one (1) lot line fronting on a road.
 - d. **Zoning Lot.** A parcel or tract of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. "Single ownership" may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A zoning lot may consist of any one of the following:
 - (1) Single lot of record.
 - (2) Portion of a lot of record.
 - (3) Combination of lots of record, or portion(s) thereof.
 - (4) Condominium lot.
 - (5) Parcel or tract of land described by metes and bounds.
95. **Lot Area.**
- a. **Gross Lot Area.** The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands and waterbodies.

- b. **Net Lot Area.** Gross lot area minus any portions of the zoning lot located within dedicated rights-of-way, drainage easements or bodies of water.
96. **Lot Depth.** The mean horizontal distance measured from the front road right-of-way line to the rear lot line.
97. **Lot Line.** Any line dividing one lot from another lot or from a road right-of-way or from any public place.
- a. **Front Lot Line.** The line separating a lot from a road right-of-way.
 - (1) In the case of a private road that does not have a dedicated right-of-way, this line shall be parallel to and 33 feet back from the centerline of the pavement.
 - (2) Where lots border upon waterbodies, the front lot line shall be designated as that line fronting on the water.
 - (3) On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained.
 - b. **Rear Lot Line.** The boundary that is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
 - c. **Side Lot Line.** Any lot line not a front lot line or a rear lot line.
98. **Lot Of Record.** A parcel of land, the dimensions of which are shown on a subdivision plat recorded in the offices of the Monroe County Register of Deeds and Township Assessor, or a lot or parcel described by metes and bounds, and accuracy of which is attended to by a land surveyor registered and licensed in the State of Michigan and is recorded with the Monroe County Register of Deeds and the Township Assessor.
99. **Lot Split or Consolidation.** The dividing or uniting of lots by virtue of changes in the deeds in the office of the Monroe County Register of Deeds and the Township Assessor.
100. **Lot Width.** The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback line intersects the side lot lines. At no time shall the measured lot width be less than $\frac{1}{2}$ the required frontage for $\frac{1}{2}$ of the lot depth.
101. **Manufactured Home.** A structure, transportable in one (1) or more sections, which is built on a non-motorized chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, house trailer, trailer coach or travel trailers.
- a. **Manufactured Home, HUD-Code.** A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of

Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR § 3282.8(g).

- b. **Manufactured Home Site.** An area within a mobile home park that is designated for the exclusive use of a specific mobile home.
102. **Manufactured Housing Park.** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, road, equipment or facility used or intended for use incident to the occupancy of a manufactured or mobile home, subject to the rules and requirements of the Mobile Home Commission Act, Public Act 96, of 1987, as amended (MCLA 139.2301 et seq.) and the Manufactured Housing Commission General Rules.
103. **Massage Therapist.** An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation or successor organizations.
- a. **Therapeutic Massage.** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.
104. **Master Plan.** The comprehensive plan of London Township, including graphic and written text indicating the Township's development goals and objectives, planned future use of all land within the London Township, general location for roads, parks, schools, public buildings, and all physical development, and any portion or amendment to such plan. Such plans shall have been adopted by the Planning Commission, and may or may not be adopted by Township Board.
105. **Mechanical Amusement Arcade.** Coin-operated amusement machine or device establishments shall be defined as a place of business that has in operation an excess of five (5) coin-operated machines or devices.
- a. **Mechanical Amusement Device.** A pinball machine, video game, ski-ball machine, air-hockey machine, motion picture machine, shuffleboard, miniature pool table or any other similar machine, instrument or contrivance which may be operated or set in motion upon the insertion of a coin or under normal use is designed to have a coin; however, in lieu of said coin, the proprietor charges a flat rate to use said device.
106. **Mezzanine.** An intermediate or fractional story between the floor and ceiling of any story occupying not more than one-third (1/3) of the floor area of such story.

107. **Mining.** The development or extraction of one or more minerals, including topsoil, sand and gravel, from its natural occurrence on or in land or waters. The term mining shall not apply to on-site activities of a fully permitted and lawful construction project.
108. **Mixed Use.** A structure or project containing residential and nonresidential uses.
109. **Motor Home (Trailer Coach).** A self-propelled motorized vehicular unit primarily designed, used or constructed for travel or recreational usage, and duly licensable as such, which vehicular unit also contains facilities for cooking and for overnight lodging for one (1) or more persons. "Motor home" does not include "mobile home."
110. **Natural Area.** A land area or body of water which is generally not occupied by structures, roads, or other manmade elements, and which contains flora, fauna, biotic, geologic or other similar features having scenic, educational, or scientific value to residents. An area may be considered "natural" even though excavation, filling or other similar activity may have previously occurred.
111. **Natural Resources.** Natural resources include land, soils, wetlands, floodplains, surface and ground water, topography, trees and other types of vegetative cover, subsurface strata, geologic formations, animal life, and naturally occurring substances and living organisms that can be useful to people. Natural resources are of two types; renewable (e.g., plants and trees) and nonrenewable (e.g., mineral resources). Natural resources may also be referred to as "natural features" in this Ordinance.
112. **New Construction.** Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.
113. **Noise.** Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- a. **A-weighted sound level.** The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read may be designated dB(A).
 - b. **Day-night average sound level.** The 24 hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased by ten (10) dB(A) before averaging.
 - c. **Emergency.** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.
 - d. **Impulsive sound.** Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharge of firearms.

- e. **Noise disturbance.** Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.
- f. **Noise sensitive zone.** An area which contains noise-sensitive activities such as but not limited to, operations of school libraries, churches, hospitals, and nursing homes.
- g. **Pure tone.** Any sound that can be distinctly heard as a single pitch, or a set of single pitches.
- h. **Sound.** An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.
- i. **Sound level.** The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network (for the purposes of this ordinance an A-weighted network), as specified by the *American National Standards Institute*.
- j. **Vibration.** An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

114. **Nonconformities:**

- a. **Cease.** To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this Ordinance, would prevent the use from being resumed.
- b. **Nonconforming Lot.** A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located.
- c. **Nonconforming Sign.** See **Signs**.
- d. **Nonconforming Site.** A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current Ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.
- e. **Nonconforming Structure.** A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and Township laws ordinances, regulations and codes.
- f. **Nonconforming Use.** A use that lawfully occupied a parcel of land or structure and land in combination at the effective date of this Ordinance

or amendments thereto that does not conform to the use regulations of the district in which it is located or does not have special use approval, where provisions of this Ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and Township laws ordinances, and regulations.

- g. **Preferred Class Nonconforming Designation.** A nonconforming use designated by the Planning Commission to be perpetuated and improved in accordance with this Ordinance and an approved site plan.
 - h. **Unlawful Structure.** A structure or portion thereof, which is not a conforming or a nonconforming structure or is not in compliance with all applicable federal, state, county and Township laws ordinances, regulations and codes.
 - i. **Unlawful Use.** A use that occupies one or more contiguous parcels of land or structures and land in combination, which is not a conforming or a nonconforming use or is not in compliance with all applicable federal, state, county and Township laws ordinances, regulations and codes.
115. **Noxious.** An element creating an impact that may interfere with the enjoyment and use of property, including smoke, odors, noise, vibration, glare or heat.
116. **Nuisance.** Any offensive, annoying, unpleasant or obnoxious object or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which prevents the free use of one's property or renders its normal use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.
117. **Nursery.** A space, structure or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, structure used for the sale of fruits, vegetables or Christmas trees.
118. **Obscene Material.** As defined in the State of Michigan Public Act 343 of 1984; any "material" [as defined in MCL752.362.2(4), as amended] found to be "obscene" [as defined in MCL752.362.2(5), as amended].
119. **Occupancy or Occupied.** The purpose for which a building or part thereof is used or intended to be used. The term "occupied" includes "arranged," "designed," "built," "altered," "converted to," "rented," "leased" or "intended to be inhabited."
120. **Occupancy Load.** The maximum capacity of a structure or building space, expressed in the number of individuals normally permitted to occupy the structure or building space.

121. **Open Air Business.** Any business that is conducted primarily out-of-doors. Unless otherwise specified by this Ordinance, “open air business” shall include:
- a. Retail sales of garden supplies and equipment, including but not limited to trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
 - b. Roadside stands for the sale of agricultural products.
 - c. Various commercial outdoor recreation uses, including, but not limited to tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
 - d. Outdoor display and sale of garages, swimming pools, playground equipment, and uses.
122. **Open Space.** All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state or similar use.
- a. **Conservation easement.** An interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition [as defined in section 2140 of the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended)].
 - b. **Development rights.** The rights to develop land to the maximum intensity of development authorized by law.
 - c. **Greenway.** A contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature preserves, cultural features, or historic sites with each other, for recreation and conservation purposes.
 - d. **Restrictive covenant.** An agreement between two or more parties to a written instrument establishing limitations on the use and enjoyment of interests in real property.
 - e. **Undeveloped state.** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

123. **Outdoor Sales or Display.** The placement or exhibition of products or services on a lot outside of a building.
124. **Outdoor Motor Vehicle Storage or Dismantling Yard (Junk Yard).** Any business and any place of storage or deposit which displays or in or upon which there are displayed, to view from a public right-of-way, two (2) or more motor vehicles that are unfit for reconditioning or use on the public highways; or used parts of motor vehicles, old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material, but excluding vehicles in operable condition specially adapted or constructed for racing, and vehicles retained by the owner for antique collection or transportation purposes.
125. **Outlot.** A parcel of land designated on a site plan for future development.
126. **Package Liquor Store.** A retail establishment licensed by the State of Michigan where more than ten percent (10%) of the gross floor area is utilized for the storage, display, and sale of alcoholic liquor, wine, beer, and other alcoholic beverages in the original package for consumption off the premises.
127. **Park.** Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts or otherwise intended for active or passive recreational pursuits.
128. **Parking Lot.** A facility located outside of the road right-of-way providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided for unrestricted access and egress.
 - a. **Parking Space.** A space set aside for the sole purpose of parking an automobile on a temporary basis.
129. **Pavement Or Hard Surface.** Plant-mixed bituminous material, concrete, brick, masonry pavers or similar durable materials approved by the Township.
130. **Permit, Zoning.** Authorization given by the London Township to use land or structures for uses permitted under this Ordinance; to erect, construct or alter structures in the Township in conformity with this Ordinance; or to maintain or conduct other specified activities permitted by this Ordinance. The term "permit" shall not include permits issued by Monroe County and other county and state authorities with jurisdiction.
131. **Performance Guarantee.** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development. When all improvements, facilities, or work is completed in conformance with all approvals, the performance guarantee will be returned to the entity that made the deposit.
132. **Person.** An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

133. **Pet.** A domesticated dog, cat, bird, gerbil hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.
134. **Planning Commission.** The Planning Commission for London Township, Monroe County, Michigan, as established by Township Board resolution and authorized by the Township Planning Act (P.A. 168 of 1943, as amended) and the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).
135. **Plat.** A map of a subdivision of land.
136. **Pond.** A small man-made body of water developed for the personal use of the property owner and maintained by surface water runoff, groundwater or a public or private water distribution system.
137. **Porch.** A stoop, terrace or similar un-enclosed (other than mesh screening and any necessary structural supports or architectural or safety features) exterior structure, with or without a roof, that serves as an entrance to a structure and a transition zone between indoor and outdoor areas.
138. **Premises.** A single zoning lot or multiple adjacent lots under common ownership occupied by a single principal use or integrated principal uses that are not separated by intervening roads, alleys, utility or railroad rights-of-way or other interruptions.
139. **Private Club.** An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.
140. **Quarry Excavation.** Shall mean the removal of any soil or mineral matter for other use, thereby leaving a pit or hole in the earth (see **Extraction Operation**).
141. **Quarter Section.** A square unit of land, measuring approximately one-half ($\frac{1}{2}$) mile in an east-west direction and one-half ($\frac{1}{2}$) mile in a north-south direction, which is derived by dividing a single section into four (4) square quadrants, with each quarter section abutting one corner of the section. A quarter section is typically referred to by the quadrant of the Section in which it is located (i.e. the northeast quarter section, the southeast quarter section, the southwest quarter section, or the northwest quarter section) (see illustration).
- a. **Section.** A square unit of land, measuring approximately one (1) mile in an east-west direction and one (1) mile in a north-south direction, as established by the United States Public Land Survey System. A section may be divided into smaller units as depicted in the following diagram (see illustration).
- b. **Quarter-Quarter Section.** A square unit of land, measuring approximately one-quarter ($\frac{1}{4}$) mile in an east-west direction and one-quarter ($\frac{1}{4}$) mile in a north-south direction, which is derived by dividing a single quarter section into four, square quadrants, with each quarter-quarter section abutting one corner of the quarter section. A quarter-

quarter section is typically referred to by the quadrant of the quarter section in which it is located (i.e. the northeast quarter-quarter section, the southeast quarter-quarter section, the southwest quarter-quarter section, or the northwest quarter-quarter section) (see illustration).

142. **Recognizable and Substantial Benefit.** A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of a nonconforming use or structure.
143. **Recreation Establishment, Indoor.** A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.
144. **Recreation Establishment, Outdoor.** A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.
145. **Recreation Area.** Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, fishing or other recreational purposes.
146. **Recreational Vehicle.** A vehicle which is self-propelled or permanently towable by motor vehicle; designed primarily for use as temporary living quarters, or for recreational, camping, travel or seasonal use; and required by Michigan law to have a valid vehicle registration when traveling upon public roads. Recreational vehicles shall include the following:
 - a. **Boats and Boat Trailers.** Motorized or floatation equipment which may be used on the water, plus the normal equipment used to transport the same on the highway. "Boats and "boat trailers" shall include jet skis and other personal watercraft, floats, rafts, and similar devices and equipment.
 - b. **Folding Tent Trailer.** A folding structure, mounted on wheels and designed for travel and vacation use.
 - c. **Motor Home.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle, built on a single chassis of 400

square feet or less, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.

- d. **Pickup Camper.** A portable dwelling designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.
 - e. **Travel Trailer.** A portable dwelling built on a single chassis of 400 square feet or less, constructed to be towed on its own chassis, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.
 - f. **Horse Trailer.** A structure, mounted on wheels and designed primarily to be used for the transportation of horses.
 - g. **Snowmobiles, Motorcycles or All-Terrain Vehicles (ATV).** Motorized vehicles designed primarily for recreational travel or off-road use.
 - h. **Utility Trailers.** A vehicle used to transport boats, motorcycles, snowmobiles, go-carts, and similar devices and equipment.
147. **Repair and Maintenance, Ordinary.** Any work to correct deterioration or decay of or damage to a structure or site improvement, which is intended to restore the structure or site improvement to its original condition, as nearly as feasible. Ordinary repair and maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair.
148. **Restaurant.** Any establishment whose principal business is the sale and serving of food and beverages to the customer in a ready-to-consume state that is open regularly for the service of food to customers for compensation, and whose design and method of operation include suitable seating for customers or a service counter for carry-out orders; adequate and appropriate commercial kitchen and food storage facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night; and serving of food and beverages by a restaurant employee at the table where such items will be consumed or at the counter where such items are ordered.
- a. **Carry-Out Restaurant.** Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose design and method of operation include:
 - (1) Food and beverages are usually served in edible containers or in paper, plastic or other disposable containers.
 - (2) The consumption of food and beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities in the premises outside the restaurant building is posted as being prohibited, and the restaurateur strictly enforces such prohibition.

- b. **Restaurant, Drive-In.** Any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state, and whose design and method of operation include:
 - (1) Food and beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means that eliminates the need for the customer to exit the motor vehicle.
 - (2) The consumption of food and beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed, encouraged or permitted.
 - c. **Drive-Through Restaurant.** A restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.
149. **Retail Stores and Retail Sales.** A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares or merchandise for direct consumption (not for resale) directly to the consumer and completely within an enclosed building.
- a. Such goods, wares or merchandise shall include appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items.
 - b. Included in this definition are convenience stores, department stores, variety stores, “big-box” stores, supermarkets, wholesale club stores, shopping centers and shopping malls.
 - c. Also included in this definition are mail-order sales, Internet sales and similar activities, provided such activities are accessory to the principal use of retail sales to the customer in the building.
 - d. This definition does not include temporary uses, outdoor display or sales areas or adult uses and sexually-oriented businesses.
150. **Retention Basin.** A pond, pool, or basin used for the long-term storage of water runoff.
151. **Rezoning.** The amendment of this Ordinance to change the Official Zoning Map classification on land from its existing district to a new district classification.
- a. **Conditional Rezoning Agreement.** A written agreement approved and executed by the Township and landowner, incorporating a conditional rezoning plan, and setting forth rezoning conditions and any other terms

mutually agreed upon by the parties relative to land for which the Township has approved a conditional rezoning.

- b. **Conditional Rezoning Plan.** A plan of the property which is the subject of a conditional rezoning, prepared by a licensed civil engineer or architect, that may show the location, size, height, design, architecture or other measure or feature of structures and improvements on and in some cases adjacent to the land subject to conditional rezoning. The details to be offered for inclusion on a conditional rezoning plan shall be determined by the applicant, subject to approval of the Township Board after recommendation by the Planning Commission.
 - c. **Rezoning Conditions.** Conditions proposed by the applicant and approved by the Township as part of a conditional rezoning approval under this Ordinance, which shall constitute regulations in connection with the development and use of property for which conditional approval has been granted. Such rezoning conditions shall not:
 - (1) Authorize uses or developments of greater intensity or density than are permitted in the district proposed by the rezoning.
 - (2) Authorize uses that are not permitted in the district proposed by the rezoning.
 - (3) Permit uses or development expressly or implicitly prohibited in the conditional rezoning agreement.
152. **Right-Of-Way.** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied, or occupied by, a road, utility, and other similar uses.
153. **Road.** A public or private thoroughfare or way, other than an alley or access drive, which affords principal means of access to adjacent land.
- a. **Primary Road.** An arterial intended to serve as a large volume traffic-way for both the immediate municipal area and the region beyond, and is designated as a paved county primary road in the London Township Master Plan.
154. **Roadside Stand.** A temporary structure or use operated for the purpose of seasonally selling agricultural products, a portion of which are raised or produced on the same premises by the proprietor of the stand. A roadside stand shall not include small operations consisting of a portable table that are operated intermittently.
155. **Room.** For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room and bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one (1), two (2) or three (3) bedroom units and including a “den,”

“library,” or other extra room shall count such extra room as a bedroom for the purpose of computing density.

156. **School, Nonpublic.** A nonpublic school is any school other than a public school giving instruction to children below the age of 16 years and not under the exclusive supervision and control of the officials having charge of the public schools of the state. Nonpublic schools include private, denominational, and parochial schools.
157. **School, Public.** A public school is a public elementary or secondary educational entity or agency that has as its principal mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, public state university or by the department or state board.
158. **Second Hand Dealers.** Any person, corporation or member or members of a corporation or firm who primarily engage in the retail sale of used merchandise, antiques, and secondhand goods; such as, clothing, shoes, furniture, books, rare manuscripts, musical instruments, office furniture, phonographs and phonograph records, store fixtures and equipment. Excluded from this definition are dealers primarily engaged in selling used motor vehicles, trailers, boats, mobile homes, automobile parts and accessories, scrap and waste dealers.
159. **Self-Storage Warehouse.** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer’s goods or wares.
160. **Senior Housing.** An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily 55 years of age or older. Housing for the elderly may include:
 - a. **Assisted Living Facility.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual’s condition necessitates that supervision or assistance.
 - b. **Congregate or Interim Care Housing.** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
 - c. **Dependent Housing Facilities.** Facilities such as convalescent homes and nursing homes that are designed for older persons who need a wide range of health and support services, including personal nursing care.
 - d. **Elderly Housing Complex.** A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older.

- e. **Senior Apartments.** Multiple-family dwelling units intended to be occupied by persons 55 years of age or older.
- 161. **Separate Ownership.** Ownership of a lot wherein the owner does not own adjoining lot(s). Such ownership may include dual or multiple ownership by a partnership, corporation or other group, provided that any number of contiguous lots of record may be considered as a single lot of record, for the purpose of this Ordinance.
- 162. **Setback.** The minimum horizontal distance required to exist between any building line and all adjacent lot boundaries or road rights-of-way.
 - a. **Parking Lot Setback.** The minimum horizontal distance between the road right-of-way or lot line and the near edge of pavement in an off-road parking lot.
 - b. **Required Setback.** The minimum horizontal distance between a front, rear or side lot line and a building line required to comply with required yard provisions of this Ordinance.
- 163. **Shopping Center.** A group of commercial establishments, owned and managed as a unit; and related in location, size, and type of shops to the trade area it serves.
- 164. **Sign.** Any surface, fabric, device, display, structure, fixture, placard, or similar visual medium, including all component parts, which bears writing, representations, emblems, graphic designs, logos, trademarks, pictorial forms, sculptured matter or any figures of similar character or the purpose of conveying information, or informing or attracting the attention of persons. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices.

Unless otherwise indicated, the definition of “sign” includes interior or exterior signs that are visible from any public road, sidewalk, alley, park or public property, but not signs that are primarily directed at persons within the premises where the sign is located.

- a. **Abandoned Sign.** A sign accessory to or associated with a use that has been discontinued or terminated for more than 180 days.
- b. **Accessory Sign.** A sign that pertains to the principal use of the premises.
- c. **Billboard or Non-Accessory Signs.** Signs that do not pertain to the principal use of the premises, or that advertises businesses, products, services, facilities or events not sold, distributed or furnished on the premises on which the sign is located. Also referred to as “outdoor advertising,” or “off-premises signs.”
- d. **Building-Mounted Sign.** A display sign that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature.

- (1) **Awning Sign.** A sign that is painted or printed on, or attached to an awning or canopy.
 - (2) **Nameplate.** A small wall sign accessory to the address numbers of a building for the purpose of identifying the building, occupants or uses.
 - (3) **Projecting Sign.** A display sign attached to or hung from a structure projecting from and supported by the building, and extending beyond the building wall, building line or road right-of-way line.
 - (4) **Wall Sign.** A sign painted on, or attached parallel to the exterior surface of a building wall, door, window or related architectural feature and extending not more than 18 inches from the wall with no copy on the sides or edges.
 - (5) **Window Sign.** A sign affixed to or installed inside a window so as to be observable from the exterior of the building.
- e. **Clearance.** The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.
- f. **Color Value.** The perception of an internally illuminated color's lightness or darkness or a description of the overall intensity or strength of the light through the illuminated color, expressed as a ratio or percentage.
- (1) **Saturation.** The dominance of hue in the color, expressed as a percentage of the dominant wavelength to other wavelengths in the color.
- g. **Damaged Sign.** A sign or supporting structure that is torn, defaced, dented, smashed, broken, vandalized or destroyed.
- h. **Decorative Display.** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
- i. **Ground Sign.** A freestanding sign supported by one or more columns, uprights or braces in the ground surface, or mounted directly to a base with no clearance between the established grade and the bottom of the sign.
- j. **Noncombustible Material.** Any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
- k. **Nonconforming Sign.** A sign which was erected legally, but which is not in compliance with current Ordinance provisions for signs. The definition of "nonconforming sign" shall not include any sign located within a road

right-of-way, or any sign that is missing necessary structural and functional components.

- l. **Portable Sign.** A sign that is not permanently affixed to the ground or structure and is capable of being easily moved from one location to another.
- m. **Roof Sign.** Any sign erected or maintained on or above the roof of the building, or that extends above the roofline.
- n. **Sign Area.** The gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy or surface of any internally-illuminated sign, awning or canopy. Such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.
- o. **Signable Area.** The area of the road level portion of a principal building's front facade wall, including doors and windows, facing a public road where the address or primary public entrance is located.
- p. **Sign Copy.** Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.
 - (1) **Animated Copy.** Sign copy that flashes, moves, revolves, cycles or is otherwise altered or changed by mechanical or electrical means at intervals of less than once per hour.
 - (2) **Changeable Copy.** Moveable letters or other forms of sign copy, not including animated copy, which can be altered by natural, mechanical or electrical means without replacing the sign copy area.
- q. **Sign Height.** The vertical distance measured from the average grade at the sign location to the highest point of the sign.
- r. **Site Entry Feature with Signage.** A sign located at the entrance to a residential development, industrial park or similar development for the purpose of identifying an entrance, defining a gateway or creating a common identity for the development.
- s. **Temporary Sign.** Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.
 - (1) **Balloon.** Any air filled or gas filled object tethered to a fixed location and used as a means of directing attention to any

- business, profession, commodity, service, product or entertainment.
- (2) **Banner.** A temporary sign made of fabric or other non-rigid material with no enclosing framework.
- (3) **Festoons.** A string of ribbons, tinsel, small flags or pinwheels.
- t. **Unlawful Sign.** A sign for which no valid permit was issued by the Township at the time such sign was erected or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.
- u. **Unsafe Sign.** A sign that is not properly secured, in danger of falling or otherwise in a condition that is hazardous to the public health, safety or welfare.
165. **Site Plan.** A scaled drawing illustrating existing conditions, detailing the proposed use and development of a zoning lot, and including all required elements applicable to the proposed development to ensure compliance with this Ordinance.
166. **Soil.** The word soil as used herein shall be topsoil, subsoil, sand, gravel, muck or any other type of natural earthy material.
167. **Stable, Commercial.** A structure accessible by the general public in which horses or other domestic animals or livestock used for pleasure riding or driving are housed or kept for hire, including a riding track, public arena or trail riding.
168. **Stable, Private.** A structure accessory to a principal ANIMAL AND AGRICULTURAL USE or RESIDENTIAL USE, not accessible by the general public, and used for the exclusive stabling, breeding, care, training or riding of horses or other domestic animals or livestock owned by the occupants or boarded by private arrangement. A private stable may include a private arena used exclusively for the exercising, riding or schooling of animals housed or boarded on-site.
169. **State Licensed Residential Facility.** A structure or facility constructed for residential purposes to provide resident services and 24 hour supervision or care for six (6) or fewer persons in need of supervision or care, or as licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (P.A. 218 of 1979, as amended) or Child Care Organizations Act (P.A. 116 of 1973, as amended).
170. **Steep Slopes.** Slopes with a grade of twelve percent (12%) or more.
171. **Story.** That part of a building, except a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it.
- a. A mezzanine shall be deemed a full story when it covers more than one-third ($\frac{1}{3}$) of the area of the story underneath, or, if the vertical distance

from the floor next below the mezzanine to the floor above it is 24 feet or more.

- b. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is half than the vertical distance from the average grade to the ceiling.
172. **Story, Half.** An uppermost story lying under a sloping roof having an area of at least 200 square feet in area with a clear ceiling height of seven (7) feet six (6) inches. For the purposes of this ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.
173. **Stripping Operation.** Any activity which removes mineral resources from a parcel.
174. **Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on roads, driveways, parking areas and patios.
175. **Subdivision.** A subdivision as defined in the Land Division Act (P.A. 288 of 1967, as amended).
176. **Swimming Pool.** Any structure or container located above or below grade designed to hold water to a depth of greater than two (2) feet and intended for swimming or bathing. A swimming pool is an accessory structure for purposes of this Ordinance.
- a. **Wading Pool.** Any receptacle utilized for holding water that has a water depth not exceeding two (2) feet and intended for swimming or bathing.
177. **Tavern (Pub).** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables, and other mechanical amusement devices.
178. **Temporary Structure.** A structure permitted to exist during periods of construction, special events, and other limited time periods.
- a. **Tent.** A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground.
179. **Township.** The geographical area and governmental entity encompassing London Township, Monroe County, Michigan.
180. **Township Board.** The elected board of trustees for London Township, Monroe County, Michigan.

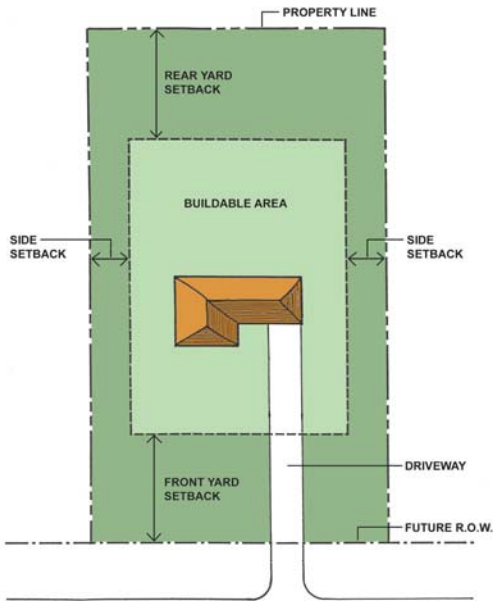
181. **Township Engineer.** The person or firm designated by the Township to advise the Zoning Administrator, Township Board, and Planning Commission on drainage, grading, paving, storm water management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or employee of the Township.
182. **Township Planner.** The person or firm designated by the Township Board to advise the Zoning Administrator, Township Board, and Planning Commission on community planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township.
183. **Tract.** Two (2) or more parcels that share a common property line and are under the same ownership.
184. **Truck Terminal.** The use of land or buildings for the temporary parking of motor freight vehicles or trucks of common carriers, during loading and unloading and between trips, including necessary warehouse space for storage of transitory freight.
185. **Undeveloped State.** Land in a natural condition; preserving natural resources, natural features or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state shall not include a golf course, but may include passive recreational facilities; including recreational trails, picnic areas, children's play areas, greenways or linear parks. Land in an undeveloped state may be, but it not required to be, dedicated to the use of the public.
186. **Use.** The purpose for which land or premises or a building thereon, is designed, arranged or intended or for which it is occupied maintained, let or leased.
- a. **Accessory Use.** A use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use or building of the premises.
 - b. **Permitted Use.** A use permitted in each zoning district by right subject to site plan review approval.
 - c. **Principal Use.** The main or primary use of the land or structures; or an activity permitted by right in the district, subject to the requirements and standards of this Ordinance.
 - d. **Seasonal Use.** A temporary use permitted and regulated pursuant to this Ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to, the sale of Easter flowers or Christmas trees.
 - e. **Special Use.** An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to insure that the use is compatible with other permitted uses in the district.

- f. **Temporary Use.** A use permitted and regulated pursuant to this Ordinance for periods of time that are limited in duration as specified by this Ordinance.
187. **Utility, Public or Private.** A person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under federal, state or municipal regulations or franchise agreements, to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. Wireless communications towers or antennas shall not be considered public or private utilities under this Ordinance.
188. **Variance.** A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals.
189. **Veterinary Clinic Or Hospital.** An office of a duly licensed veterinary professional for diagnosis, treatment, surgery and other veterinary care of domestic animals, horses, livestock and other animals.
190. **Walls.**
- a. **Decorative.** A screening structure walls of definite height and location constructed of an aesthetically pleasing masonry or rock material, such as face brick, stone or decorative block.
 - b. **Obscuring.** An obscuring structure of definite height and location constructed of masonry, concrete or similar material.
191. **Wetland.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps or marshlands. Wetlands shall also have one (1) or more of the following attributes:
- a. At least periodically, the land supports predominantly hydrophytes.
 - b. The substrate is predominantly un-drained hydric soil.
 - c. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.
192. **Wetland, Regulated.** Certain wetlands as regulated by the Michigan Department of Environmental Quality (MDEQ), that have any of the following characteristics:
- a. Contiguous to an inland lake, pond, river or stream;
 - b. Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;

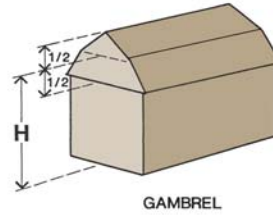
- c. Other wetlands where the MDEQ determines, with notification to the land owner, that protection is essential to preserve natural resources of the state from pollution, impairment or destruction.
193. **Wireless Communications Facility.** All structures, equipment and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals.
- a. **Abandoned Tower Or Antenna.** An antenna that is not operated for a continuous period of twelve months or a tower constructed or maintained without an operational antenna shall be considered abandoned.
 - b. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, utility poles, flagpoles and similar decorative structures that camouflage or conceal the presence of antennas or towers.
 - c. **AM Array.** One or more tower units with a supporting ground system that function as one AM broadcasting antenna shall be considered as one tower with a perimeter equaling the smallest rectangular figure that can encompass all elements associated with the array. Setbacks and other distances shall be measured from this perimeter. Additional tower units may be added within the perimeter of an approved array by right.
 - d. **Amateur Radio Communications Antenna.** An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use.
 - e. **Antenna.** Any exterior transmitting or receiving device mounted on a tower, structure and used in communications that radiate or capture electromagnetic waves, digital or analog signals, radio frequencies (except radar) or other wireless communication signals.
 - f. **Backhaul Network.** The lines that connect a provider's towers or antennas to one or more switching offices, long-distance providers or public-switched telephone network.
 - g. **Co-Location.** The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.
 - h. **Equipment Enclosure.** A dedicated and secured area for the placement of accessory structures and equipment associated with a wireless communications facility.
 - i. **Satellite Dish.** An antenna structure designed to receive from or transmit to orbiting satellites.
 - j. **Tower.** A structure, and any support thereto, designed primarily for the purpose of supporting one or more antennas for wireless communication purposes, including, but not limited to monopoles, lattice towers, light poles, wood poles and guyed towers and other structures.

194. **Yard.** An open space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line, and is unoccupied from the ground upward except as otherwise provided herein.
- a. **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between any front lot line or road right-of-way and the nearest point of the principal building.
 - b. **Rear Yard.** The yard directly opposite the designated front yard; or an open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.
 - c. **Required Yard.** An open space or yard area that conforms to the requirements of this Ordinance for yard, setback or other open space requirements.
 - d. **Side Yard.** An open space extending from the front yard to the rear yard on the side of the principal building between the building and the side lot line, the width of which is the minimum horizontal distance between the side lot line and the nearest point of the principal building.
195. **Zoning Administrator.** The person or persons designated by the Township to administer this Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, providing staff support to the Planning Commission or Zoning Board of Appeals, sending notices of public hearings, and similar work.
196. **Zoning Board of Appeals.** The Zoning Board of Appeals appointed by the Township Board for London Township, Monroe County, Michigan.

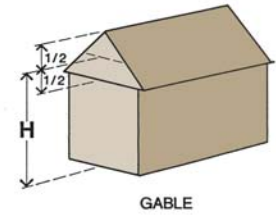
ILLUSTRATIONS



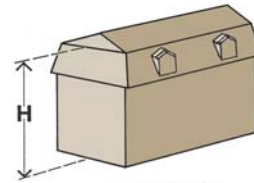
Building Envelope



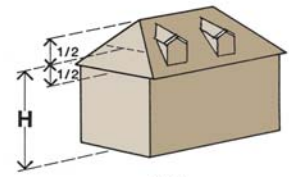
GAMBREL



GABLE

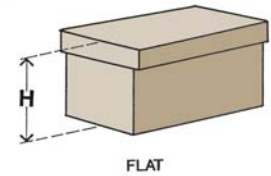


MANSARD

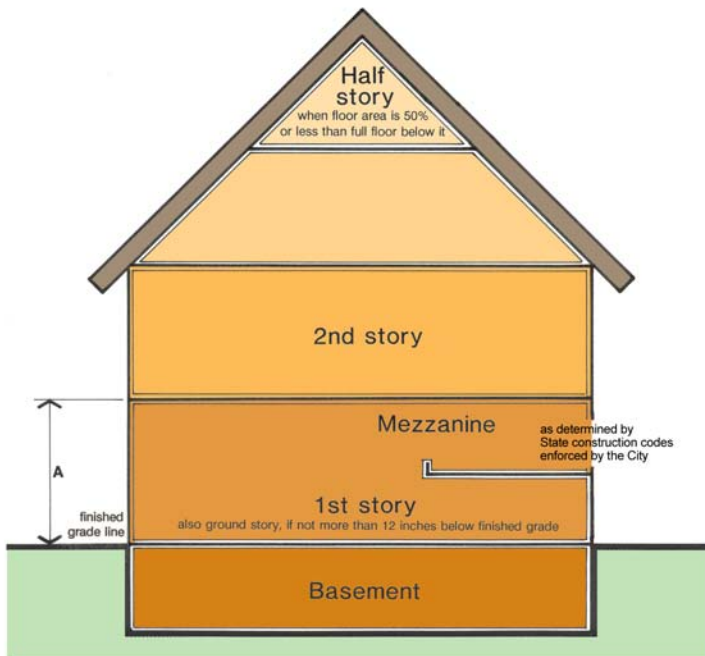


HIP

Building Height

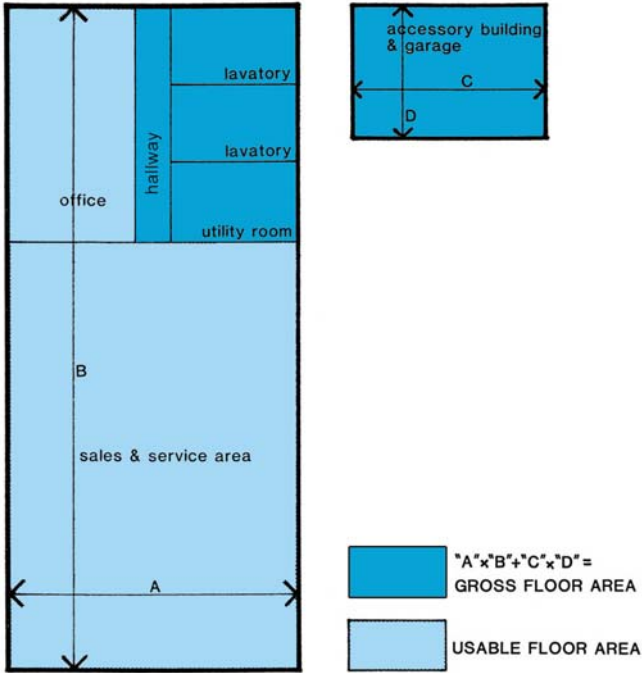


FLAT



Basic Structural Terms

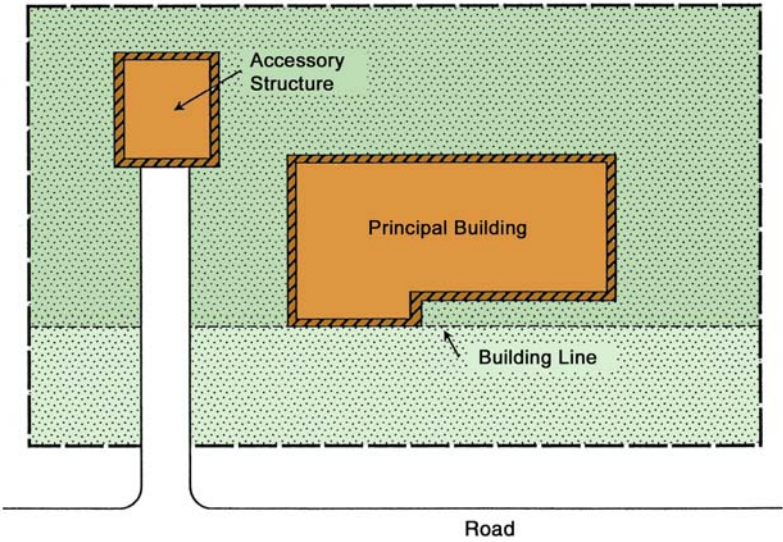
ILLUSTRATIONS



Floor Area

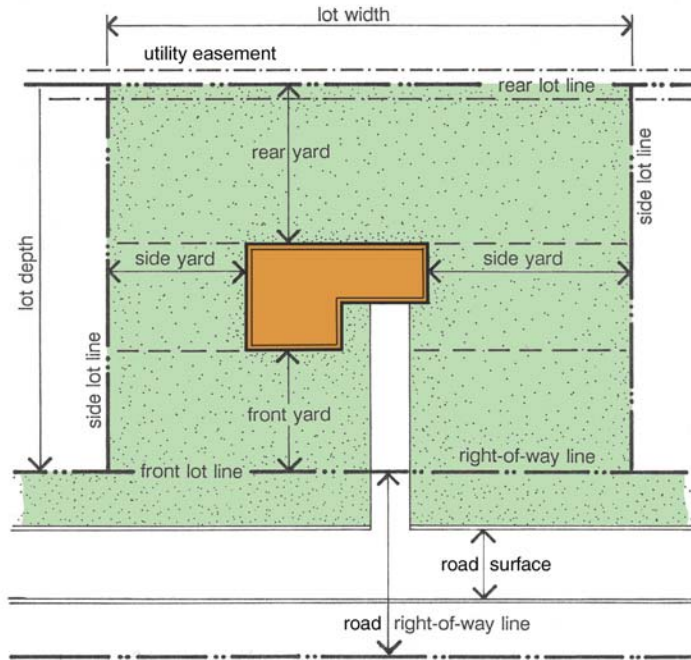
Quarter Section NW 1/4		NW 1/4 NE 1/4	NE 1/4 NE 1/4
		4 Quarter-Quarter Sections	
		SW 1/4 NE 1/4	SE 1/4 NE 1/4
W 1/2 SW 1/4	E 1/2 SW 1/4	N 1/2 NW 1/4 SE 1/4	NW 1/4 NE 1/4 NE 1/4
		S 1/2 NW 1/4 SE 1/4	SW 1/4 SE 1/4 SE 1/4
		W 1/2 SW 1/4 SE 1/4	E 1/2 SW 1/4 SE 1/4

Typical Section Subdivisions

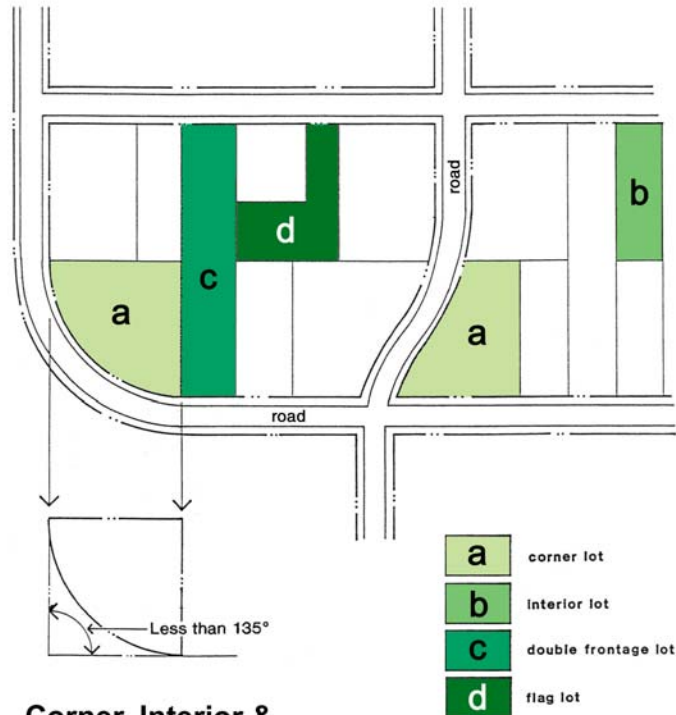


Accessory Structure

ILLUSTRATIONS



Yard Terms



Corner, Interior & Double Frontage Lots

ARTICLE 19

SEVERABILITY, REPEAL, EFFECTIVE DATE, AND ADOPTION

Section 19.01 Severability.

If any part, sentence, paragraph, section or provision of this Ordinance or application thereof is adjudged unconstitutional or invalid, such invalidity shall not affect the remaining portion or application, or validity of this Ordinance as a whole. It is hereby declared that the legislative intent would have been to adopt this Ordinance as if the invalid provision had not been included.

Section 19.02 Repeal of Previous Ordinances.

All previous zoning ordinances adopted by London Township, and all amendments thereto, are hereby repealed as of the effective date of this Ordinance, together with all other ordinances, or parts thereof, that conflict with this Ordinance.

However, no offense committed nor penalty incurred prior to the effective date of this Ordinance shall be affected or impaired:

1. Any prosecution pending at the time this Ordinance becomes effective may be tried and determined exactly as if such ordinance has not been repealed.
2. Any prosecution started within 365 calendar days after the effective date of this Ordinance in consequence of any violation of any ordinance repealed herein, which was committed previous to the effective date of this Ordinance, may be tried and determined exactly as if such ordinance has not been repealed.

Section 19.03 Adoption.

This Ordinance was adopted by the Township Board of London Township, Monroe County, Michigan, following compliance with all procedures required by the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), at its regular meeting duly held on the 11th day of December, 2006, and ordered to be given publication in the manner prescribed by law.

Section 19.04 Effective Date.

This Ordinance is hereby declared to be effective as of the 1st day of January 2007, pursuant to the notice of adoption required under the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).

ARTICLE 2 ZONING DISTRICTS AND MAPS

SECTION 2.100 PURPOSE OF DISTRICTS

Section 2.101 Zoning Districts.

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

District Name	Symbol
Agricultural-Conservation	AG-1
Agricultural-Reserve	AG-2
Rural Residential	R-1
Urban Residential	R-2
Manufactured Housing Park	MHP
Convenience Commercial	C-1
Special Commercial	C-2
Industrial-Research	I-R
Public/Semi-Public Services	PSP
Flood Plain	FP

Section 2.102 Zoning Map.

The Township is hereby divided into districts, with the district areas and boundaries as shown on the Official Township Zoning Map, along with all proper notations, references and explanatory matter. The Official Zoning Map shall be adopted by reference and declared to be a part of this Ordinance. This Map shall be identified by the signature of the Township Clerk and the following words: "This is to certify that this is the Official Zoning Map of London Township, effective as of _____, the ____ day of _____, _____."

If in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Map promptly after the Township Board has approved the amendment. No changes of any nature shall be made on the Official Zoning Map, except in conformity with the amendment procedures set forth in Section 12.04 (Amendments), or in conformity with the procedures set forth in the Township Rural Zoning Act (P.A. 184 of 1943, as amended) for adoption of a new Official Zoning Map. The Official Zoning Map shall be kept in the office of the Township Clerk, and shall be the final authority as to the current zoning status of land, water areas, and structures in the Township.

Section 2.103 Agricultural-Conservation (AG-1) District.

The Agricultural-Conservation (AG-1) District is hereby established to preserve prime agricultural lands and land used for hunting, fishing, hiking, equestrian activities, and similar private rural outdoor recreational activities; to minimize land use conflicts with agricultural uses; and to protect viable agricultural enterprises from encroachment from suburban and urban uses and developments. Residential subdivisions and site condominium developments are considered to be incompatible with the intent of this District.

This District is intended to maintain and preserve large contiguous blocks of agricultural land, both by original designation and by future annexation of smaller holdings to existing areas. The District is intended to be applied to areas that have soils well suited to agricultural activities, and to large contiguous parcels of land currently or historically used for agricultural or private rural outdoor recreational purposes. It is further intended that the Agricultural-Conservation District shall serve as the primary district for conservation of off-site open space under the Planned Unit Development (PUD) option.

The intent of the Agricultural-Conservation District is to minimize excessive and unnecessary public expenditures caused by scattered demand for urban levels of public services in otherwise rural areas; and to protect areas of the Township for agricultural production, distribution, and accessory uses. This District is also intended to help maintain land values and related property tax assessments at levels that farm activities can support, and to avoid property tax increases, through speculation for higher density use, which force prime farmland into non-agricultural uses.

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

Section 2.104 Agricultural Reserve (AG-2) District.

The Agriculture-Reserve (AG-2) District is hereby established to provide reasonable land uses of a rural, agricultural character for those lands in the Township presently rural and undeveloped. The District is established to prevent scattered semi-urban development, such as residential subdivisions and site condominium development, which might prevent sound future land use, street, open space, and water/sewer systems patterns.

The intent of the Agriculture-Reserve District is to minimize excessive and unnecessary public expenditures caused by scattered demand for urban levels of public services in otherwise rural areas; and to act as a buffer district between the Agricultural-Conservation (AG-1) District and other non-agricultural districts in the Township. The District is intended to be applied to land currently or historically used for agricultural purposes, but with less productive soils; and to areas bordering the Agriculture-Conservation (AG-1) District. It is further intended that the Agricultural-Reserve District shall serve as a secondary district for conservation of off-site open space under the Planned Unit Development (PUD) option.

It is further recognized that private rural outdoor recreational activities (such as hunting, fishing, hiking, equestrian, and similar activities) and certain value-added services and agricultural-

support uses are necessary to support local agricultural activities and the rural economy of the Township. Accordingly, it is the intent of this District to promote agricultural and private outdoor recreational uses as an important component of the local economy, and to allow for a limited range of agriculture oriented tourism, educational, and commercial uses, subject to standards designed to minimize impacts on the Township's rural character.

Section 2.105 Rural Residential (R-1) District.

The Rural Residential (R-1) District is hereby established to provide an area for single-family, non-farm residential development within a rural environment. The District is intended to be applied in accordance with the Township Master Plan to areas suitable for the use of on-site wells of safe water quality, with lots of sufficient size to permit the use of privately-owned and operated septic tanks and drain fields for sewage disposal. This District is designed to provide a rural residential character and is intended to be used in those parts of the Township where public or publicly owned sanitary sewer and water facilities are not planned to be extended.

Section 2.106 Urban Residential (R-2) District.

The Urban Residential (R-2) District is hereby established to meet the varied housing needs of Township residents by providing locations for a variety of non-farm dwelling types at a higher density than that provided in other areas of the Township. The District is intended to be applied in accordance with the Township Master Plan to limited locations suitable for the orderly and efficient extension of publicly-owned and operated sanitary sewers and water services, such as locations within the defined growth areas of the abutting municipalities of Maybee, Dundee and Milan.

It is further intended that the Urban Residential District shall serve as the primary receiving district for development rights transferred from off-site open space preserved under the Planned Unit Development (PUD) option.

Associated uses and facilities that serve the residents in the district (including educational, cultural and religious land uses, parks and playgrounds) shall also be provided within a primarily residential environment. In addressing these housing needs, the Urban Residential District should be designed and located in consideration of the following objectives:

1. Uses in this District shall be provided with necessary public services and utilities, including public water or sanitary sewer services, usable outdoor space, and a well-designed internal road network.
2. Uses in this District shall be designed to be compatible with nearby residential, recreational, and agriculture areas.
3. Uses in this District shall have direct access to a county primary collector or arterial road.

Uses in this District shall be subject to appropriate design, density and development standards (including density, bulk, setback and separation standards, and provisions for sufficient light, air, and privacy) intended to reduce hazards to life and property, provide basic amenities, and ensure compatibility between land uses.

Section 2.107 Manufactured Housing Park (MHP) District.

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

The regulations and rules established by the State of Michigan (Mobile Home Commission Act, P.A. 96 of 1987, as amended) and the Manufactured Housing Commission govern all manufactured housing parks. Where regulations in this Article and Ordinance exceed the state law or general rules, they are intended to promote the health, safety and welfare of the Township's residents, and to ensure that manufactured housing parks are developed and maintained in a manner equivalent to the standards established by this Ordinance for comparable residential developments in the Township. Further, the district is intended to meet the needs of the different age and family groups in the Township, minimize hazards to life and property, and ensure sufficient provisions for light, air, privacy, recreation areas and basic amenities to serve the residents of the district.

Section 2.108 Convenience Commercial (C-1) District.

The Convenience Commercial (C-1) District is hereby established to provide suitable locations for retail, service, and professional office enterprises that serve a localized market area. Goods and services to be provided by establishments in this district are classified as "convenience", as distinguished from "comparison", goods and services, because they serve the day-to-day needs of a neighborhood or group of neighborhoods. With the exception of supermarkets, establishments in this district will generally be small in floor and site area.

This District is intended to provide a limited number of suitable locations for retail, service, and professional office and business establishments. The further intent of this District is to prohibit scattered or strip commercial development, minimize traffic congestion and the number of commercial driveways opening onto major streets, and improve public safety and convenience by limiting commercial uses to consolidated nodes of commercial activity as identified in the Township Master Plan.

Uses in this District shall be subject to appropriate design and development standards (including bulk, setback and separation standards; and provisions for sufficient light, air, and privacy) intended to reduce hazards to life and property, provide basic amenities, and ensure compatibility between land uses.

Section 2.109 Special Commercial (C-2) District.

The Special Commercial (C-2) District is hereby established to accommodate businesses that sell or service motor vehicles in addition to other more intense entertainment and auto-oriented commercial, retail, and service uses that generate large volumes of vehicular traffic, require substantial access for off-street parking and loading, or would otherwise be incompatible with local commercial districts or abutting residential or institutional uses.

Because of the types of uses permitted in the District, detailed attention must be focused on relationships with adjacent uses, site layout, building design, and vehicular circulation. The District should be limited in size and location to prevent potential nuisances and conflicts with incompatible uses and districts. Uses in this District shall be subject to appropriate design and development standards (including bulk, setback and separation standards; and provisions for sufficient light, air, and privacy) intended to reduce hazards to life and property, provide basic amenities, and ensure compatibility between land uses.

Section 2.110 Industrial-Research (I-R) District.

The Industrial-Research (I-R) District is hereby established for the purpose of permitting certain industries of a light manufacturing, office, research, laboratory, warehousing or wholesaling character to locate in planned areas of the Township where such uses would not have a detrimental impact on surrounding uses and districts. The focus of this district is to encourage the establishment of agribusiness-oriented service, research, and industrial facilities that complement the active agricultural uses in the Township.

The District is intended to be applied in accordance with the Township Master Plan to limited locations suitable for high intensity industrial, manufacturing, research, and technology-oriented land uses. To meet the purpose and intent of this district, certain land uses are prohibited; including uses that would create excessive or unusual danger of fire, explosion, toxicity, or exposure to radiation or other unusually noxious, offensive, unhealthy and harmful odors, fumes, dust, smoke, light, waste, noise or vibration.

Uses in this District shall be subject to appropriate design and development standards (including bulk, setback and separation standards; and provisions for sufficient light, air, and privacy) intended to reduce hazards to life and property, provide basic amenities, and ensure compatibility between land uses.

Section 2.111 Public/Semi-Public Services (PSP) District.

The Public/Semi-Public Services (PSP) District is hereby established for the purpose of accommodating dedicated areas of open space, government buildings and uses, institutional and recreational uses, and similar uses of a public service or institutional character, including areas for off-street parking as an accessory use to serve an abutting district that has developed without adequate off-street parking facilities.

Section 2.112 Flood Plain (FP) District.

Consistent with the letter and spirit of Act 246 of the Public Acts of 1945, the Township Board of London Township finds that potential growth, the spread of development, and increasing demands upon natural resources can have the effect of encroaching upon, despoiling, polluting or eliminating many of its watercourses and wetlands, and other natural resources and processes. The Township Board further finds that these natural resources and processes, if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreational, and economic assets to the current and future residents of the Township.

The Flood Plain (FP) District is hereby established for the purpose of significantly reducing hazards to persons and damage to property as a result of flood conditions in London Township, and to comply with the provisions and requirements of the National Flood Insurance Program, and rules promulgated by the Federal Emergency Management Agency (FEMA) and Michigan Department of Environmental Quality (MDEQ). The further objectives of this District are to:

1. Protect human life, health and property from the dangerous and damaging effects of flood conditions.
2. Minimize 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. Prevent private and public economic loss and social disruption as a result of flood conditions.
4. Maintain stable development patterns, and minimize the blighting influence of flood damage.
5. Ensure that the public has access to information indicating the location of land areas subject to periodic flooding.
6. Preserve the ability of floodplains to carry and discharge a base flood.

SECTION 2.200

GENERAL REQUIREMENTS AND STANDARDS

Section 2.201 Principal Uses and Special Uses.

In all districts, no structure or land shall be used or occupied, except in conformance with Section 3.02 (Table of Permitted Land Uses by District), and as otherwise provided for in this Ordinance. Special uses may be permitted in accordance with Section 3.02 (Table of Permitted Land Uses by District), subject to a public hearing and approval by the Planning Commission in accordance with the procedures and conditions defined in Section 12.02 (Special Uses).

Section 2.202 Prohibited Uses.

Uses that are not specifically listed as a principal or special use permitted by this Ordinance in a zoning district, or otherwise determined to be similar to a listed use, shall be prohibited in the district.

Section 2.203 Design and Development Requirements.

All uses shall comply with any applicable requirements of Article 5 (Use Standards), and all other applicable provisions of this Ordinance. No structure shall be erected, reconstructed, altered or enlarged, nor shall zoning permits be issued except in conformance with this Ordinance.

Section 2.204 District Boundaries.

The following rules shall be used in interpreting the boundaries shown on the Official Zoning Map:

1. Boundaries appearing to follow the centerline of a street or highway shall be interpreted to follow that centerline.
2. Boundaries appearing to follow a Township boundary line shall be interpreted to follow that boundary line.
3. Boundaries appearing to follow the exterior property lines of a platted subdivision shall be interpreted to follow those property lines.
4. Boundaries appearing to follow platted property lines shall be interpreted to follow those property lines.
5. Boundaries appearing to follow the exterior property lines of a planned unit development shall be interpreted to follow those exterior property lines.

6. Boundaries appearing to follow the centerline of a stream or the ordinary high water mark of a lake shall be interpreted to follow that centerline or ordinary high water mark.
7. Boundaries appearing to follow property lines, or interior or exterior section lines, shall be interpreted as following those property or section lines.

If the Zoning Administrator finds these standards inadequate to interpret the location of a zoning district boundary, or if a property owner wishes to dispute the Zoning Administrator's interpretation, the Zoning Board of Appeals may interpret the Zoning Map under the provisions of Section 17.06 (Interpretations).

Section 2.205 Zoning of Vacated Areas and Rights-of-Way.

All vacated areas and rights-of-way not otherwise designated shall be deemed to be in the same district as the immediately abutting land. Where the centerline of a road serves as a district boundary, the zoning district(s) shall be deemed to extend up to either side of the centerline.

ARTICLE 3 LAND USE TABLE

Section 3.01 Key Designations in Table of Uses.

SYMBOL	KEY	
P	Permitted Uses	Principal Uses
S		Special Uses
A		Accessory Use
[Blank]	Prohibited Uses in the District	

District Name	Symbol
Agricultural-Conservation	AG-1
Agricultural-Reserve	AG-2
Rural Residential	R-1
Urban Residential	R-2
Manufactured Housing Park	MHP
Convenience Commercial	C-1
Special Commercial	C-2
Industrial-Research	I-R
Public/Semi-Public Services	PSP
Flood Plain	FP

Section 3.02 Table of Permitted Uses by District.

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

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

Section 3.02 Table of Permitted Uses by District.

USES	SYMBOL	KEY	DISTRICTS										SUPPLEMENTAL USE STANDARDS
	P	Principal Use	AG-1	AG-2	R-1	R-2	MHP	C-1	C-2	I-R	PSP	FP	
	S	Special Use											
	A	Accessory Use											
	Prohibited Use												
ANIMAL AND AGRICULTURAL USES													
Farms for Production of Food, Feed or Fiber	P	P	P									P	Section 5.101
Farm-Based Tourism or Entertainment Activities	P	P	S										Section 5.102
Farm Markets, Produce Stands, and Feed Stores	P	P	P				P	P			P		Section 5.103
Farm Products Direct Marketing Business	P	P	P									P	
Farm Products Storage, Distribution, and Processing	A	A							P				Section 5.104
Garden Centers	S	S					P	P					Section 5.105
Greenhouses and Nurseries	P	P					P	P					Section 5.105
Kennels and Animal Shelters	P	S					P	P					Section 5.106
Livestock Production Facilities	P	P											Section 5.107
Private Riding Arenas and Boarding Stables	P	P	S									P	Section 5.109
Public or Commercial Riding Stables	S	S											Section 5.110
Veterinary Clinics	P	P					P	P					Section 5.111
RESIDENTIAL USES													
Accessory Dwellings	A	A	A	A			A	A					Section 5.201
Adult Foster Care Family Home or Small Group Home				P									
Adult Foster Care Large Group Home				S									Section 5.302
Bed and Breakfast Inns	S	S	S	S									Section 5.202
Child Day Care Homes, Family	P	P	P	P									
Child Day Care Homes, Group	S	S	S	S									Section 5.302
Child Foster Family Home or Family Group Home	P	P	P	P									
Farm Labor Housing	S	S		S									Section 5.203

Section 3.02 Table of Permitted Uses by District.

USES	SYMBOL	KEY	DISTRICTS										SUPPLEMENTAL USE STANDARDS
	P	Principal Use	AG-1	AG-2	R-1	R-2	MHP	C-1	C-2	I-R	PSP	FP	
	S	Special Use											
	A	Accessory Use											
	Prohibited Use												
Home Occupations listed in Section 5.204	A		A	A	A							A	Section 5.204
Home Occupations not listed in Section 5.204	S		S	S	S							S	Section 5.204
Manufactured Housing Parks						P							Section 5.205
Multiple-Family Housing and Two-Family Dwellings					S								Section 5.206
Senior, Assisted Living or Dependent Elderly Housing					S								Section 5.206
Single Family Dwellings, Detached	P		P	P	P							P	Section 5.207
State-Licensed and Other Managed Residential Facilities not otherwise listed in this table					S								
OFFICE, SERVICE, AND COMMUNITY USES													
Barber Shops, Beauty Salons and Nail Care							P	P					
Cemeteries											P		Section 5.301
Child and Adult Day Care Centers							P	P			P		Section 5.302
Fire and Police Stations, and Government Offices	P		P	P	P						P		
Funeral Parlors or Mortuaries							S	P					
Health Club or Fitness Center					A	A	P	P					
Hospitals and Urgent Care Centers							P	P			P		
Institutional Uses			S	S	S						P		Section 5.303
Medical, Osteopathic, Chiropractic, Therapeutic Massage, Optical or Dental Offices and Clinics							P	P	A	A			Section 5.306
Offices for Professional, Service or Administrative Uses							P	P	A				
Public Utility and Essential Service Uses	P		P	S	S	S	P	P	P	P	P	S	
Recreational Facilities, Private or Restricted Access			S	S	P	P							Section 5.304
Recreational Facilities, Publicly-Owned	P		P	P	P	P	P				P		
Recreational Vehicle Parks and Campgrounds	P		P	S			P						Section 5.305

Section 3.02 Table of Permitted Uses by District.

USES	SYMBOL	KEY	DISTRICTS										SUPPLEMENTAL USE STANDARDS
	P	Principal Use	AG-1	AG-2	R-1	R-2	MHP	C-1	C-2	I-R	PSP	FP	
	S	Special Use											
	A	Accessory Use											
	Prohibited Use												
Workshops or Studios								P	P	P			Section 5.306
COMMERCIAL USES													
Banks and Financial Institutions								P	P	A			
Car Washes								S	P				Section 5.401
Drive-In or Drive-Through Facilities								S	P				Section 5.402
Gasoline Service Stations								S	P				Section 5.403
Hardware and Building Supply Stores								P	P				
Hotels								P	P				
Laundromat and Dry Cleaners								P	P				
Manufactured Housing Sales							S	S	P				Section 5.404
Motor Vehicle Service Centers and Repair Stations								S	S	P			Section 5.403
Motor Vehicle, Recreational Vehicle, Boat or Similar Durable Goods Showroom, Sales or Rental Office								P	P				
Open Air Businesses, Outdoor Display Areas, and Dealership Sales Lots								S	S				Section 5.404
Pharmacies, Drugstores and Medical Supply Stores								P	P	A			
Restaurants and Food Service Establishments								P	P				
Retail Stores and COMMERCIAL USES not otherwise specified.								P	P				
Tavern, Pub, Brewpub, Cocktail Lounge or Night Club								S	P				
INDUSTRIAL, RESEARCH, AND LABORATORY USES													
Blacksmithing, Furniture or Cabinet Repair or Manufacture, Woodworking Shops, and Similar Uses			S	S							P		

Section 3.02 Table of Permitted Uses by District.

USES	SYMBOL	KEY	DISTRICTS										SUPPLEMENTAL USE STANDARDS
	P	Principal Use	AG-1	AG-2	R-1	R-2	MHP	C-1	C-2	I-R	PSP	FP	
	S	Special Use											
	A	Accessory Use											
	Prohibited Use												
Crematoriums, Blast Furnaces, Incinerators, Lumber Mills, Power Plants, and Similar Uses										S			Section 5.502
Distribution Facilities and Truck Terminals										S			
Feed or Flour Mills, Grain Elevators, Smoking, Curing or Packing Plants and similar Food Processing Uses	S									P			
Electroplating, Paint Mixing or Spraying, Metal Casting, Smelting, Plating, Dyeing or Similar Uses										S			
Fabrication or Assembly of Motor Vehicles, Recreational Vehicles, Boats, Trailers, Bicycles, Electronic Equipment, Manufactured/ Modular Housing, and Similar Products										P			
Hazardous Materials Storage										S			Section 5.501
Machine, Welding, and Sheet Metal Shops, Stone Finishing and Carving, and Similar Uses										P			
Manufacture, Compounding, Processing, Packaging, or Treatment of Cosmetics, Pharmaceuticals, Toiletries, Hardware, and Similar Products										P			
Manufacture of Products from Metals, Brick, Clay, Fabric, Glass, Shale, Tile, Terra Cotta, Bone, Leather, Paper, Plastics, Rubber or Similar Materials										P			
Manufacture, Processing, Production or Wholesale Storage of Chemicals, Petroleum or Paper Products, Cement, Lime, Gypsum, Glue, Soap, Soda, Compound, Salt, Potash or Similar Materials										S			Section 5.501 Section 5.502
Outdoor Storage, General										P			Section 5.504

Section 3.02 Table of Permitted Uses by District.

USES	SYMBOL	KEY	DISTRICTS										SUPPLEMENTAL USE STANDARDS
	P	Principal Use	AG-1	AG-2	R-1	R-2	MHP	C-1	C-2	I-R	PSP	FP	
	S	Special Use											
	A	Accessory Use											
	Prohibited Use												
Outdoor Storage and Dismantling or Recycling of Motor Vehicles, Recreational Vehicles, Boats, Manufactured Houses and Similar Items										S			Section 5.504
Research, Development, and Laboratory Facilities										P			
Self-Storage Warehouses										P			Section 5.505
Slaughter Houses, Rendering Plants, Stockyards or Similar Facilities	S									S			Section 5.506
Stamping Plants; Injection Molding, Shearing, Punching, and Automatic Screw Machines; Rolling Mills; and Similar Uses										S			Section 5.502
Warehouses and Non-Farm Bulk Indoor Storage										P			
OTHER USES													
Accessory Structures and Uses	A	A	A	A	A	A	A	A	A	A	A	A	Article 7
Adult Entertainment Uses and Sexually-Oriented Businesses									P				Section 5.601
Aircraft Landing Strips	S	S									S		Section 5.602
Composting Centers and Support Facilities	S	S									S		Section 5.603
Extractive Operations	S	S											Section 5.604
Off-Street Parking Lots	A	A	A	A	A	A	A	A	A	A	A		Article 9
Ponds for Farming, Landscaping or Recreation	P	P	P										Section 5.605
Public Works or Road Maintenance Yards										S	P		Section 5.503
Racetracks											S		Section 5.606
Stripping or Removal Operations		S											Section 5.607
Temporary Structures for Construction Purposes	P	P	P	P	P	P	P	P	P	P	P		

ARTICLE 4 DIMENSIONAL STANDARDS

Section 4.101 Table of Dimensional Standards by District.

STANDARDS			DISTRICTS									Supplemental Provisions or Exceptions	
			AG-1	AG-2	R-1	R-2	MHP	C-1	C-2	I-R	FP		PSP
Building Height	Maximum (feet)		35	35	35	40	see Section 5.205 (Manufactured Housing Parks)	40	35	45	35	40	Section 4.203
	Minimum (stories)		1	1	1	1		1	1	1	1	1	
Lot Standards	Minimum Frontage (feet)		330	165	165	80		100	100	150	660	100	Section 4.201
	Minimum Area (acres)		10.0 ¹	2.5	1.0	0.5				3.0	20.0		
Yard or Setback Standards (feet)	Minimum Front Yard		35	35	35	25		20	30	30	30	20	Section 4.202 Section 4.205
	Minimum Side Yard	One Side Yard	15	15	15	10		10	10	20	15	10	Section 4.203 Section 4.205
		Total of Two	50	50	50	25		20	20	50	50	20	
	Minimum Rear Yard		50	50	50	35	25	25	50	50	25	Section 4.205	
Minimum Building Separation (feet)			10	10	10	10	10	10	20	10	10		
Minimum Gross Floor Area (square feet/unit)			950	950	950					950			

1 Any homestead existing as of January 1, 1950 may be divided from a larger parcel although the divided lot has less than the minimum lot requirements of the district, provided it means the following:

- a. The homestead lot shall be at least 1 acre in size and have a minimum of 200 feet of road frontage
- b. The remaining land, if less than required in the zoning district must be kept in an agricultural state and not used for a residential dwelling.

District Name	Symbol
Agricultural-Conservation	AG-1
Agricultural-Reserve	AG-2
Rural Residential	R-1
Urban Residential	R-2
Manufactured Housing Park	MHP
Convenience Commercial	C-1
Special Commercial	C-2
Industrial-Research	I-R
Public/Semi-Public Services	PSP
Flood Plain	FP

SECTION 4.200 SUPPLEMENTAL PROVISIONS OR EXCEPTIONS

Section 4.201 Dwelling Unit Density and Minimum Lot Area.

In all zoning districts where RESIDENTIAL USES are permitted, development of new single-family detached dwellings shall conform to both the minimum lot area and minimum land area per unit requirements specified in this Article. For the AG-1 (Agricultural-Conservation) and AG-2 (Agricultural-Reserve) Districts, the separate minimum lot area and minimum land area per unit requirements are intended to protect prime farmlands and large parcels of land, while permitting limited development of a small number of rural residential dwellings on existing lots or under the provisions of Section 11.01 Residential Open Space Development Option).

In the AG-1 and AG-2 Districts, a single-family detached dwelling shall be permitted on a lot that conforms to the minimum lot area standards of the district, subject to the following:

1. **Creation of new lots.** Creation of new lots with less than the minimum required land area per unit for the zoning district shall be subject to review and approval in accordance with Section 11.01 (Residential Open Space Development Option).
2. **Existing lots of record.** Development of new dwellings on existing lots of record, as defined in Section 18.02 (Definitions), shall be subject to the following:
 - a. **Dwelling standards.** The dwelling shall conform to the standards of Section 5.207 (Single-Family Dwellings, Detached).
 - b. **Minimum Setback.** The lot shall conform to the minimum setbacks requirements for the zoning district.
 - c. **Zoning permit.** Zoning permit approval shall be required for new dwellings, per Section 1.06 (Zoning Permits).
 - d. **Outside agency approvals.** Proof of all required permits or approvals from Monroe County, Michigan Department of Environmental Quality (MDEQ), and other agencies with jurisdiction shall be provided to the Township prior to the start of construction.

Section 4.202 Front Yards.

Any required front yard area shall be used primarily for recreational and ornamental purposes, unless otherwise permitted by this Ordinance. No permanent structures shall be maintained within the required front yard, except porches, fences, and similar items. Front yards shall be further subject to the following:

1. **Corner lots.** Buildings and structures located on corner lots shall comply with the minimum front yard setback requirements from all road rights-of-way. Such lots shall be deemed to have two (2) front yards, for the purposes of this Ordinance.

2. **Double frontage lots.** Where a block of double frontage lots exists, one (1) road may be designated by the Zoning Administrator as the front road for all lots in the block. Otherwise, both frontages shall be considered front yards for purposes of this Ordinance.
3. **Waterfront lots.** Where a lot abuts or has direct frontage upon a lake or river, the yard abutting the lake or river shall be designated as the front yard for purposes of this Ordinance. Road frontage shall also be considered the front yard for the purposes of this Ordinance.

Section 4.203 Side Yards.

The Planning Commission may reduce or waive the required side yard setback for any principal building in the C-1 (Convenience Commercial) or C-2 (Special Commercial) Districts, subject to the following:

1. Verification from Township Building Official and Fire Chief that applicable state construction and fire code requirements can be satisfied.
2. The minimum required setback shall be provided where a wall facing an interior side lot line contains windows or other openings, and where the side yard abuts a RESIDENTIAL USE or residential zoning district.

Section 4.204 Height Exceptions.

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

1. **Exempt structures.** Farm buildings in any zoning district, and other non-residential structures accessory to ANIMAL AND AGRICULTURAL USES in the AG-1 (Agricultural-Conservation) and AG-2 (Agricultural-Reserve) Districts shall be exempt from the maximum height standards of this Ordinance.
2. **Exceptions.** Chimneys, steeples, elevator towers, stage scenery lofts, water towers, mechanical equipment and similar structures shall not be included in calculating the height of a principal building, provided that the total area covered by such structures shall not exceed twenty percent (20%) of the roof area of the building.

Section 4.205 Permitted Yard Encroachments.

Stairways, decks, porches, egress window wells, and similar projections shall be considered part of the principal building for purposes of determining yard and setback requirements. Limited projections into certain required yards shall be permitted as follows:

Projection	Yard	Restrictions
Air conditioners, transformers, generators, and similar types of ground-mounted equipment	Rear, Side	Not permitted in any required front yard.
Access drives and sidewalks	All	None
Egress Window Wells	All	May project up to three (3) feet into any required yard
Flagpoles	All	Flagpoles shall be set back a minimum of 20 feet from all lot boundaries and road rights-of-way
Handicapped access ramps	All	None
Propane tanks	Rear, Side	Not permitted in any required front yard
Signs	See Article 9 (Signs)	

SECTION 4.300 GENERAL DIMENSIONAL STANDARDS

Section 4.301 Standard Methods of Measurement.

When determining compliance with the provisions of this Ordinance, the following standardized method for measurement shall apply:

A. Grade.

Grade is the elevation from a recognized public thoroughfare as measured on a horizontal plane at right angles to its established centerline.

1. **Average grade.** The arithmetic mean of the lowest and highest-grade elevations within a defined area of a lot or parcel.
2. **Finished building grade.** The lowest point of intersection between the vertical plane of the exterior wall of a structure and the horizontal plane of the ground surface. Where the ground is not level, the grade shall be determined by averaging the finished grade for each face of the building.

B. Buildable Lot Area and Open Space Calculations.

Calculation of permitted residential densities and open space requirements shall be subject to the following:

1. No lot, parcel or portion thereof shall be used more than once in such calculation.
2. Lakes, ponds, state or federally regulated wetlands, retention basins, drain easements; public road right-of-ways and private road easements shall be included in calculations for buildable lot area.
3. Required front, side, or rear yard setback areas for individual dwellings, perimeter yard setbacks or buffer areas for other principal buildings and uses, and areas used for parking, loading or other accessory uses shall be excluded from area calculations for any open space requirement of this Ordinance.

C. Floor Area.

Measurements of floor area shall be based upon distance between exterior surface of enclosing walls and between centerlines of common partition walls for each living unit, and the following:

1. **Gross floor area (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, including a basement floor

area where more than one-half (½) of the basement height is above the established lot grade at the building.

2. **Usable floor area (UFA).** Eighty percent (80%) of the gross floor area of a building, or that portion of the building area, measured from the interior face of the exterior walls, intended for services to the public or to customers, patrons, clients or patients, and excluding areas intended for storage of merchandise, utility or mechanical equipment rooms or sanitary facilities (for example, the UFA of a restaurant includes the food preparation, dining and serving areas, but not the restrooms, freezer or pantry). Usable floor area shall have a minimum clear height of four (4) feet or more.

D. Calculations.

All measurements and calculations shall be rounded to the nearest integer, unless otherwise specified in this Ordinance.

Section 4.302 Area and Yard Regulations

No structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and area regulations of the district in which the structure is located:

A. Lot Standards.

1. New lots created after the effective date of adoption or amendment of this Ordinance shall comply with all dimensional standards (including gross lot area and width) of the zoning district where it is located.
2. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance.
3. Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located.
4. No yards in existence on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance.

B. Number of Principal Buildings per Single-Family Lot.

Only one (1) principal building shall be placed on a lot of record or parcel in a single-family residential district. In single-family condominium developments, only one (1) principal building shall be placed on each condominium lot, as defined in Section 18.02 (Definitions).

Section 4.303 Frontage and Access Required.

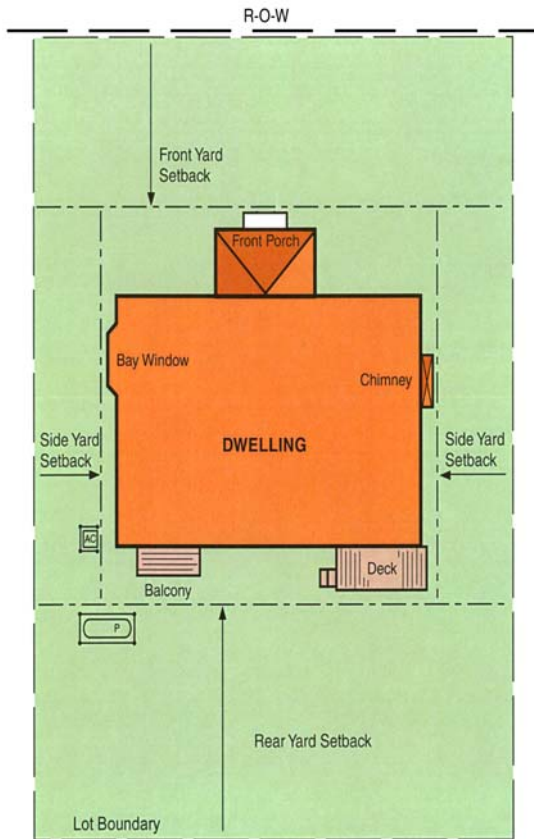
No dwelling shall be built on any lot that does not abut and have direct frontage on an approved road with a dedicated right-of-way. Indirect access via a dedicated private ingress/egress or access easement to a lot without direct road frontage shall not be sufficient to satisfy this requirement.

Section 4.304 Corner Clearance Areas

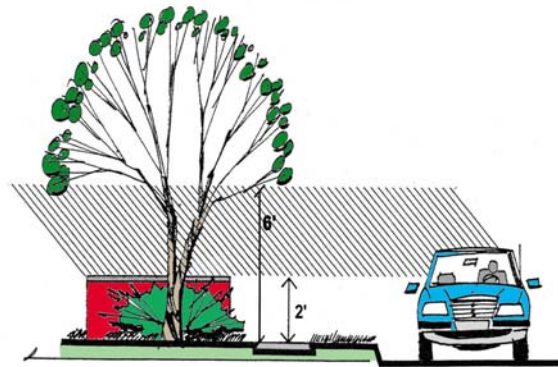
No structures, walls, fences, signs, landscaping or other obstructions to visibility shall be permitted between the heights of two (2) feet and six (6) feet above the existing road grade within a triangular area formed by the intersection of two road right-of-way lines connected by a diagonal across the interior of such lines at points 15 feet from the point of the intersection. (See illustration) as measured from the road right-of-way except for agricultural crops.

Trees shall be permitted in the triangular area provided that limbs and foliage are trimmed so that they do not obstruct visibility or otherwise create a traffic hazard.

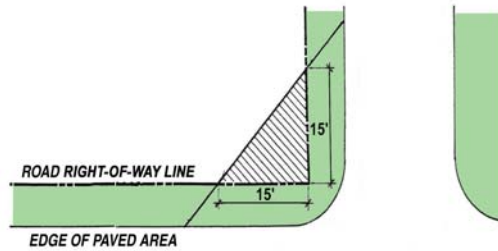
ILLUSTRATIONS



Permitted Building Projections
into Required Yards



ELEVATION VIEW



PLAN VIEW

Corner Clearance Area

ARTICLE 5 USE STANDARDS

Section 5.001 Intent.

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

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

Section 5.002 Scope of Regulations.

Conformance with these standards shall be subject to site plan review per Section 12.01 (Site Plan Review). Unless otherwise specified in this Article, all uses shall be subject to all applicable dimensional and use standards for the district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Section 6.301(Performance Standards).

Section 5.003 Organization.

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

- SECTION 5.100 ANIMAL AND AGRICULTURAL USES**
- SECTION 5.200 RESIDENTIAL USES**
- SECTION 5.300 OFFICE, SERVICE, AND COMMUNITY USES**
- SECTION 5.400 COMMERCIAL USES**
- SECTION 5.500 INDUSTRIAL, RESEARCH AND LABORATORY USES**
- SECTION 5.600 OTHER USES**

SECTION 5.100 ANIMAL AND AGRICULTURAL USES

Section 5.101 Farms for Production of Food, Feed or Fiber.

Farming operations, including raising of livestock and poultry, dairying, horticulture, farm forestry, sod farming, and similar bona fide agricultural enterprises for use of land and structures shall be subject to the following:

A. General Standards.

Raising of livestock in any zoning district shall be kept in accordance with the most current Generally Accepted Agricultural and Management Practices (GAAMP) for the Care of Farm Animals as adopted by the Michigan Department of Agriculture.

B. Raising of Livestock in the AG-1 and AG-2 Districts.

Raising or keeping of livestock shall be permitted in the AG-1 (Agricultural-Conservation) and AG-2 (Agricultural Reserve) Districts. For lots in the AG-1 and AG-2 Districts with two (2) acres or less of contiguous lot area, raising of livestock shall be subject to the following additional standards:

1. A shelter shall be provided with an appropriate fenced corral or pen sufficient to contain the livestock on the owner's property, which shall be set back a minimum of 50 feet from all lot boundaries.
2. The keeping of livestock shall not adversely impact ground and surface water quality of adjacent lots.
3. Construction or alteration of barns and outbuildings shall be subject to a building permit. Where such buildings abut a residential district or existing residential use, such buildings shall conform to minimum setback requirements for principal residential buildings in the zoning district.

C. Raising of Livestock in the R-1 District.

Raising of livestock in the R-1 (Rural Residential) District shall be limited to lots with a minimum of two (2) acres of contiguous lot area, subject to the following additional standards:

1. Cattle and other livestock of similar size and exercise requirements shall be limited to a maximum of one (1) animal per acre. The combined number of cattle, horses, ponies or other equines shall not exceed one (1) per acre.
2. Pigs, sheep, goats, llamas, and other livestock of similar size and exercise requirements shall be limited to a maximum of two (2) animals per acre.
3. Poultry shall be limited to a maximum of 35 animals per acre in any combination.

4. Minimum land area requirements shall not overlap, and shall be calculated separately for each type of animal.

Section 5.102 Farm-Based Tourism or Entertainment Activities.

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

1. Any sales and entertainment facilities shall have direct access to a state highway or county primary or secondary road by means of drives or roads that directly service the facility from the major or secondary thoroughfare.
2. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Section 12.01 (Site Plan Review). Such plan shall show the intended use and location of all buildings and structures, growing areas, parking facilities, roads and drives to be utilized by the public, pedestrian circulation, location of service areas for various facilities and transition plantings or screening devices.
3. Crop growing areas of a depth of not less than 200 feet shall be provided on those sides of the property not abutting the county primary road servicing the farm.
4. Greenbelt tree plantings or other effective visual screening shall be provided where off-site abutting residential properties are occupied with dwelling structures within 200 feet of any area on the site occupied with sales or entertainment facilities.
5. All parking shall be provided off the road right-of-way.
6. Noise levels shall not exceed 65 decibels at the property line of the farm where adjacent property has a dwelling unit within 200 feet of the property line nor shall it exceed a maximum of 75 decibels at any other property line.
7. Hours of operation of any outdoor entertainment facilities shall be limited to reasonable hours.

Section 5.103 Farm Markets, Produce Stands, and Feed Stores.

Farm markets, produce stands, feed stores and similar on-site farm product sales shall be subject to the following:

A. Roadside Stands.

Roadside stands up to 400 square feet in gross floor area shall be permitted accessory to any ANIMAL AND AGRICULTURAL USE, subject to the following:

1. A minimum of one (1) parking space shall be provided outside of the road right-of-way for each 100 square feet of space in the stand.

2. All signs used in connection with the use shall be temporary, and shall be removed when the stand is not in use. All signs shall comply with the requirements of Article 9 (Signs).
3. The stand shall be located a minimum of 50 feet from the nearest road pavement or improved surface. Such stands shall be portable, and shall be removed from its roadside location during seasons when it will not be in use.
4. All produce or products for sale shall be grown, produced, or made from produce grown or material produced on the property where the stand is located.

B. Farm Markets and Feed Stores.

Farm markets, feed stores and similar on-site farm product sales exceeding 400 square feet in gross floor area shall be subject to the following:

1. **Site plan review.** Such uses shall be subject to site plan approval per Section 12.01 (Site Plan Review), and shall conform with all parking, loading, screening, and other site development standards that apply to retail stores.
2. **Sale of produce.** A minimum of fifty percent (50%) of the produce or products offered for sale shall be grown or produced on land in the Township, or made from produce grown or material produced on land in the Township.
3. **Size.** Such uses shall be located within a completely enclosed building, which shall not exceed a maximum gross floor area of 10,000 square feet.
4. **Signs.** All signs shall comply with the requirements of Article 9 (Signs) for a non-residential use.

Section 5.104 Farm Products Storage, Distribution, and Processing Center.

All storage, distribution, and processing of farm products shall comply with the following:

1. Such uses shall not create a health or safety hazard or have deleterious impact on the surrounding area due to operation. Such uses shall also be maintained so that odor, dust, or noise shall not constitute a hazard to adjoining lots and uses.
2. Any outdoor storage areas shall be adequately screened and covered in compliance with Section 5.503 (Outdoor Storage, General).
3. The Planning Commission or Zoning Administrator may limit the hours of operation of an distribution or processing use located within 500 feet of a residential district.

Section 5.105 Greenhouses, Nurseries, and Garden Centers.

The following shall apply to greenhouses, nurseries, and garden centers:

1. **Setbacks.** Plant storage and display areas shall comply with the minimum setback requirements for the district in which the establishment is located.
2. **Storage.** The storage of soil, wood chips, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties and from access by small animals.

Section 5.106 Kennels and Animal Shelters.

Kennels and animal shelters shall conform to all applicable permit and operational requirements established by appropriate regulatory agencies, and shall further be subject to the following:

1. **Minimum lot area.** The lot on which any such kennel or animal shelter is located shall have a minimum lot area of one (1) acre. If more than four (4) animals are housed in the kennel or animal shelter, an additional one (1) acre shall be required for every additional ten (10) animals.
2. **Setbacks.** Structures or pens where animals are kept, outdoor runs, and exercise areas shall not be located in any required front yard setback areas. Such facilities shall be set back at least 300 feet from all road rights-of-way, and 100 feet from all side and rear lot boundaries.
3. **Screening.** Structures where animals are kept, outdoor runs and exercise areas shall be screened in accordance with Section 8.04 (Methods of Screening).
4. **Use standards.** Structures where animals are kept, outdoor runs and exercise areas shall have impervious surfaces and an approved system for runoff, waste collection, and disposal. Kennels and animal shelters shall be established and maintained in accordance with all applicable County and Township sanitation and animal control regulations.
5. **Additional conditions.** Such uses shall be subject to site plan approval per Section 12.01 (Site Plan Review). The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

Section 5.107 Livestock Production Facilities.

All new and expanding livestock production facilities involving more than 50 animal unit equivalents, as defined by the Michigan Department of Agriculture and the table below, shall be subject to the following:

Animal Type	Number of Animals Needed to Equal 50 Animal Units
Slaughter and Feeder Cattle	50
Mature Dairy Cattle	35
Swine, over 55 pounds	125
Sheep and Lambs	500
Horses	25
Turkeys	2,750
Laying Hens or Broilers	5,000
Animal classes or types not otherwise listed	50,000 pounds total live weight of all animals in the group

1. Such uses shall be subject to site plan approval per Section 12.01 (Site Plan Review).
2. New and expanding livestock production facilities shall comply with applicable Michigan Department of Agriculture (MDA) Generally Accepted Agricultural and Management Practices (GAAMP) for site selection and odor control.
3. All potential sites for new and expanding livestock facilities shall follow the MDA site selection review and verification process, and shall provide documentation from the MDA indicating that the facility conforms with the site selection and odor control GAAMP.
4. On-site disposal or slaughtering of animals shall be prohibited, except where the animals have been raised on the premises for consumption by residents of the premises.
5. Manure shall be stored in a manner that minimizes odor and run-off, in accordance with MDA accepted agricultural practices. Manure from confinement manure storage pits or holding areas shall be incorporated or disposed of in accordance with MDA accepted agricultural practices.

Section 5.108 Reserved

Section 5.109 Private Riding Arenas and Boarding Stables.

All stables and facilities for the private rearing, schooling and housing of horses, mules, ponies and similar riding animals shall be subject to the following:

1. The lot area shall not be less than five (5) contiguous acres under single ownership.
2. Any building, pen, run, corral or other structure or permanent facilities or areas where horses are kept or confined shall be set back a minimum of 200 feet from any dwelling on an adjacent lot and 100 feet from all adjacent lot boundaries.
3. Such facilities or areas shall not be located within any required front yard setback, and shall be located no closer to any road rights-of-way than rear building line of the dwelling on the subject lot.
4. A fenced area where the horse or horses are allowed to feed, exercise, or be ridden or under harness may extend to the front, rear or side lot lines. All horses shall be kept confined within a fenced area when not being ridden, under harness, or in hand or when not in their building, pen, run, corral or other structure or permanent area.
5. There shall be no commercial activity, other than an isolated sale not unusual for a residential use.
6. Zoning permit approval shall be required, per Section 1.06 (Zoning Permits). No formal site plan shall be necessary unless otherwise required by this Ordinance. A plot plan shall be submitted to the Zoning Administrator with the following:
 - a. Lot identification, (address and property card number), size of lot, and dimensions of lot boundaries.
 - b. The location and names of abutting roads, streets, and alleys.
 - c. Existing site improvements and proposed modifications, and location of any structures on adjacent lots within 100 feet of the subject lot.
 - d. A maintenance agreement for property upkeep.

Section 5.110 Public or Commercial Riding Stables.

Public or commercial riding stables and academies for the rearing, schooling and housing of horses, mules, ponies and similar riding animals available or intended for use by the public or for compensation shall be subject to the following:

1. The rearing and housing of horses, mules, ponies, and other similar equine animals for a fee, shall be required to provide a land area of at least 20 acres, and not less than one (1) acre per animal on the premises.
2. Any paddock, building, pen, run, or corral shall be set back a minimum of 200 feet from any dwelling or principal building on an adjacent lot, and 100 feet from any

adjacent lot boundary or road right-of-way. Fenced areas where the animals are allowed to feed, exercise or be ridden, in hand or under harness may extend to the lot boundaries and road right-of-way.

3. Sufficient off-street parking shall be provided, as determined by the Planning Commission.
4. Such uses shall be subject to site plan approval per Section 12.01 (Site Plan Review).

Section 5.111 Veterinary Clinics and Hospitals.

Veterinary clinics and hospitals shall comply with the following:

1. **Enclosure.** All activities shall be conducted within a completely enclosed building.
2. **Setbacks.** All buildings and outdoor pens or enclosures shall be set back at least 50 feet from all road rights-of-way, residential districts, and existing residential uses.
3. **Treatment Facilities.** Keeping of animals overnight shall be limited to the interior of the principal building. Treatment of non-domesticated animals is permitted. Any overnight care facilities shall meet the requirements for commercial kennels in Section 5.106 (Kennels and Animal Shelters).
4. **Use standards.** Operation shall include proper control of animal waste, odor, and noise. Outdoor exercise areas shall be enclosed by a six (6) foot high solid fence, per Section 6.102 (Fences).

SECTION 5.200 RESIDENTIAL USES

Section 5.201 Accessory Dwellings.

It is the intent of this Section to permit accessory dwellings within principal single-family dwellings in the AG-1 (Agricultural-Conservation), AG-2 (Agricultural Reserve), R-1 (Rural Residential), and R-2 (Urban Residential) Districts for the purpose of accommodating the desire of some senior citizens, family groups, and other persons with special needs for private housing close to relatives, and to provide for additional housing accessory to ANIMAL AND AGRICULTURAL USES.

It is further the intent of this Section to permit dwellings accessory to OFFICE AND SERVICE USES or COMMERCIAL USES in the C-1 (Convenience Commercial) and C-2 (Special Commercial) Districts, subject to specific standards designed to preserve the predominantly commercial character of these districts.

The standards of this Section are designed to prevent the undesirable proliferation of multiple-family buildings in predominantly single-family areas of the Township, and to preserve the character and appearance of principal buildings that include one or more accessory dwelling units. Accessory dwellings shall be subject to the following standards:

A. Zoning Permit Required.

The creation or expansion of accessory dwellings shall be subject to review and approval of a zoning permit by the Zoning Administrator per Section 1.06 (Zoning Permits). The Zoning Administrator may require submittal of floor plans, building elevation drawings, and a plot plan of the lot to verify conformance with the standards of this Ordinance. For dwellings using privately-owned well or septic facilities, proof of adequate system capacity shall be provided to the Township for the accessory unit(s).

B. Accessory to Detached Single-Family Dwellings.

The following shall apply to dwelling units accessory to detached single-family dwellings in the AG-1 (Agricultural-Conservation), AG-2 (Agricultural Reserve), R-1 (Rural Residential), and R-2 (Urban Residential) Districts:

1. The number of permitted accessory dwellings shall be limited as follows:
 - a. **AG-1 and AG-2 Districts.** A maximum of two (2) accessory dwelling units shall be permitted per principal dwelling.
 - b. **R-1 and R-2 Districts.** A maximum of one (1) accessory dwelling unit shall be permitted per principal dwelling.
 - c. **Land area per dwelling unit.** Each principal and accessory dwelling unit on the zoning lot shall conform to the minimum land area requirements for the zoning district, as specified in Article 4 (Dimensional Standards).
2. All accessory dwelling units shall be located entirely within the principal building. Accessory dwelling units shall be prohibited in any detached accessory structures.

3. The exterior of the principal building shall remain unchanged, so that it does not give the appearance of being divided into separate units. Access to an accessory dwelling unit shall be limited to a common front foyer, or a separate entrance door on a side wall. The use of exterior stairways to provide access to upper floor accessory dwellings shall be prohibited.
4. Accessory dwelling units shall have a minimum gross floor area of 450 square-foot, and shall not occupy more than twenty five percent (25%) of the principal building's gross floor area.
5. The principal building shall be the primary and permanent legal residence of the owner(s) of the property. The owner(s) of the property shall occupy a minimum of 1,500 square feet of gross floor area within the principal building. Permitted accessory dwelling units shall be clearly secondary to the use of the dwelling as a residence.

C. Accessory to Office and Services Uses or Commercial Uses.

The following shall apply to dwelling units accessory to OFFICE AND SERVICES USES or COMMERCIAL USES in the C-1 (Convenience Commercial) and C-2 (Special Commercial) Districts:

1. Accessory dwelling units shall be located within or attached to the principal building, and shall occupy no more than fifty percent (50%) of the gross floor area of the building.
2. Each accessory dwelling unit shall have separate kitchen, bath, and toilet facilities and a private entrance. Where there is more than one (1) accessory dwelling unit in a building, such entrances may be provided from a common hallway.

Section 5.202 Bed and Breakfast Inns.

Bed and breakfast inns shall comply with the following:

1. **Primary residence.** The structure shall be the primary and permanent residence of the bed and breakfast inn operator. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the establishment.
2. **Guests.** Guests may stay no longer than 14 days in succession or a total of 60 days in any 12 month period. Off-street parking areas shall be provided for all guests and shall not be located in any required front yard. Stacking of more than two (2) vehicles in a driveway is prohibited.
3. **Screening.** Screening shall be provided between adjacent residences and parking areas or any outdoor eating area, in accordance with Section 8.04 (Methods of Screening).
4. **Limitations.** A bed and breakfast inn shall have direct access to a public road. Bed and breakfast inns shall be prohibited on lots abutting and with primary

access to private roads, and on lots located in a platted subdivision or a site condominium project.

5. **Use standards.** The following additional use standards shall apply to all bed and breakfast inns:
 - a. There shall be no separate kitchen facilities for the use by bed and breakfast guests.
 - b. Bed and breakfast inns shall be limited to a maximum of four (4) sleeping rooms.
 - c. A bed and breakfast operation shall provide a minimum of one (1) full bathroom facility for the owner, plus one (1) separate full bathroom facility for each two (2) permitted sleeping rooms.
 - d. The location of exits, emergency exit routes, and tornado protection locations should be clearly posted on the interior of each guest room door.
6. **Approval.** Bed and breakfast inns shall be subject to site plan approval per Section 12.01 (Site Plan Review). The site plan application shall include floor plans with the following additional information:
 - a. Dimensions and floor areas of all rooms and areas to be used by guests (sleeping rooms, bathrooms, dining areas, etc.).
 - b. Locations of required exits, emergency exit routes, tornado protection locations, smoke detectors, and carbon monoxide detectors.

Section 5.203 Farm Labor Housing.

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

1. Farm labor housing shall conform to the standards for accessory dwellings [per Section 5.201 (Accessory Dwellings)] or multiple family housing [per Section 5.206 (Multiple Family Housing)], as appropriate to the type of construction proposed.
2. All structures for farm labor housing shall comply with the standards of Article 4 (Dimensional Standards) for the zoning district, and all provisions of state laws regulating farm labor or migrant labor housing.
3. Construction, expansion, and alteration of farm labor housing shall be subject to site plan approval per Section 12.01 (Site Plan Review).

4. Proof of all required outside agency permits and approvals for construction, expansion or alteration of farm labor housing Plans shall be provided to the Township, prior to the start of construction on the site.

Section 5.204 Home Occupations.

Home occupations shall be subject to the following:

A. Use Standards.

1. **Intensity of use.** Home occupations must be clearly incidental and secondary to the use of the dwelling as a residence. No more than twenty five percent (25%) of the habitable floor area of the dwelling and fifty percent (50%) of the floor area of any accessory structure may be used for the home occupation.
2. **Employment.** There shall be not more two (2) employees of the home occupation employed in the home occupation, other than the dwelling occupants.
3. **Customer or client visits.** A home occupation shall not generate more than ten (10) customer or client visits per day, or more than 20 customer or client visits per week. No more than two (2) customers or clients may be present at any given time.
4. **Commercial vehicle parking and deliveries.** Home occupations shall be limited to the parking or storage of three (3) commercial vehicle on the premises not exceeding a one (1) ton capacity, provided such vehicle is directly related the home occupation. In the R-1 and R-2 zoning district only one (1) vehicle not exceeding one (1) ton capacity shall be parked or storage on the parcel involved in a home occupation, provided such vehicle is directly related the home occupation. Delivery vehicles used to deliver goods to a home occupation are limited to automobiles, passenger vehicles, mail carriers and express package carriers.
5. **Hours of operation.** Customer or client visits, and deliveries associated with the home occupation shall be limited to between the hours of 7:00 a.m. and 8:00 p.m.

B. Permitted Home Occupations.

The following uses shall be permitted as home occupations.

1. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons and similar occupations.
2. Personal services, including hair or nail care, grooming, catering, and chauffeuring services.
3. Home office for a massage therapists, subject to the standards of Section 5.306 (Therapeutic Massage).

4. Music, dance, art and craft classes, tutoring, and studios for artists, sculptors, musicians and photographers.
5. Workshops for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and wood-working.
6. Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.
7. Any home occupation not specifically listed may be permitted as a special land use, subject to the provisions of this Section and Section 12.02 (Special Uses).

C. Prohibited Uses.

The following uses are expressly prohibited as a home occupation:

1. Motor vehicle, recreational vehicle or boat repair, bump and paint shops, and salvage or storage yards.
2. Kennels and veterinary clinics.
3. Medical or dental clinics.
4. Retail sales of merchandise, and eating or drinking establishments.
5. Undertaking and funeral homes.
6. Adult uses and sexually-oriented businesses.
7. Uses similar to the above listed uses, or any use which would, in the determination of the Zoning Administrator, result in nuisance factors as defined by this Ordinance.

D. Prohibited Activities.

Home occupations shall not include:

1. Outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation.
2. The use of machinery, equipment or facilities not commonly incidental or accessory to a residential dwelling.
3. Changes or alterations to the character or appearance of the residence.
4. Use of any signs or outside displays on the premises, except as permitted for residential dwellings in Article 9 (Signs).
5. Parking that cannot be accommodated on the site.

Section 5.205 Manufactured Housing Parks.

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

A. Plan Review.

The preliminary plan for a manufactured housing park shall be submitted to the Township and reviewed by the Planning Commission in accordance with the application requirements and procedures specified in Section 11 of the Mobile Home Commission Act (P.A. 96 of 1987, as amended). The Planning Commission shall take action to approve or deny the preliminary plan, or approve the preliminary plan subject to conditions, within 60 days after the Township officially receives a complete and accurate application. The Planning Commission may table an application for further study, or to obtain additional information, provided that final action is taken within the 60 day review period. A copy of the state-approved final construction plan shall be submitted to the Township prior to the start of construction on the site.

B. Minimum Area for a Manufactured Housing Park.

The minimum parcel size for manufactured housing parks shall be 20 acres, excluding adjacent parcels proposed for expansion.

C. Minimum Manufactured Housing Site Size.

Manufactured housing parks shall be developed with a minimum manufactured housing site size of 5,500 square feet. Individual sites may be reduced to as small as 4,400 square feet, provided that for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured housing park residents. This open space shall be in addition to the minimum open space required under Section 5.205 K (Open Space), or the Manufactured Housing Commission rules.

D. Setbacks.

Manufactured houses shall comply with the following minimum setbacks:

1. For a home not sited parallel to an internal road, 20 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year.
2. For a home sited parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.
3. Ten (10) feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
4. 50 feet from any permanent building.
5. 100 feet from any baseball, softball or similar recreational field.

6. Seven (7) feet from the back of curb or edge of pavement for an internal road.
7. Seven (7) feet from an adjacent home site's parking space or off-site parking bay.
8. Seven (7) feet from a common sidewalk.
9. All mobile homes, accessory buildings and parking shall be set back not less than 20 feet from any manufactured housing park boundary line, except that a minimum setback of 50 feet shall be provided from the street rights-of-way of public streets abutting the park.
10. 50 feet from the edge of any railroad right-of-way.

E. Maximum Height.

The maximum height of any community or similar building in a manufactured housing park shall not exceed two (2) stories or 35 feet, whichever is less. Storage or service buildings shall not exceed one (1) story or 15 feet.

F. Roads.

Roads shall satisfy the minimum dimensional, design, and construction requirements in the Manufactured Housing Commission Rules. The main entrance to the park shall have access to a public road by a permanent easement, which shall be recorded by the developers. All roads shall be hard-surfaced.

G. Parking.

Each manufactured housing site shall be provided with two (2) parking spaces per the Manufactured Housing Commission Rules.

H. Common Storage Areas.

If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing park, adequate parking spaces for such vehicles shall be provided in a central or collective parking area. This area shall be in addition to the automobile parking requirements of this Section, and shall be adequately locked, fenced and permanently buffered.

I. Sidewalks.

Concrete sidewalks having a minimum width of three (3) feet shall be provided on at least one side of internal manufactured housing park roads. In addition, a five (5) foot wide concrete sidewalk shall be constructed along any public road abutting the manufactured housing park.

J. Accessory Buildings and Facilities.

1. Accessory buildings and structures, including park management offices, storage buildings, laundry facilities or community facilities, shall be designed and operated for the exclusive use of park residents.
2. Site-built buildings and structures within a manufactured housing park, such as a management office or clubhouse, and any addition to a manufactured house that is

not certified as meeting the standards of the U.S. Department of Housing and Urban Development (HUD) for manufactured houses, shall be constructed in compliance with applicable state building, electrical and fire codes and shall be subject to approval of appropriate permits and certificates of occupancy by the Township.

3. **Storage accessory to a manufactured home.** Storage shed with a maximum area of 144 square feet may be placed upon any individual manufactured home site for the storage of personal property. Such structures shall be constructed in accordance with applicable standards of the State Construction Code enforced by Monroe County. Except as otherwise noted in this Section, no personal property (including tires) shall be stored outside or under any manufactured home, or within carports which are open on any side. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted, so long as they are kept on either a finished wooden deck, a concrete or asphalt patio, or equivalent type of surface associated with the home.

K. Open Space.

Any manufactured housing park containing 50 or more manufactured housing sites shall provide a minimum of 25,000 square feet of dedicated and contiguous open space, which shall be shown on the preliminary plan. Any other open space areas or recreational improvements provided at the developer's option shall also be shown on the preliminary plan. This open space may include the two percent (2%) minimum open space requirement established in the Manufactured Housing Commission General Rules.

L. Perimeter Screening.

Where a manufactured housing park abuts an existing residential development, screening shall be provided along the boundary abutting the residential development. If the manufactured housing park abuts non-residential development, screening shall not be required.

M. Screening Along Public Rights-of-Way.

A landscaped screen shall be provided along all public roads abutting the manufactured housing park. This screen shall consist of evergreen trees or shrubs at least three (3) feet in height, planted so as to provide a continuous screen at maturity.

N. Alternative Screening.

Alternative screening devices may be utilized if they conceal the manufactured housing park as effectively as the required landscaping elements described above.

O. Parking Lot Landscaping.

Landscaped planting strips and islands shall be dispersed throughout all parking lots to direct traffic flow, create shade and break-up large expanses of pavement. Parking lot landscaping shall be subject to the following standards:

1. All landscaped areas shall be designed to ensure proper protection of the plant materials. Where adjacent to roads, driveway aisles, or parking areas, shall be

protected with concrete curbing. Plant materials used shall be hardy, salt-tolerant species characterized by low maintenance requirements.

2. The size and number of planting islands and proposed plantings shall be in scale with the overall site, and shall clearly define the egress/ingress points, interior circulation system and fire lanes. Landscaping shall not obscure traffic signs or lighting, access to fire hydrants or motorist sight-distance.
3. Planting islands shall have a minimum width of five (5) feet and a minimum area of 100 square feet. A minimum of one (1) deciduous shade tree shall be provided for each 100 square feet of planting area within the island. Ornamental trees, shrubs, mulch or groundcover shall be used to cover all unplanted areas of the island.

P. Trash Disposal.

The proposed method(s) and location(s) of trash storage and disposal shall conform to the requirements of Part 5 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Home Park Standards, and shall be identified on the preliminary plan.

Q. Awnings.

Awnings may be attached to any manufactured house. Awnings shall comply with the setback and distance requirements set forth in this Section, and shall require a permit.

R. Sewer Service.

Public sewer systems shall be required in a manufactured housing park, if available within 200 feet of the park boundaries at the time of preliminary plan approval. If a public sewer system is unavailable, the development shall connect to a state-approved sewage system.

S. Water Service and Storm Drainage Systems.

Water supply and drainage systems shall conform to the requirements of Part 2 – 4 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Home Park Standards.

T. Telephone and Electric Service.

All electric, telephone, cable TV, and other lines within the park shall be underground per the Manufactured Housing Commission Rules.

U. Fuel Oil and Gas.

Any fuel oil and gas storage shall be located in underground tanks, at a safe distance from all manufactured housing sites. All fuel lines leading to manufactured housing sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations.

V. Operational Requirements.

1. **Permit.** It shall be unlawful for any person to operate a manufactured housing park unless that individual obtains a license for such operation in compliance with the requirements of the Mobile Home Commission Act (P.A. 96 of 1987, as amended). The Zoning Administrator shall communicate recommendations

regarding the issuance of such licenses to the Director of the Bureau of Construction Codes and Fire Safety, Michigan Department of Labor and Economic Growth.

2. **Violations.** Whenever, upon inspection of any manufactured housing park, the Zoning Administrator finds that conditions or practices exist which violate provisions of this Section, the Zoning Administrator shall give notice in writing by certified mail to the Director of the Bureau of Construction Codes and Fire Safety, Michigan Department of Labor and Economic Growth, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance. This process shall be governed by Sections 17(2) and 36 of the Mobile Home Commission Act (P.A. 96 of 1987, as amended).

The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.

3. **Inspections.** The Zoning Administrator or other authorized Township agent is granted the authority, as specified in the Mobile Home Commission Act, P.A. 96 of 1987, as amended, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein.
4. **License.** A manufactured housing park shall not be operated until a license has been issued by the State of Michigan.

W. Sale of Mobile Homes.

The business of street selling new or pre-owned manufactured homes as a commercial operation in connection with the operation of a manufactured housing community shall be prohibited. The operator of a manufactured housing community, or designee, who is an authorized licensed manufactured home retailer or broker, is permitted to feature and sell in-park model homes to be located on a variety of sites within the manufactured housing community.

New or pre-owned manufactured houses located on sites within the manufactured housing park, to be used and occupied on that site, may be sold by a authorized licensed manufactured home retailer or broker, or by a resident of the manufactured housing park, provided the park's regulations permit such sale.

X. Mailbox Clusters.

The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least 200 feet from any intersection of a manufactured housing park road with a public road.

Section 5.206 Multiple-Family Housing.

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

A. General Standards.

1. **Frontage, access and vehicle circulation.** Multiple family developments shall have frontage on and direct vehicle access to a public road classified as a county primary road by the Township's Master Plan or the county road authority.
 - a. All interior roads, drives, and parking areas within a multi-family development shall be hard surfaced with asphalt, concrete or other paving materials approved by the Township. Roadway drainage shall be appropriately designed such that storm water from the roadway will not drain onto adjacent lots or across road rights-of-way.
 - b. Ingress-egress to parking facilities shall be arranged to minimize curb cuts directly onto the public road.
 - c. Such uses shall be screened from abutting single-family residential districts or uses in accordance with Section 8.04 (Methods of Screening).
2. **Pedestrian circulation.** Concrete sidewalks with a minimum width of five (5) feet shall be provided from all building entrances to adjacent parking areas, public sidewalks and recreation areas, along with barrier-free access ramps.
3. **Recreation areas.** Passive or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the neighborhood) shall be provided at a ratio of at least fifteen percent (15%) of the gross area of the development.
 - a. The minimum size of each area shall be 5,000 contiguous square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1).
 - b. Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.
 - c. Off-street parking areas, driveways, basins, ponds, and accessory uses or areas shall not be counted as required open space.
4. **Other requirements.** Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

B. Senior Housing and Independent Elderly Housing.

The following additional standards shall apply to senior and independent elderly housing:

1. **Minimum floor area.** Dwelling units within a building shall average 350 square feet in floor area (not including kitchen and sanitary facilities).
2. **Accessory uses.** Accessory retail, restaurant, office, and service uses may be permitted within the principal building(s) for the exclusive use of residents, employees and their guests. No exterior signs of any type are permitted for these accessory uses.

C. Nursing Homes, Assisted Living Facilities, and Dependent Elderly Housing.

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

1. **Minimum lot area.** The minimum lot area for such facilities shall be three (3) acres.
2. **Setbacks.** The principal building and all accessory buildings shall be set back a minimum distance of 40 feet from all lot boundaries.
3. **State and federal regulations.** Nursing homes, convalescent homes, rest homes, orphanages and halfway houses shall be constructed, maintained, and operated in conformance with applicable local, state, and federal laws.
4. **Accessory uses.** Accessory retail, restaurant, office, and service uses may be permitted within the principal building(s) for the exclusive use of residents, employees and their guests. No exterior signs of any type are permitted for these accessory uses.

Section 5.207 Single-Family Dwellings, Detached

Detached single-family dwellings, except manufactured housing units located in an approved and licensed manufactured housing parks, shall comply with the following standards:

A. General Standards for All Single Family Detached Dwellings.

1. All dwellings shall have a minimum width across all front, side, or rear elevations of 24 feet, and shall comply with the minimum floor area requirements of the zoning district in which they are located.
2. All dwellings shall be constructed or placed upon and anchored to a foundation that complies with the applicable provisions of the State Construction Code. A manufactured home may be installed and anchored pursuant to the manufacturer's setup instructions and the applicable Michigan Manufactured Housing Commission General Rules, provided that its wheels and towing mechanism have been removed and the undercarriage has been secured and screened from view with permanent skirting or similar measures.
3. Permanent steps, porches or barrier free access ramps shall be provided where there is a difference in elevation between a doorway and grade level.

4. Dwellings shall contain an indoor storage area within the dwelling or a separate accessory structure, which shall be equal to ten percent (10%) of the total residential floor area or 100 square feet, whichever is less.
5. All dwellings shall be connected to a privately-owned and operated well and septic system approved by the Monroe County Health Department, or to a publicly-owned and operated water supply and sanitary sewer system.
6. New construction and additions to existing dwellings shall conform to all requirements of this Ordinance.

SECTION 5.300 OFFICE, SERVICE, AND COMMUNITY USES

Section 5.301 Cemeteries.

Cemeteries and similar uses shall be subject to the following:

1. **Minimum lot area.** The minimum lot area for any new cemetery shall be ten (10) acres.
2. **Ingress and egress.** All access shall be provided from a public road classified as a county primary road by the Township's Master Plan or county road authority.
3. **Screening.** All sides of the cemetery shall be secured by a continuous fence or wall, and screened from abutting residential districts or existing residential uses per Section 8.04 (Methods of Screening).
4. **Setback.** All crypts, mausoleums, and other buildings containing bodies or remains, other than a subterranean grave, shall be located at least 100 feet from the nearest lot boundary.
5. **Continuity.** The location shall not disrupt the convenient provision of utilities to adjacent properties, nor disrupt the continuity of the public road system.
6. **Compliance.** An approved cemetery shall comply with all federal, state and local laws, and applicable regulations of the State of Michigan.

Section 5.302 Child Day Care Centers, Group Child Day Care Homes, and Adult Foster Care Large Group Homes.

The following regulations shall apply to group day care homes, child day care centers, and adult foster care large group homes:

A. Licensing.

In accordance with applicable state laws, all child care facilities shall be registered with or licensed by the State of Michigan, and shall comply with the minimum standards outlined for such facilities.

B. Outdoor recreation Area.

A minimum of 150 square feet of outdoor recreation area shall be provided and maintained per person at the licensed capacity of the facility, provided that child day care centers shall provide a minimum 5,000 square foot outdoor recreation area.

C. Pick-up and Drop-off.

Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children or adults, in a manner that minimizes pedestrian-vehicle conflicts, and allows maneuvers without affecting traffic flow on the public road.

Such uses shall have frontage on, and direct vehicle access to a public road classified as a county primary road by the Township's Master Plan or county road authority.

D. Separation Requirements.

New group child day care homes shall be located a minimum of 1,500 feet from any other state licensed residential facility, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood or the Township overall.

E. Hours of Operation.

Day care facilities in the AG-1, Ag-2, R-1, and R-2 districts or accessory to a residential use shall not exceed sixteen (16) hours of operation during a twenty-four (24) hour period.

Section 5.303 Institutional Uses.

The following shall apply to all educational, social and religious institutions, public and private elementary and secondary schools, institutions for higher education, auditoriums, and other places for assembly, and centers for cultural activities:

A. Height of Structure.

The maximum height of the principal building shall be permitted to exceed the maximum height requirements of the district up to a maximum height of 50 feet, provided that the minimum required front, side and rear yard setbacks shall be increased to equal the height of the building wall abutting each yard.

The highest point of chimneys, stage towers of scenery lofts, church spires, cupolas, and domes may be erected to a height not exceeding twice the height of the building, provided that no such structure shall occupy more than twenty percent (20%) of the roof area of the building.

B. Frontage and Access.

Institutional uses shall have frontage on, and direct vehicle access to a public road classified as a county primary road by the Township's Master Plan or county road authority.

Section 5.304 Private Recreational Facilities.

Private parks and recreational facilities shall be subject to the following:

A. General Requirements.

Structures associated with such uses as private parks, country clubs, golf courses, golf driving ranges, gun clubs and other familiar recreational facilities operated for a profit shall be located at least 250 feet from a lot line or any adjacent residence or residential district and all ingress and egress from said parcel shall be directly onto a major thoroughfare.

All primary activities associated with such operations and conducted out-of-doors or fashion that would create significant or undue disturbance to adjacent uses shall be limited to hours of operation that shall not exceed 7:00 a.m. to 10:00 p.m., unless approval for an extension of that period is obtained from the London Township Board of Appeals.

Construction, expansion, and alteration of private recreational facilities shall be subject to site plan approval per Section 12.01 (Site Plan Review).

B. Gun Clubs and Shooting Ranges Regulations.

The following additional standards shall apply to all gun clubs and shooting ranges:

1. All such facilities must be situated on a parcel of land not less than ten (10) acres in area and having a minimum of three hundred and thirty (330) foot road frontage.
2. Such parcel of land must be adequately fenced, that being a fence of at least four (4) feet in height, and posted through both symbol and written statement so as to inform the public of the nature of the facility at frequent intervals not to be greater than 50 feet apart.
3. Design and operation of such facility shall also be in accordance with specifications and practices outlined in the "Current National Rifle Association Standards".

C. Golf Course Regulations.

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

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

Section 5.305 Recreational Vehicle Parks and Campgrounds.

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

1. **Lot area.** Minimum site area shall be five (5) acres.
2. **Screening and security.** The Planning Commission may require a fence up to six (6) feet in height around the perimeter of the site, and may require screening from road rights-of-way and abutting residential uses in accordance with Section 8.04 (Methods of Screening).
3. **Setbacks.** Structures and areas designated for camping shall be located a minimum of 100 feet from all lot boundaries. The storage of vehicles not set up

for occupancy shall be located a minimum of 200 feet from all lot boundaries, and shall be screened in accordance with Section 8.04 (Methods of Screening).

4. **Additional standards.** Campgrounds shall comply with all applicable county and state regulations. Each campsite shall either be provided with individual water and sewer hookups approved by the Monroe County Health Department, or shall have convenient access to approved bathrooms, toilets, and shower facilities.
5. **Access.** Recreational vehicle parks shall have direct frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan or county road authority.
6. **Parking.** The site shall include adequate vehicle access and parking facilities. All parking for campgrounds and recreational vehicle parks shall be set back a minimum of 40 feet from any residential district.
7. **Use standards.**
 - a. **Temporary residency.** Campgrounds and recreational vehicle parks shall be for seasonal recreation use only. This provision shall not apply to the manager or caretaker.
 - b. **Impact on surrounding uses.** The location, layout, design, or operation of campgrounds and recreational vehicle parks shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby lots. Such uses shall not generate excessive noise, odors, dust, or other impacts that impair the continued use and enjoyment of adjacent lots.
 - c. **Accessory retail facilities.** Limited retail uses shall be permitted accessory to a campground or recreational vehicle park, provided that such uses are designed to serve only campground or park patrons.

Section 5.306 Therapeutic Massage.

Massage therapy clinics and uses shall be subject to the following conditions:

1. Massage therapy services shall be permitted as a use accessory to hospitals, nursing homes, and medical clinics or offices. Massage therapy shall also be permitted as a principal use in the C-1 (Convenience Commercial) and C-2 (Special Commercial) Districts.
2. All massage therapists shall be licensed (where such licenses are available), and shall be certified members of the American Massage and Therapy Association or International Myomassethics Federation. Proof of such licenses or certifications shall be provided to the Township.
3. All activities that meet the definition of an adult use or sexually oriented business shall be prohibited.

SECTION 5.400 COMMERCIAL USES

Section 5.401 Car Washes.

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

A. Use Standards.

1. All washing facilities shall be completely within an enclosed-building, and exit lanes shall be sloped to drain water back to the wash building or to drainage grates.
2. Steam used in the cleaning process shall be contained within an enclosed building.
3. Vacuuming facilities shall be prohibited within the front yard, and shall be set back a minimum of 100 feet from any RESIDENTIAL USE.

B. Ingress/Egress.

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

1. Ingress and egress points shall be located no closer than 60 feet from the intersection of any two (2) public roads.
2. Public roads shall not be used for maneuvering or parking by vehicles to be serviced by the car wash. Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent public road.
3. All maneuvering areas, stacking lanes, and exit aprons shall be located within the car wash lot.

C. Screening.

Screening shall be required from adjacent RESIDENTIAL USES per Section 8.04 (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.

Section 5.402 Drive-in or Drive-through Facilities.

Drive-in and drive-through lanes, facilities or establishments shall be set back a minimum of 100 feet from abutting RESIDENTIAL USES. Screening shall be required from adjacent RESIDENTIAL USES per Section 8.04 (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment. Driveways serving a drive-in or drive-through facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads.

Section 5.403 Motor Vehicle Service Centers and Repair Garages, and Gasoline Service Stations.

The following regulations shall apply to automobile, truck and other motor vehicle fueling (gas) stations, repair garages, and service centers:

A. Use Standards.

1. **Repair and service use limitations.** All equipment and service bays, hoists, pits, and other facilities shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building. Repair stations shall not be permitted on sites immediately adjacent to any adjacent RESIDENTIAL USE.
2. **Noise and odors.** There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of odors. Building walls facing any residential districts or uses shall be of masonry construction with sound proofing.
3. **Traffic impacts and pollution prevention.** The applicant shall submit a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shut off valves.
4. **Storage.** The storage, sale, rental or display of new, used, inoperable, wrecked or partially dismantled automobiles, trucks, trailers, and any other vehicles, vehicle components and parts, materials, commodities, supplies or equipment on the premises is prohibited except in conformance with the requirements of this Section and Ordinance:
 - a. Outdoor storage shall be prohibited accessory to a fueling (gas) station, unless separate approval has been granted for a vehicle repair use.
 - b. Suitable containers shall be provided and utilized for the disposal of used parts or materials, which shall be stored at least 18 inches above the ground and such containers shall be screened from public view.
 - c. Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more than 60 days. Such storage shall not occur in front of the front building line. Such inoperative vehicles shall not be sold or advertised for sale on the premises.

B. Pump Island Canopy.

All lighting fixtures under the canopy shall be fully recessed into the canopy structure. The Planning Commission may permit a maximum intensity of 20.0 footcandles for lighting under the canopy as part of site plan approval, provided that site lighting is otherwise in compliance with Article 10 (Exterior Lighting). The proposed clearance of any pump island canopy shall be noted on the site plan, along with any signs, logo or identifying paint schemes on the canopy.

C. Lot and Setback Standards

1. **Minimum lot area.** The minimum lot area for such uses shall be 15,000 square feet.
2. **Minimum lot width.** The minimum lot width for such uses shall be 150 feet.
3. **Minimum setbacks.** Buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of 40 feet shall be maintained on all sides that abut a residential district or RESIDENTIAL USE.
4. **Minimum setback from road rights-of-way.** Pump islands and canopies shall comply with the following requirements:
 - a. Nearest Edge of Pump Island: 25 feet
 - b. Nearest Edge of Unenclosed Canopy: 20 feet

D. Ingress and Egress.

Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives or traffic generated by other buildings or uses. The maximum widths of all driveways at the right-of-way line shall be 30 feet, and all driveways shall be located no closer than 60 feet from the intersection of any two (2) public roads.

E. Screening.

All wrecked or damaged vehicles shall be screened from public view, and shall not be parked or stored within any front yard area. Open service bays and overhead doors shall not face towards an adjacent residential district or RESIDENTIAL USE unless screened in accordance with Section 8.04 (Methods of Screening). Outdoor storage of parts or materials shall be screened in accordance with Section 8.04 (Methods of Screening).

Section 5.404 Outdoor Sales or Display Areas.

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

A. Use Standards.

1. **Broadcasting Devices Prohibited.** Devices for the broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.
2. **Location.** The location of all sales activity and the display of all merchandise shall be maintained in the area specified on an approved plan. No sales activity or display of merchandise shall be permitted in the public right-of-way or any required setback.
3. **Hours of operation.** Where the use abuts a residential district, the maximum hours of operation shall be limited to between the hours of 9:00 a.m. and 9:00

p.m., Monday through Friday; and between 10:00 a.m. and 5:00 p.m. on Saturdays.

B. Site Standards.

1. **Setbacks.** Outdoor sales or display areas shall be set back a minimum of ten (10) feet from any parking area, driveway or access drive, and 20 feet from any road right-of-way. No outdoor sales area shall be located within 50 feet of any residential district or use.
2. **Exterior lighting of outdoor sales or display area.** The Planning Commission may permit a maximum intensity of 20.0 footcandles for lighting within the outdoor sales or display area, provided that site lighting is otherwise in compliance with Article 10 (Exterior Lighting).
3. **Signs.** Additional signs shall not be permitted beyond those permitted for the principal use.
4. **Sidewalk standards.** The proposed activity shall be located so as to ensure safe vehicular and pedestrian circulation.
5. **Grading, surfacing, and drainage.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to effectively dispose of or retain surface waters.
6. **Screening.** Such sales or display area shall be screened from adjacent residential districts in accordance with Section 8.04 (Methods of Screening).

SECTION 5.500 INDUSTRIAL, RESEARCH, AND LABORATORY USES

Section 5.501 Hazardous Materials Storage.

Such uses shall comply with all standards of this Ordinance, and all standards established by the U.S. Environmental Protection Agency, U.S. Department of Agriculture, Michigan Department of Environmental Quality, Michigan State Police, Monroe County Health Department, and other agencies with jurisdiction. The applicant must supply the following documentation with any plan submitted for review:

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

Section 5.502 Intensive Industrial Operations.

Intensive industrial operations shall be subject to the following:

1. **Setbacks and screening.** Sites shall not be located within 500 feet of any residential district or use, and shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening).
2. **Parking and loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
3. **Impact assessment.** The applicant shall submit an impact assessment describing the expected impacts associated with the use and any mitigation measures to be employed.

Section 5.503 Outdoor Storage, General.

Outdoor storage of equipment, products, machinery, lumber, landscaping and building supplies or similar items shall be subject to the following:

1. **Screening.** The storage area shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height, per Section 6.102 (Fences). The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening).
2. **Setbacks.** Any storage area shall comply with the minimum setback requirements for the district in which the facility is located, and no storage shall be permitted in any required setback areas.
3. **Use standards.**
 - a. No junk or junk vehicles shall be stored.
 - b. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent properties.
 - c. Any outside storage area shall be paved or surfaced with hard surface material, and shall include an approved storm water drainage system.
 - d. No trailer, manufactured home or truck trailer shall be stored or used for storage.
 - e. No materials shall be stored above the height of the required wall or fence.
 - f. In no case shall used oil or other petrochemicals be dumped or stored, except at an authorized waste oil recovery facility.

Section 5.504 Outdoor Storage, Dismantling or Recycling of Motor Vehicles, Recreational Vehicles, Boats, Manufactured Houses, and Similar Items.

Junkyards, salvage yards, and similar outdoor vehicle storage, dismantling or recycling facilities shall be subject to the following:

1. The storage area shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height, per Section 6.102 (Fences). The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening). Strips of metal, plastic or other materials inserted into wire fences shall not be permitted in any fence.
2. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening). Such uses shall have

frontage on and direct vehicle access to a public road classified as a county primary road by the Township's Master Plan or the county road authority.

3. Junk materials shall not be stored in piles higher than the top of the fence surrounding the junkyard. Automobiles, trucks, and other vehicles shall not be stacked so as to prohibit fire protection or to interfere with or threaten the safety of visitors.
4. Junk materials shall be stored in organized rows with open intervals at least 20 feet wide between rows for purposes of fire protection access and visitor safety. The junkyard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects or other vermin.
5. The junk yard, when established and located within 1,000 feet of any existing residential district or Residential Use, as measured on a straight-line distance, shall not be operated at any time other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays; between 7:00 a.m. and 12:00 noon on Saturdays. In addition, sale activities only are allowed on Saturdays between 12:00 noon and 8:00 p.m. Sundays from 9:00 a.m. to 6:00 p.m., and weekdays from 6:00 p.m. to 8:00 p.m.
6. Burning shall be prohibited except within an enclosed incinerator approved by the Township Fire Chief, the Township Building Inspector, and the County Health Department.
7. All flammable liquids contained in automobiles and other vehicles shall be drained immediately after such vehicles are brought to the junkyard. Such liquids shall be stored in containers approved by the Township Fire Chief.
8. There shall be not more than one (1) entryway from each public street that adjoins the junkyard. All drives, parking areas, and loading/unloading areas shall be paved, or chemically treated to limit windborne dust.

Section 5.505 Self-Storage Warehouses.

The following regulations shall apply to self-storage warehouses:

A. Lot Area.

The minimum lot area for mini-warehouses shall be two (2) acres.

B. Permitted Use.

Self-storage-warehouse establishments shall be limited to storage of household goods and non-hazardous commercial goods. Storage of recreational vehicles and recreational equipment shall be subject to the following:

1. Such storage shall be incidental to the main use of enclosed storage.
2. Such storage shall be located to the rear of the lot and subject to any additional screening as determined by the Planning Commission at site plan review.

3. All such recreational vehicle and equipment storage must be operable and licensed to operate on the highways of the State of Michigan.

C. Screening.

Sites shall be visually screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening).

D. Caretaker's Residence.

1. A caretaker's residence may be provided within the principal building as an accessory dwelling unit, or on the site as a detached single-family dwelling subject to Section 5.207 (Single Family Dwellings, Detached) and the dimensional standards of the R-1 (Rural Residential) District, as specified in Article 4 (Dimensional Standards).

E. On-Site Circulation.

All internal circulation routes shall be at least 24 feet wide.

Section 5.506 Slaughter Houses, Rendering Plants, Stockyards or Similar Facilities.

Such uses shall be subject to the following:

1. **Separation requirements.** The above uses shall be located at least 500 feet from any residential district or RESIDENTIAL USE.
2. **Sanitation requirements.** The waste and by-products obtained from the slaughtering operations conducted on the premises may be transported to some other location to be rendered. No rendering shall be permitted on products originating outside of the slaughter house, and only dry rendering processes shall be used. All sanitary facilities shall be approved by the Monroe County Health Department or other agency with jurisdiction, and all waste and manure shall be removed daily.
3. **Parking and loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
4. **Impacts.** The applicant shall submit an impact assessment describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.

SECTION 5.600 OTHER USES

Section 5.601 Adult Entertainment Uses.

It is recognized that there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several such uses are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of property values of the surrounding neighborhood.

Accordingly, it is the intent and purpose of London Township to adopt reasonable regulations for adult entertainment uses in the Township, so as to minimize the adverse effects caused by this activity on the public health, safety, and welfare of persons and property within the Township. Therefore, in addition to other regulations set forth in this Ordinance, the operation or expansion of any and all adult entertainment uses, whether conducted as a separate business activity or in conjunction with another use, shall conform to the following requirements:

A. Minimum Separation.

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

1. No adult entertainment use shall be located within 1,000 feet of any other adult entertainment use, nor any of the following:
 - a. All Class "C" establishments licensed by the Michigan Liquor Control Commission.
 - b. Pool or billiard halls, amusement centers, or ice or roller skating rinks.
 - c. Indoor or outdoor movie theaters.
 - d. Any institutional use, as defined in Section 18.02 (Definitions).
 - e. Any child day care center.
 - f. The boundary of any R-1 (Rural Residential), R-2 (Urban Residential) or MHP (Manufactured Housing Park) zoning district.
2. The Zoning Board of Appeals may waive the foregoing spacing requirements if it finds that the following conditions exist:
 - a. The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing requirement will still be observed.

- b. The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, or disrupting neighborhood development.
- c. The establishment of the additional regulated use in the area will not be contrary to any program of neighborhood conservation nor interfere with any program of neighborhood renewal.
- d. Where all other applicable regulations within the Zoning Ordinance or other pertinent general law ordinances will be observed.

B. Use Standards.

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

Section 5.602 Aircraft Landing Strips.

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

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

Section 5.603 Composting Centers.

Composting centers and support facilities shall be subject to the following:

A. Size and Location.

1. The minimum size of a composting facility shall be 20 acres.
2. A Level I Environmental Assessment of the site shall be conducted prior to site plan review:
 - a. During this phase, a team of scientists walk the site in a systematic grid pattern to visually inspect for signs of adverse environmental activity. This includes a search for stressed vegetation, strained geologic structures, obvious placement of fill/debris, or the excavation of earth.
 - b. Aerial photographs are reviewed from a historical perspective over the last few decades.
 - c. Property ownership records and permit activities from the regulating agencies are researched and reviewed. Also, selected neighboring landowners are interviewed for their knowledge of any activity on the site.
 - d. Based upon the site inspection and data review, a chronological description of activity on the site can be established.
3. A composting facility shall not be allowed in any 100-year floodplain.
4. A composting facility shall not be allowed in any protected wetlands.

B. Ground and Surface Water Quality.

1. To ensure that ground or surface waters are not contaminated, monitoring wells shall be installed by the owner, operator or lessee on site prior to construction of the composting facility. The location of such wells shall be determined on a site-by-site basis, subject to review and approval by a professional acceptable to the Township. All review costs shall be assumed by owner/operator and/or lessee.
2. If any stream or swale is present on the site, it shall be buffered by a 20 foot unoccupied setback measured from the outer edge of the floodplain or all alluvial soils. Approval from the designated agent responsible for the enforcement of the Soil Erosion Control Act shall be required ensuring the stream is adequately protected from pollution.
3. The surface and ground waters at a composting facility shall comply with the water quality requirements of Act 245 of Public Acts of 1929, as amended, being Section 323.1 et. seq. of the Michigan Compiled Laws and the State Administrative Rules promulgated thereunder, being Section 323.1001 et. seq. of the Michigan Administrative Code.
4. Sampling of groundwater monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a two year

period after operations cease for compliance with Act 255 of Public Acts of 1929, as amended. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by owner/operator or lessee.

5. Should test wells reveal violation of the water quality requirements of Act 245 of Public Acts of 1929, as amended. The petitioner shall be required to install a groundwater remediation system. The system shall be subject to review and approval by a professional acceptable to the Township. All costs shall be assumed by owner/operator or lessee.
6. Surface water monitoring shall also be required in addition to groundwater monitoring to assess the adequacy of leachate containment and runoff control and for compliance with Act 255 of Public Act of 1929, as amended. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by the owner/operator or lessee.
7. Analysis for all ground and surface water monitoring events shall be submitted to the Township within 60 days after analyses.
8. Discharge of water collected in an on-site retention basin shall only be handled in the following ways.
 - a. Reintroduced into the compost pile.
 - b. Directed into a sanitary sewer.
 - c. Transported by a liquid industrial waste hauler.

C. Site Plan Requirements for Composting Facilities.

This section establishes the requirements and procedures for operation of composting facilities for all facilities to be operated in London Township. All composting facilities shall submit a site plan to London Township for approval, containing the following:

1. Access route traffic patterns as well as on-site traffic patterns.
2. Maintenance plan for all outdoor areas where compost materials are received, processed, cured or stored to prevent rutting that would allow on-site ponding or puddling of water in places other than a retention basin.
3. Written documentation addressing the following:
 - a. Hours of operation.
 - b. Methods of controlling fugitive dust, noxious odors, noise, vibration, light, and blowing debris.
 - c. Method of receiving compost materials.
 - d. Method of sorting and handling composting materials on-site.

- e. Measures to be taken should anaerobic conditions arise.
- f. Expected frequency of removal of composted materials.
- g. Expected frequency for turning of composting windrows.
- h. Fire protection.
- i. Description of daily cleanup procedures.
- j. Measures to be taken should surface or groundwater contamination take place.
- k. The capacity of the composting facility in terms of cubic yards, and the maximum amount of compost material to be accepted annually.

D. Use Standards.

- 1. All facilities covered under this section must notify the London Township Building Official and Monroe County Health Department that actual operations have begun.
- 2. Compost materials shall not be accepted on site in an anaerobic condition.
- 3. Such facilities shall be closed when anaerobic conditions arise, with operations limited to correcting the condition. Determination of anaerobic conditions may be made by the Township Building Official. If anaerobic conditions arise more than two (2) times in a 30 calendar day period, the facility shall pay a fine set by Township Board and close for 30 calendar days. After three (3) such closures within one (1) calendar year, the Township may order the site to be closed permanently.

E. Screening and Separation Standards.

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

- 1. An isolation distance shall be maintained between the beginning of the program area designated to the composting facility and residential land uses. No composting facility shall be constructed within 1,200 feet of an existing residential dwelling. The isolation distance shall be measured from the beginning of the program area designated to the composting facility to the residential lot line.
- 9. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening).

F. Off-Site Road Maintenance.

This subsection is enacted to ensure that tracking of mud or compost materials from composting areas onto public off-site roads will be minimized and to assure that mud or compost materials that are tracked off-site are adequately removed. At the time of site

plan approval, the operator of the composting facility shall submit an off-site road maintenance plan that addresses the following minimum provisions:

1. Method of dislodging mud and/or composting materials from the vehicles or undercarriage.
2. An on-site traffic control pattern, including a by-pass road around the truck cleaning area if applicable.
3. Method for removing soil, dust, and/or compost materials attributable to the composting operations from public off-site roads within 2,500 feet of the composting area entrance and exits.
4. Methods of cleaning trucks and off-site roads as often as necessary to prevent the occurrence of nuisances resulting from the tracking of mud or compost materials.

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

The operation of a composting facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, and welfare. All composting facilities shall be designed, constructed and operated so that fugitive dust, noxious odors, noise, vibration, light, and blowing debris are controlled and do not cause off-site problems or nuisances.

The applicant shall submit with the site plan an operations plan to minimize the off-site occurrences of fugitive dust, noxious odors, vibrations, light, and blowing debris. This plan may include such measures as: restricting the daily work area, refusing to accept certain compost materials, or other appropriate measures. This plan shall be approved by the Planning Commission.

If there is evidence that performance standards have not been met and/or that a problem or nuisance condition exists as determined by the Building Official, despite compliance with the operation plan, then a contingency plan shall be developed by the operator. This contingency plan shall be submitted within ten working days from the date that the Building Official notifies the operator. This plan shall demonstrate to the satisfaction of the Building Official that the problem will be abated within two weeks.

H. Compost Storage.

The height of compost material shall not exceed eight (8) feet, and storage of any material, other than compost, shall not be allowed on-site. No sludge of any kind shall be stored or deposited on composting facility property, and no bagged materials containing grass shall be accepted at a composting facility. Grass contained in bags shall be de-bagged at the original point of collection before being hauled to the composting facility.

I. Closure Plan.

A closure plan shall be submitted which shall detail the final end use of the property should use of the facility be discontinued for more than 365 consecutive days.

1. The plan shall describe:
 - a. How the existing site will be cleaned up.
 - b. How and where the existing surface debris will be disposed.
 - c. What the final disposition of the land will be.
2. The petitioner shall, prior to commencement of operations, deposit with the Township an amount sufficient to ensure site clean up should operations cease. The deposit shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond in an amount to be determined acceptable by the Township Board.
3. Violation of any of the provisions of this Section shall result in the Township having the right to close or cleanup the composting facility and operation at the expense of the owner/operator or lessee of the composting facility.
4. The Township may, at such time, direct the owner/operator or lessee to close or clean up the composting facility at the owner/operator or lessee's expense.

J. Right of Entry and Inspection.

All composting areas are subject to inspection by the Township Building Official, Zoning Administrator or code enforcement officer during reasonable hours. The Township Building Official, Zoning Administrator, and code enforcement officer shall be empowered to collect and examine samples as deemed necessary to perform the duties prescribed herein, and to take photographic, videotape, or other representation of conditions existent at the composting area. No person shall hinder, obstruct, delay, resist, or prevent any inspection made or any sample collected and examined. Based on an alleged violation of this Ordinance, Township Building Official, Zoning Administrator or code enforcement officer may enter the disposal area when accompanied by a representative of the facility.

Section 5.604 Extractive Operations.

The purpose of this Section is to provide for the proper development and utilization of mineral resources existing within the Township, while at the same time making proper provisions for the present and future health, safety and welfare of the people of the community. The development and utilization of mineral resources in the Township shall be subject to appropriate regulations of the Township and other regulating authorities.

Such regulations shall consider the conduct of the extractive operation and the reuse of the extractive operation site upon termination of the activity. It is the intent of this Section that parcels subject to the extractive operations that exceed ten (10) percent of the lot area or five (5) acres shall, upon termination of such operations, be reclaimed and rendered fully useful for one or more of the uses permitted as principal uses within the various districts included in this ordinance. Extractive operations shall be subject to the following:

A. Scope.

The following types of extractive activities shall be subject to the regulations of this Section:

1. The removing or extracting of any topsoil, soil, sand, peat, marl, clay, gravel, stone, or similar materials.
2. The processing, storage, loading, and transportation of the above-mentioned materials.

These regulations, however, shall not affect the excavations of residential dwellings, commercial or industrial buildings, roads, wells, parking lots, sewer or water lines, or similar uses pursuant to the State Construction Code enforced by the Township.

B. General Requirements.

1. **Extractive operations.** Except by special permit from the Township Board, the extractive process, loading process, and public loading process shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 7:00 a.m. and 12:00 noon on Saturdays. Extractive operations shall not be permitted on Sundays or legal holidays, except under exceptional circumstances (i.e., shutting down of kilns or furnaces).
 - a. Each permittee shall be held responsible for the clean up of any spillage of materials, such as: dirt, rock, mud, sand, or any debris hauled by vehicles over the designated travel route(s). Any such material shall be removed within 24 hours of receipt of notice from the Township.
 - b. Travel routes for trucks shall be submitted to and have written approval of the Monroe County Road Commission.
 - c. Any odors, smoke, fumes or dust generated on the extractive operations site by any digging, excavating, loading or processing activities shall be in conformance with the provisions of the Natural Resources and Environmental Protection Act, Part 55, Air Pollution Control, as administered by the Michigan Department of Environmental Quality and in conformance with the rules promulgated thereunder.
 - d. Any noise generated on the extractive operations site by any digging, excavating, loading or processing activities shall not exceed a reading of 65 decibels at the property line.
 - e. The extractive operation shall be conducted in accordance with the Natural Resources and Environmental Protection Act, Part 31, Water Resources Protection, as administered by the Michigan Department of Environmental Quality and in conformance with the rules promulgated thereunder.
 - f. The extractive operation shall be conducted in accordance with the provisions of the Natural Resources and Environmental Protection Act,

Part 91, Soil Erosion and Sedimentation Control, as administered by the Monroe County Drain Commission.

2. **Reclamation activities.** All abandoned extractive operations shall be rehabilitated progressively to a condition entirely lacking hazards, inconspicuous, and blended with the general surrounding environment and topography. Upon abandonment of the extractive operations, the permittee shall, within a reasonable period of time not to exceed 365 calendar days, remove all plant structures, stockpiles, and equipment. Structures that have a function under the reclamation plan may be retained.
3. **Blasting activities.** Blasting or the setting off of an explosive shall be restricted to the hours between 8:00 a.m., and 2:00 p.m., on weekdays except in case of extreme emergency. No blasting shall be permitted on Sundays or legal holidays.
 - a. Any applicant blasting or setting off an explosive within the Township, shall give the Township an estimated schedule of blasting operations and will also give notice to the Township as to the time and occurrence of each blast prior thereto by at least four (4) hours. A blasting notice shall also be given by the applicant to residents living within one-half mile of the blasting site.
 - b. The Township shall have the right to have a staff representative on site at the time of each blast to insure its compliance with the provisions of this Ordinance.
 - c. The type of explosive and detonating equipment, including size, timing and frequency of the blast shall be limited based on the physical conditions of the site so as to prevent: (1) injury to persons, (2) damage to public and private property outside the permit area, (3) adverse impaction of any underground mine; and, (4) change in the course, channels or availability of ground or surface water outside the permit area.
 - d. The intensity of ground motion produced by blasting operations shall not exceed the limit recommendations for residential structures developed by the U.S. Bureau of Mines, as follows:
 - (1) Vibration frequencies less than 15 Hz:
 - (2) 0.75 inches per second for drywall construction
 - (3) 0.50 inches per second for plaster construction
 - e. Vibration frequencies of 15 Hz to 40 Hz shall be measured as follows: Peak particle velocity = 0.05 X frequency. For example a peak particle velocity limit at 30 Hz = 1.5 inches per second.
 - f. Vibration frequencies of 40 Hz and higher shall not exceed 2.00 inches per second.

- g. The maximum peak particle velocity limits shall apply to each of the mutually perpendicular directions (longitudinal, transverse or vertical). Refer to the U.S. Bureau of Mines Report – Blasting, Impulsive Noise and Vibration (Ord. No. 232-2, R.I. 8507 of Appendix B).
- h. An independent testing laboratory shall be provided by the applicant and approved by the Township, who shall provide adequate equipment for the purpose of monitoring the blast and shall be further required to maintain records prepared by an individual certified in the operation of said equipment and able to further attest to the accuracy of the blast monitoring records. Copies of these records shall be provided to the Township.
- i. The applicant shall maintain a log detailing the location of the blast, the pattern and depth of the drill holes, the amount of explosive per hole, and the order and length of delay in the blasts. The log shall be maintained for a period not less than three (3) years and shall be made available to the Township upon request.

C. Design Requirements.

- 1. **Extractive Operations.** The following design requirements shall apply to all extractive operations:
 - a. There shall be not more than one (1) entranceway from a public road for each 660 feet of front lot line. Said entrance shall be located not less than 500 feet from an intersection of two (2) or more public roads.
 - b. No digging, stockpiling, excavating or equipment storage and repair shall take place closer than 100 feet from any lot line, and 300 feet from an existing residential zoning district. If inactive for more than one (1) year, stockpiles of surface overburden shall be seeded with grass or other materials so to prevent erosion onto other premises.
 - c. All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from any existing residential zoning district. In the event the zoning classification of any land within 500 feet of such equipment or machinery shall be changed to a residential classification subsequent to the operation of such machinery or equipment, the operation of such equipment or machinery may continue henceforth, but in no case less than 100 feet from any lot line adjacent to said residential district.
 - d. During the site plan review process, the Planning Commission shall determine whether a fence will be required. If required, the location of the fence, type of fence and any posting requirements shall also be determined as part of the site plan review process.
 - e. The slope of the banks within the second 100 feet measuring from the near edge of a public right-of-way or within the second 100 feet measuring from the property line of an adjoining land owner, or within the

second 250 feet to the nearest residence, shall not exceed one (1) foot vertical drop to each four (4) feet horizontal.

- f. A permanent or portable processing plant and its accessory structures shall not be closer than 250 feet from any property line not associated with the extractive operation or a public right-of-way.
- g. The Township Board may require such other requirements as may be deemed necessary in the interest of public health, safety, and general welfare of the residents of London Township.

2. **Reclamation activities.** The following design requirements shall apply to all reclamation activities:

- a. Submerged slopes of any body of water shall not exceed one (1) foot vertical drop to each four- (4) feet horizontal to a depth of eight (8) feet.
- b. The surface of the extractive operation which is not permanently submerged shall be graded or backfilled with local surface overburden materials as necessary to produce a topography similar to that in the surrounding area or of a gentle rolling surface, that will minimize wind and water erosion. Topsoil, of a quality similar to the area, shall be applied in a thickness of no less than six (6) inches over the surface overburden.
- c. Vegetation common to the area shall be restored by the seeding of grasses and subsequent planting of trees and shrubs to establish a self-sustaining vegetative cover on the land surface, to minimize erosion.

D. Application Procedures and Review Process.

All blasting and extractive operation activities shall be carried out under the conditions of a Special Use Permit. At the time of application for a Special Use Permit for an extractive operation, the applicant shall submit an extractive and reclamation plan to the Township Planning Commission.

- 1. The applicant shall file an extractive and reclamation site plan in accordance with the requirements of this Subsection. This plan may be in the form of a plat or map, and shall carry evidence of review and approval if required by any county or state agency of competent jurisdiction. On the basis of this plan, the operating company shall file a statement of the area to be excavated.
- 2. Before commencement of extractive operations, a permit shall be issued by the Building Official upon payment of any annual fee for inspections in accordance with the Schedule of Fees as adopted by the London Township Board. This fee shall defray any administrative expense arising out of the extractive operation.
- 3. A yearly permit shall also be required for any blasting done within the Township. The permit shall be issued by the Building Official and shall be in accordance with the Schedule of Fees as adopted by the London Township Board.

E. Site Plan Requirements.

1. **The extractive operations component.** The following information shall be included with the site plan for an extractive operation, in addition to the information requirements of Section 12.01 (Site Plan Review):
 - a. Recent aerial photos (within the last five (5) years) showing the extractive area and adjacent property, location and outline of wooded areas, streams, wetlands, and other natural features;
 - b. Location of existing and planned site improvements such as building, equipment, stockpiles, roads or other features necessary to the extractive operation;
 - c. Total area to be affected by the extractive operation, including a final grading plan;
 - d. Location and description of soil types;
 - e. The type and an estimate of the amount of material to be extracted from the site and the expected termination date of the extractive operations;
 - f. Description of all activities to be conducted on the premises such as, but not limited to, operating hours, methods of extractive, sorting and washing operations, and the type, size and nature of the equipment to be used;
 - g. Required affidavits or permits of operation secured from County, State or Federal agencies, addressing pollution or erosion control measures adopted by the extractive operation;
 - h. Certified statement by a professional geologist with supporting data and analyses, concerning expected impact on groundwater resources and water supply wells in the vicinity of the site. To verify this information, the Township may require any or all of the following:
 - (1) Information regarding the water table through the planned extractive operation area and within a ½ mile of the site;
 - (2) An opinion on all impacts on the water table and private wells within the reasonably anticipated area of impact during and subsequent to the extractive operation. Each private well should be referenced on the site plan;
 - (3) Information on the quality and anticipated impacts on surface water, groundwater and the watershed during and subsequent to the extractive operation.
 - i. A map showing truck routes to and from the site; as approved by the Monroe County Road Commission.

- j. Name, address, and telephone number of person with official authority to represent operation in extractive matters.
2. **The reclamation component.** The following information shall be included with the site plan for the reclamation component, in addition to the information requirements of Section 12.01 (Site Plan Review):
- a. Schedule and areas of progressive rehabilitation;
 - b. The proposed use of the site when restored.
 - c. Provisions for grading, re-vegetation and standardization that will minimize erosion, sedimentation and public safety problems; and
 - d. Name, address, and telephone number of a person with official authority to represent operator in reclamation matters.

F. Financial Guarantees.

The applicant shall provide the Township with a financial security, in the form and amount acceptable to the Township Board, to guarantee the reclamation and rehabilitation of the site according to the approved plan.

- 1. The applicant shall provide the appropriate permitting information regarding financial guarantees, if required, from the Monroe County Road Commission, for the maintenance of the approved haul routes traversed by their vehicles, in accordance with the provisions of the Monroe County Road Commission Haul Route Policy.
- 2. Proof of liability insurance with London Township listed.

G. Inspection and Conformance.

The Township Building Official, Zoning Administrator, code enforcement officer or designated representative of the Township shall make at least four (4) inspections of the extractive operation per calendar year, to ensure conformance with the requirements of this Ordinance. The applicant shall pay inspection fee for such inspections pursuant to the fee schedule established by the Township Board.

- 1. Any violations shall be reported in writing to the Township Board. The report shall be forwarded with a request for compliance, to the permittee.
- 2. Failure on the part of the permittee to correct a reported violation within 30 days after such request is made by the Township, shall be reason for revocation or suspension of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Township Board of good and sufficient cause by the permittee.

Section 5.605 Ponds for Landscaping and Recreation.

Unregulated pond excavation and development may adversely impact surface and groundwater quality, adjacent lots and uses, and the existing rural, agricultural character of the Township. To protect the health, safety, and welfare of the Township residents and preserve ecological important features, the creation or expansion of ponds and similar man-made or altered bodies of water accessory to farming, residential or recreational uses shall be subject to the following:

A. General Standards.

The following general standards and limitations shall apply to all ponds constructed, altered, and maintained in the Township:

1. Landscape ponds with 300 square feet or less of surface water shall be exempt from the provisions of this Section, provided that no excavated materials are to be removed from the site.
2. Ponds shall be established and maintained in accordance with all applicable statutes of the State of Michigan. If any of the requirements of this Section are less restrictive than applicable state statutes, the state requirements shall prevail.
3. The pond shall be located on a parcel at least five (5) acres in total area, and shall be accessory to a principal ANIMAL AND AGRICULTURAL USE or RESIDENTIAL USE on the same zoning lot.
4. Ponds shall not exceed ten (10) percent of the total lot area on which they are situated or five (5) acres, whichever is less. Ponds that exceed these criteria shall be subject to the provisions of Section 5.604 (Extractive Operations).
5. The property, as situated at the time application for a pond permit is made, shall not subsequently be split, divided or partitioned in a manner that would result in nonconformance with the requirements contained herein.
6. No pond shall be located upon, across, or extended beyond existing lot boundaries. Pond should be located to minimize chance of pollution from sources such as feedlots, corrals or septic systems.
7. Pond construction shall not commence earlier than 7:00 a.m. and shall not continue after 9:00 p.m.
8. The requirements contained herein shall not relieve the applicant from complying with other land development or environmental standards established by the Township or by other public agencies having jurisdiction.

B. Design Standards.

The following design standards and limitations shall apply to all pond construction or alterations in the Township:

1. Ponds shall only be of an excavation type as defined by the Natural Resources Conservation Service (NRCS) engineering standards, and all ponds shall be constructed to NRCS Standard 378, or another applicable standard accepted by the Township.

2. Designed water depth of pond shall be at least eight (8) feet to ensure proper aeration and circulation of the water. Pond banks shall have a maximum slope of one (1) foot vertical rise in four (4) feet of horizontal distance, which shall extend below the water's surface to a depth of at least eight (8) feet.
3. Shoreline berms shall not exceed a maximum height of six (6) feet and a maximum slope of one (1) foot vertical incline to each four (4) feet of horizontal distance. Escape ramps with shallower slopes shall be provided to allow adequate means for climbing out of the pond.
4. The top of the bank of the pond shall be set back a minimum of 50 feet from all lot boundaries, and a minimum of 25 feet from all structures and easements on the site. The top of the bank of the pond shall be set back a minimum of 100 feet from any on-site wastewater system, as measured from the perimeter of any drainfield or nearest line of the system.
5. All areas disturbed during construction shall be seeded with grasses and maintained in good condition to prevent erosion.
6. Pond excavation and the relocation of excavated materials shall not affect the natural drainage pattern of the area, and shall not cause or exacerbate the drainage of surface water onto adjacent lots or towards any existing structures. Ponds shall be designed and maintained to prevent overflow, spillage or seepage from encroaching upon adjacent lots.

C. Application and Review Procedures.

All necessary permits shall be obtained by the applicant, and proof of all necessary outside agency permits or approvals shall be submitted to the Township prior to construction or alteration of a pond. Such permits and approvals shall include, but shall not be limited to the following:

1. Prior to submitting an application for approval to construct a new pond, the property owner shall excavate a test hole to determine the water table and appropriate depth of the pond. The property owner shall then contact the Township Zoning Administrator to inspect the test hole within 48 hours of the excavation to document the water table of the site.
2. Review of the application and site plan shall be subject to the regulations of Section 12.01 (Site Plan Review).
3. Approval of a construction permit from the Township Zoning Administrator.
4. Outside agency permits and approvals may include, but shall not be limited to:
 - a. Michigan Department of Environmental Quality regarding impacts upon natural features such as streams, rivers, and wetlands.
 - b. Monroe County Drain Commission regarding proximity to a ditch, stream, river, or floodplain.

- c. Monroe County Health Department regarding proximity to site wastewater systems.
- d. Monroe County Road Commission regarding designated travel routes for removal of excavated materials.

D. Soil Removal Provisions.

Construction of ponds that result in the removal of excavated materials from the site shall be subject to the following additional standards:

1. A written statement listing the cubic yards of the soil or other similar materials to be removed shall be submitted to the Township at the time of application for approval.
2. Excavated soil intended for removal from the property shall be removed within 180 days after excavation is complete.
3. Each permittee shall be responsible for the clean up of any spillage of materials, such as dirt, rock, mud, sand, or any debris hauled by vehicles over the designated travel routes as approved by the Monroe County Road Commission. Any such material shall be removed within 24 hours of spillage or receipt of notice from the Township Zoning Administrator.
4. The loading and removal of excavated materials shall be limited to between the hours of 7:00 a.m., and 6:00 p.m., Monday through Friday, and 7:00 a.m., and 12:00 noon on Saturdays. Loading and removal of excavated materials shall be prohibited on Sundays or legal holidays.

E. Financial Guarantees and Insurance.

The applicant shall provide the Township with a performance guarantee in a form and amount acceptable to the Board of Trustees to guarantee the reclamation and rehabilitation of the site according to the approved site plan. Proof of liability insurance with London Township listed as an additional insured party shall also be provided to the Township.

Section 5.606 Racetracks.

Racetracks and similar entertainment facilities shall be subject to the following:

1. **Frontage and access.** Racetracks and similar entertainment facilities shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan or county road authority.
2. **Accessory uses.** Retail, restaurant, office, and service uses may be permitted within the racetrack facility for the exclusive use of patrons, employees, and guests.

3. **Screening.** The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening). The racetrack, grandstands, and service areas shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height, per Section 6.102 (Fences).
4. **Setbacks.** All structures and racetrack facilities shall be set back a minimum of 300 feet from all lot boundaries and road rights-of-way, and a minimum of 500 feet from the boundary of a residential district or abutting RESIDENTIAL USE.
5. **Parking and loading.** All parking, loading and maneuvering space shall be contained within the site.
6. **Impact assessment.** The applicant shall submit an impact assessment describing the expected impacts associated with the use and any mitigation measures to be employed. At a minimum, the assessment shall address the following:
 - a. Anticipated levels and costs of necessary public services associated with the proposed racetrack use. Any additional public services not currently available shall be identified, along with proposed measures to secure such services.
 - b. Anticipated noise levels shall be provided by the developer at the lot boundaries, road rights-of-way, and at set intervals up to 1,000 feet away; along with details of any proposed noise mitigation measures.
 - c. Anticipated traffic impacts, including operational plans to ensure that traffic to and from the site does not adversely impact public roads, or the public health, safety or welfare.
 - d. Any other anticipated impacts of the proposed use.
7. **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the London Township as the certificate holder and naming the London Township, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail thirty days written notice to the Township as certificate holder. The Township may require the applicant to supply a \$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.

Section 5.607 Stripping or Removal Operations.

The regulations set forth in this Section are designed to outline the parameters under which stripping or removal operations may be carried out. These regulations are intended to protect the health, safety and welfare of the Township residents; preserve ecological important features; and

prohibit development which, unregulated, may have an adverse impact on the existing character of the Township. Stripping or removal operations shall be subject to the following:

A. General Requirements.

The following general requirements shall apply to all stripping or removal operations:

1. Except by special permit from the Township Board, the stripping or removal process, loading process, and public loading process shall be permitted only between the hours of 7:00 A.M. and 6:00 P.M., Monday through Friday, and between 7:00 A.M. and 12:00 noon on Saturdays. Stripping operations shall not be permitted on Sundays or legal holidays, except under exceptional circumstances as determined by the Planning Commission.
2. Each permittee shall be held responsible for the clean up of any spillage of materials, such as: dirt, rock, mud, sand, or any debris hauled by vehicles over the designated travel route(s). Any such material shall be removed within 24 hours of receipt of notice from township.
3. Travel routes for trucks must be submitted to and have written approval of the Monroe County Road Commission prior to the issuance of a Special Use Permit.
4. Any odors, smoke, fumes or dust generated by the stripping or removal operations by any digging, excavating, loading or processing activities shall be in conformance with the provisions of the Natural Resources and Environmental Protection Act, Part 55, Air Pollution Control, administered by the Michigan Department of Environmental Quality.
5. Any noise generated by the stripping or removal operation by any digging, excavating, loading or processing activities shall not exceed a reading of 65 decibels at the property line.
6. The stripping or removal operation shall be conducted in accordance with the Natural Resources and Environmental Protection Act, Part 31, Water Resources Protection, administered by the Michigan Department of Environmental Quality.
7. The stripping or removal operation shall be conducted in accordance with the provisions of the Natural Resources and Environmental Protection Act, Part 91, Soil Erosion and Sedimentation Control, administered by the Monroe County Drain Commission.

B. Design Requirements.

The following design requirements shall apply to all stripping or removal operations:

1. No soil, sand, gravel, clay or similar materials' shall be removed below the grade of the nearest existing or proposed street or road established or approved by the Monroe County Road Commission; except as required for the installation of utilities and pavements; provided further that where approved County drains exist and/or are adjacent to the property under permit, the grade and slope of the removal shall meet all requirements of the Monroe County Drain Commission.

2. Whenever topsoil exists, suitable for growing turf or other ground cover, at the time the operation begins, a sufficient quantity of topsoil shall be stockpiled on said site so that the entire site may be recovered with a minimum of six (6) inches of topsoil, and the replacement of such topsoil shall be made immediately following the termination of the stripping or removal operations. Such replacement shall be in a manner suitable for growing turf or for other land uses.
3. No digging, stockpiling or stripping shall take place closer than 100 feet from any lot line, and no equipment storage or repair of equipment shall take place closer than 250 feet from an existing residential zoning district or use.
4. The slope of the banks within the second 100 feet measuring from the near edge of a public right-of-way, or within the second one hundred feet measuring from the property line of an adjoining land owner, or within the second 250 feet to the nearest residence shall not exceed one (1) foot vertical drop to each four (4) feet horizontal.
5. There shall be not more than one (1) entranceway from a public road for each 660 feet of front lot line. Said entrance shall be located not less than 500 feet from an intersection of two (2) or more public roads.
6. The Township Board may require such other requirements as may be deemed necessary in the interest of public health, safety, and general welfare of the residents of London Township.

C. Application Procedures and Review Process.

All stripping or removal activities shall be carried out under the conditions of a Special Use Permit. At the time of application for a Special Use Permit for a stripping or removal operation, the applicant shall submit a site plan to the Township Planning Commission.

1. The applicant shall file a stripping or removal site plan in accordance with the requirements of this Subsection. This plan may be in the form of a plat or map, and shall carry evidence of review and approval if required by any county or state agency of competent jurisdiction. On the basis of this plan, the applicant shall file a statement of the area to be stripped or removed.
2. The Township Planning Commission shall review the proposed stripping or removal site plan and make its recommendation to the Township Board.
3. The Township Board will review the recommendations and accept or reject the site plan.
4. Based on the review of the site plan and any other application materials, the Planning Commission may recommend and the Township Board may require additional information from and impose reasonable conditions upon the applicant. Conditions may include those necessary to insure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads, to protect the natural environment and conserve natural resources, to insure compatibility with adjacent land uses, and to promote the use of land in a socially and economically desirable manner.

5. Before commencement of stripping operations, a permit shall be issued by the Building Inspector upon payment of any annual fee for inspections in accordance with the Schedule of Fees as adopted by the London Township Board. This fee shall defray any administrative expense rising out of the review of the stripping operation.

D. Site Plan Requirements.

The following shall be included with the site plan for a stripping or removal operation, in addition to the information requirements of Section 12.01 (Site Plan Review):

1. Recent aerial photos (within the last five (5) years) showing the stripping area and adjacent property, location and outline of wooded areas, streams, wetlands, and other natural features;
2. Total area to be affected by the stripping operation, including a final grading plan;
3. Location and description of soil types;
4. The type and an estimate of the amount of material to be stripped from the site and the expected termination date of the stripping operations;
5. A map showing truck routes to and from the site in conformance with Monroe County Road Commission guidelines;
6. Name, address, and telephone number of person with official authority to represent the stripping operation; and,

E. Financial Guarantees.

The applicant shall provide the Township with a financial security, in the form and amount acceptable to the Township Board, to guarantee the reclamation and rehabilitation of the site according to the approved plan.

The applicant shall provide the appropriate permitting information regarding financial guarantees, if required, from the Monroe County Road Commission, for the maintenance of the approved haul routes traversed by their vehicles, in accordance with the provisions of the Monroe County Road Commission Haul Route Policy.

F. Inspection and Conformance.

The Township Building Official, Zoning Administrator, code enforcement officer or designated representative of the Township shall make at least four (4) inspections of the extractive operation per calendar year, to ensure conformance with the requirements of this Ordinance. The applicant shall pay inspection fee for such inspections pursuant to the fee schedule established by the Township Board.

3. Any violations shall be reported in writing to the Township Board. The report shall be forwarded with a request for compliance, to the permittee.

4. Failure on the part of the permittee to correct a reported violation within 30 days after such request is made by the Township shall be reason for revocation or suspension of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Township Board of good and sufficient cause by the permittee.

Section 5.608 Filling Operations.

The regulations set forth in this Section are designed to outline the parameters under which filling operations may be carried out. These regulations are intended to protect the health, safety and welfare of the Township residents; preserve ecological important features; and prohibit development which, unregulated, may have an adverse impact on the existing character of the Township. Filling operations shall be subject to the following:

A. General Requirements.

The following general requirements shall apply to all stripping or removal operations:

1. The filling of land with rubbish or garbage, painted or coated concrete, concrete blocks, bricks, etc, construction and demolition waste, or any other waste matter as outlined by Part 115, Solid Waste Management of the Natural Resources and Environmental Protection Act, 1994, P.A. 451, as amended, and in violation of is hereby prohibited in all Zoning Districts without a permit. In no case shall any permit be issued for filling within any district, unless and until the applicant has obtained written consent from all land owners and residents within one-half ($\frac{1}{2}$) mile area measured from the outside perimeter of the parcel to be filled.
2. No rubbish or garbage shall be burned, permitted to burn or smolder as a result of voluntary igniting of said material or as a result of involuntary internal combustion of said materials.
3. The Planning Commission may require a temporary fence to be erected to prevent the scattering of waste material.
4. All waste material fill, within twenty-four (24) hours of depositing in the place or places authorized in the permit shall be covered with a layer of soil matter, eighteen (18) inches thick of a kind and texture that will be suitable for growing of turf or for other land uses permitted within the District. The Planning Commission may extend the above twenty-four (24) hour period to such longer period based on stated conditions or circumstances.
5. All conveyance vehicles for rubbish or garbage shall not be open lid and while in transit shall be closed or covered so as to reduce odor and the scattering of the matter being carried. The carrier operator shall recover any materials dropped in transit and restored the affected area to its prior condition.

B. Exception

The Zoning Administrator may waive the regulations for filling operations review by the Planning Commission and conduct an independent review to permit those filling operations that meet the following requirements:

1. The fill material does not include rubbish or garbage, painted or coated concrete, concrete blocks, bricks, etc, construction and demolition waste, or any other waste matter as outlined by Part 115, Solid Waste Management of the Natural Resources and Environmental Protection Act, 1994, P.A. 451, as amended.
2. The actual area on which the filling operation is to be performed does not exceed ten thousand (10,000) square feet and does not lie within one hundred (100) feet of any property line.
3. The fill does not alter the topography of drain easements or other public or private easements of record or cause an increase in stormwater runoff to adjacent properties. Final grades of the perimeter of the filled area must be compatible to existing grades offsite.
4. All requirements of the Michigan Department of Natural Resources must be met.
5. The Zoning Administrator may require such other information deemed necessary for the public safety, health and welfare of the citizens of London Township.
6. The filling operation must be in compliance Monroe County Solid Waste Management Plan as it may be amended.

C. Application Procedures and Review Process.

All fill activities shall be carried out under the conditions of a Special Use Permit. At the time of application for a Special Use Permit for a fill operation, the applicant shall submit a site plan to the Township Planning Commission.

1. The applicant shall file a fill site plan in accordance with the requirements of this Subsection. This plan may be in the form of a plat or map, and shall carry evidence of review and approval if required by any county or state agency of competent jurisdiction. On the basis of this plan, the applicant shall file a statement of the area to be stripped or removed.
2. The Township Planning Commission shall review the proposed fill site plan and make its recommendation to the Township Board.
3. The Township Board will review the recommendations and accept or reject the site plan.
4. Based on the review of the site plan and any other application materials, the Planning Commission may recommend and the Township Board may require additional information from and impose reasonable conditions upon the applicant. Conditions may include those necessary to insure that public services and facilities

affected by the proposed land use or activity will be capable of accommodating increased service and facility loads, to protect the natural environment and conserve natural resources, to insure compatibility with adjacent land uses, and to promote the use of land in a socially and economically desirable manner.

5. Before commencement of fill operations, a permit shall be issued by the Building Inspector upon payment of any annual fee for inspections in accordance with the Schedule of Fees as adopted by the London Township Board. This fee shall defray any administrative expense rising out of the review of the stripping operation.

D. Site Plan Requirements.

The following shall be included with the site plan for a fill operation, in addition to the information requirements of Section 12.01 (Site Plan Review):

1. Recent aerial photos (within the last five (5) years) showing the fill area and adjacent property, location and outline of wooded areas, streams, wetlands, and other natural features.
2. Total area to be affected by the fill operation, including a final grading plan.
3. Location and description of soil types.
4. The type and an estimate of the amount of material to be comprising the fill material on the site and the expected termination date of the fill operation.
5. A map showing truck routes to and from the site in compliance with the Monroe County Road Commission, if required.
6. Name, address, and telephone number of person with official authority to represent the fill operation.

E. Financial Guarantees.

The applicant shall provide the Township with a financial security, in the form and amount acceptable to the Township Board, to guarantee the reclamation and rehabilitation of the site according to the approved plan.

The applicant shall provide the appropriate permitting information regarding financial guarantees, if required, from the Monroe County Road Commission, for the maintenance of the approved haul routes traversed by their vehicles, in accordance with the provisions of the Monroe County Road Commission Haul Route Policy.

ARTICLE 6 GENERAL PROVISIONS

SECTION 6.100 ACCESSORY STRUCTURES AND USES

Section 6.101 Accessory Structures.

The following shall apply to all new accessory structures in the Township, except as otherwise permitted in this Ordinance, and to alterations, renovations, expansions or other work that includes exterior changes to existing structures:

A. General Standards.

The following shall apply to accessory structures in all zoning districts:

1. **Timing of construction.** An accessory structure shall be constructed or established on a zoning lot concurrent with or after construction of establishment of the principal building or use on the same zoning lot.
2. **Zoning permit.** All accessory structures exceeding 100 square feet in floor area shall be subject to approval of a zoning permit, per Section 1.06 (Zoning Permits).
3. **Vehicle shelters.** Temporary or permanent vehicle shelters shall be considered accessory structures, and shall comply with the requirements of this Section.
4. **Location in proximity to easements or rights-of-way.** Accessory structures shall not be located within a dedicated easement or right-of-way.

B. Attached Accessory Structures.

Accessory structures attached to a principal building shall conform to the minimum required yard setbacks specified in Article 4 (Dimensional Standards).

C. Detached Accessory Structures.

Accessory structures not attached to a principal building shall be subject to the following:

1. **Front yard.** Detached accessory structures in any zoning district shall conform to the minimum required front yard setbacks specified in Article 4 (Dimensional Standards).
2. **Side and rear yards.** Detached accessory structures in any zoning district shall conform to the minimum required side or rear yard setbacks specified in Article 4 (Dimensional Standards).

3. **Corner lots.** If an accessory structure in any zoning district is located on a corner lot where the side lot line is a continuation of the front lot line of the lot to its rear, then the accessory structure shall not project beyond the front yard setback for the lot in the rear of such a corner lot.
4. **Additional standards for residential accessory structures.** The following standards shall apply to all detached structures accessory to non-farm RESIDENTIAL USES in the R-1 (Rural Residential) and R-2 (Urban Residential) Districts:
 - a. Such accessory structures shall not exceed 15 feet in height.
 - b. Such accessory structures shall not be erected in any required yard, except a rear yard.
 - c. An accessory structure may occupy not more than twenty-five percent (25%) of a required rear yard, plus forty percent (40%) of any non-required rear yard.
 - d. The gross floor area of such accessory structures shall not exceed the ground floor area of the principal dwelling.
 - e. Such accessory structures shall be set back a minimum of ten (10) feet from any principal dwelling and a minimum of five (5) feet from any side or rear lot line.

Section 6.102 Fences.

All fences and similar enclosures shall conform to the following:

A. General Standards.

The following shall apply to fences in all zoning districts:

1. View obstructing fences over four (4) feet in height shall be set back outside of any required front yard setback area, and a minimum of 25 feet from any road right-of-way.
2. Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:
 - a. Barbed or electric wire fences shall be permitted accessory to permitted ANIMAL AND AGRICULTURAL USES, public utility facilities, and essential service uses in any zoning district.
 - b. The Planning Commission may approve use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence where deemed necessary for security purposes or public safety.
3. It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or any materials capable of providing habitat for pests or vermin.

4. Fences shall comply with the unobstructed sight distance standards of Section 4.304 (Corner Clearance Areas) and shall not be erected in any required R-O-W.
5. Where one side of a fence or wall has a more finished appearance than the other, the side with the more finished appearance shall face the road or adjacent lots (see illustration).

B. Exceptions.

Fences accessory to ANIMAL AND AGRICULTURAL USES, fences on recorded lots having a lot area in excess of five (5) acres and a frontage of at least 200 feet, and fences on parcels not included within the boundaries of a recorded plat in all residential districts, shall be excluded from these regulations unless adjacent to a residential district.

C. Height.

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

1. No fence located within the front yard shall exceed four (4) feet in height.
2. Fences in non-residential zoning districts shall not exceed six (6) feet in height, except where otherwise permitted by this Ordinance.
3. Fences on all lots of record in all residential districts which enclose property or are within a side or rear yard shall not exceed six (6) feet in height, and shall not extend toward the front of the lot nearer than the front of the house.
4. Fences that enclose public or institutional parks, playgrounds, or public landscaped areas shall not exceed eight (8) feet in height, and shall not obstruct vision to an extent greater than twenty-five percent (25%) of their total area.
5. Fences that enclose a "cervid" facility (i.e. housing deer, elk, and other animals) will be constructed to current DNR Standards and comply fully with all requirements of the State for the operation of the facility.

D. Maintenance.

Fences shall be maintained in good condition, so as not to endanger life or property. Such maintenance shall be the responsibility of the owner of the property on which the fence or wall is located. Rotten, crumbled or broken components shall be replaced, repaired, or removed, and exposed surfaces shall be painted, stained or similarly treated in Residential districts.

Any fence which, through lack of repair, type of construction, or otherwise, imperils life or property, shall be deemed a nuisance, and the Code Enforcement Officer shall notify the owner of the property upon which the fence is located of the existence of such a nuisance. Such nuisances shall be abated within 30 days after receipt of such notice.

E Existing Fences.

Fences lawfully erected prior to the effective date of adoption or amendment of this Ordinance that do not conform with provisions of this Section shall be considered nonconforming structures subject to the provisions of Article 16 (Nonconformities).

F Approval Required.

It shall be unlawful for any person to construct or cause to be constructed any fence upon any property within the Township limits without having first obtained all necessary permits or approvals.

1. Construction, alteration or relocation of fences accessory to OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY USES, and OTHER USES shall be subject to site plan approval per Section 12.01 (Site Plan Review).
2. Construction, alteration or relocation of fences accessory to RESIDENTIAL USES shall be subject to approval of a zoning permit by the Zoning Administrator per Section 1.06 (Zoning Permits).

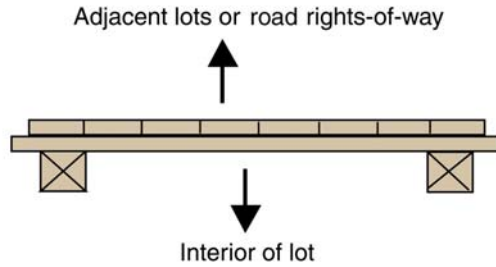
Section 6.103 Swimming Pools, Spas, and Hot Tubs.

Outdoor swimming pools, spas, and hot tubs constructed in, on or above the ground shall be permitted as an accessory use within the rear yard or side yard in all zoning districts subject to the following:

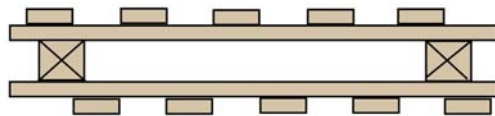
1. No swimming pool shall be located in the front yard area, or any easement or right-of-way.
2. No swimming pool wall shall be located less than 35 feet from any road right-of-way line or any existing dwelling unit on abutting property.
3. There shall be a minimum distance of not less than ten (10) feet between adjoining property lines, or alley right-of-way and the outside of the swimming pool wall. The required side yard setback shall apply if greater than ten (10) feet.
4. There shall be a distance of not less than ten (10) feet between the outside swimming pool wall and any building located on the same lot.
5. No swimming pool shall be located in an area designated for the replacement of an on-site sewage disposal system, or where its operation would interfere with an on-site sewage disposal system.
6. To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured and completely enclosed by a minimum six (6) foot high fence with a self-closing and latching gate. Ladders or steps for aboveground pools shall be capable of being secured, locked or removed. The Building Official may waive this requirement upon determining that the swimming pool, spa or hot tub is otherwise secured against unauthorized access.

7. No swimming pool shall be located directly under utility wires or electrical service leads.
8. Swimming pools, spas, and hot tubs shall comply with all applicable provisions of the State Construction Code enforced by the Township and all requirements of the Monroe County Health Department.
9. Construction, alteration or relocation of swimming pools, spas, and hot tubs shall be subject to approval of a zoning permit by the Zoning Administrator per Section 106 (Zoning Permits).

ILLUSTRATIONS

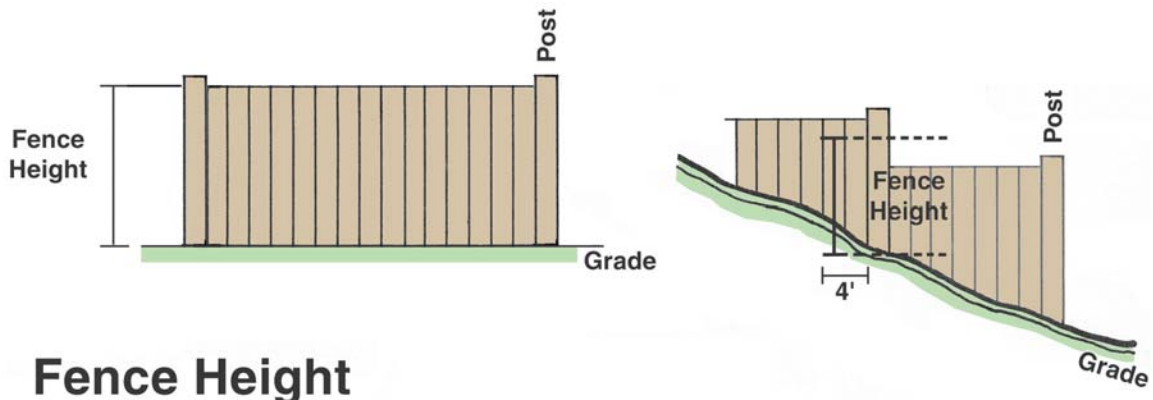


Fence with a single finished or decorative side



Fence with two finished or decorative sides

Orientation of Finished Side - Top View



Fence Height

SECTION 6.200 LAND AND ENVIRONMENT

Section 6.201 Approval of Land Divisions.

All land divisions created after the effective date of this Ordinance shall comply with all requirements of the Land Division Act (P.A. 288 of 1967, as amended), and shall conform with the dimensional requirements of this Ordinance, as specified in Article 4 (Dimensional Standards) for the zoning district where such land is located.

A. Application Requirements

1. A fully complete application and payment of applicable fees as established by the Board of Trustees.
2. A survey of the parcel as it currently exists.
3. A signed and sealed survey by a licensed land surveyor of the proposed land divisions, fully dimensioned, including legal descriptions for all proposed parcels and the remaining parent parcel and all structures, including setbacks to all new property lines; and all driveways and wells and septic fields.

B. Review Process

1. The zoning administrator and assessor of the Township shall determine compliance with the township ordinances and state law requirements.
2. The final approval of land divisions shall be made by the Township Supervisor in compliance with current state law.
3. An appeal based on the decision of the Zoning Administrator, Assessor or Supervisor shall be subject to Section 17.05 Administrative Appeals by the Zoning Board of Appeals.

C. Document Submittals

1. It shall be the responsibility of the applicant for a land division to furnish a copy of the approved land survey with proof of recording at the Monroe County Register of Deeds office to the Zoning Administrator.

Section 6.202 Protection of Wetlands and Bodies of Water.

An undisturbed open space setback of not less than 25 feet shall be maintained from the edge of any stream, pond, lake or other body of water. An undisturbed open space setback of not less than 25 feet shall be maintained from the edge of any regulated wetland or edge of County drain easement. Such setbacks shall be measured from the top of the bank or other defined edge, and shall not be subject to topography.

1. Trails, boardwalks, observation platforms or similar passive recreational improvements may be provided within the required setback.
2. Detention basins and similar stormwater management facilities may be constructed within the required setback, provided that appropriate replacement plantings are provided and maintained.

Section 6.203 Health Department Approval Required.

Permits or approvals required under this Ordinance shall not be granted for the construction or establishment of buildings or uses requiring use of private water or wastewater systems until an applicant provides copies of the appropriate well or septic permits issued by the Monroe County Health Department.

Section 6.204 Water Supply and Sanitary Sewers.

Where publicly-owned and operated water or sanitary sewer service is available, all principal buildings shall be connected to such systems at the time of construction or expansion.

Section 6.205 Performance Standards.

No activity, operation or use of land, structures or equipment shall be permitted where such activity, operation or use produces an environmental impact or irritant to sensory perception that exceeds the standards of this Section.

A. Purpose and Scope.

The purpose of this Section is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health safety, and welfare.

1. **Scope.** No structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, altered, reconstructed or moved after the effective date of this Ordinance, except in conformity with all applicable performance standards set forth in this Section. No site plan or other land use or development application shall be approved that is not in conformity with the requirements of this Section.
2. **Submission of additional data.** Nothing in this Section shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Planning Commission may waive or modify the regulations set forth in this Section, provided that the Planning Commission finds that no harm to the public health, safety or welfare will result, and that the intent of this Ordinance will be upheld.

B. Noise.

No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance.

1. **Noise disturbance examples.** Examples of noise disturbances include, but are not limited to:
 - a. **Sounds that exceed Ordinance limits.** Any sound that exceeds the specific limits set forth in this Section shall be deemed a noise disturbance.
 - b. **Loading and unloading.** Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential district boundary or within a noise sensitive zone.
 - c. **Construction.** Operation of any tools or equipment used in construction, drilling, or demolition work shall be prohibited where the sound would create a noise disturbance across a residential district boundary or within a noise sensitive zone. This provision shall apply between the hours of 8:00 p.m. and 7:00 a.m. on Monday through Saturday, or any time on Sundays or holidays, but shall not apply to emergency work or public service utilities.
 - d. **Noise sensitive zones.** Creating of any sound within any noise sensitive zone so as to disrupt the activities normally conducted within the zone shall be prohibited, even if the average A-weighted sound level is lower than the specific limits set forth in this Section, provided that conspicuous signs are displayed indicating the presence of the zone.
2. **Exceptions.** The provisions in this Section shall not apply to the following uses and circumstances:
 - a. **Emergency exceptions.** The emission of sound for the purpose of alerting persons to existence of an emergency, or in the performance of emergency work shall be exempt from the provisions of this Section.
 - b. **Additional exceptions.** The provisions in this Section shall not apply to the following activities, provided that such activities are conducted in a legally-accepted manner:
 - (1) Snow plowing and other public works activities.
 - (2) ANIMAL AND AGRICULTURAL USES.
 - (3) Church bells, chimes, and carillons.
 - (4) Commercial lawn-care and house maintenance that occurs between 7:00 a.m. and 9:00 p.m.

- (5) Licensed vehicles being operated on a road.
- (6) Nighttime excavation, construction, or repair of bridges, roads, or highways by or on behalf of local, county, or state road authorities, where necessary to preserve the public safety or welfare.
- (7) The reasonable use of stationary amplifiers or loudspeakers in the course of non-commercial public addresses or festivals.
- (8) Entertainment uses as permitted by the Township Board.

3. **Maximum permitted sound levels by receiving zoning district.** Sound emitted by any source is considered a noise disturbance when its average A-weighted sound level exceeds the limit set forth for the receiving zoning district in the following table, when measured at or within the property boundary of the receiving district. All measurements and designations of sound levels shall be expressed in day-night average sound levels.

Receiving Zoning District	Time	Average Sound Level
Residential Districts	7:00 a.m. to 10:00 p.m.	55 dB(A)
	10:00 p.m. to 7:00 a.m.	50 dB(A)
Non-Residential Districts	7:00 a.m. to 6:00 p.m.	62 dB(A)
	6:00 p.m. to 7:00 a.m.	55 dB(A)

Notes related to table:

- a. **Correction for tonal sounds.** For any source of sound that emits a pure tone sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.
- b. **Correction for impulsive or impact-type sounds.** For any source of sound that emits an atypical impulsive or impact-type sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.
- c. **Planned development.** Where the receiving district is a Planned Unit Development (PUD) District, the applicable standards of this table shall be based on the types of uses within the planned development.

C. Vibration.

Operating of any device that creates vibration that is above the vibration threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Section, vibration threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by

such direct means as, but not limited to, sensation by touch or observation of moving objects.

D. Surface Water Flow.

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

E. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion.

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

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

F. Odor.

Odors shall not be allowed to escape into the atmosphere in concentrations that are a public health hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

G. Glare and Heat.

Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half ($\frac{1}{2}$) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

H. Fire and Safety Hazards.

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

1. **Storage Tanks.** All storage tanks for flammable liquid materials above ground shall be located at least 150 feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or another type of approved retaining

wall meeting the require State of Michigan standards for the product so enclosed. The floor of the retention area shall be impervious to and non-reactive with the contents of the tank. These provisions shall not apply to approved tanks that hold propane or other fuel used for heating a dwelling or other building on the site.

Belowground bulk storage tanks that contain flammable material shall be located no closer to the property line than the distance to the bottom of the buried tank, measured at the point of greatest depth. All underground tanks shall be registered with the State of Michigan in accordance with applicable state laws and regulations. The location and contents of all such tanks shall be indicated on the site plan.

2. **Detonable Materials.** The storage, utilization, or manufacture of the following detonable materials shall be subject to review and approval as hazardous materials storage, subject to the standards of Section 5.501 (Hazardous Materials Storage).
 - a. All primary explosives such as lead azide, lead styphnate, fulminates, and tetracene.
 - b. All high explosives such as TNT, RDX, HMX, PETN, and picric acid.
 - c. Propellants and components thereof such as dry nitrocellulose, boron hydrides, and hydrazine and its derivatives.
 - d. Pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate.
 - e. Blasting explosives such as dynamite and nitroglycerin.
 - f. Unstable organic compounds such as acetylides, tetrazoles, and ozonides.
 - g. Strong unstable oxidizing agents such as perchloric acid, perchlorates and hydrogen peroxide in concentrations greater than 35 percent.
 - h. Nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.
 - i. Exception: Black powder and smokeless powder use for sporting purposes and legally obtained shall be allowed up to a limit of 50 pounds.

G. Sewage Wastes and Water Pollution.

Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by Federal state, county and local regulatory agencies, including the Michigan Department of Health, the Michigan Department of Environmental Quality, the Monroe County Health Department, and the U.S. Environmental Protection Agency.

H. Gases.

The escape of or emission of any gas that is injurious or destructive to life or property, or that is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Michigan Environmental Protection Act, Public Act 451 of 1994, as amended, federal Clean Air Acts, as amended, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels indicated in the following chart that is based on the *National Ambient Air Quality Standards*, unless a higher standard is imposed by a federal, state, county or local regulatory agency with jurisdiction:

Gas	Maximum Emissions Level	Sampling Period
Sulfur dioxide	0.14 ppm	24 hours
Hydrocarbons	0.24 ppm	3 hours
Photochemical oxidants	0.12 ppm	1 hours
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.0 ppm	8 hours
	35.0 ppm	1 hours
Lead	1.5 µg/cubic meter	3 months
Mercury	0.01 mg/cubic meter	10 hours
Beryllium	2.0 µg/cubic meter	8 hours
Asbestos	0.5 fibers/cc	8 hours

Notes Related to Table:

- a. ppm = parts per million
- b. µg = micrograms
- c. mg = milligrams
- d. cc = cubic centimeters

I. Electromagnetic Radiation and Radio Transmission

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

J. Radioactive Materials

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

concentration permitted for the general population by federal and state laws and regulations currently in effect.

K. Procedures for Determining Compliance.

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

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

Upon initiation of an official investigation, the Zoning Administrator is empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use or deny or rescind any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:

- a. Plans of the existing or proposed facilities, including buildings and equipment.
 - b. A description of the existing or proposed machinery, processes, and products.
 - c. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Section.
 - d. Measurement of the amount or rate of emissions of materials purported to be in violation.
2. **Method and cost of determination.** The Zoning Administrator or designated Township consultant shall take measurements and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be made accurately using equipment and personnel normally available to the Township without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and special equipment or instruments shall be secured to make the required determination.

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

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

If the bill is not paid within 30 days, the Township may take necessary action to recover such costs, or may charge such costs against the property where the violation occurred.

SECTION 6.300 OTHER PROVISIONS

Section 6.301 Temporary Dwellings.

No cabin, garage, cellar, or basement, or any temporary structure, whether of a fixed or movable nature, may be erected, altered, moved upon or used in whole or in part for any dwelling purpose, except as provided in this Section. If a dwelling is destroyed or rendered uninhabitable for a period of time, a temporary building may be moved onto the lot for use as a temporary dwelling during replacement or repair of the permanent dwelling, subject to the following:

1. Installation of the temporary dwelling shall be subject to approval of appropriate permits from the Building Official.
2. The temporary dwelling shall be placed so as to conform to all yard requirements of the zoning district in which it is located, and shall be connected to approved water supply and sanitary sewage disposal systems.
3. The temporary dwelling shall be removed from the lot within 14 calendar days of the date of occupancy of the replaced or repaired dwelling, with the date of occupancy to be as listed on the certificate of occupancy.
4. The temporary dwelling shall be immediately removed from the lot upon expiration of permits associated with the replacement or reconstruction of the permanent dwelling, or if such work ceases for more than 30 calendar days, as determined by the Building Official.
5. A performance guarantee in the amount of one thousand dollars (\$1,000) shall be provided to insure removal of the temporary dwelling, per Section 1.08 (Fees and Performance Guarantees).
6. The Building Official shall provide a written statement setting forth the conditions of permission granted under this Section to the residents so dislodged and shall retain a copy in his files.
7. The Building Official shall notify the Township Board and Planning Commission in writing of each such permission granted under this Section.

Section 6.302 Transient and Amusement Enterprises.

The Township Board may permit circuses, carnivals, other transient amusement enterprises, music festivals and similar temporary gatherings of people, in any zoning district upon approval.

1. Such enterprises may be permitted only on the finding by the Township Board that the location of such an activity will not adversely affect adjoining properties or adversely affect public health, safety, morals or general welfare.

2. The Township Board may require posting of a performance guarantee, per Section 1.08 (Performance Guarantees) in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and indemnify any adjoining land owners for any damage resulting from the operation of such activity, and which damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and payable through such court.

Section 6.303 Access Through Yards.

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Any walk, terrace or other pavement serving a like function and not in excess of nine (9) inches above grade shall be permitted in any required yard and not be considered to be a structure.

Section 6.304 Property Maintenance.

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

Section 6.305 Voting Place.

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

Section 6.306 Essential Public Services and Required Utilities.

Essential services buildings and structures shall be permitted as authorized under any franchise in effect within the Township. Such essential services shall be subject to federal, state, county, and local regulations, and shall be consistent with the list of uses permitted in each zoning district. It is the intent of this Section to ensure conformity of all structures, uses, and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or Township Ordinance.

G. Inspection and Conformance.

The Township Building Official, Zoning Administrator, code enforcement officer or designated representative of the Township shall make at least four (4) inspections of the extractive operation per calendar year, to ensure conformance with the requirements of this Ordinance. The applicant shall pay inspection fee for such inspections pursuant to the fee schedule established by the Township Board.

1. Any violations shall be reported in writing to the Township Board. The report shall be forwarded with a request for compliance, to the permittee.
2. Failure on the part of the permittee to correct a reported violation within 30 days after such request is made by the Township, shall be reason for revocation or

suspension of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Township Board of good and sufficient cause by the permittee.

ARTICLE 7

PARKING, LOADING, AND ACCESS MANAGEMENT

Section 7.01 Purpose.

The purpose of this Article is to protect water quality and the capacity of drainage and stormwater management systems; to limit the number of off-street parking spaces and amount of impervious surfaces that may be permitted on a parcel of land or accessory to a use or building; to establish flexible minimum and maximum standards for off-street parking and loading; and to promote the use and development of shared parking facilities and cross-access between sites.

Section 7.02 Scope.

The regulations of this Article shall be met in all districts whenever any uses are established; any structure is erected, enlarged, or increased in capacity; a new land use is established; an existing use is replaced by a new use (change of use); or an existing use is expanded or increased in intensity. Such spaces shall be provided in accordance with the provisions of this Article, subject to approval per Section 12.01 (Site Plan Review).

Section 7.03 General Standards.

The following general standards shall apply to all off-street parking and loading facilities:

A. Location of Spaces.

Off-street parking spaces shall be located within 500 feet of a primary building entrance for the use to which such spaces are accessory. Off-street parking facilities may be located within required yard setbacks, subject to provision of adequate screening per Section 8.05A (Parking Lot Screening).

B. Use.

Any area once designated as required off-street parking, stacking, and loading spaces shall not be changed to any other use, unless adequate spaces meeting the standards of this Article have first been provided at another location acceptable to the Planning Commission.

Use of off-street parking, stacking, and loading facilities shall be further subject to the following:

1. No commercial activity or selling of any kind shall be conducted within required parking areas, except as part of a permitted temporary use.
2. Parking lots and loading areas shall not be used for parking of inoperable vehicles, outside storage of any equipment, products or materials, except where permitted or dumping of refuse.

3. Parking of an operable motor vehicle shall not exceed a continuous period of more than 48 hours. Repairs, servicing or display of vehicles for sale shall be prohibited.
4. No person shall park any motor vehicle on any private property without the authorization of the owner, holder, occupant, lessee, agent or trustee of such property. Ownership shall be shown of all lots intended for use as parking by the applicant.

C. Shared Facilities.

The development and use of a parking or loading facility shared between two (2) or more contiguous uses shall be permitted where peak activity for each use will occur at different periods of the day or week. Shared facilities shall be subject to acceptance by the Planning Commission of a signed shared facility agreement between the property owners. Where shared parking facilities are provided, the number of parking spaces shall not be less than eighty percent (80%) of the sum of the minimum requirements for the various individual uses specified in Section 7.05 (Schedule Of Required Parking by Use), nor more than the sum of the minimum requirements for the various individual uses, as follows:

Minimum Shared Parking Requirement = (minimum for use A + minimum for use B) x 80%
Maximum Shared Parking Requirement = (minimum for use A + minimum for use B) x 133%

Section 7.04 Residential Parking Standards.

Off-street parking spaces for single-and two-family (duplex) dwellings shall consist of an accessory driveway, garage, parking strip or bay, or combination thereof, subject to the following:

1. Parking spaces for dwelling units may be provided in garages, carports, or parking areas, or combinations thereof, and shall be located on the same zoning lot as the principal dwelling.
2. Recreation vehicles, boats and boat trailers, snowmobiles, trail-cycles, all terrain vehicles, and similar equipment, and trailers, cases, and boxes used for transporting recreational equipment whether occupied by such equipment or not, shall not be parked or stored in front of the building or a minimum of 100 feet from the road right-of-way whichever is less, of any lot in a residential district.
 - a. Such equipment may be parked anywhere in a driveway or parking area on residential premises for a period not to exceed 72 hours.
 - b. Such equipment shall not be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.
3. Parking of motor vehicles shall be limited to passenger vehicles and not more than one (1) commercial vehicle not to exceed five (5) ton capacity per dwelling unit. The commercial vehicle shall not be parked or stored in front of the building or a minimum of 100 feet from the road right-of-way whichever is less, of any lot in a residential district.

Section 7.05 Schedule Of Required Parking by Use.

The minimum number of required off-street parking spaces for an individual use shall be determined in accordance with the following:

A. Parking Calculations.

Where a use is not specifically mentioned in this Article, the Planning Commission shall apply the standards for a similar listed use. Where calculations determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded, and any fraction over one-half ($\frac{1}{2}$) shall be rounded-up to the next highest whole number.

B. Minimum and Maximum Parking Requirements.

1. **Minimum required spaces.** Off-street parking, stacking, and loading spaces shall be provided in accordance with the minimum requirements of Section 7.05C (Schedule Of Required Parking by Use). The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by this Section.
2. **Maximum permitted parking spaces.** The maximum amount of off-street parking permitted for any use shall not exceed one hundred thirty three percent (133%) of the minimum parking requirements of this Section. This requirement shall not apply to single-family or two-family dwellings, nor to spaces reserved for off-site uses as part of an off-site parking facility agreement per Section 7.09A (Off-Site Parking Facilities).

C. Schedule Of Required Parking by Use.

Use	Paving Required	Minimum Required Parking
ANIMAL AND AGRICULTURAL USES		
Farm-Based Tourism or Entertainment Activities	No	One (1) per four (4) seats or eight (8) feet of benches, based upon the maximum seating capacity of the primary assembly space; or one (1) per four (4) persons allowed within the maximum capacity of the facility.
Greenhouses Nurseries, and Garden Centers	No	Five (5), plus one (1) per on-duty employee based upon maximum employment shift, plus one (1) per 300 square feet of usable floor area for any offices or other accessory uses.
Farm Markets and Feed Stores	No	One (1) per 400 square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.

C. Schedule Of Required Parking by Use.

Use	Paving Required	Minimum Required Parking
Veterinary clinics, Kennels, and Animal Shelters	No	One (1) per 500 square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
RESIDENTIAL USES		
Accessory Dwellings	No	One (1) per dwelling unit, plus any required spaces for the dwelling.
Adult Foster Care Small or Large Group Homes, State Licensed Residential Facilities, and Other Managed Residential Facilities	Yes	One (1) per resident sleeping room, plus one (1) per on-duty employee based upon maximum employment shift.
Bed and Breakfast Inns	No	One (1) per guest sleeping room, plus any required spaces for the dwelling.
Family and Group Child Day Care Homes, and Adult Foster Care Family Homes	No	One (1) per on-duty employee based upon maximum employment shift, plus any required spaces for the dwelling.
Manufactured Housing Parks	Yes	Two (2) per dwelling.
Multiple-Family Housing	Yes	One and one-half (1.5) per dwelling unit with up to two bedrooms, and two (2) per three-bedroom or larger dwelling unit.
Two-Family or Duplex Dwellings	No	
Assisted Living Facilities and Dependent Elderly Housing	Yes	One (1) per two (2) dwelling units or per four (4) beds, plus one (1) per on-duty employee based upon maximum employment shift.
Senior Housing and Independent Elderly Housing	Yes	One (1) per dwelling unit, plus one (1) per on-duty employee based upon maximum employment shift.
Single Family Dwellings, Detached	No	Two (2) per dwelling.
OFFICE, SERVICE, AND COMMUNITY USES		
Barber Shops, Beauty Salons, and Nail Care	No	One (1) per service chair or station, plus one (1) per on-duty employee based upon maximum employment shift.
Child and Adult Day Care Centers	Yes	One and one-half (1.5) per six (6) children of state licensed or authorized capacity, plus one (1) per on-duty employee based upon maximum employment shift.

C. Schedule Of Required Parking by Use.

Use	Paving Required	Minimum Required Parking
Fire and Police Stations	No	One (1) per on-duty employee based upon maximum employment shift, plus any required spaces for storage of vehicles.
Funeral Homes or Mortuaries	Yes	One (1) per four (4) persons allowed within the maximum building occupancy.
Health Club or Fitness Center	No	One (1) per four (4) persons allowed within the maximum building occupancy, or one (1) per 300 square feet of usable floor area.
Hospitals and Urgent Care Centers	Yes	One (1) per four (4) beds, plus one (1) per on-duty employee based upon maximum employment shift.
Institutional Uses	Yes	One (1) per four (4) seats or eight (8) feet of benches, based upon the maximum seating capacity of the primary assembly space; or One (1) per on-duty employee based upon maximum employment shift, plus one (1) per four (4) persons allowed within the maximum building occupancy.
Medical, Osteopathic, Chiropractic, Therapeutic Massage, Optical or Dental Offices and Clinics	Yes	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per examination or treatment room.
Offices for Professional, Service or Administrative Uses	Yes	One (1) per 300 square feet of usable floor area.
Recreation Facilities, Indoor	No	One (1) per four (4) persons allowed within the maximum building occupancy, or one (1) per 300 square feet of usable floor area.
Recreation Facilities, Outdoor	No	One (1) per 7,500 square feet of gross land area.
Workshops or Studios	No	One (1) per 400 square feet of usable floor area.
COMMERCIAL USES		
Banks and Financial Institutions	Yes	One (1) per 300 square feet of usable floor area.
Car Washes	Yes	Two (2), plus one (1) per on-duty employee based upon maximum employment shift, plus six (6) stacking spaces per service lane and two (2) for post-wash detailing.

C. Schedule Of Required Parking by Use.

Use	Paving Required	Minimum Required Parking
Drive-in or Drive-through Facilities	Yes	Two (2) per service window, booth, cubicle or stall, plus six (6) stacking spaces per service lane.
Gasoline Service Stations	Yes	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per fueling location, plus one (1) stacking space per two (2) fueling locations.
Hotels	Yes	One (1) per occupancy unit, plus one (1) per on-duty employee based upon maximum employment shift.
Laundromat and Dry Cleaners	No	One (1) per six (6) washing or drying machines, or one (1) per 300 square feet of usable floor area.
Manufactured Housing Sales	No	One (1) per 4,000 square feet of outdoor sales or display area, plus one (1) per on-duty employee based upon maximum employment shift.
Motor Vehicle, Recreational Vehicle, Boat or Similar Durable Goods Showroom, Sales or Rental Office	No	One (1) per 500 square feet of usable floor area of the sales room, plus one (1) per on-duty employee based upon maximum employment shift.
Motor Vehicle Service Centers and Repair Stations	Yes	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per service bay, plus one (1) stacking space per service bay.
Open Air Businesses and Outdoor Display Areas	No	One (1) per 1,000 square feet of outdoor sales or display area.
Restaurants and Food Service Establishments, Carry-Out Only	No	One (1) per 200 square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
Restaurants, and Food Service Establishments, with Dine-In Seating	Yes	One (1) per four (4) seats, based upon the maximum seating capacity, plus one (1) per on-duty employee based upon maximum employment shift.
Retail Stores and COMMERCIAL USES not otherwise listed in this table	No	One (1) per 250 square feet of usable floor area.

C. Schedule Of Required Parking by Use.

Use	Paving Required	Minimum Required Parking
Tavern, Pub, Brewpub, Cocktail Lounge or Night Club	Yes	One (1) per three (3) persons allowed, based upon the maximum seating capacity of the primary assembly space, plus one (1) per on-duty employee based upon maximum employment shift.
INDUSTRIAL, RESEARCH, AND LABORATORY USES		
INDUSTRIAL, RESEARCH, AND LABORATORY USES not otherwise listed in this table – established for a known user.	No	Five (5), plus one (1) per on-duty employee based upon maximum employment shift, plus one (1) per 300 square feet of usable floor area for any offices or other accessory uses.
INDUSTRIAL, RESEARCH, AND LABORATORY USES not otherwise listed in this table – established on speculation, or where the end user or number of anticipated employees is not known.	No	Five (5), plus one (1) per 2,000 square feet of usable floor area for the industrial, research or laboratory use, plus one (1) per 300 square feet of usable floor area for any offices or other accessory uses.
Outdoor Storage, General	No	One and one-half (1.5) per on-duty employee based upon maximum employment shift, plus one (1) per 300 square feet of usable floor area for any offices or other accessory uses.
Outdoor Storage, Dismantling or Recycling of Motor Vehicles, Recreational Vehicles, Boats, Manufactured Houses and Similar Items	No	
Self-Storage Warehouses	Yes	Two (2) for the caretaker's dwelling, plus one (1) per 300 square feet of usable floor area in the principal building.
OTHER USES		
Adult Entertainment Uses	Yes	One (1) per 200 square feet of usable floor area.
Composting Centers and Support Facilities	No	One and one-half (1.5) per on-duty employee based upon maximum employment shift, plus one (1) per 300 square feet of usable floor area for any offices or other accessory uses.
Racetracks	Yes	One (1) per 4,000 square feet of gross land area occupied by the use, or one (1) per three (3) persons allowed within the maximum occupancy load that the facilities are designed to accommodate.

Section 7.06 Design Requirements.

Off-street parking facilities, other than parking for single-and two-family (duplex) dwellings subject to Section 7.04 (Residential Parking Standards), shall be designed, constructed, and maintained in accordance with the following:

A. Barrier-Free Parking Requirements.

Barrier-free parking spaces signed and striped shall be provided at conveniently accessible locations within each parking lot, in accordance with the State Construction Code enforced by the Township, and the following (see illustration):

Number of Parking Spaces Provided	Minimum Number of Barrier-Free Spaces Required	Van Accessible Parking Spaces Required	Accessible Parking Spaces Required
Up to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in each lot	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
1,001 and over	20 plus 1 per 100 spaces over 1,000	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces

B. Setbacks and Screening.

Off-street parking spaces and all driveways shall be set back a minimum of ten (10) feet from all lot boundaries and road rights-of-way. Screening and landscaping shall be provided for all parking and loading facilities in accordance with the provisions of Section 8.05A (Parking Lot Screening).

C. Exterior Lighting.

Where provided, exterior lighting shall comply with the standards of Article 10 (Exterior Lighting).

D. Ingress/Egress.

Adequate means of ingress and egress shall be provided for all parking and loading facilities by means of clearly limited and defined drives, curb cuts, and maneuvering lanes. Backing directly onto a road or using a road for maneuvering between parking rows shall be

prohibited. Driveways and aisles for any off-street parking area built to accommodate more than five (5) vehicles shall comply with the following requirements:

1. **Aisle width and length.** Drive aisles in off-street parking lots shall be at least 20 feet wide, and shall not exceed 200 feet in length without a break in circulation.
2. **Driveway configuration.** Each driveway shall be a minimum of 11 feet and a maximum of 15 feet in width per direction. Lanes for entering and exiting traffic shall be clearly marked on the pavement. The driveway shall include an on-site stacking area. The driveway shall intersect the abutting street at a 90 degree angle.

E. Pavement.

Off-street parking facilities shall be paved in accordance with the construction and design standards established by the Township, and the following:

1. **Gravel surface.** Where Section 7.05 (Schedule Of Required Parking by Use) does not require that parking areas be paved, parking facilities may be surfaced with graded earth, treated stone, or gravel materials that provides a durable, smooth and dustless surface.
2. **Paved surface.** Where Section 7.05 (Schedule Of Required Parking by Use) requires parking areas to be paved, parking facilities shall be paved with concrete, plant-mixed bituminous asphalt or similar materials. All parking spaces in paved lots shall be marked with pavement striping.

F. Stacking Spaces.

Where required by this Article, stacking spaces for drive-through facilities shall be ten (10) feet wide by 20 feet long. Stacking spaces shall not intrude into any road right-of-way or maneuvering lane for an off-street parking lot.

G. Grading and Drainage.

Driveways and parking areas shall be graded and provided with adequate drainage to dispose of surface waters in accordance with applicable construction and design standards established by the Township, the Monroe County Road Commission, and the Monroe County Drain Commissioner. Surface water shall not drain on to adjoining lots or across a public road, except in accordance with an approved drainage plan.

H. Parking Layout.

The layout of off-street parking shall be in accordance with the following minimum requirements (see illustration):

Parking Pattern (degrees)	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Width of Maneuvering Lane Plus Two Rows
0° (parallel)	24 feet (two-way)	8 feet	22 feet	40 feet
45°	12 feet (one-way)	9 feet	20 feet	49 feet

Parking Pattern (degrees)	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Width of Maneuvering Lane Plus Two Rows
60°	16 feet (one-way)	9 feet	20 feet	56 feet
90°	20 feet (two-way)	9 feet	20 feet	60 feet

Section 7.07 Construction.

Construction or alteration of off-street parking lots shall be in accordance with an approved site plan and the following:

1. Review and approval of appropriate permits from the Township Building Department shall be required. Proof of any necessary permits or approvals from Monroe County Road Commission, Monroe County Drain Commissioner's Office or other agency with jurisdiction shall be provided to the Township.
2. Plans for parking lots shall indicate existing and proposed grades, drainage, surfacing and base materials, and the proposed parking layout.
3. In the event that required paving cannot be completed because of cold or inclement weather, the Township may require submittal of a performance guarantee to ensure completion per Section 1.08 (Fees and Performance Guarantees).

Section 7.08 Off-Street Loading.

Adequate space shall be provided for loading and unloading activities associated with any use involving the receipt or distribution of vehicles, materials or merchandise, subject to the following:

A. General Standards.

The following shall apply to loading and unloading areas in all zoning districts:

1. **Setbacks.** Loading spaces shall be set back a minimum of 50 feet from any residential district or use, except where enclosed within a building or screened to the satisfaction of the Planning Commission, per Section 8.04 (Methods of Screening).
2. **Hard surface required.** Loading spaces shall be paved with a surface providing the equivalent load strength of nine (9) inches of concrete.
3. **Dimensions of loading spaces.** Each loading space shall be at least ten (10) feet wide and 25 feet long. If roofed, a loading space must have at least 15 feet of vertical clearance. Where a use involves semi-trucks making deliveries on a daily basis, or requires that semi-trailers will be parked in the space for more than one (1) hour at any time, the loading space shall be at least 60 feet long.
4. **Location of loading spaces.** The location and arrangement of loading spaces shall be subject to the following:

- a. Loading spaces shall be located within or immediately adjacent to the building to be served.
- b. Loading spaces may occupy part of any required side or rear yard. No part of a required front yard shall be occupied by such loading space.
- c. Off-street loading facilities that make it necessary or possible to back directly into a public street shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way.

B. Use Standards.

The minimum size or number of required loading spaces shall be based on the gross floor area of a building or addition. COMMERCIAL USES, and INDUSTRIAL, RESEARCH, AND LABORATORY USES shall be required to provide a minimum number of loading spaces as follows:

1. Buildings up to and including 20,000 square feet of gross floor area shall provide at least one (1) space.
2. Buildings with more than 20,000 square feet in gross floor area, but less than 50,000 square feet shall provide a minimum of two (2) spaces.
3. Buildings 50,000 square feet and greater in gross floor area shall provide three (3) spaces plus one (1) space for each additional 50,000 square feet or fraction thereof.

Section 7.09 Modification of Standards.

Limited modifications to the standards of this Article shall be permitted, subject to the following:

A. Off-Site Parking Facilities.

Required parking facilities accessory to non-residential uses in any zoning district may be located off-site (on other than the same zoning lot as the use served), subject to the following:

1. Required parking shall be located within 500 feet of a primary building entrance for the use.
2. A written agreement shall be drawn to the satisfaction of the Township Attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

B. Exceeding Maximum Number of Required Spaces.

The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by this Section. Exceeding the maximum parking space requirements shall be prohibited, except where the Planning Commission determines that additional parking is necessary to accommodate the use on a typical day of operation, based upon evidence supplied by the applicant.

C. Deferment of Parking Spaces.

Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum required number of parking spaces is excessive, the Planning Commission may approve the construction of a lesser number of parking spaces, provided that the deferred parking is shown on the site plan and set aside as open space.

Deferred parking spaces shall be constructed in accordance with the approved site plan upon written request by the Township after the Zoning Administrator or Code Enforcement Officer has documented three (3) incidents of problem parking on the site.

D. Modification of Loading Space Requirements.

The Planning Commission may modify or waive the requirement for off-street loading areas, upon determining that adequate loading space is available to serve the building or use, or that provision of such loading space is unnecessary or impractical to provide.

E. Other Circumstances.

The Planning Commission may modify or waive off-street parking requirements under any of the following circumstances:

1. A determination that existing off-street parking spaces on or adjacent to the lot can effectively accommodate the parking needs of the proposed use without negatively impacting traffic safety or adjacent uses.
2. Sufficient evidence has been provided by the applicant to demonstrate that an alternative parking standard would be more appropriate for the type, scale or intensity of the proposed use.

Section 7.10 Maintenance.

All parking and loading areas shall be maintained in accordance with the provisions of this Article, an approved site plan and the following:

1. Alterations to an approved parking or loading facility that are not in accordance with an approved site plan shall be considered a violation of this Ordinance.
2. All parking areas, perimeter landscaped areas, and required screening shall be kept free from tall grass, weeds, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related improvements shall be kept in good repair.

Section 7.11 Access Management.

The purpose of this Section is to protect the substantial public investment in the Township's road system by preserving the traffic capacity of existing roads. It is the further intent of this Section to promote safe and efficient travel within the Township; minimize disruptive and potentially hazardous traffic conflicts; establish efficient standards for driveway spacing and the number of driveways; and ensure reasonable vehicular access to properties, though not always the most direct access.

Parcels in the C-1 (Local Commercial), C-2 (Highway Commercial), and IND (Industrial) Districts shall be subject to the following standards:

A. Monroe County Road Commission Standards.

Where the Monroe County Road Commission (MCRC) has adopted access management standards that are more restrictive than the standards of this Section, the adopted MCRC standards shall supercede the standards of this Section.

B. Driveway Spacing Standards.

Each parcel in the C-1 (Local Commercial), C-2 (Highway Commercial), and IND (Industrial) Districts shall have no more than one (1) driveway entrance and exit opening to a public road for each 300 feet of frontage or fraction thereof. Where more than one (1) driveway is allowed, the driveways shall be located at least 150 feet apart. No driveway shall be located within 30 feet of a lot boundary, or within 50 feet of a road intersection.

C. Shared Access Standards.

Vehicle access to parcels in the C-1 (Local Commercial), C-2 (Highway Commercial), and IND (Industrial) Districts may be provided by the development and use of shared driveways, cross-access drives, service drives, and similar means of shared access, subject to the following:

1. **Location.** New shared driveways, cross-access drives, and service drives shall be aligned with existing drives on adjacent lots where feasible, and parallel or perpendicular to the road right-of-way.
2. **Cross-access easement.** Shared driveways, cross-access drives, and service drives shall be located within a dedicated access easement that permits traffic circulation between lots, which shall be recorded with the Monroe County Register of Deeds office.
3. **Maintenance.** The easement area shall remain clear of obstructions, and shall not be used for parking unless otherwise approved by the Planning Commission. Each property owner shall be responsible for maintenance of the shared access.

Section 7.12 Traffic Impact Studies.

Where authorized by this Ordinance or determined necessary by the Planning Commission, a traffic impact study (TIS) shall be prepared by an applicant to determine the potential future traffic conditions on the adjacent roadways once a proposed use is established or development is completed. The Township may utilize its own traffic consultant to review the TIS, with the cost of the review being borne by the applicant per Section 1.08 (Fees and Performance Guarantees).

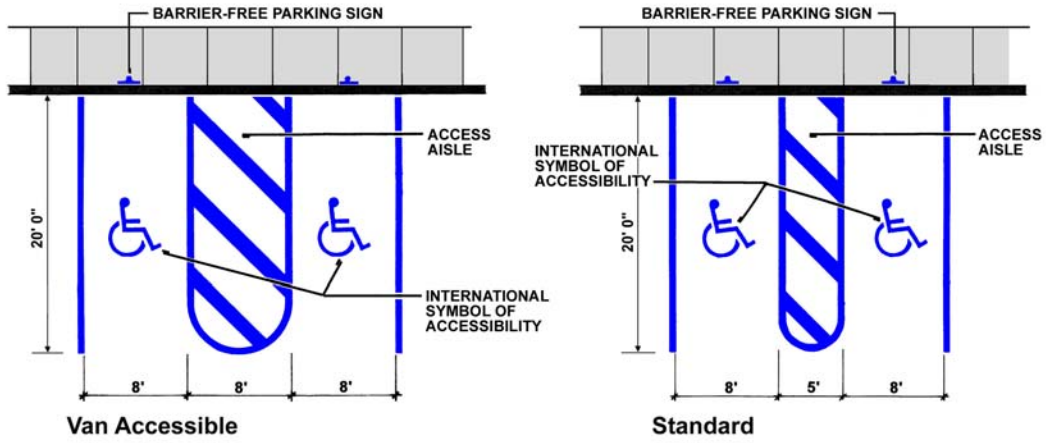
The results of the TIS shall be used in the final design of access points and internal circulation and may identify necessary off-site road improvements. At a minimum, the TIS shall meet standards of the Michigan Department of Transportation (MDOT) handbook entitled *Evaluating Traffic Impact Studies*. The Planning Commission may modify the TIS requirements or scope based upon site

and use location and conditions.

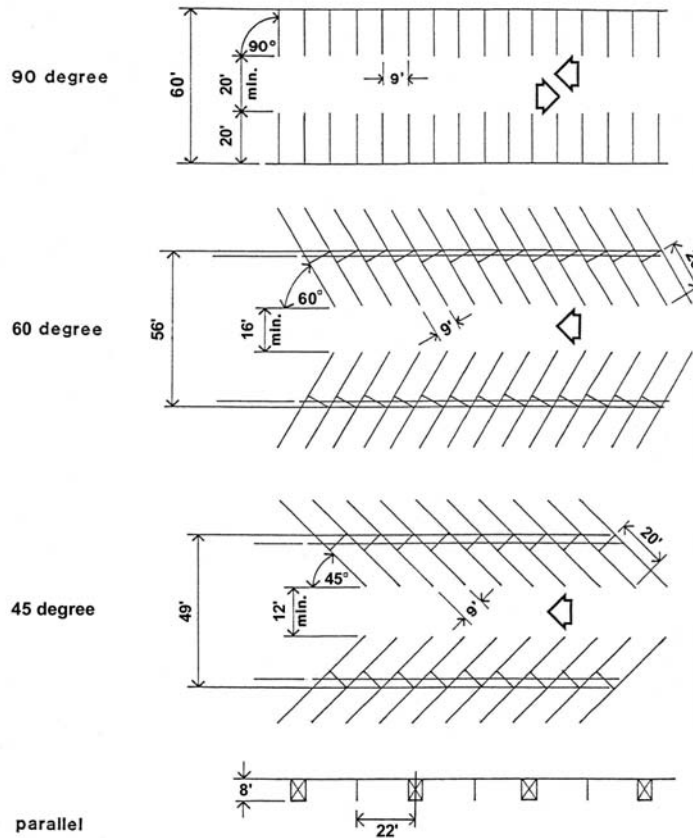
At a minimum, the TIS shall include the following:

1. An analysis of existing traffic conditions or site restrictions using current data.
2. Projected trip generation at the subject site or along the subject service drive based on the most recent edition of the Institute of Transportation Engineers' *Trip Generation* manual. The Township may approve use of other trip generation data if based on recent studies of at least three (3) similar uses within similar locations in Michigan.
3. Illustrations of current and projected turning movements at access points, including identification of potential impacts of the development on the operation of the abutting roads. Capacity analysis shall be based on the most recent edition of the Transportation Research Board's *Highway Capacity Manual*, and shall be provided in an appendix to the TIS.
4. Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles and other users.
5. Prediction of the peak-hour operational conditions at site driveways and road intersections affected by the development.
6. Justification of need, including statements describing how any altered or additional access points will meet the intent of this Article, not preserve public safety and road capacity, and be consistent with the adopted master transportation plans for the Township, county or state road authorities.
7. Qualifications and documented experience of the author in preparing traffic impact studies in Michigan. The preparer shall be either a registered traffic engineer (P.E.) or a transportation planner, with at least three (3) years of experience preparing traffic impact studies in Michigan. If the TIS involves geometric design, the study shall be prepared or supervised by a registered engineer with adequate experience in traffic engineering.

ILLUSTRATIONS



Barrier-Free Parking Space Layout



Parking Layout

ARTICLE 8

SCREENING AND LAND USE BUFFERS

Section 8.01 Purpose.

Screening and land use buffers are necessary for the protection and enhancement of the environment, and to ensure reasonable compatibility between land uses of differing intensity or impacts. Screening elements enhance the visual environment; protect property values; alleviate the impact of noise, traffic, and more intensive land uses; and minimize visual impacts of parking lots, loading areas and storage areas. Provisions for necessary screening and buffering contribute to a healthy development pattern, and increase the level of privacy for residential uses in the Township.

The purposes of this Article are to establish minimum standards for the design, installation, and maintenance of screening elements and plant materials; and to establish reasonable standards for the screening of uses of a significantly different scale or character, buffering of parking lots, storage areas and similar activities from road rights-of-way and adjacent lots, and protection of residential uses that abut non-residential zoning districts.

It is the intent of this Article that required screening and buffering elements shall be immediately effective in achieving the purpose of this Article, and shall maintain that effectiveness as the plant materials mature. Where existing sites have been developed without adequate screening or buffering, the purpose of this Article shall be achieved through improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other site improvements.

Section 8.02 Scope.

Every property owner and developer shall be responsible for ensuring that the use of a zoning lot in the Township does not adversely impact adjacent properties. The standards of this Article shall be considered the minimum necessary to achieve the purposes of this Article and Ordinance, and shall apply to all uses, lots, and sites altered, developed or expanded after the effective date of this Ordinance that are subject to review per Section 12.01 (Site Plan Review) except Single-family residential uses.

Section 8.03 General Standards.

A. Plant Material Standards.

1. **General.** The following shall apply to all plant materials:
 - a. All plant material shall conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurserymen, Inc. and approved by the American National Standards Institute, Inc. (ANSI 260.1, 1996).

- b. All plant material shall be true to name in conformance to the current edition of Standardized Plant Names established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the Township.
- c. All plant material shall be nursery grown; hardy to the climate of Michigan; appropriate for the soil, climatic and environmental conditions; and resistant to disease and insect attack.
- d. Artificial plant material shall be prohibited within required screening areas.

- 2. **Groundcovers.** The following shall apply to all groundcover materials:
 - a. Lawn areas shall be planted in species of grass normally grown as permanent lawns in Michigan. Grass may be sodded or hydro-seeded, provided that adequate measures are taken to minimize soil erosion. Sod or seed shall be clean and free of weeds and noxious pests or disease.
 - b. The creative use of groundcover alternatives is encouraged. Groundcover used in lieu of grass shall be planted to present a finished appearance after one (1) complete growing season. Prairie grass and natural wildflower and grass mix may be used where appropriate.
 - c. Synthetic materials shall not be used as a permitted groundcover. Use of stone and gravel as a groundcover shall be limited to decorative accents within a planting bed, subject to Planning Commission approval.
- 3. **Mulch.** Planting beds shall present a finished appearance; with shredded hardwood bark mulch or similar natural material at a minimum depth of three (3) inches. Mulch used around trees and shrubs shall be a minimum of four (4) inches deep, and shall be pulled one (1) inch away from tree trunks. An effective edge treatment shall be provided to contain and prevent migration of the mulch.
- 4. **Topsoil.** A minimum four (4) inches of topsoil shall be provided for all lawn areas, ground covers and planting beds.

B. Standards for Size and Variety of Plant Materials.

To ensure adequate variety, and to avoid monotony and uniformity within a site, required plant materials shall not include more than thirty percent (30%) of any single plant species, and shall comply with the following schedule for minimum sizes at planting:

Screening Materials	Minimum Size at Installation
Deciduous Shade Trees	2½ - 3 caliper-inches diameter
Evergreen Trees	6.0 feet overall height

Screening Materials	Minimum Size at Installation
Deciduous Ornamental Trees	2.0 caliper-inches diameter or 6 feet overall height
Shrubs	30 inches in height or 24 inches in spread

C. Existing Plant Materials.

Existing trees and wooded areas on a site may be used to satisfy specific screening standards of this Article. To confirm compliance with the standards of this Article, the Planning Commission may require that the location, size, and species of individual trees to be preserved be identified on the site plan, along with the perimeter of all preserved wooded areas.

Section 8.04 Methods of Screening.

Screening and buffering elements shall satisfy the purpose and objectives of this Article, and shall be accomplished by any one of the following methods, or any combination of these methods that the Planning Commission determines to be best suited for the existing conditions:

A. Greenbelt Buffer.

The purpose of this method is to establish a buffer between adjacent land uses, or between uses and adjacent road rights-of-way. This method is intended to provide a partial visual screen, particularly where the adjacent uses (including uses that are adjacent across a road right-of-way) are less intense than the use of the subject site. Greenbelt buffers shall consist of the following (see illustration):

1. Greenbelts shall have a minimum width of ten (10) feet.
2. Greenbelts shall be sodded, hydro-seeded, or planted with appropriate groundcovers. Planting beds for perennial flowers may be incorporated into the greenbelt.
3. A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the greenbelt buffer at a minimum concentration of three (3) trees and ten (10) shrubs per 30 linear feet of greenbelt length along a property line or road frontage.

B. Fence.

The purpose of this method is to visually screen parking lots, outdoor storage areas, and similar uses where the predominant impacts are at or below eye level. This method shall consist of an ornamental, rail or privacy fence constructed along the lot or zoning district boundary, or around the perimeter of the area to be screened, subject to the following (see illustration):

1. Required fences shall have a minimum height of three (3) feet, and shall not exceed six (6) feet in height above grade unless a higher fence height is determined by the Planning Commission to be necessary to provide adequate screening.
2. Such fences shall conform to the standards of Section 6.102 (Fences).
3. The fence materials, height, location, and design shall be consistent with existing fences on adjacent lots, and shall be subject to Planning Commission approval.

C. Berm.

The purpose of this method is to effectively screen visual and noise impacts using natural-appearing landforms. This method is intended to provide an obscuring screen to block noise and light from adjacent uses or road rights-of-way, or to create a buffer between developed and undeveloped areas of a site. Berms shall consist of a combination of a sculpted earth mound and plantings, which shall meet the following standards (see illustration):

1. Berms shall have side slopes no steeper than three (3) feet horizontal to one (1) foot vertical (3:1 ratio).
2. Berms shall have a minimum height of three (3) feet. Overall berm height shall be adequate for the intended screening function.
3. The interior face of the berm may be constructed as an earthen slope, or may be retained by means of a wall, terrace or similar means acceptable to the Planning Commission.
4. The berm shall be designed and graded to blend with existing topography, and shall be appropriately sodded, hydro-seeded or planted with appropriate groundcovers. Planting beds for perennial flowers may be incorporated into the berm.
5. The Planning Commission may require plantings on the berm, per Section 8.04A (Greenbelt Buffer).

D. Evergreen Screen.

The purpose of this method is to create a dense obscuring screen that meets the objectives of this Article. This method is intended to establish a year-round screening barrier between land uses of differing intensities, to effectively block noise and light, or to completely separate developed and undeveloped portions of a site.

This method shall consist of closely spaced evergreen trees with year-round screening characteristics. Such trees shall be planted a maximum of 15 feet apart in at least two (2) staggered rows (see illustration).

E. Masonry Wall.

The purpose of this method is to create a solid, year-round barrier and obscuring screen to effectively block noise, light, and other impacts between land uses of differing intensities. Such walls shall be subject to the following (see illustration):

1. Masonry walls shall have a minimum height of two (2) feet, and shall not exceed six (6) feet in height above grade unless a higher wall height is determined by the Planning Commission to be necessary to provide adequate screening.
2. Walls shall be solid in character, and capped with a stone or concrete cap.
3. Wall materials shall be coordinated with the principal building materials on the site. The Planning Commission may require that decorative masonry (brick, stone, or decorative block) materials be incorporated into the wall design and construction.

Section 8.05 Standards for Specific Areas.

The following standards are intended to address the specific screening and buffering needs of particular areas or portions of a site, in accordance with the purpose and objectives of this Article:

A. Parking Lot Screening.

Screening for off-street parking lots shall be subject to the following:

1. **Perimeter screening.** Parking lots shall be screened from all abutting residential districts and road rights-of-way in accordance with Section 8.04 (Methods of Screening).
2. **Snow storage area.** Adequate snow storage area shall be provided within the site. Plant materials within the snow storage area of the shall be hardy, salt-tolerant species characterized by low maintenance requirements.
3. **Landscaping within parking lots.** The Planning Commission may require installation of planting islands within parking lots that exceed 20 parking spaces or 6,000 square feet of paved surface area to define egress/ingress points, interior circulation system, and fire lanes. Such planting islands shall be subject to the following (see illustration):
 - a. Planting islands shall have a minimum width of ten (10) feet, and a minimum area of 160 square feet.
 - b. A minimum of one (1) deciduous shade tree or ornamental tree shall be provided for each planting island. Shrubs and live groundcover plantings shall be used to cover all unplanted areas of the island.
 - c. Planting islands shall be located at the ends of each parking row, unless otherwise approved by the Planning Commission.

B. Storage and Service Area Screening.

Loading areas, storage areas and service areas, outdoor trash storage areas, public utility and essential service uses and structures, ground equipment shelters, ground-mounted transformers and HVAC units, electric sub-stations, gas regulator stations, and similar facilities shall be screened from road rights-of-way and adjacent uses in accordance with Section 8.04 (Methods of Screening).

C. Detention and Retention Basin Screening.

Where a detention or retention basin, or similar stormwater management facility is required, such facilities shall comply with the following:

1. To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free form depression. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.
2. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, the location and design shall be subject to Planning Commission approval.
3. Basins shall be planted with a mixture of groundcover and wetland-based plantings native to Michigan, such as native grasses or wildflowers.
4. A perimeter greenbelt buffer shall be provided in accordance with Section 8.04A (Greenbelt Buffer) and the following:
 - a. Plantings shall be clustered around the basin to achieve a variety of plant materials, and to replicate a natural environment. Deciduous shade trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.
 - b. Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.

Section 8.06 Prohibited Plant Materials.

The following trees are not considered desirable plant materials because of various problems, except where removal of existing trees would result in a loss of screening or buffering, or where noted below:

Species	Common Name
Acer negundo	Box Elder
Ulmus x	Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade'
Aesculus x	Horse Chestnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
Populus x	Poplar varieties
Elaeagnus x	Olive varieties
Salix x	Willow varieties; except in appropriate wetland ecosystems
Catalpa x	Catalpa varieties
Ailanthus altissima	Tree of Heaven
Ginkgo biloba	Ginkgo (female); male trees are acceptable
Robinia pseudoacacia	Black locust
Morus alba	Mulberry (white)
Acer saccharinum	Silver Maple
Fraxinus x	Ash varieties

Section 8.07 Installation.

All screening shall be installed in a manner consistent with the standards of the American Association of Nurserymen, the approved site plan, and the following:

1. **Deadline for installation.** Installation of required screening elements and plant materials shall be completed within 365 calendar days from the date of site plan approval for the project.
2. **Extension.** The Zoning Administrator may extend the deadline to allow installation of required plant materials by the end of the next planting season, upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Section.
3. **Performance guarantee.** The Zoning Administrator may require submittal of a performance guarantee, per Section 1.08 (Fees and Performance Guarantees), to cover the cost of installing required screening elements and plant materials. After installation has been completed, the Zoning Administrator or Code Enforcement Officer shall conduct an inspection of the plant materials before the guarantee may be released.

Section 8.08 Maintenance.

All screening elements and plant materials shall be maintained in accordance with the approved site plan, and the following:

1. Maintenance procedures and frequencies to be followed shall be specified on the site plan, along with the manner in which the effectiveness, health, and intended functions of the screening elements and plant materials on the site will be ensured.
2. Plant materials shall be kept in a neat, orderly and healthy growing condition, free from weeds, debris and refuse. Tree stakes, guy wires and tree wrap shall be removed after one (1) year.
3. Pruning of plant materials shall be limited to the minimum necessary to ensure proper maturation of plants to achieve their intended purpose.
4. All required screening elements and plant materials shall be planted and maintained in accordance with an approved site plan. Failure to maintain required screening, including the removal and replacement of dead or diseased plant materials, shall be a violation of this Ordinance.
5. The replacement or removal of plant materials in a manner not consistent with an approved site plan shall be a violation of this Ordinance.
6. Adequate provisions shall be made to supply water to all required plant materials as necessary to ensure proper growth and development.

Section 8.09 Exceptions.

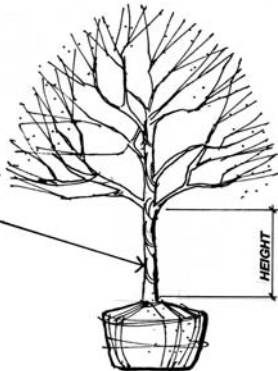
The Planning Commission may reduce or waive the specific standards of this Article, upon determination that the screening requirements and purposes of this Article have been satisfied by existing topography, vegetation or other means acceptable to the Planning Commission.

ILLUSTRATIONS

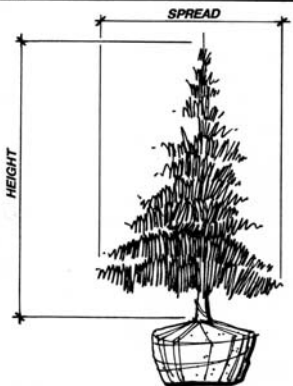
TREE CALIPER MEASUREMENTS

FOR NEW TREES ONLY;
SEE WOODLANDS PROTECTION
ORDINANCE FOR MEASUREMENT
OF EXISTING TREES

TAKE MEASUREMENT
12" ABOVE GROUND
LEVEL

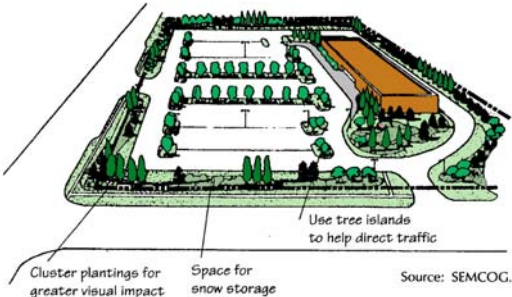
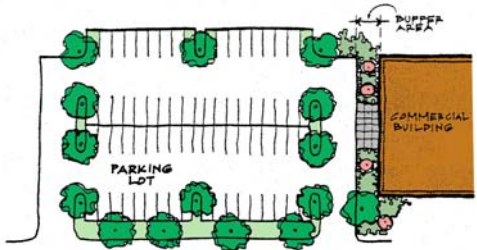


DECIDUOUS CANOPY TREE

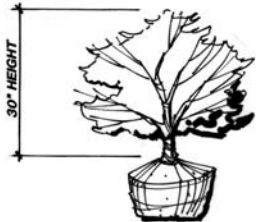


EVERGREEN TREE

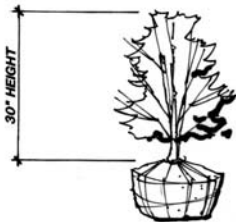
Minimum Plant Sizes



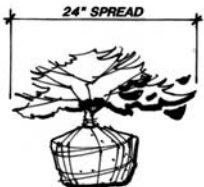
Landscaping Within Parking Lots



DECIDUOUS SHRUB

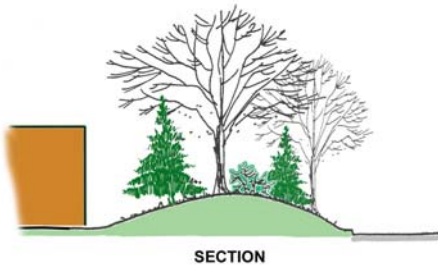


UPRIGHT EVERGREEN SHRUB



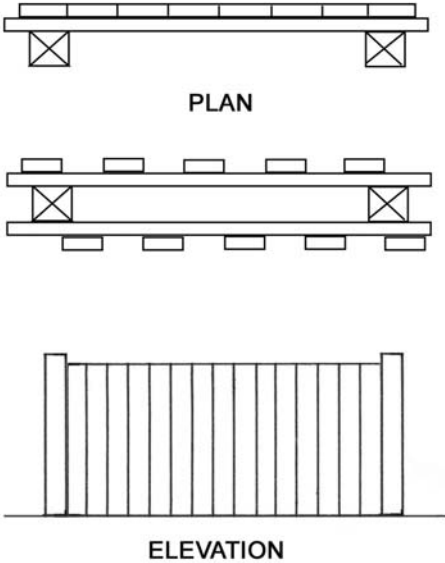
SPREADING EVERGREEN SHRUB

Minimum Plant Sizes

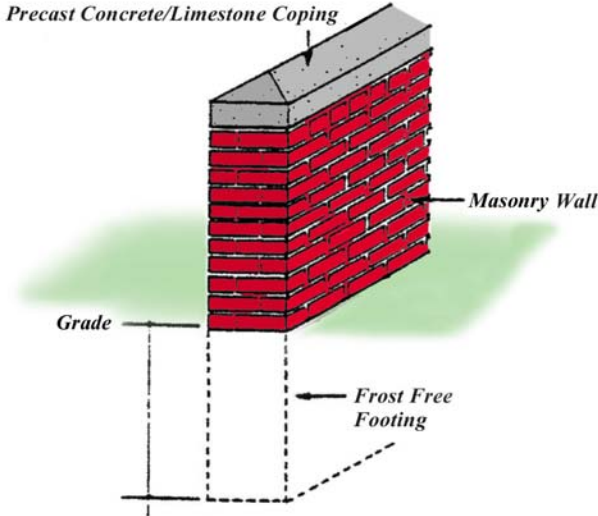


Berm

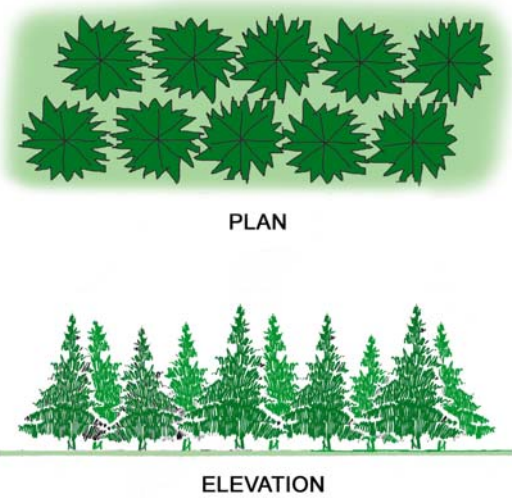
ILLUSTRATIONS



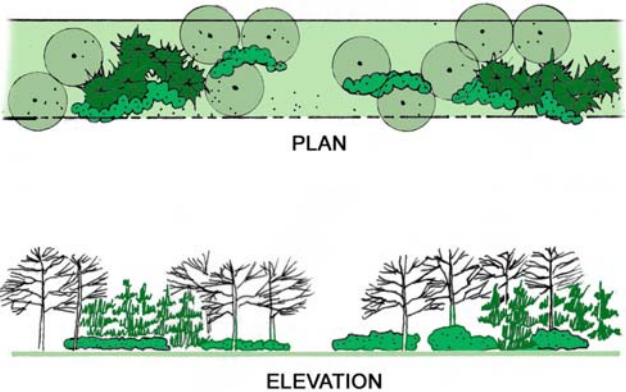
Fence



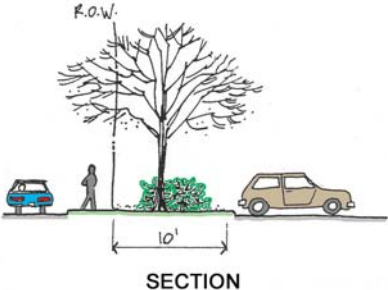
Screen Wall



Evergreen Screen



Greenbelt Buffer



ARTICLE 9 SIGNS

Section 9.01 Purpose.

The primary function of signage, as it relates to this Ordinance, is to identify a particular use or business occupying a zoning lot or building in the Township. The Township further finds that reasonable use of signage promotes commerce in the Township. However, unrestricted signage does not benefit individual businesses or property owners, or the community as a whole, because a proliferation of signs in the Township would unduly distract or endanger motorists and pedestrians; obstruct vision or create traffic hazards; negatively impact property values; and reduce the effectiveness of both business signage and signs needed to direct and warn the public.

The provisions of this Article shall be considered to be the minimum necessary to promote and protect the public health, safety, comfort, morals, and convenience. The further purposes of this Article are to:

1. Encourage free expression of ideas and dissemination of messages, regardless of content, using signs that are compatible with their surroundings and legible under the circumstances in which they are designed to be seen.
2. Regulate the construction, alteration, repair, and maintenance of all signs with respect to safety, location, dimensions, height, and method of illumination.
3. Minimize the proliferation of visual clutter and preserve the appearance of the Township by preventing the placement of oversized signs that are out of scale with surrounding buildings and uses.
4. Seek the removal of unlawful and abandoned signs, and encourage the replacement or removal of nonconforming signs that are incompatible with the purpose of this Article.

Section 9.02 General Standards.

The following general standards shall apply to signs in all zoning districts:

A. Standards of Measurement.

Dimensional standards and measurements for signs shall be subject to the following (see illustration):

1. **Sign height.** The distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative elements (see illustration).
2. **Sign setback.** Setbacks shall be measured from the closest road right-of-way or front lot line to the nearest edge of the sign.

3. **Sign area.** The surface area of a sign shall include the total area within any regular geometric figure (circle, triangle, rectangle, etc.) enclosing the extreme limits of letters, symbols or other material forming an integral part of the display or used to differentiate the sign from the background against which it is placed (see illustration).
 - a. Where two (2) sign faces with identical sign areas are placed back to back no more than 18 inches apart, then the sign area shall equal the area of one (1) face.
 - b. Where two (2) sign faces with different sign areas are placed back to back no more than 18 inches apart, then the sign area shall equal the area of the larger face.
 - c. Where two (2) sign faces are placed more than 18 inches apart at any point, then the sign area shall equal the total area of all sign faces.
 - d. A three-dimensional sign in which more than one (1) face is visible from any place, or in which the least cross sectional dimension is greater than 18 inches, shall be measured from its three (3) principal elevations in arriving at a total sign area.
4. **Signable area.** The signable area of a building shall equal the area of the building's street level façade (see illustration).
 - a. **Multiple uses.** Where more than one business or use occupies space on the street level façade, the total signable area allowed for the building shall be divided among the businesses or uses in proportion to the size of each occupied space.
 - b. **Corner lots.** Where a building has two (2) or more street level facades (such as on a corner lot), the signable area shall equal the area of the largest street level façade.

B. Construction and Maintenance.

All signs shall be constructed or installed in compliance with the State Construction Code, and other applicable building, fire, and electrical codes enforced by the Township; shall be maintained in good repair and working order; and shall present a neat and orderly appearance. Non-galvanized or corrosion-prone materials shall be painted as necessary to prevent corrosion.

All sign faces shall be smooth, and no nails, tacks or wires shall be permitted to protrude from any sign. This shall not exclude the use of block letters, decorative elements or other devices that may extend over the top or in front of the sign structure.

C. Placement Requirements.

The following placement standards shall apply to all signs:

1. No sign may extend above any parapet or be placed upon any roof surface. For purposes of this Article, roof surfaces constructed at an angle of 75 degrees or more from horizontal (such as mansard roofs) shall be regarded as wall space.
2. No sign attached to a building, other than a permitted awning sign, may project more than 18 inches from the building wall.
3. Signs shall not be located within nor extend over any road right-of-way or corner clearance area, except where specifically authorized by this Article. This restriction shall include any future planned rights-of-way identified in the Township or county master transportation plans.
4. All signs shall be located at least ten (10) feet from any utility pole, overhead wire, transformer or streetlight.

D. Hazards and Obstructions.

Signs shall not be designed or maintained in a manner that would confuse or mislead motorists or pedestrians, create traffic or pedestrian hazards, obstruct free and clear vision or interfere with any traffic control device. No sign shall be erected or maintained so as to prevent ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe, fire escape or other means of ingress or egress.

E. Use.

Signs shall not impair the use of adjacent properties. All signs shall be accessory to the principal use of the lot where the sign is located, unless specifically permitted by this Article as a non-accessory sign. Any sign permitted by this Article may contain a non-commercial message. A changeable copy area shall be allowed as part of a permitted sign, provided that the changeable copy area shall not exceed fifty percent (50%) of the total sign area.

F. Illumination.

Internal and external sign illumination shall be permitted, subject to the standards of Article 10 (Exterior Lighting) and the following (see illustration):

1. **External sign illumination.** External illumination of signs shall be permitted in any zoning district, provided that the light source(s) shall be fully shielded, directed towards the sign face, and designed to concentrate all light on the sign copy area.
2. **Internal sign illumination.** Signs accessory to non-residential uses in any zoning district may be internally illuminated, provided that the sign faces are more than fifty percent (50%) covered by semi-opaque colors and materials with a color value and saturation of fifty percent (50%) or higher (see illustration). Internal illumination of signs accessory to residential uses shall be prohibited.

3. **Hours of illumination.** Illuminated signs shall be equipped with a functional timer control. Such signs shall not be illuminated after 11:00 p.m., or one-half (½) hour following the close of the business day, whichever is later.

Such signs shall not be illuminated before sunrise, or one-half (½) hour prior to the beginning of the business day, whichever is earlier.

4. **Other Limitations.** Sign illumination shall be further limited as follows:
 - a. Sign illumination shall be provided solely by electrical means or devices, and shall not be of a flashing, intermittent, moving or animated type.
 - b. Luminous tube lighting (neon, fluorescent or similar) shall not be directly visible from any road right-of-way or adjacent lot. Such lighting may be used as an indirect light source, or if shielded by translucent panels or similar methods.
 - c. Illumination of temporary signs shall be prohibited.

Section 9.03 Signs Allowed Without a Permit.

The following signs are exempt from Section 9.09 (Sign Permit) requirements, and shall be permitted accessory to a permitted use in any zoning district. Such signs shall be subject to all other applicable conditions and standards set forth in this Article:

A. Temporary Signs.

Temporary signs shall be subject to the following:

1. The maximum permitted height and total sign area for temporary non-commercial signs on a zoning lot shall not exceed the following:

Zoning District Name	Symbol	Maximum Sign Area for All Signs (square feet)	Maximum Sign Height (feet)
Agricultural-Conservation	AG-1	32.0	6 feet
Agricultural-Reserve	AG-2		
Rural Residential	R-1	32.0	
Urban Residential	R-2		
Manufactured Housing Park	MHP		
Convenience Commercial	C-1	32.0	
Special Commercial	C-2		
Industrial-Research	I-R		
Public/Semi-Public Services	PSP	32.0	
Flood Plain	FP		

2. Such signs shall be removed by the property or business owner, agent or person responsible for creating or placing the sign on the lot within five (5) calendar days

following completion or discontinuation of the event, action or activity to which the sign pertains.

3. Temporary signs on zoning lots in the Township shall be set back a minimum of one (1) foot from all road rights-of-way. Such signs shall not be located within or over any road right-of-way, except as authorized by the Township Board and any other agency with jurisdiction.
4. Such signs determined by the Building Official or Code Enforcement Officer to be in a torn, damaged or unsafe condition shall be immediately removed by the owner, agent or person responsible for creating or placing the sign on the lot.

B. Address Numbers and Nameplate.

All principal buildings shall display their assigned road number in a manner legible from the road right-of-way. In addition, one (1) nameplate shall be permitted per principal building to provide for the further identification of the building, use or occupants. The nameplate shall not exceed four (4) square-feet in area, and shall be attached flat against the building wall.

C. Other Signs and Sign-Related Activities.

The following types of signs and sign-related activities shall be permitted accessory to a permitted use in any zoning district:

1. Painting, servicing, cleaning or minor repairs to an existing sign, provided that the sign is restored to its original design and all work is in compliance with applicable structural and electrical codes, and the requirements for such signs specified in this Article.
2. One (1) window sign accessory to a principal non-residential use, which shall not exceed four (4) square-feet in area.
3. Memorial signs, tablets or markers cut into any masonry surface or constructed of bronze or other incombustible material.
4. Flags bearing the official design of a nation, state, municipality, educational institution, award or non-profit organization, including pennants installed by the Township on or over public roads for aesthetic or promotional purposes.
5. Signs of a duly constituted governmental body; signs required to be maintained by law or governmental order, rule or regulation; signs identifying public access, municipal facilities and similar official markers; and incidental signs displayed for the direction, safety or convenience of the public.
6. Traffic safety and control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
7. Changes to sign copy within an approved changeable copy area.
8. Incidental signs carried by or affixed to clothing worn by persons; and incidental signs on vehicles, trailers, portable liquid propane tanks, and similar transitory

devices that are associated with and regularly used in the course of conducting the principal use located on the premises.

Section 9.04 Signs Allowed With a Permit.

The following signs shall be permitted accessory to a permitted use in any zoning district, subject to approval of a sign permit in accordance with Section 9.09 (Sign Permit) requirements:

A. Site Entry Features with Signage.

Site entry features with signage may be erected at the entrance to a residential subdivision, condominium or multiple-family development; elderly or senior housing development; manufactured housing park; or office, research or industrial park, subject to the following (see illustration):

1. **Number of signs.** Maximum of one (1) sign on each side of the entrance from a public road classified as a collector, arterial or thoroughfare by the master transportation plans for the Township, county or state road authorities.
2. **Setbacks.** Site entry features with signage shall be located outside of any road right-of-way or corner clearance area, and shall further comply with the following minimum setback requirements:
 - a. Ten (10) feet from any road right-of-way or curblines of any internal access driveway.
 - b. Five (5) feet from any sidewalk or paved path.
3. **Sign area and height.** The maximum height for signs on a site entry feature shall not exceed six (6) feet, and the maximum sign area shall not exceed 24 square feet.
4. **Illumination.** Illumination of such signs shall be limited to external light sources.
5. **Planning Commission review.** The location and design of each site entry feature with signage shall be subject to review and approval by the Planning Commission.

B. Construction Signs.

Temporary construction signs shall be subject to the following:

1. **Number of signs.** Maximum of one (1) sign per road frontage of the zoning lot.
2. **Sign area, height and location.** The maximum sign area shall not exceed 24 square-feet, and the maximum sign height shall not exceed six (6) feet. Construction signs shall be set back a minimum of ten (10) feet from any road right-of-way.
3. **Display period.** The sign shall not be erected prior to approval of a site plan, final preliminary plat or equivalent Township action, and shall be removed within

14 calendar days of completion of the project’s final phase, or upon expiration of site plan or permit approval.

Section 9.05 Building-Mounted Signs.

The intent of this Section is to establish consistent and reasonable standards for the location, size and range of permitted types of signs located on buildings in the Township, and to minimize the proliferation of excessive or out-of-scale building signage. The following shall apply to all building-mounted signs accessory to non-residential uses in any zoning district:

Standards	Type of Permitted Signs		
	Wall	Awning	Window
Permit required?	yes	yes	no
Internal or external illumination permitted?	yes	external only	no
Maximum number of sign faces per sign	one (1)	one (1)	one (1)
Minimum sign height (feet)	none	eight (8) feet	none
Maximum permitted sign area of all signs(square feet)	10% of the signable area of the building space occupied by the use.		15% of the street level window surface area.

1. **Location.** All building-mounted signs shall be located entirely within the street level façade(s).
2. **Rear public entrance sign.** One (1) additional building-mounted sign not exceeding four (4) square feet in area shall be permitted at any rear public entrance.
3. **Painted wall signs.** Signs applied with paint or similar substance on an exterior surface of a structure shall be considered a building-mounted sign subject to the standards of this Section and the following:
 - a. Prior to painting a sign on a wall, the wall surface shall be freshly painted with a continuous base color.
 - b. The appearance, color, texture, and materials used shall be compatible with adjacent structures and uses, and the purpose of the zoning district.
 - c. The sign conforms to the standards of this Section and Section 9.02 (General Standards).

Section 9.06 Ground Signs.

The intent of this Section is to establish consistent and reasonable standards for the height, location and size of ground signs in the Township, and to minimize the proliferation of excessive

or out-of-scale ground signage that would compete for the attention of motorists, or create traffic hazards or visual blight within the Township.

The following shall apply to all ground signs accessory to non-residential uses in any zoning district:

A. Ground Sign Standards.

Maximum Ground Sign Height	Minimum Sign Setback from Buildings and Road Rights-of-Way	Maximum Sign Area	Maximum Number of Ground Signs per Zoning Lot
10 feet	equal to actual sign height	40 square feet	1

1. No person shall erect, alter or relocate a ground sign, including any changes in sign copy, without first obtaining appropriate permits from the Township.
2. Ground signs shall be prohibited within corner clearance areas, as defined in Section 4.304 (Corner Clearance Areas).
3. A maximum of two (2) sign faces shall be permitted per ground sign.
4. No part of a ground sign may be placed within a required side yard or within ten (10) feet of a side lot line.
5. No ground sign shall be placed in such a manner as to prevent any traveler on a curve of a road from obtaining a clear view of approaching vehicles for a distance of 500 feet along the road.

B. Permitted Modifications.

The following modifications to the standards of this Section have been established to:

1. Preserve the neighborhood character and appearance of the Township’s lower intensity use districts (AG-1, AG-2, R-1, R-2, and MHP) through more restrictive signage standards for permitted non-residential uses in these districts.
2. Ensure that permitted signage is in reasonable proportion to the land use intensity, and address the specific signage needs of multi-tenant shopping centers, large land uses, and uses that abut county primary roads that commonly allow higher speed limits or have wider road rights-of-way.

Modifiers shall be cumulative down each column of the following table, as applied to a particular land use or zoning lot:

	Maximum Sign Height	Minimum Sign Setback	Maximum Sign Area	Maximum Number of Signs
Permitted Modifiers	10 feet	equal to actual sign height	40 square feet	1
Sign located in the AG-1, AG-2, R-1, R-2 or MHP District.	- 2 feet	no change	- 10 square feet	no change
Total lot frontage = > 500 feet or more of on one (1) road right-of-way, or > 700 feet or more on two (2) or more road rights-of-way.	no change	no change	+ 10 square feet	+ 1 additional sign
Sign abuts a primary paved road, as defined in the Township's Master Plan.	+ 2 feet	no change	+ 10 square feet	no change
Lot is occupied by three (3) or more separate non-residential uses (i.e. shopping center, office building, etc.)	no change	no change	+ 20 square feet	no change
Total Permitted With Modifiers:	_____ feet	_____ feet	_____ square feet	_____ sign(s)

.....Cumulative Modifiers.....

Section 9.07 Billboards.

A. Findings.

The Township has made the following determinations related to billboard signs:

1. The placement of signs on lots or structures in the Township that exceed the maximum permitted height or area standards of this Article for ground signs would result in visual pollution and obstructions of light and air for adjoining lots and uses.
2. Billboard signs are not appropriate in the AG-1 (Agriculture-Conservation) and AG-2 (Agricultural-Reserve), and Flood Plain (FP) Districts, because such signs would detract from the visual appearance and rural/recreational character of the Township, which attracts visitors, customers, and rural residents that benefit the local agricultural economy.
3. Billboard signs are not appropriate in areas zoned for residential uses, because the intense commercial nature of the advertising activity would be harmful to residential property values and incompatible with the quality of life in residential areas.

4. Billboard signs are not appropriate in the Township's commercial districts, because such signs would be out-of-scale with the structures and limited commercial character of the districts, incompatible with abutting residential uses, and harmful to the promotion of commerce in the district.
5. Billboard signs are not appropriate in areas along the primary paved county roads in the Township, because a proliferation of billboard signs would create visual clutter, compete for the visual attention of motorists, and increase hazards for motorists and pedestrians.
6. The placement of new billboard signs in the Township is contrary to the purpose of this Article, and the goals and objectives of the Township's Master Plan.

B. Billboards Prohibited.

In accordance with the above findings, new billboard signs are hereby prohibited within London Township.

C. Existing Billboards.

Billboard signs lawfully existing in the Township on the date of adoption of this Ordinance shall be permitted to continue, subject to the provisions of Section 9.10 (Nonconforming Signs). The Zoning Administrator shall be responsible for maintaining an inventory of the location and condition of all existing billboard signs in the Township.

Section 9.08 Prohibited Signs.

The following types of signs are prohibited in all districts:

1. Signs that resemble and could be confused with an official highway, traffic or government sign, signal or traffic control device; or that obscure a sign, signal or traffic control device displayed by public authority to provide traffic instruction, direction or public information.
2. Signs painted on or attached to trees, utility poles, streetlights, fences, streetlights or similar locations.
3. Signs placed upon or across any public right-of-way or upon any Township property, except as expressly authorized by this Article, the Township Board or other agency with jurisdiction.
4. Signs that incorporate string lights; flashing, moving or intermittent lights of changing degrees or intensity; exposed incandescent bulbs; animation; or unshielded luminous tube lighting.
5. Exterior string lights accessory to a non-residential use, other than holiday decoration or when used as an embellishment to landscape plant materials.
6. Signs that have any visible moving parts, mechanical movement, rotation, or other apparent visible movement achieved by electrical or mechanical means or by action of normal wind currents; and signs that discharge any audible sound, odor or visible matter.

7. Roof signs, projecting signs, and portable signs, as defined in Section 18.02 (Definitions).
8. Building-mounted signs that obstruct window or door openings, inhibit ingress or egress, or interfere with building ventilation.
9. Signs displayed without required permits or outside of permitted size, location or time period limitations.
10. Non-accessory and off-premises signs, including billboard signs per Section 9.07 (Billboards), except as otherwise provided for in this Article.
11. Abandoned or unlawful signs, displays of obscene material on any sign, and any other sign not expressly permitted by this Article.

Section 9.09 Sign Permit

It shall be unlawful for any person to erect, alter, or relocate any sign, sign structure or sign area subject to permit approval under the provisions of this Article, without first obtaining appropriate permit(s) from the Township and paying the required permit fee according to the schedule of fees established by the Township Board.

A. Building Permit includes Sign Permit Approval.

For purposes of this Section and Ordinance, building permits issued by the Building Official in accordance with the State Construction Code enforced by the Township shall also include any sign permit approval required under this Article. The Building Official shall be responsible for consulting with the Zoning Administrator to verify compliance with this Article, prior to issuing building permits under the State Construction Code enforced by the Township.

B. Sign Permits.

Wherever a provision of this Article requires approval of a sign permit for work not regulated by the State Construction Code enforced by the Township, approval of a sign permit shall be required subject to the provisions of this Section and Section 1.06 (Zoning Permits).

C. Required Information for Sign Permit Applications.

The following shall be provided with any sign permit application:

1. **Application information.** Permit applications shall include the following information:
 - a. The name, address and telephone numbers for the applicant, property owner, and sign contractor; road address or property location where the sign is to be located; and written consent of the property or sign owner to perform the proposed work.

- b. Where a proposed sign would encroach into a road right-of-way, copies of permits or approvals from the Township Board and any other agency with jurisdiction.
 - c. Any other information required by the Zoning Administrator or Building Official to show full compliance with this Ordinance, and other codes and ordinances enforced by the Township.
2. **Plot plan.** A plot plan shall include a parcel survey, easements, dimensions, locations of all structures, and all existing and proposed signs on the zoning lot. If building-mounted signs are proposed, elevation drawings of all buildings on the site shall be provided showing all existing and proposed building-mounted signs.
 3. **Sign details.** Specifications and drawings showing the materials, design, dimensions, structural supports, and method of illumination.
 4. **License and insurance.** Every person who engages in the business of erecting, altering or dismantling signs in the Township shall first submit proof of appropriate licenses or certifications, and a liability insurance policy that indemnifies the London Township and its prior, present and future officials, representatives and employees from all damage suits or actions of every nature brought or claimed against the erector for injuries or damages to persons or property sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents or employees. Said policy shall contain a clause whereby it cannot be canceled or changed until after written notice has been filed with the Township at least 30 days prior to the date of cancellation.
 5. **Removal agreement or bond.** The Zoning Administrator or Building Official may require a signed removal agreement, bond or other acceptable surety to guarantee the future removal of a sign.

Section 9.10 Nonconforming Signs

All existing signs that do not conform to the provisions of this Article and Ordinance shall be permitted to continue as nonconforming signs until removed or altered, at which time they shall conform to the provisions of this Article and Ordinance. Nonconforming signs shall be subject to the following:

A. Good Working Order.

Nonconforming signs shall be maintained in accordance with the requirements for all signs specified in Section 9.02 (General Standards). Nonconforming signs shall be maintained with all necessary structural and decorative parts, including but not limited to supports, sign frame, and electrical equipment. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination.

B. Servicing.

Painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, provided that the sign is restored to its original design and all work is in compliance with the requirements for all signs specified in Section 9.02 (General Standards).

C. Alterations.

Alterations to nonconforming signs shall be prohibited, except as follows:

1. **Sign copy area.** The sign copy area of a nonconforming sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the degree of nonconformity is not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 9.02F (Illumination).
2. **Billboard signs.** A nonconforming billboard sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the sign area and height are not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 9.02F (Illumination).
3. **Sign frame or structural elements.** Alterations to the sign frame or structural elements of a nonconforming sign shall be permitted, subject to the following:
 - a. The sign shall be brought into compliance with the maximum sign height and sign area standards for the location and type of sign, as specified in this Article.
 - b. Existing sign wiring and ground sign support structures may be re-used, provided that permitted alterations will not increase any nonconformity caused by inadequate sign setback.

Section 9.11 Sign Removal by Township Action

A. Abandoned or Unlawful Signs.

The Zoning Administrator shall have the authority to determine whether a sign is unlawful or has been abandoned, as defined in Section 18.02 (Definitions), and subject to appeal by an aggrieved person to the Zoning Board of Appeals. The Zoning Administrator may order the removal of such signs in accordance with the following procedure:

1. **Determination.** Written notification of the determination and any order for removal shall be provided by certified mail to the owner, operator or person having beneficial use of the property upon which the sign is located.
2. **Removal.** Abandoned or unlawful signs shall be removed within 60 days after notification of a determination and order for removal by the Zoning Administrator. All support structures and components shall be completely removed. Failure to remove the sign shall constitute grounds for the Township to seek Circuit Court approval to remove the sign at the property owner's expense. The owner shall reimburse the Township for removal costs, or the Township may place a lien on the property for necessary removal expenses.

B. Damaged Signs.

Signs determined to be in a damaged condition by the Building Official or Code Enforcement Officer shall be repaired or removed within 60 days after notification by

certified mail. If such action is not taken by the owner, operator or person having beneficial use of the property where the sign is located, the Building Official or Code Enforcement Officer shall have the authority to order the repair or removal of the damaged sign. The owner shall reimburse the Township for repair or removal costs, or the Township may place a lien on the property for such expenses.

C. Unsafe Signs.

The Building Official shall attempt to contact the sign owner to request that the unsafe condition be corrected. However, the Building Official may order the removal of any sign determined to be unsafe without prior notice. After removal, the Building Official shall notify the property owner by certified mail of the action taken and the reasons for the action. The owner shall reimburse the Township for removal, storage and reclamation costs, or the Township may place a lien on the property for such expenses.

D. Nonconforming Signs.

The elimination of nonconforming signs in the Township is hereby declared to be for a public purpose and for a public use. The Township may purchase nonconforming signs for the purpose of removal, or may initiate condemnation proceedings for nonconforming signs determined to be in violation of Section 9.10 (Nonconforming Signs) requirements.

E. Temporary Signs.

Temporary signs affixed within a road right-of-way or corner clearance area, without a valid permit, or after permit expiration may be removed by the Township without notice. Signs removed shall be held by the Township for five (5) calendar days, after which the sign may be discarded.

Section 9.12 Exceptions

The Zoning Board of Appeals (ZBA) shall have the authority to grant an exception from the strict application of these regulations, provided that such relief may be granted without substantially impairing the intent of this Article. Application and consideration of sign exceptions shall be in accordance with the following procedures and standards:

A. Applications for Sign Exceptions.

Any party who has been denied a permit for a proposed sign may file a request for an exception to this Article with the ZBA within 30 calendar days of the decision. Applications for exceptions from one (1) or more provisions of this Article shall be submitted in accordance with Section 17.04 (Applications). Following a public hearing the ZBA may consider the standards stated in this Section for the merits of granting an exception to particular requirements of this Article.

B. Procedures for Consideration of Sign Exceptions.

Applications for exceptions from the provisions of this Article shall be considered by the ZBA in accordance with the procedures specified in Article 17 (Zoning Board of Appeals).

C. Exception Standards for Signs.

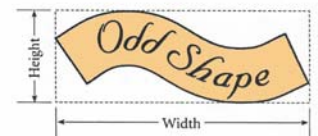
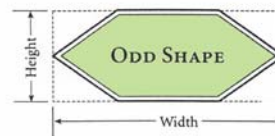
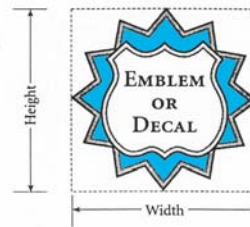
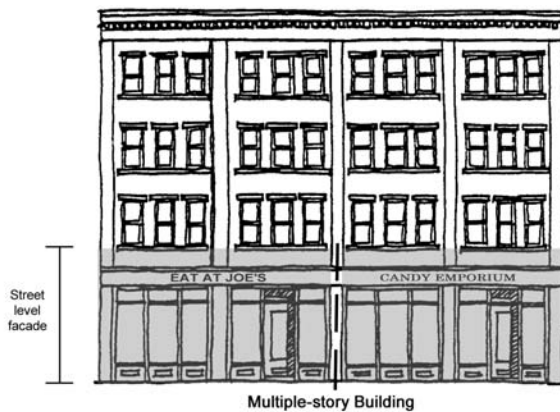
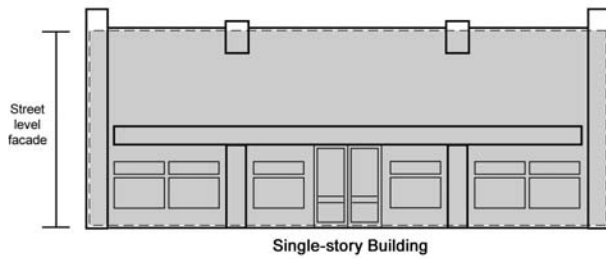
The ZBA shall consider the following standards while reviewing any application for an exception from one (1) or more provisions of this Article.

1. **Obstructions.** Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health or safety.
2. **Visibility.** A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees or other obstructions.
3. **Site features.** Construction of a conforming sign would require removal or severe alteration to significant features on the site, such as removal of trees, alteration of the natural topography, obstruction of a natural drainage course, or alteration or demolition of significant historical features or site amenities.
4. **Scale.** A sign that exceeds the allowable height or area standards of this Article would be more appropriate in scale because of the large size or frontage of the premises or building.
5. **Aesthetics.** The exception shall not adversely impact the character or appearance of the building or lot or the neighborhood.
6. **Minimal.** The exception shall be the minimum necessary to allow reasonable use, visibility, or readability of the sign.
7. **Intent of this Article.** The exception shall not substantially impair the intent and purpose of this Article.

D. Findings and Conditions.

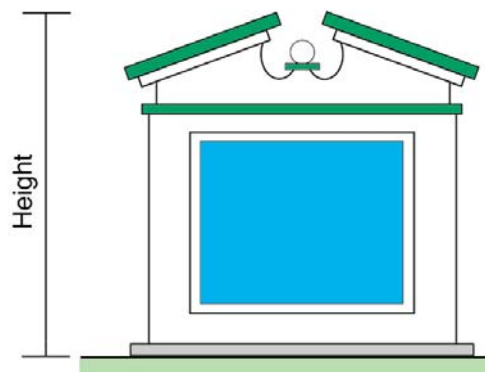
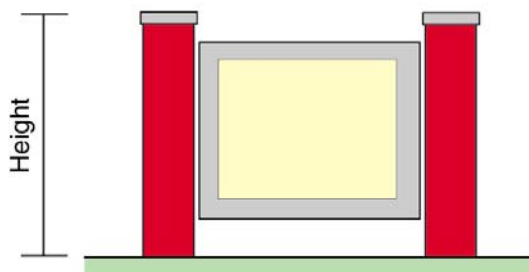
In a motion granting or denying a sign exception, the ZBA shall state the specific grounds for the decision, which shall be supported by specific findings of fact. The ZBA may attach any conditions to approval of a sign exception regarding the location, character, timing of display, or other features of the proposed sign as deemed reasonable.

ILLUSTRATIONS



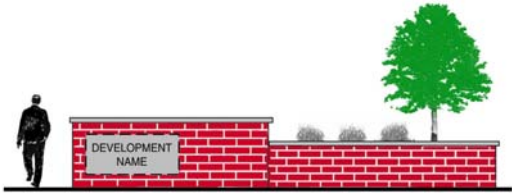
Signable Area

Computation of Sign Area

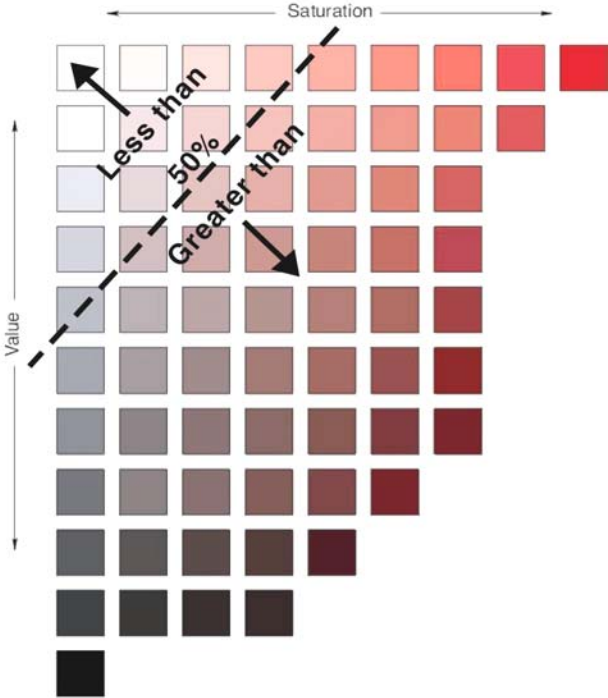


Sign Height

ILLUSTRATIONS



Site Entry Feature With Signage



Color Value and Saturation



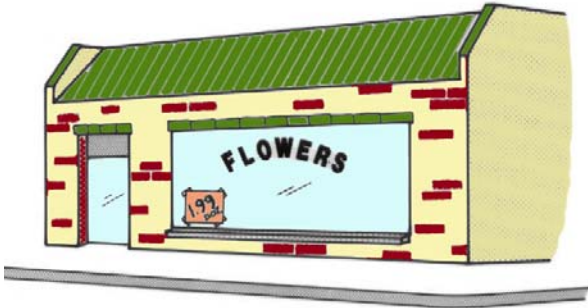
External illumination only



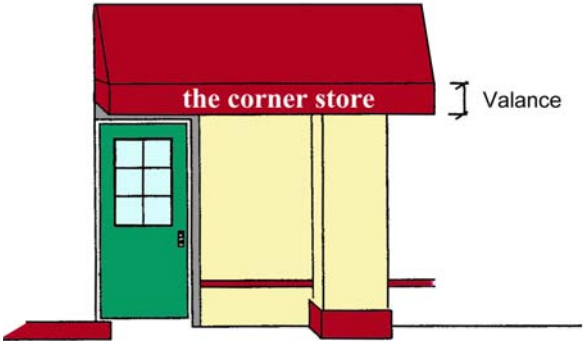
Internal illumination permitted

Sign Illumination

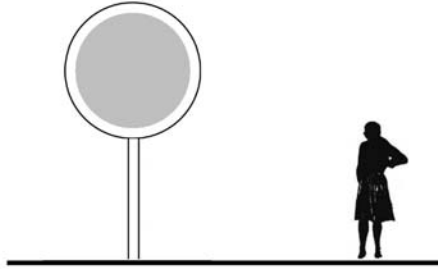
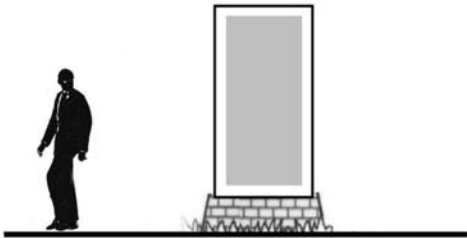
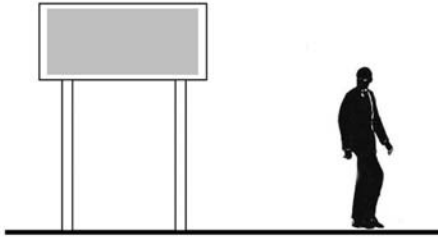
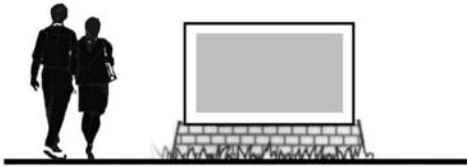
ILLUSTRATIONS



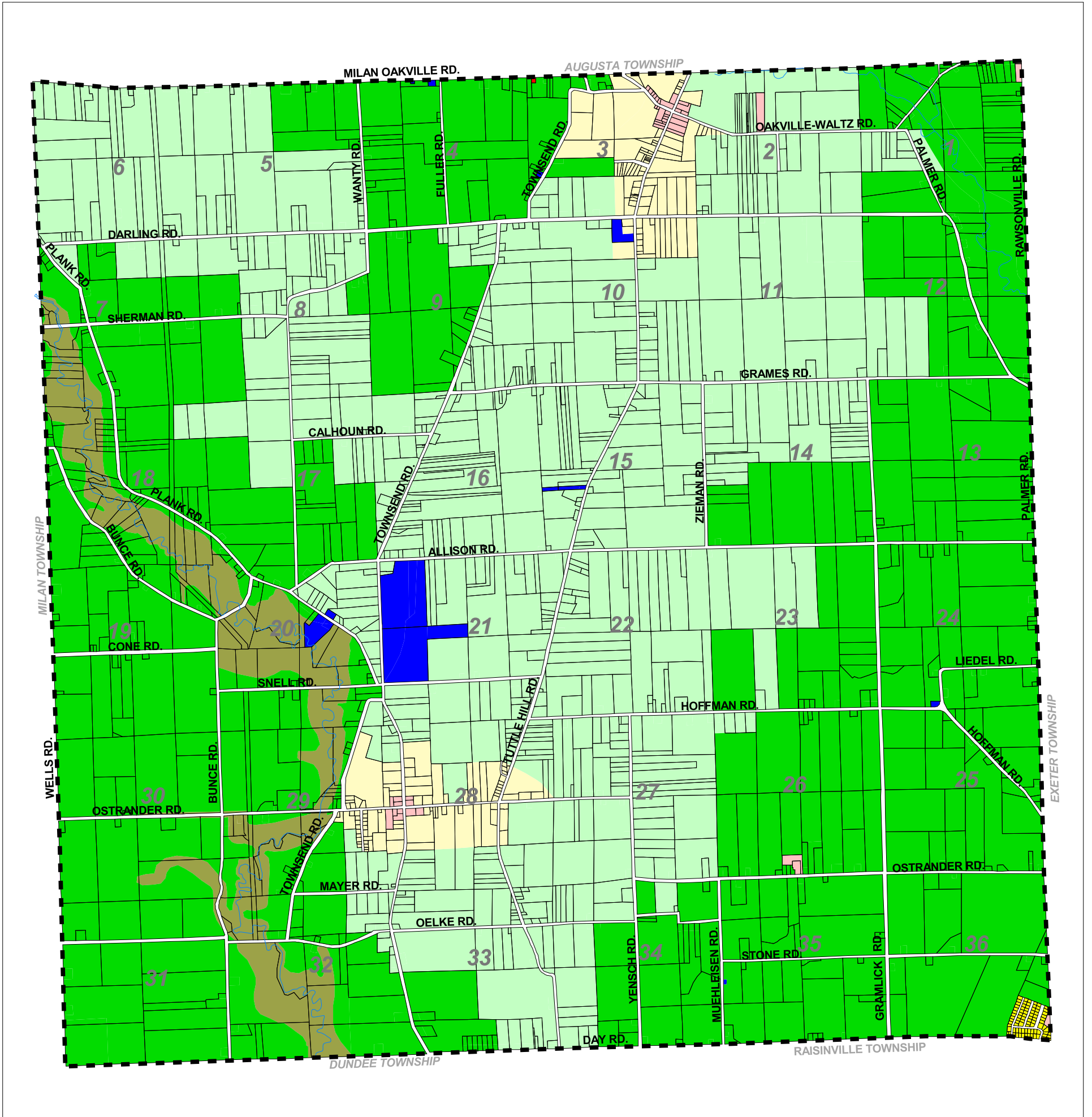
Window Sign



Awning Sign



Various Types of Ground Signs



Zoning Districts

- AG-1** Agricultural-Conservation
- AG-2** Agricultural-Reserve
- R-1** Rural Residential
- R-2** Urban Residential
- MHP** Manufactured Housing Park
- C-1** Convenience Commercial
- C-2** Special Commercial
- I-R** Industrial-Research
- FP** Flood Plain
- PSP** Public/Semi-Public Services
- Township Boundary**

REVISION DATES

The parcel lines of this map are representational of the actual parcel lines and are not intended to be substituted for an official survey or used to resolve boundary or area discrepancies. Consult official London Township or Monroe County records for precise distances, boundaries and areas of parcels.

CERTIFICATION

I, Lewis Irby Jr., Township Clerk, London Township, do hereby certify that this is a true copy of the map adopted by the Township Board for London Township, Monroe County, Michigan, on the 11th day of December 2006, as well as those amendments made as of the revision dates shown.

Lewis Irby Jr., Clerk, London Township

Official Zoning Map

Base Map: London Township, McKenna Associates, Inc. 7/2003
Data Source: London Township

0 2000 4000 Feet



12/11/2006

HOW TO USE THIS ORDINANCE

TO FIND OUT WHICH ZONING DISTRICT APPLIES TO YOUR PROPERTY:

Visit the Township offices and find your property on the Official Zoning Map. For more information on the district, look up the specific district use standards in Article 3.

IF YOU HAVE PROPERTY AND WANT TO KNOW WHAT RULES APPLY:

- Step 1:** Find your zoning district on the Official Zoning Map (available in the Township Hall).
- Step 2:** Look up the zoning district's purpose and list of permitted uses in Article 3.
- Step 3:** Look up any specific conditions for a particular permitted land use in Article 5 (Use Standards).
- Step 4:** Look up minimum lot size, building height, yard requirements, and other dimensional standards for the zoning district in Article 4 (Dimensional Standards).

TO DEVELOP PROPERTY OR ESTABLISH A PARTICULAR USE:

- Step 1:** Go to Article 3 (Land Use Table) to determine if the proposed use is permitted in the zoning district. The text will note whether there are supplemental design standards for this use in Article 5 (Use Standards).
- Step 2:** Go to Article 5 (Use Standards) to find design standards for the proposed use.
- Step 3:** Look up the appropriate zoning district in Article 4 (Dimensional Standards) for details on minimum lot size, required yards, and other district standards. You may also be referred to Articles 7 through 10 for general parking, screening, lighting, and sign regulations.
- Step 4:** Go to Article 12 (Procedures and Standards), Section 12.01 (Site Plan Review) for details about the approval process. If the proposed use is identified as a "special use," then also look up Section 12.02 (Special Uses).

TO REQUEST A VARIANCE FROM THE ZONING STANDARDS THAT APPLY:

The Zoning Board of Appeals is authorized to grant variances from specific regulations of this Ordinance in cases of special hardship. See Article 17 (Zoning Board of Appeals) for more information.

IF YOU WANT TO...

- ...BUILD A FENCE:** See Section 6.102 (Fences).
- ...INSTALL A SIGN:** See Article 9 (Signs).
- ...BUILD A GARAGE, SHED OR POOL:** See Section 6.101 (Accessory Structures).
- ...BUILD A DECK, PATIO OR PORCH:** See Article 4 (Dimensional Standards).

SELECTED ZONING ORDINANCE REVIEW PROCEDURES:

The following are some of the common types of development review and use approval procedures required under this Ordinance:

