

# **UNADILLA TOWNSHIP ZONING ORDINANCE**

**Unadilla Township  
Livingston County, Michigan**

# **UNADILLA TOWNSHIP ZONING ORDINANCE**

*Adopted: May 13, 1999*

*Amended*

**Unadilla Township  
Livingston County, Michigan**

**As updated November 19th, 2011**

# Amendments

Ordinance #	Adoption / Effective Date	Summary of Amendment
Art 16, Sec 16.28 A & B	05-01-02	Communication Towers
Art 12, Sec 12.03 C	05-01-02	Principle Permitted Uses – Permitted Accessory Uses
Art 16, Sec 16.30	05-01-02	Storage Buildings
Art 18, Sec 18.06 B	05-01-02	Construction Buildings & Structures
Art 21, Sec 21.02 H	05-01-02	Permitted Vehicles in Residential Areas
Art. 18, Sec 18-24	01-09-03	Open space Preservation
Art 9, R-3 page 9-5, Text amend	08-14-03	Footnote F & O setback change to schedule of regulations
Art 18, Sec 18.04	01-15-04	Swimming Pools & Definitions
Art 20, Sec 20.05 & 20.06	08-31-04	New Private Road & Driveway /Shared Driveway
Art 12, Sec. 16.30	11-11-04	Revised marina language
Art. 9, Schedule of Regulations	03-17-05	Add Patterson Lake, remove 10000sf add 15000 sf
Art.18, Section 18.21	03-29-05	UME size of replacement home
Art 2, definition added	05-19-05	Flag Lot Definition & Corner Lot
Art 13, Sec 13.01	09-13-05	Churches & Religious Institutions B6, D9
Art 13, Sec 13.02	09-13-05	Churches & Religious Institutions B13, D13
Art 4, Sec 4.04	03-28-06	Preliminary & Final Site Plan Review process, flow chart
	03-28-06	Rezone from A-1 to B-1 (22-100-012 & 22-100-013)
	05/30/06	Rezone from A-1 to R-3 (24-300-007)
Tbl Contents, Art 9, Sched Reg	05/30/06	Text amendments, Sched of Reg & footnotes addition R-3a, R-5
	07/25/06	Rezone from R3 to B1 (21-201-004)
Art 20, whole	07/25/06	Private roads text changes
Art 2.02 definition	10/03/06	Lot area
Art 16.30 & 18.08	10/03/06	Delete section 16.30. & change 18.08 C, D, E & F
Art 11.01(D)(10) Language Definition	11/28/06	Landing Strip to <b>Airport</b>
Art 11.01(D)(20) Fence Height	11/28/06	Fence Height from 5' to <b>6'</b>
"B&B" Bed & Breakfast	11/28/06	Allow "B&B" in " <b>A-1</b> ", " <b>B-1</b> " & " <b>B-2</b> ", as a <b>special use</b>
Section 9, 9.09 lot of record	4/24/07	legally recorded lot created prior to effective date shall be considered a legal lot of record
Art 2, Sec 2.02 Definitions -	4/24/07	Building,
Art 13.01 B.7 added	5/10/07	Apartments above business in business district
Art 2 Definitions	8/7/07	State licensed Residential Facility
Comply with State ZEA	8/7/07	Zoning Enabling Act
Art 16.30	8/21/07	Homebased business
Township Zoning Map	1/7/08	Rezone from "R-3" to "B-1" 21-401-024
Art 22 Sec 4 A.8 Signs	4/22/08	Language changed
Art 2 Definitions	5/8/08	Kennel
Township Zoning Map	9/23/08	Re-zoned from R-2 & A-1 to all B-1 (35-301-017)
Re-zoning Ag/Res District	2/12/09	Re-zoned to 2 acre minimums
Art 17, PUD	7/28/09	Rewrote PUD entirely, corrected Index
Art 18.08 & 23.08	2/11/10	Fence Height & requirements changed "may not exceed 6 ft."
Art. 20.05	12/9/2010	Rewrote Private Road Article entirely
Art. 2	12/9/2010	Added Definition for Building Envelope

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# PREAMBLE

An Ordinance enacted by Unadilla Township under the *Michigan Zoning Enabling Act, Public Act 110 of 2006*, as amended, to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by Ordinance, and within which district provisions are adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches; to provide for administration and amendments of said Ordinance; to provide for appeals and for the organization and procedures to be followed by the Zoning Board of Appeals; and to provide for penalties for the violation of said Ordinance.

## Article 1 TITLE, INTENT, AND PURPOSE

### Section 1.01      TITLE

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

### Section 1.02      INTENT and PURPOSE

It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Unadilla Township by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air and preserving community character; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to lessen congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, education, recreation and other public services and facilities; to assure adequate provision of the state's citizens for food, fiber, energy and other natural resources; to ensure appropriate locations and relationships for uses of land; and to facilitate the expenditure of funds for adequate public facilities and services by establishing herein standards for physical development in accordance with the goals, objectives and policies contained in the Future Land Use Plan for the Township; and to provide for the administration and enforcement of such standards.

*End of Article*

Unadilla Township Zoning Ordinance

Article 1: Title, Intent, and Purpose

# Article 2

## DEFINITIONS

### **Section 2.01 CONSTRUCTION of LANGUAGE**

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C. The word "building" includes the word "structure" and either includes any part thereof.
- D. The word "lot" includes the word "plot", "tract", or "parcel".
- E. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, maintained for or designed to be used or occupied.
- G. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
  - 3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I. The "Township" is the Township of Unadilla in the County of Livingston, State of Michigan; the "Township Board", "Board of Appeals" and "Planning Commission" are, respectively, the Township Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.
- J. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- K. "Days" means calendar days unless otherwise stated.
- L. Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.

**Section 2.02**                    **DEFINITIONS**

**A. Definitions Of Words And Phrases Beginning With The Letters "A" Through "E":**

**Abutting (lot or parcel):** A lot or parcel, which shares a common border with the subject lot or parcel.

**Accessory Building:** A building or structure customarily incidental and subordinate to the principle structure and located on the same lot as the principle building.

**Accessory Use:** A use customarily incidental and subordinate to the principle use of the land or building and located on the same lot as the principle use.

**Agriculture:** Any land, buildings, and machinery used in the commercial production of farm products as defined in the Michigan Right to Farm Act, P.A. 93 of 1981, including but not limited to pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry, but not including concentrated livestock operations as defined in this Ordinance.

**Agricultural Building:** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products and that is clearly incidental to an agricultural activity, excluding retail trade.

**Alley:** A public or legally established thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

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

**Apartment:** A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple family dwelling intended and designed for use as a residence by a single family.

**Automobile Service and Minor Repair Stations:** Buildings and premises for the primary purpose of the retail sales of gasoline, oil, grease, batteries, tires and other operational fluids and accessories for automobiles, and the installation of such items, and for other minor automobile repair not to include auto refinishing, body work or painting, dismantling of vehicles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair.

**Basement:** That portion of a building which is partly or wholly below finished grade. A basement shall not be considered as a story except as included in the definition of "story."

**Bed and Breakfast:** A structure which was constructed for single family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, including the provision of bathing and lavatory facilities and a breakfast meal, provided that certain zoning requirements are met.

**Berm:** A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

**Billboard:** A sign structure advertising a service, commodity or establishment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, also known as "off-premise sign" or "outdoor advertising structure." Such sign is subject to the requirements of the Highway Advertising Act, PA 106 of 1972 (as amended) as well as to the provisions of this Ordinance.

**Buffer Area:** A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual, sound, or other barrier between properties, often between abutting properties in different zoning districts.

**Building:** Any structure having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes but is not limited to: mobile homes, sheds, garages, greenhouses, and other principle or accessory structures. **Amended 4-24-2007**

**Building Envelope:** The building envelope of a lot is the space remaining after the minimum setback and open spae requirements of this Ordinance have been complied with. *(See Figure 2-5, at the end of this Section, pg. 2-20)* **Added 12-9-2010**

- Building Height:** In the case of a principle building, the vertical distance measured from the finished grade at the center of the building where the building abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (*see Figure 2-1 at end of this Section*). The measurement of height of an accessory building or structure shall be determined as the vertical distance from the average finished grade to the highest point of the roof surface.
- Building Inspector:** An individual hired by Livingston County to administer the county building code.
- Building Lines:** A line which defines the minimum distance (as determined by the minimum front, side, or rear yard setback) which any building shall be located from a property line, existing street right-of-way line, or ordinary high water mark.
- Campground:** A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization for the establishment of five (5) or more temporary living quarters consisting of tents or vehicular-type structures. A campground shall not include a “seasonal mobile home park” licensed under public Act 419 of 1976, as amended.
- Carport:** A partially open structure, intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to garages.
- Cellar:** See definition for "Basement".
- Cemetery:** Property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.
- Certificate of Occupancy:** A document signed by the Building Inspector as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the county building code.
- Changeable Message Board:** A sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages.
- Change of Use:** A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance.
- Church:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.
- Clinic:** A building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like, except that such patients are not lodged therein overnight.
- Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open only to members and not the general public.
- Commercial Agriculture:** The use of land and/or structures for the growing and/or production of farm products for income.

**Communication Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice communication towers, guyed communication towers, monopole communication towers, or poles. The term includes, but is not limited to radio and television transmission communication towers, microwave communication towers, common-carrier communication towers, cellular telephone communication towers, alternative tower structures, and the like. The term includes the structure and any support thereto, and any antenna that may be affixed to such structure. This term also applies to an antenna in the case where the antenna is affixed to a building or other structure that was not constructed primarily for the purpose of supporting an antenna. This term does not apply to communication towers in association with residentially used property where such tower does not exceed fifteen feet in height above grade.

**Concentrated Livestock Operation:** A farm operation which exceeds the confinement of livestock or poultry in excess of fifty (50) animal units per confined acre or is characterized by the confinement of livestock or poultry where the confinement area accumulates manure that must be removed or a sustained ground cover, including crops, vegetation, forage growth or post harvest residue, cannot be maintained over an area of one half ( ½ ) acres or more throughout the normal growing season where the animals are confined.

An “animal unit” is a unit of measure of animal waste produced on a regular basis, with a slaughter steer or heifer equal to one (1) animal unit and the following equivalencies applicable to other livestock:

- |                            |                               |
|----------------------------|-------------------------------|
| 1) slaughter steer/heifer: | 1.00 animal unit (all cattle) |
| 2) horses:                 | 2.00 animal units             |
| 3) mature dairy cow:       | 1.40 animal units             |
| 4) swine:                  | 0.40 animal units             |
| 5) sheep:                  | 0.10 animal units             |
| 6) all fowl:               | 0.05 animal units             |

For example purposes only, each of the following number of animals equal fifty (50) animal units:

- |                                |  |
|--------------------------------|--|
| 1) 50 slaughter steer/heifers; | 5) 500 sheep;                              |
| 2) 25 horses;                  | 6) 1,000 fowl; or                          |
| 3) 36 mature dairy cows;       | 7) 25 heifers plus 31 swine plus 125 sheep |
| 4) 125 swine;                  |  |

**Condominium Project:** A plan or project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Act 59, 1978).

**Condominium Subdivision:** A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.

**Condominium Subdivision Plan:** The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

**Condominium Unit:** That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, 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. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this ordinance including minimum lot size, minimum lot width, maximum lot coverage and setbacks.

**Conservation Easement:** As defined in MCL 324.2140 of the Natural Resources and Environmental Protection Act, Act 60 of the Public Acts of 1995.

**Day Care Center:** A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Childcare center or day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Childcare center or day care center does not include any of the following:

- a. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
- b. A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.
- c. A private home (private residence) in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.

**Day Care Home; Family:** A private home in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

**Day Care Home; Group:** A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor 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. Group day care home includes a home that gives care to more than six unrelated minor children for more than 4 weeks during a calendar year.

**Deed Restriction:** A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.

**District:** An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations. A "district" is also known as a "zone" or "zoning district".

**Drive-in Establishment:** An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

**Driveway:** A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the Livingston County Road Commission or State of Michigan.

**Dwelling:** Any building, or portion thereof, which is designed or used exclusively for residential purposes. In no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a dwelling.

**Dwelling, Multiple Family:** A building containing three or more dwelling units designed for residential use for three or more families living independently of each other.

**Dwelling, Single Family:** A detached building or portion thereof designed and used exclusively as the home, residence or sleeping place of one family. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this Ordinance and shall comply with the provisions herein relative to dwellings.

**Dwelling, Two Family (Duplex):** A building containing not more than two separate dwelling units designed for residential use.

**Dwelling Unit:** One or more rooms with bathroom and principle kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking and sleeping purposes.

**Easement, Permanent Recorded:** A grant of one or more property rights from a property owner to another person which is permanent and appurtenant to the land and is recorded in the office of the Livingston County Register of Deeds.

**Erected:** The word "erected" means built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including water towers, communication towers, office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots.

**Excavation:** Any breaking of ground, except common household gardening, general farming and ground care.

## **B. Definitions Of Words And Phrases Beginning With The Letters "F" Through "J":**

### **Family:**

- a. An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, or
- b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.



**Farm:** Land used for commercial agriculture comprising at least ten (10) contiguous acres, and which may contain other noncontiguous acreage, all of which is operated by a sole proprietorship, or corporation and including all necessary farm buildings, structures, and machinery.

**Farm Operation:** A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

**Fence:** An accessory structure artificially constructed to serve as an obscuring screen, physical barrier, and/or decorative landscape element.

**Filling:** The depositing or dumping of any matter into or onto the ground.

**Floor Area, Gross:** The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, courtyards, or patios shall not be considered as part of the gross area, except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

**Floor Area, Usable:** For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

**Footing:** That portion of the foundation of a structure which spreads and transmits loads directly to the soil or the pilings.

**Foster Care Facility:** An establishment which provides supervision, assistance, protection, or personal care, in addition to room and board, to persons. A foster care facility does not include a home for the aged or nursing home, licensed under PA 139 of 1956, as amended, or a mental hospital for mental patients licensed under PA 151 of 1923.

- a. **Family Home:** A facility which provides foster care to six (6) or fewer persons.
- b. **Group Home:** A facility which provides foster care to seven (7) or more persons.

**Frontage:** The total continuous length of the front lot line, except in the case of a lakefront lot, in which case "frontage" shall be the total continuous length of the side or rear lot line abutting the public right-of-way or private road which provides vehicular access to the lot.

**Garage:** An accessory building or an accessory portion of a principle building designed or used principally for the storage of noncommercial motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

**Golf Course/Country Club:** A golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as a principle use.

**Grade, Finished:** The elevation of the ground adjacent to the walls of a building.

**Grade, Natural:** The elevation of the ground surface in its natural state, before man-made alterations.

**Home Based Business:** A single family home and/or accessory structure on the same residential lot in which a business is constructed by the owner of the property. A Home Based Business is clearly secondary to the primary residential use.

**Home Occupation:** Any use customarily conducted entirely within a dwelling which is clearly incidental and secondary to the residential use of the lot; does not change the character of the dwelling, and meets all applicable provisions of this Ordinance.

**Horse:** Mule, burro, pony, jack, hinny, and all other quadrupeds of the genus equus.

**Hospital:** An institution or place where sick or injured in-patients are given medical or surgical care at either public or private expense, and operating under license from the Michigan Department of Public Health.

**Inoperable or Abandoned Motor Vehicle:** Any wheeled vehicle which is self-propelled and intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.

**Junk:** Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or other trash, rubbish, refuse or scrap materials that are damaged or deteriorated, except if in a completely enclosed building. Junk includes any inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of thirty (30) days and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days and which is not in a completely enclosed building. Junk does not include domestic refuse if stored so as to not create a nuisance and is thirty (30) feet or more from any residential structure for a period not to exceed seven (7) days.

**Junk Yard:** Any land or building used: 1) for the abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, or other scrap or discarded materials; or 2) for the abandonment, demolition, dismantling, storage or salvaging of machinery, automobiles or other vehicles not in normal running conditions, or parts thereof.

**C. Definitions of words and phrases beginning with the letters "K" through "O":**

**kennel:** A lot or premises on which four (4) or more dogs, six (6) months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, or transfer.

**Amended 5-8-2008**

**Landscape nursery operation:** A land use principally characterized by the growing of shrubs or trees for subsequent sale. The term landscape nursery operation includes a facility where such shrubs or trees are grown as well as the facility from which such shrubs and trees are sold to the public on retail or wholesale basis. Such sales may also include accessory landscape materials in addition to the principle activity of shrub or tree sales.

**Land Use Permit:** A permit signifying compliance with the provisions of this Ordinance and authorizing the use, structures, and physical elements contained in such permit.

**Livestock:** Cattle, sheep, goats, llamas, swine, poultry, and other animals or fowl, which are being produced primarily for commercial profit or slaughter, but excluding animals which meet this Ordinance's definition for "wild animal."

**Loading Space:** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**Lot:** Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings, having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principle frontage upon a public street or on a private road (*see Figure 2-2*). A lot may consist of a single lot of record, a portion of a lot of record, or any combination of complete and/or portions of contiguous lots of record, provided that in no case shall a division or combination of any land area be created after the effective date of this Ordinance which does not meet this Ordinance's definition of a "lot."

**Lot Area:** The area of the horizontal area within the lot lines of a lot.

**Amended 10-03-2006**

**Lot, Corner:** Any lot having at least two (2) contiguous sides abutting upon one or more streets or approved private roads, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the right-of-way or easement arc has a radius less than one hundred and fifty (150) feet. (*see Figure 2-2*).

**Lot Coverage:** The amount of a lot, stated in terms of percentage, that is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

**Lot, Depth Of:** The horizontal distance between the front and rear lot lines, measured along a line midway between the side lot lines (*see Figure 2-3*).

**Lot, Flag:** A lot whose access to the public street is narrow, private right-of-way that is part of the lot and does not meet the frontage requirements of the district in which it is located. (*see Figures 2-3 and 2-4*)

Effective 05-19-2005

**Lot, Interior:** A lot other than a corner lot which, with the exception of a "through lot", has only one lot line fronting on a street (*see Figure 2-2*).

**Lot Lines:** The lines bounding a lot or parcel (*see Figure 2-4*).

- a. **Front Lot Line:** The line(s) separating the lot from any street right-of-way, private road or other access easement, except that the front lot line of a lakefront lot used for residential purposes shall be the line separating the lot from the ordinary high water mark.
- b. **Rear Lot Line:** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.
- c. **Side Lot Line:** Any lot line other than a front or rear lot line.

**Lot of Record:** A lot which is part of a subdivision, the map of which has been recorded in the Office of the Livingston County Register of Deeds prior to the adoption or amendment of this Ordinance, or a tract, parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Livingston County Register of Deeds prior to the adoption or amendment of this Ordinance.

**Lot, Through:** An interior lot having frontage on two (2) more or less parallel streets (*see Figure 2-2*).

**Lot Width:** The straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines (*see Figure 2-4*).

**Major Thoroughfare:** A public street, the principle use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is classified as a county primary road by the Livingston County Road Commission or as a principle or minor arterial by the Michigan Department of Transportation.

**Manufactured Housing:** A dwelling unit which is designed for long term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.

**Major Automobile Repair Station:** Buildings and premises for the primary purpose of the engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender repair, and painting.

**Marina:** A watercraft basin providing dockage, and may also provide watercraft supplies, watercraft sales, and watercraft service.

**Master Deed:** The document recorded as part of condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

**Master Plan:** The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions.

- Mini Storage Facilities:** A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are generally not used on a daily basis, and may also include outdoor storage for land and water vehicles.
- Minor Thoroughfare:** A public street identified as a county local road by the Livingston County Road Commission, except that no street in a platted subdivision nor any private road shall be considered a minor thoroughfare under this Ordinance.
- Mobile Home:** A structure, transportable in one or more sections, which is built on 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. The term mobile home shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.
- Mobile Home Park:** A parcel or tract of land under the control of a person upon which 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 therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.
- Modular (Pre-Manufactured) Housing Unit:** A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.
- Motel:** A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.
- Motor Home:** A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.
- Natural Feature:** A wetland, as defined in the Township Ordinance, and a watercourse, including a lake, pond, river, stream or creek.
- Nonconforming Building (Nonconforming Structure):** A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.
- Nonconforming Lot of Record (Substandard Lot):** A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.
- Nonconforming Use:** A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.
- Nuisance:** An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people - particularly at night, passing traffic, or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities. Farm operations, as defined by the Michigan Right To Farm Act, P.A. 93 of 1981, as amended, shall not be considered nuisances where generally accepted agricultural and management practices of the Michigan Commission of Agriculture are adhered to.

**Nursing Home:** An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

**Open Space, Common:** Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

**Open Space, Dedicated:** Common open space dedicated through permanent recorded deed restrictions or easement.

**Open Space, Preservation Option:** A development option as authorized by Act 177 of the public Acts of 2001, as amended, and applied for, developed, and completed in accordance with the requirements in this ordinance in general and with requirements in Section 18.24 of the ordinance in particular.

**As Amended 01-09-2003**

**Ordinary High Water Mark:** The point on the bank or shore up to which the presence and action of water is so continuous or frequent as to leave a distinct mark by erosion, destruction of terrestrial vegetation, or other easily recognized characteristic.

**Owner:** The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

**D. Definitions Of Words And Phrases Beginning With The Letters "P" Through "T":**

**Parcel:** A lot described by metes and bounds or described in a recorded plat.

**Park:** A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities, but excluding marinas.

**Parking Area, Off-Street:** A land surface or facility providing vehicular parking spaces off of a street along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of three (3) or more automobiles or trucks.

**Parking Space:** An area of land provided for vehicles off of a street exclusive of drives, aisles, or entrances giving access thereto, which is fully accessible for parking of a permitted vehicle.

**Planned Unit Development:** A tract of land or lot, developed under single ownership or management as a separate neighborhood or community unit, based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses as provided in this Ordinance.

**Planning Commission:** The Planning Commission of the Township.

**Plat:** A map of a subdivision of land recorded with the Register of Deeds pursuant to the Subdivision Control Act of 1967 or a prior statute.

**Plot Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan, and is required for such uses as single family dwellings and two family dwellings. Plot plan approval is generally delegated to the Zoning Administrator.

**Principle Building:** A building on a lot in which the principle use exists or is served by.

**Principle Use:** The main use to which the premises are devoted and the main purpose for which the premises exist.

**Private Road:** A private way or means of approach which provides access to three (3) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

**Private Sanitary Sewage Disposal System:** An individual on-site sewage disposal system as defined in the County Health Department Sanitary Code.

**Private Water Supply:** A well or other water supply system approved by the County Health Department pursuant to Part 127 of Act 368 of the Public Acts of 1978, as amended.

**Prohibited Use:** A use of land which is not permitted within a particular zoning district.

**Public Sanitary Sewer:** A system of pipe owned and maintained by a governmental unit used to carry human, organic and industrial waste from the point of origin to a point of discharge.

**Public Utility:** Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

**Recreational Vehicle:** A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. (Act 96, Michigan Public Acts of 1987, as amended).

**Recreational Vehicle Park:** All lands and structures which are owned and operated by private individuals, a business or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.

**Repair:** The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

**Restaurant, Drive-through:** A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready -to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.

**Restaurant, Standard:** An establishment whose principle business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principle method of operation includes one or both of the following characteristics:

- a. Customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
- b. A cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

**Restoration:** The reconstruction or replication of an existing building's original architectural features.

**Right-of-Way:** A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

**Roadside Stand:** A structure which is used seasonally for display and sale of agricultural produce. The seasonal operation of a roadside stand shall not be considered a commercial use.

**Satellite Dish Antennae:** A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn; and is used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially and/or extraterrestrially-based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

**School:** An educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan; but excluding profit-making private trade or commercial schools.

**Screen:** A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structural, consisting of shrubs or other growing materials.

**Seasonal Mobile Home Park:** A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. A seasonal mobile home park does not include a campground licensed pursuant to P.A. 368 of 1978.

**Secondary Containment:** A device and/or measures taken to prevent regulated substances that can be spilled at a loading or unloading facility from entering a public sewer, ground water, surface water, subsurface soils, or the impoundment area for the tanks.

**Setback:** The minimum unoccupied distance between the lot line and the principle and accessory buildings, as required herein.

- a. **Front:** Minimum unoccupied distance, extending the full lot width, between the principle building and the front lot line.
- b. **Rear:** The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
- c. **Side:** The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.

**Shooting Range:** Any facility, whether operated for profit or not, and whether public or private, which is designed for the use of firearms which are aimed at targets, skeet or trap, or where a fee is paid in order to hunt animals within a confined area.

**Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises. (*Refer to Article 22: Signs, for additional definitions pertaining to signs.*)

**Site Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts a subset of the information required by this Ordinance for a site plan.

**Solid Waste:** Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludge's, and solid commercials and solid industrial waste, animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.

**Special Land Use:** Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing. *Refer to Article 5: Procedures for Special Land Uses.*

**Stable, Commercial:** A structure and/or land use where horses are bred, reared, trained and/or boarded for remuneration and does not meet all of the definition requirements of a private stable, as defined in this Ordinance.

**Stable, Private:** An accessory structure and/or land use where: horses are kept either for private use by the occupants of the parcel or are bred, reared, trained and/or boarded for remuneration; horse shows, training exhibitions, or any other activity typically characterized by the gathering of spectators or observers are not part of the operations or activities of such structure or use; and no more than twenty (20) horses are maintained on the lot or parcel at any single time nor do such animals exceed the maximum animal density requirements of Section 18.22.

**State Licensed Residential Facility:** A structure constructed for residential purposes that is licensed by the State of Michigan under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 TO 722.128, and provides residential services for 6 or fewer persons under 24-hour supervision or care. **08-07-2007**

**Stop Work Order:** An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

**Storage:** To place or leave in a location (such as outdoors on a parcel or within an accessory structure) for preservation, later use or disposal, for a period of 14 consecutive days or more.

**Added 10-03-2006**

**Story:** That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A basement shall be considered a story if more than fifty percent (50%) of its cubic area is above the surrounding ground elevations.

**Story, Half:** That portion of a story which consists of half of its total height.

**Story, Height of:** The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

**Street:** A state highway, county road, dedicated public thoroughfare or approved private road which affords the principle means of access to abutting property and if newly constructed, or reconstructed, meets construction standards promulgated by this Ordinance.

**Street Line:** The legal line of demarcation between a street right-of-way and abutting land.

**Structural Alterations:** Any change in the supporting members of a building such as the bearing walls, columns, beams or girders, or any change in the dimensions or configuration of the roof, exterior walls or foundation.

**Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services.

**Swimming Pool:** Any structure *that contains* water over twenty-four (24) inches *in depth and which is used*, intended *to be used*, for swimming or *recreational* bathing.

**Township Board:** Elected members of the governing Board of Trustees of Unadilla Township.

**Township Engineer:** An engineer licensed in the State of Michigan who provides engineering services to the Township on an as needed basis, including assistance in the review of proposed land use developments.

**Travel Trailer:** A recreational vehicle designed to be used for temporary residence purposes.

**E. Words and phrases beginning with the letters "U" through "Z":**

**Underground Storage Tank:** A tank or combination of tanks, including underground pipes connected to the tank or tanks or underground ancillary equipment containment systems, if any, which is, was, or may have been, used to contain an accumulation of regulated substances and the volume of which, including



the volume of the underground pipes connected to the tank or tanks is 10% or more beneath the surface of the ground.

**Use:** The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied.

**Variance:** A variance is a modification of the literal provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in a practical difficulty or unnecessary hardship.

**Wetland:** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh.

**Wild Animal:** Any animal not domesticated by humans; or which attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals; or which a person is prohibited from possessing by law.

**Yard:** An open space, on the same lot with a principle building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein (*see Figure 2-4 at end of this Section*):

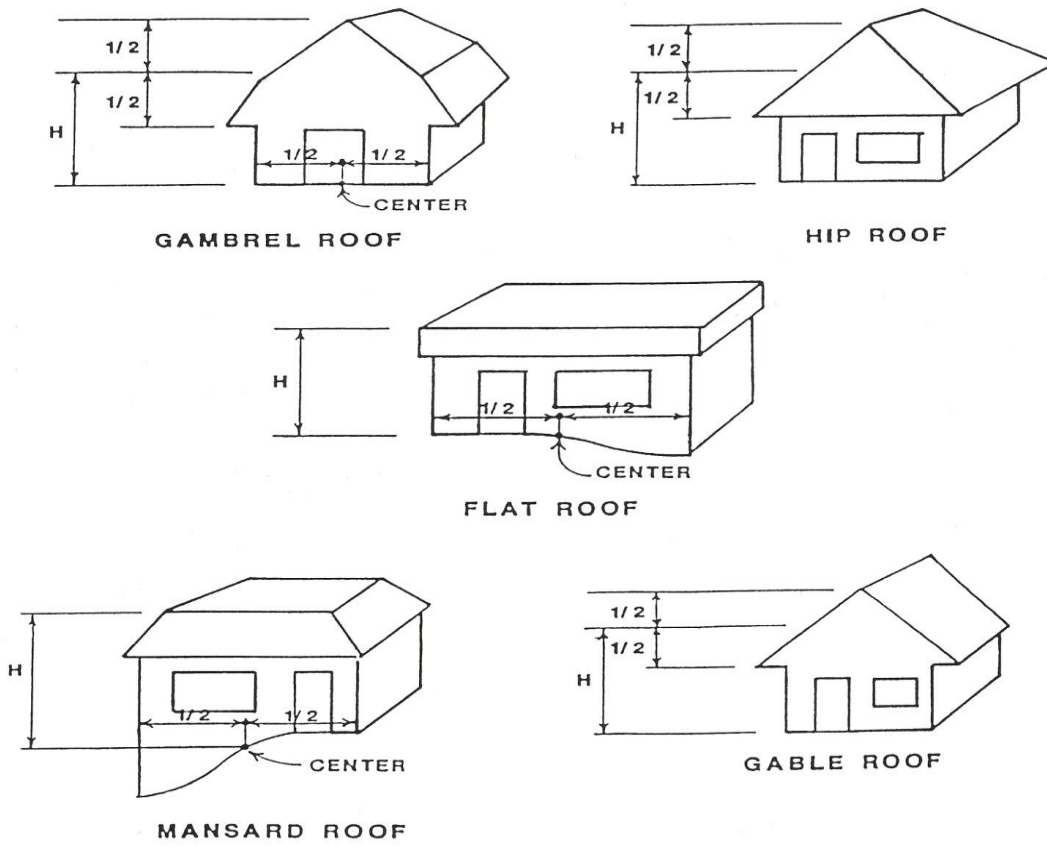
- a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the foundation.
- b. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the foundation of the main building. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner.
- c. **Side Yard:** An open space between the principle building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the foundation of the main building.

**Zoning Administrator:** The authorized individual charged with the responsibility of administering and enforcing this Ordinance and appointed by the Township Board of Trustees.

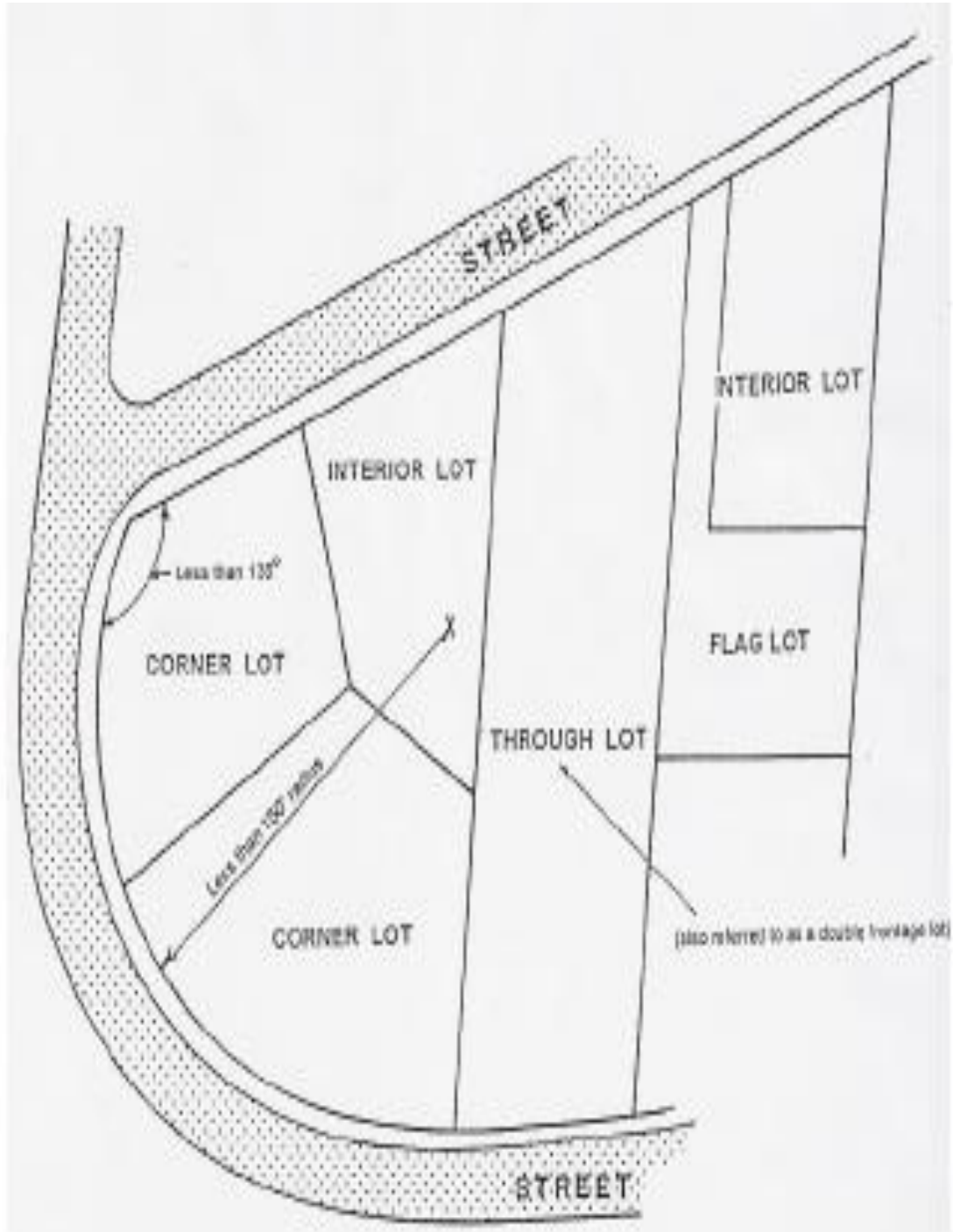
**Zoning District or Zone:** A portion of the Township within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.

*End of Article  
(Excluding Figures)*

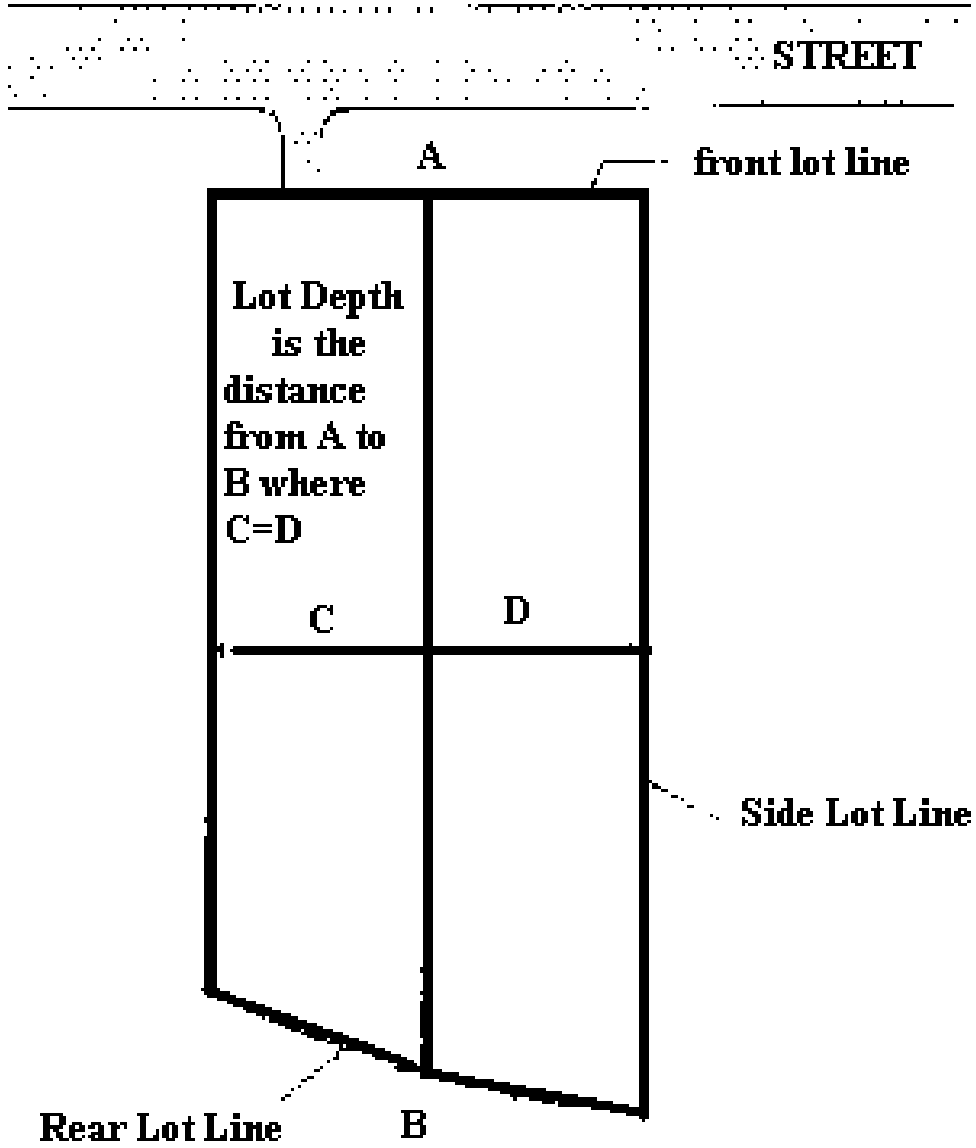
# Figure 2-1 BUILDING HEIGHTS



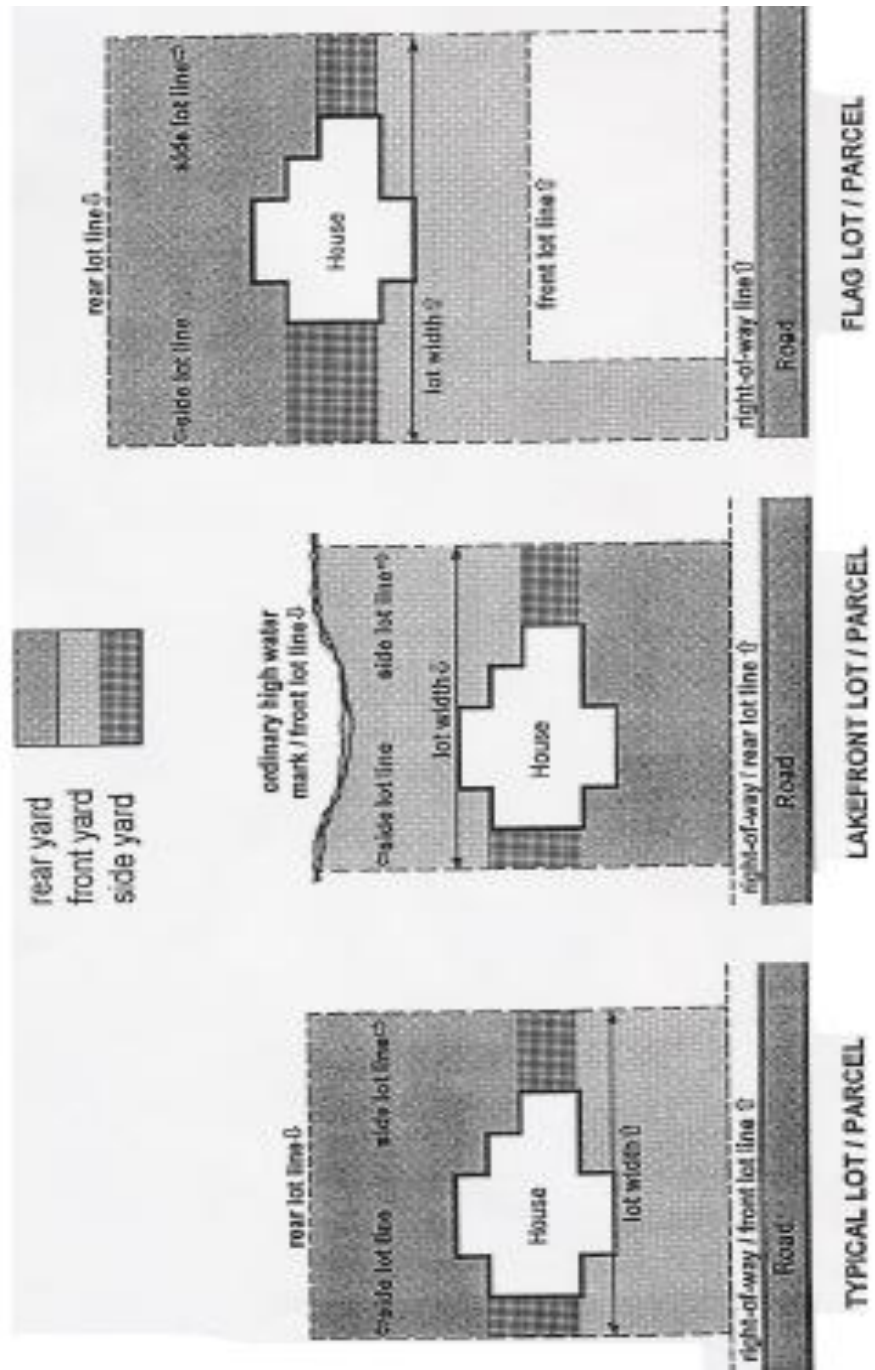
**Figure 2-2  
LOT TYPES**



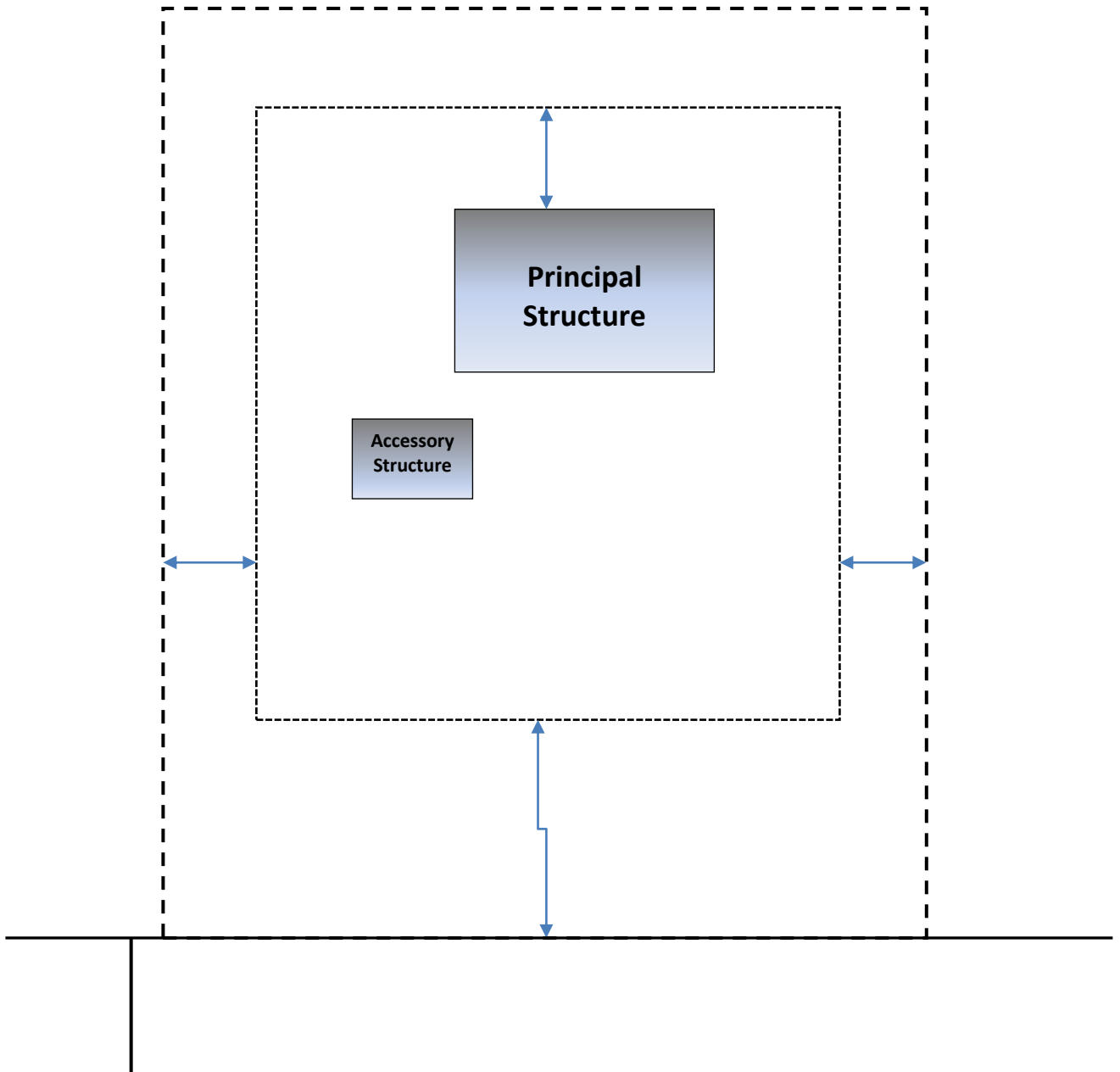
**Figure 2-3  
LOT DEPTH**



**Figure 2-4  
LOT LINES AND YARDS**



**Figure 2-5**  
**BUILDING ENVELOPE**  
**A-1 District**



*End of Article*

# Article 3

## ADMINISTRATION, ENFORCEMENT, and PENALTIES

### Section 3.01 ADMINISTRATION

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Township Planning Commission, and such personnel as designated by the Township Board in accordance with the Michigan P.A. 168 of 1959, as amended, "Township Planning Act"; **P.A. 110 of 2006, as amended, the Michigan Zoning Enabling Act**, and this Ordinance. The Township Board shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance.

### Section 3.02 DUTIES of the ZONING ADMINISTRATOR

Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in doing so shall perform, but not be limited to, the following duties:

- A. Receive Applications and Issue Permits:** All applications for Land Use Permits, site plan and plot plan approvals; and appeals shall be submitted to the Zoning Administrator who shall issue permits when all applicable provisions of this Ordinance have been met and, where necessary, approval has been granted by the Planning Commission, Township Board, or Zoning Board of Appeals.
- B. Maintain File of Applications and Permits:** The Zoning Administrator shall maintain files of all permit applications, and shall keep a record of all permits issued. The Zoning Administrator shall provide the Township Clerk with a copy of all Land Use Permits which shall be filed in the office of the Township Clerk and shall be available for public inspection.
- C. Inspections:** The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to carry out the enforcement of this Ordinance and shall make such inspections, at a minimum, at the time of staking out of building foundations or structure locations and upon completion of construction authorized by the permit. It shall be the responsibility of the permit holder to notify the Zoning Administrator when construction activities are ready for inspection. No person shall molest, hinder, or obstruct the Zoning Administrator in the discharge of his/her duties.
- D. Record and Report of Complaints:** The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint; such records shall be open for public inspection. The Zoning Administrator shall report to the Township Board periodically at intervals not less than monthly, summarizing for the period since the last previous report, all Land Use Permits issued, all complaints of violation, any action taken on each complaint, and any other actions or observations of the Zoning Administrator.
- E. Violations:** Enforcement actions may be initiated by a complaint, or by the Zoning Administrator independently anytime he or she identifies a violation.

**Section 3.03 PERMIT PROCEDURES and REGULATIONS**

It is the intent and purpose of this Section to create a review and permit process for the administration of this Ordinance. The primary process shall require the issuance of one permit which shall be the Land Use Permit. Issuance of such a Permit, pursuant to this Section, shall indicate that the uses and plans for which the Land Use Permit is requested comply with this Ordinance. Upon the issuance of a Land Use Permit, the applicant may erect or alter a building or structure for which the Land Use Permit has been issued only after receiving a Building Permit from the County Building Inspector.

**A. Land Use Permit Application Required:** No excavation shall be initiated, no building shall be erected, altered, moved or structural alterations (including but not limited to porches, decks, patios or terraces) initiated until a Land Use Permit has been issued by the Zoning Administrator and, where required, a Building Permit has been issued by the County Building Inspector. An application for a Land Use Permit shall be available from the Zoning Administrator. The application shall be completed by the applicant and shall be accompanied by the following:

1. Either a Plot Plan or Site Plan, according to the provisions of Sections 4.02 and 4.03 of this Ordinance.
2. Sanitary Sewer or Septic Approval: In the case of a permit for buildings proposed for human occupancy or required by law to have plumbing fixtures, either a report from the Livingston County Health Department certifying in writing the approval of a private sanitary sewage disposal system plan specific to a designated location on the subject property, or when public sanitary sewage service is available and required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required.
3. Water Supply Approval: When a municipal, public or private water supply system is required by law or proposed by the applicant, either a report from the Livingston County Health Department, certifying approval of a proposed private water supply system, or when municipal or public water supply is required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required.

**B. Application Fees:** Fees for review of development proposals, inspections and the issuance of permits or certificates required under this Ordinance shall be deposited with the Township Clerk in advance of processing any application or issuance of any permit. No application for approval for which a fee is requested will be processed until the fee is deposited with the Township Clerk. The amount of such fees shall be established by the Township Board by resolution and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance. Such fees may include but are not limited to all costs associated with conducting a public hearing or inspection, including newspaper notice, postage, photocopying, and staff time; Planning Commission, Township Board and/or Zoning Board of Appeals time; mileage; and any costs associated with reviews by qualified professionals including professional planners and/or engineers.

1. When Professional Review Fee is Required: For any application for approval of a Site Plan, Special Land Use, variance, or other use or activity requiring a permit under this Ordinance, either the Zoning Administrator or the Planning Commission may require the payment of a professional review fee. A fee may be requested for any project which may, in the opinion of the Zoning Administrator or Planning Commission, create conditions on the subject site hazardous to the general public health, safety, or welfare, including vehicular circulation patterns, or create an identifiable and potentially negative impact on public infrastructure or services or on adjacent properties, and because of which professional input is desired before a decision is made by the approving body.
2. Professional Review and Report: A professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and any problems which 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 professional review contracted for by the Township and a copy of the statement of expenses for the professional services rendered.



3. Fee Balance: The applicant is entitled to a refund of any unused fee at the time a permit is either issued or denied in response to the applicant's request. If actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to receipt of any Land Use Permit or other permit issued by the Township in response to the applicant's request.

**C. Processing of Application:**

1. Upon determination of the Zoning Administrator that the Land Use Permit application appears to be complete, the Zoning Administrator shall forward the application to the appropriate decision-making body.
  - a. The Zoning Administrator shall be the approving body for all “principle permitted uses” requiring plot plan approval, unless the Zoning Administrator defers approval to the Planning Commission. (see Article 4: Procedures for Site Plan and Plot Plan Review)
  - b. The Planning Commission shall be the approving body for all “principle permitted uses” requiring site plan review and special land uses, except those special land uses reserved for Township Board action. (see Article 5: Procedures for Special Land Uses)
2. The approving body shall follow all of the applicable procedural requirements of Article 4: Site Plan and Plot Plan Review, Article 5: Procedures for Special Land Uses, and any other applicable Articles of this Ordinance prior to rendering a decision on the application.

**D. Permit Issuance, Withholding, Expiration.**

1. Issuance: After adequate review and whenever the approving body finds that the buildings, structures, uses, and site improvements as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue the appropriate permit. A performance guarantee may be required as a condition to the issuance of any Land Use Permit in order to insure conformance with the requirements of this Ordinance (*see Section 3.06*). In any case where a permit is refused, the reasons shall be stated in writing to the applicant. No Land Use Permit shall be granted which relies upon a variance until ten (10) days following the decision of the Zoning Board of Appeals has expired.
2. Withholding Permit: The Zoning Administrator may withhold any Land Use Permit pending verification that an applicant has received required county, state or federal permits including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetlands permits; flood plain and culvert permits; driveway permits; or building permits. Likewise, wherever this Ordinance authorizes permit approval by the Planning Commission or Township Board, the Planning Commission or Township Board may condition final approval of the requested development activity upon the receipt of any of the above mentioned county, state or federal approvals and/or direct the Zoning Administrator not to issue a Land Use Permit until said permits from other agencies have been obtained.
3. Expiration of Permit: Any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first inspection by the Zoning Administrator. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective, provided however, that the Planning Commission may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. Upon expiration without a waiver extension, the permit shall be renewable upon reapplication and upon payment of the original fee, subject to the provisions of all ordinances in effect at the time of renewal.

**E. Relation to Nonconforming Uses:** It shall not be necessary for an owner of a legal nonconforming structure or use, existing on the effective date of this Ordinance, to obtain a Land Use Permit in order to maintain its legal, nonconforming status. However, no nonconforming building, structure, or use shall be renewed, changed, or extended pursuant to Article 19 until a Land Use Permit has been issued by the Zoning Administrator. In such cases the Permit shall state specifically how the nonconforming building, structure, or use differs from the provisions of this Ordinance.

**F. Occupancy Permit:** No structure or use shall be occupied without first receiving a certificate of occupancy permit from the Building Inspector.

### **Section 3.04 VIOLATIONS**

**A. Violations are Nuisances Per Se:** Violations of any provisions of this Ordinance are declared to be nuisances per se.

**B. Notice of Violation:** The Zoning Administrator shall inspect each alleged or apparent violation. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a Notice of Violation or an appearance ticket, in writing, which specifies all circumstances found to be in violation.

**C. Service of Notice:** Such notice shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served, at a minimum, upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records. The zoning administrator may also post such notice on the subject property. The removal of a notice of violation posted on the subject property is a violation of this ordinance.

1. **Revocation:** The Zoning Administrator shall have the power to revoke or cancel any Land Use Permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit.

**D. Violation Correction Period:** All violations shall be corrected within a period of fifteen (15) days after the violation notice is served. Should a violation not be corrected within the specified time period the Zoning Administrator shall notify the owner, or party of interest in writing, of the time and place of a hearing to be held before the Township Board on the conditions causing the notice of violation.

**E. Hearing Before Township Board:** The Township Board shall take testimony of the Zoning Administrator, the owner of the property, and any other interested party or witness. The person to whom the notice is addressed shall have the opportunity to show cause why said violation should not be ordered to be corrected or why said action would cause an undue hardship. Following the hearing, the Township Board shall make written findings as to the nature and extent of the violation, if any, and extenuating circumstances, if any. The Township Board may extend the time by which the violation(s) must be corrected for a period not to exceed six (6) months. However, the Township Board shall not allow such violations to exist longer than this period.

**F. Legal Action:** If the owner or party in interest fails to appear at the hearing, or neglects to correct the violation within the time period specified by the Township Board, the Township Board shall transfer a report of their findings to the Township Attorney recommending that the appropriate action be taken. The Township Attorney may then initiate prosecution proceedings. If the threat to public health and or safety necessitates immediate action, this procedure may be circumscribed and the Township Board may initiate injunctive action in Circuit Court or any such other remedy provided by Law (*see Section 3.05*).

**Section 3.05 PENALTIES and REMEDIES**

**A. Violations as Misdemeanors:** Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances, approved site plans, Land Use Permits, or other authorizations under this Ordinance, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500) or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

1. The owner of record or tenant of any building, structure, premises, or part thereof, and any architect, building contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

**B. Remedies:** The Township Board may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.

**Section 3.06 PERFORMANCE GUARANTEE for COMPLIANCE**

**A. Purpose:** In authorizing any Land Use Permit or variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished: (1) to insure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance; (2) to insure the discontinuance of a temporary use by a stipulated time; and (3) to provide sufficient resources for the Township to complete required improvements or conditions in the event the permit holder does not.

**B. Requirements of Guarantee:** The performance guarantee shall meet the following requirements:

1. **Improvements Covered:** Improvements that shall be covered by the performance guarantee include those features and actions associated with the project which are considered necessary by the approving body 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 roadways, lighting, utilities, common open space improvements, lighting, drainage and sidewalks.
2. **Form:** The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the approving body, which names the property owner as the obligor and the Township as the obligee. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
3. **Amount and Time Required:** The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions, according to a detailed cost estimate submitted by the applicant and approved by the body or official requiring such guarantee. After approval of the detailed cost estimate, the performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project.

**C. Return of Performance Guarantee or Bond:** The following procedure shall be followed in the return of performance guarantees or bonds:

1. **Request for Payment:** As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Township Clerk of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the body which originally approved the Land Use Permit indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.

2. Approval of Payment: The body which originally approved the Land Use Permit shall either approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the approving body within forty-five (45) days after receipt of the notice from the obligor of the completion of the improvements. Where approval or partial approval is granted, the approving body shall notify the Township Clerk of such approval and the Township Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be rebated and shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.
  - a. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.
3. Lack of Full Completion: Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any balance remaining shall be returned to the applicant.

**D. Performance Guarantee for Razing of Building:** The Zoning Administrator may require a bond prior to the razing or demolition of principle structures and accessory structures having more than one hundred forty-four (144) square feet of floor area. A guarantee shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator, Fire Chief or the Township Board may from time to time prescribe, including filling of excavations and proper termination of utility connections.

**E. Record of Performance Guarantees:** A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

*End of Article*

# Article 4

## PROCEDURES FOR SITE PLAN & PLOT PLAN REVIEW

### Section 4.01            PURPOSE

It is the purpose of this Article to specify standards, data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this Ordinance.

### Section 4.02            APPROVAL of SITE PLAN or PLOT PLAN REQUIRED

**A. Planning Commission Approval for Site Plans:** Unless required otherwise by Section 4.02(B) below, site plan approval is required by the Planning Commission, prior to the issuance of a Land Use Permit, for the following land uses:

1. All principle permitted uses within any commercial or industrial zoning district.
2. All special land uses except planned unit developments.
3. All uses for which this Ordinance requires four (4) or more off street parking spaces, except planned unit developments.

**B. Township Board Approval for Site Plans:** Site plan approval is required by the Township Board, prior to the issuance of a Land Use Permit, for the following uses:

1. Planned unit development projects.
2. All single and two family developments subject to the requirements of P.A. 288 of 1967, the Subdivision Control Act, as amended.
3. All condominium subdivisions subject to P.A. 59 of 1978, the Condominium Act, as amended.
4. Open space preservation option.

**C. Zoning Administrator Approval for Plot Plans:** Plot Plan approval is required by the Zoning Administrator, prior to the issuance of a Land Use Permit, for all other uses not listed in Section 4.02 (A) or (B) above.

### Section 4.03            PLOT PLAN REVIEW PROCEDURES

**A. Submittal of Plot Plan:** Plot plans shall be provided on a professional quality drawing of scale not less than 1"=100'. At least five (5) copies of the plot plan shall be submitted to the Zoning Administrator. In addition to the applicant's full name, address and phone number, the following data shall be submitted with applications for Land Use Permits for uses requiring a plot plan:

1. An accurate, readable, scale drawing showing the following shall be required except in the case of minor alterations, repair, and demolitions as determined by the Zoning Administrator. The Zoning Administrator may establish and make available in the office of the Township Clerk written guidelines as to the scale and level of detail needed for applications for various types of uses requiring a Land Use Permit, or for information to be submitted to the Zoning Board of Appeals in order to make a decision on an appeal, request for Ordinance interpretation or variance.
  - a. Name, address and telephone number of the applicant (and owner if different).
  - b. The location, shape, area and dimension of the lot.
  - c. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
  - d. A description of proposed use of the building(s), land or structures.
  - e. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other users.
  - f. The yard, open space, and parking lot and space dimensions, and number of spaces.
  - g. A vicinity sketch showing the location of the site in relation to the surrounding street system, and adjacent land uses within three hundred (300) feet in every direction including on the opposite side of any public thoroughfare.
  - h. Location of any septic system or drain field and well.
  - i. Configuration of the driveway and parking, county drains and site drainage patterns.

- j. Existing public right-of-ways or easements.
- k. Any other information deemed necessary by the approving body to determine and provide for the enforcement of this Ordinance.

**B. Plot Plan Review:** The Zoning Administrator shall review the plot plan for completeness and if such plans are not complete according to Section 4.03(A)(1), the plans shall be returned to the applicant with a written notice identifying the inadequacies of the plans. Upon receipt of an adequately completed plot plan, the Zoning Administrator shall record the date of its receipt and conduct a review of the plot plan to determine its conformity with the applicable provisions of this Ordinance and the provisions of Section 4.06. The Zoning Administrator shall reject, approve, or conditionally approve the plot plan as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the Zoning Administrator for approval shall be stated in writing, together with the reasons, and delivered to the applicant. A plot plan shall be approved by the Zoning Administrator if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

**C. Approved Plot Plans:** Three (3) copies of the approved plot plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the plot plan and delivered to the applicant for information and direction.

**Section 4.04 SITE PLAN REVIEW PROCEDURES**

**A. Preliminary Review Application:** A preliminary site plan must be submitted. Applications for preliminary site plan approval shall be submitted to the Zoning Administrator at least twenty-five (25) business days prior to the regularly scheduled Planning Commission meeting at which the site plan is to be considered, on a special form for that purpose and shall consist of the following:

1. Twelve (12) copies of a completed application form supplied by the Zoning Administrator.
  - a. Copies to be received by the Township Zoning Administrator at least twenty-five (25) business days prior to regularly scheduled Planning Commission meeting date.
2. Twelve (12) copies of the preliminary site plan at a scale of not less than one (1) inch equals one hundred (100) feet with the following minimum information:
  - a. Property dimensions and topographic elevations at two foot intervals.
  - b. Significant vegetation.
  - c. Water courses and water bodies, including man-made surface drainage ways.
  - d. Existing public right of way, pavements, and/or private easements.
  - e. Existing and proposed uses, buildings, structures, and lots.
  - f. Zoning classification of abutting properties.
  - g. The name and address of the person and firm who prepared the plan and the date on which the plan was prepared.
  - h. The Planning Commission may require written statements relative to the effects on the existing traffic capacity of streets, and the proposed development's impact on schools, existing utilities, the environment or natural resources.

After receipt of the application and materials listed above, the Zoning Administrator shall have seven (7) business days to review the submittal for completeness. If the submittal is incomplete, the Zoning Administrator shall notify the applicant of the deficiencies in writing within this time period. *Applications must be accepted as complete by the Zoning Administrator at least 14 business days prior to the Planning Commission meeting at which the application will be considered.*

*Added 3/28/06*

**B. Planning Commission and Township Board Review and Action:** After conducting a review, the Planning Commission shall reject, approve, or conditionally approve the preliminary site plan as it pertains to requirements and standards contained in the Zoning Ordinance, except that the Planning Commission will only make recommendations for rejection, approval, or conditional approval of a preliminary site plan for a use requiring site plan approval by the Township Board approval pursuant to Section 4.02(B)(1-3) and forward its recommendation to the Township Board for final action on the preliminary site plan. Any conditions required by the Planning Commission or Township Board for preliminary plan approval shall be stated in writing, together with the reasons, and delivered to the applicant. If denied, the Planning Commission and Township Board shall cite reasons for denial. If approved, the applicant may submit a final site plan for the development. Decisions and recommendations by the Planning Commission shall be made within sixty (60) days of the receipt of the completed application unless, in the opinion of the Planning Commission, an extension of time is necessary to adequately collect and review information pertinent to a decision or recommendation.

1. The applicant may submit a preliminary site plan for only a phase of a development, in which case the decision of the approving body shall apply to that development phase only, and all subsequent phases of the development must be submitted for preliminary site plan review.
2. Approval of the preliminary site plan is valid for a period of six (6) months. If a final site plan for the development, or any phase of the development, has not been submitted during that period, the approval of the preliminary site plan shall be null and void. This time limit may not be extended by the Planning Commission. Preliminary site plans whose approval has expired shall be required to resubmit and be processed for approval according to this Section.

**C. Submittal of Final Site Plan:** Final site plans shall be provided on a professional quality drawing of scale not less than 1"=100'. At least twelve (12) copies of the final site plan shall be submitted to the Zoning Administrator. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan, and such plans shall bear the seal and signature of the preparer. In addition to the applicant's full name, address and phone number, the following data shall be submitted with applications for Land Use Permits for uses requiring a site plan. *All plans shall be submitted at least twenty-five (25) business days prior to the regularly scheduled meeting date.* *Added 3/28/06*

1. A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
2. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, carports or garages, employees by shift, amount of recreational and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
3. Natural features such as woodlands, streams, flood plains, county drains, lakes or ponds, topography (at two-foot intervals on-site and within one hundred fifty (150) feet of the site) and man-made features such as existing roads and structures, with indication as to which are to be retained and which removed or altered.
4. Existing public right-of-way, private easements of record, and deed restrictions.
5. Proposed streets and alleys, (including cross-sections), acceleration, deceleration or right turn lanes, driveways, parking spaces, sidewalks, with indication of direction of travel, the inside radii of all curves including driveway curb returns. The width of streets, driveways and sidewalks, the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles. Proposed traffic control measures (including signs) and proposed street or road names shall also be indicated.
6. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).
7. Location of utilities, water supply and the location and design of waste water systems as well as any easements that exist or are proposed to be established for installation, repair and maintenance of utilities.

8. Proposed location of trash receptacles, accessory buildings and uses, and proposed location, shape, size, and dimensions of signs.
9. A landscaping plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting in compliance with the requirements of Article 23, Landscaping and Screening. Also, proposed locations of common open spaces, if applicable.
10. A storm drainage and storm water management plan for all streets, roof surfaces, and other impervious areas, including the location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water or waste water. The point of discharge for all drains and pipes shall also be specified on the site plan.
11. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
12. A statement from the applicant identifying all federal, state and local permits required, if any.
13. Project completion schedule.
14. Such other information as is necessary to enable the Planning Commission to determine whether the proposed site plan will conform to the provisions of this Ordinance.

**D. Distribution of Final Site Plans:** Upon receipt of a final site plan, the Zoning Administrator shall record the date of their receipt and transmit seven (7) copies thereof to the Planning Commission; one (1) copy to the Fire Department when necessary, one (1) copy to the Township Clerk, and the remaining shall be retained by the Zoning Administrator. *Plans must be received at least twenty-five (25) business days prior to the meeting date.*  
**Added 3/28/06**

**E. Planning Commission and Township Board Review and Action:** After conducting a review of the final site plan to determine its conformity with the applicable provisions of this Ordinance and the provisions of Section 4.06, the Planning Commission shall reject, approve, or conditionally approve the site plan as it pertains to requirements and standards contained in the Zoning Ordinance, except that the Planning Commission will only make recommendations for rejection, approval, or conditional approval for a site plan requiring Township Board approval pursuant to Section 4.02(B)(1-3) and forward its recommendation to the Township Board for final action. Any conditions required by the Planning Commission or Township Board for approval shall be stated in writing, together with the reasons, and delivered to the applicant. Decisions and recommendations by the Planning Commission shall be made within sixty (60) days of the receipt of the completed final site plan unless, in the opinion of the Planning Commission, an extension of time is necessary to adequately collect and review information pertinent to a decision or recommendation. A final site plan shall be approved by the Planning Commission or Township Board if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

**F. Approved Site Plans:** Three (3) copies of the approved Site Plan, with any conditions contained within shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Chairperson of the Planning Commission, or by the Township Supervisor in the case of a use listed in Section 4.02(B)(1-3), for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.



**Section 4.05 CONFORMITY to APPROVED SITE PLANS**

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received written approval from the body which had approved the original site plan. If construction and development does not conform with such approved plans, the approval shall be revoked by the Zoning Administrator pursuant to the procedure in Section 3.04(C)(1). Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

**Section 4.06 SITE PLAN and PLOT PLAN APPROVAL STANDARDS**

Each site plan and plot plan shall conform with the applicable provisions of this Ordinance and the standards listed below:

- A.** All elements of the plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B.** The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas. Landscape elements shall minimize negative impacts and, in the case of parking lots, provide directional guidance to drivers. Landscaping, buffering, and screening shall conform with the requirements of Article 23, Landscaping and Screening.
- C.** Special attention shall be given to proper site drainage so that removal of storm waters will not increase off-site sedimentation or otherwise adversely affect neighboring properties due to flooding.
- D.** The plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- E.** All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- F.** Every structure or dwelling unit shall have access to a public street, private road, walkway, or other area dedicated to common use.
- G.** There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
- H.** Exterior lighting shall be designed and arranged so that it is deflected away from adjacent streets and adjoining properties. Flashing or intermittent lights shall not be permitted.
- I.** The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards of the County Road Commission.
- J.** All streets shall be developed in accordance with County Road Commission specifications, unless specifically provided for otherwise in this Ordinance.
- K.** All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.
- L.** Residential and nonresidential development shall not include unnecessary curb cuts and shall use shared drives and/or service drives where the opportunity exists.

- M. The plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.
- N. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before the final plan approval is granted.
- O. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
  - 1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers, or wetlands.
  - 2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.
  - 3. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan ground water discharge permit.
  - 4. Federal, state and county agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

**Section 4.07 CHANGES and APPEALS**

- A. **Amendment to the Site Plan:** No changes shall be made to an approved Site Plan prior to or during construction except upon mutual agreement between the applicant and the Township or Zoning Administrator according to the following procedures:
  - 1. **Minor Changes:** Minor changes to an approved Site Plan involving changes of less than five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; adjustment of utilities; and similar minor changes may be approved by the Zoning Administrator unless the Zoning Administrator defers judgment to the Planning Commission. If the Zoning Administrator defers judgment to the Planning Commission, the Planning Commission may process the requested amendment as a major change.
  - 2. **Major Changes:** Major changes or amendments to an approved Site Plan involving changes in excess of five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces; an increase in the gross floor area or heights of buildings; a reduction in the open space; and similar major changes, shall require the approval of the Planning Commission, except as provided by Section 4.07(3) below, in the same manner as the original application was submitted, reviewed, and approved. Approval of changes shall be subject to the finding of all of the following:
    - a. Such changes will not adversely affect the initial basis for granting approval;
    - b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and
    - c. Such changes shall not result in the reduction of open space area as required herein.
  - 3. **Township Board Action:** The Planning Commission shall make recommendations to the Township Board regarding proposed major changes to a site plan for a special land use previously approved by the Township Board, prior to the Township Board taking final action on the proposed changes. Approval shall be subject to the findings of Section 4.07(3)(a-c) above.

- B. Amendments to a Plot Plan:** The Zoning Administrator shall review proposed changes to an approved Plot Plan in accordance with the same procedures, requirements, and standards contained in Section 4.03. Changes to a Plot Plan which contain elements which require Site Plan approval according to Section 4.02 shall require that the entire project be processed as a Site Plan according to the procedures of Section 4.04.
- C. Appeals:** With regard to Site Plan and Plot Plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the manner as other administration decisions.

*End of Article*



# Article 5

## PROCEDURES for SPECIAL LAND USES

### Section 5.01      **PURPOSE**

- A. Special Land Uses:** It is the intent of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will, at the same time, promote the intent and purpose of this Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide control and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land uses and structures possessing these characteristics may be authorized within certain zoning districts by the issuance of a Land Use Permit for a Special Land Use. By such a procedure, the Planning Commission and Township Board shall have the opportunity to impose conditions upon each use, which are deemed necessary for the protection of the public welfare. Such conditions shall be based on standards in this Ordinance.
- B.** Approval standards for special land uses are included in Article 16, Standards for Special Land Uses, except that approval standards for planned unit developments are included in Article 17, Standards for Planned Unit Developments.

### Section 5.02      **PROCEDURES for SPECIAL LAND USES**

An application for a Land Use Permit for any special land use or structure identified as such in a particular zoning district shall be submitted and processed under the following procedures, except that applications for planned unit developments shall be submitted and processed under Article 17.

- A. Submission of Application:** Any person owning or having an ownership interest in the subject property may file an application for one or more Land Use Permits for a special land use as provided for in this Ordinance. An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board to cover costs of processing the application. Fifteen (15) sets of the following materials, constituting the special land use application, shall be submitted to the Zoning Administrator at least thirty (30) days prior to the meeting at which the Planning Commission first considers the special land use application:
1. Special application form supplied by the Zoning Administrator.
  2. Payment of a fee, the amount of which shall be established by the Township Board from time to time.
  3. Preliminary site plan meeting the requirements of Section 4.04.
  4. Written statement of analysis regarding the estimated population holding capacity of any proposed residential land use, the anticipated impact upon community facilities, such as schools and infrastructure, the anticipated new traffic generation including available roadway capacities and impact upon neighboring land uses and streets.
- B. Forwarding of Application to Planning Commission:** Ten (10) copies of the site plan shall be forwarded to the Planning Commission. The Zoning Administrator may also submit one (1) copy of the site plan to each of the following agencies considered to be impacted or affected by the application for a Special Land Use.
1. County Road Commission.
  2. County Health Department.
  3. County Drain Commissioner.
  4. Fire Department providing service to that part of the Township.
  5. Other agencies as relevant.
- C. Planning Commission Action:**
1. Application Review and Public Hearing:

- a. The Planning Commission shall review the site plan and special land use application. After adequate study and review, incorporating information provided by reviewing agencies listed above in Section 5.02(B), the Planning Commission shall publish a notice of public hearing which shall:
    - 1) Describe the nature of the special land use request.
    - 2) Indicate the property which is the subject of the special land use request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
    - 3) State when and where the request will be considered.
    - 4) Indicate when and where written comments will be received concerning the request.
  - b. Notice shall be published in a newspaper of general circulation in the Township and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to which real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet of the property in question, regardless of whether the property or occupant is located in the zoning jurisdiction. Notice shall be given not less than fifteen (15) days before the public hearing.
    - 1) If the name of the occupant is not known, the term “occupant” may be used in making notification.
  - c. The public hearing shall be held within forty-five (45) days of the meeting at which a complete application is first placed upon the Planning Commission’s agenda.
2. Planning Commission Decision and Basis for Decision: Upon review of the special land use application including the preliminary site plan and all supporting materials, and the hearing, and within sixty (60) days of the hearing, the Planning Commission shall deny, approve, or approve with conditions the application for special land use approval. Its decision shall be incorporated in a statement of conclusions relative to the special land use under consideration, and shall specify the basis for the decision and any conditions imposed. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in Articles 16, Standards for Special Land Uses, and Article 17, Standards for Planned Unit Developments. A request for approval of a land use or activity which is in compliance with those standards, other applicable ordinances, and state and federal statutes shall be approved. The Planning Commission may require that a performance guarantee, in accordance with Section 3.06 of this Ordinance, be deposited with the Township to insure completion of improvements.
- a. For those uses reserved for final action by the Township Board, as specified below in Section 5.02(D)(1), the Planning Commission shall only recommend approval, denial, or approval with conditions regarding the special land use application and site plan, and forward its recommendation to the Township Board for its consideration. The recommendation shall state the reasons for the decision reached.
3. Action on Final Site Plan: The approval of the special land use application shall become null and void after two (2) years from the date of approval granted by the Planning Commission, or by the Township Board as provided by (D) below, unless the applicant has submitted a final site plan for the project within such time period. The Planning Commission shall review and act upon such final site plan pursuant to Section 4.04. The Planning Commission may require that a performance guarantee, in accordance with Section 3.06 of this Ordinance, be deposited with the Township to insure completion of improvements. For those uses reserved for final action by the Township Board, as specified below in Section 5.02(D), the Planning Commission shall only recommend approval, denial, or approval with conditions regarding the final site plan, and forward its recommendation to the Township Board for its consideration.
4. Issuance of Land Use Permit: A Land Use Permit for the special land use shall not be issued until the Planning Commission has granted approval of the final site plan, or approval is granted by the Township Board as provided by (D) below, and no construction shall be initiated until such permit has been issued.

#### **D. Township Board Action**

1. The Township Board will take action on only those special land uses listed below.
  - a. Public and private sanitary landfills and incinerators.
  - b. Junkyards.
  - c. Mobile home parks.
  - d. Mineral extraction.
  - e. Planned Unit Developments (*see Article 17*).
2. Upon review of the special land use application including the preliminary site plan and all supporting materials, the hearing, and the recommendation of the Planning Commission, the Township Board shall deny, approve, or approve with conditions the application for special land use approval. The Township Board's decision shall be incorporated in a statement of conclusions relative to the special land use under consideration, and shall specify the basis for the decision and any conditions imposed. In arriving at its decision, the Township Board shall refer to and be guided by those standards set forth in Articles 16, Standards for Special Land Uses, and Article 17, Standards for Planned Unit Developments. A request for approval of a land use or activity which is in compliance with those standards, other applicable ordinances, and state and federal statutes shall be approved.
  - a. The approval of the special land use application shall become null and void after two (2) years from the date of approval granted by the Township Board unless the applicant has submitted a final site plan for the project within such time period. The Planning Commission shall review and act upon such final site plan pursuant to Section 4.04 but shall only recommend approval, denial, or approval with conditions regarding the final site plan, and forward its recommendation to the Township Board for final action.

#### **Section 5.03 APPEAL to CIRCUIT COURT**

An appeal on a special land use application decision shall be taken to the Circuit Court.

#### **Section 5.04 REAPPLICATION**

No application for a Land Use Permit for a special land use which has been denied wholly or in part by the Planning Commission or Township Board shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions. A reapplication shall require a new fee and the process will follow all provisions of Section 5.03, except in the case of a planned unit development, in which case the provisions of Article 17 shall be followed.

#### **Section 5.05 AMENDMENTS**

- A. Site Plan:** The site plan, as approved, shall become part of the record of approval, and subsequent actions shall be consistent with the approved the site plan. Amendments to the approved site plan shall comply with the application and review procedures of Section 4.06.
- B. Use or Activity:** A change in the character of the use or activity from what the originally approved Land Use Permit for special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of this Article and all other applicable sections of this Ordinance. Changes requiring a new application and review procedure include, but shall not be limited to:
  1. any addition of land to the legal description of the original special Land Use Permit;
  2. any establishment of another special land use(s).
  3. any addition of more sales or service area, or the addition of dwelling units; and
  4. any expansion or increase in intensity of use.

*End of Article*



# Article 6

## ZONING BOARD OF APPEALS

### Section 6.01            **PURPOSE**

The purpose of this Article is to insure that the objectives of this Ordinance are fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that flexibility be provided for in the strict application of this Ordinance, that the spirit of the Ordinance be observed, public safety secured, and substantial justice done.

### Section 6.02            **CREATION and MEMBERSHIP**

- A. Establishment:** A Zoning Board of Appeals first established by the Zoning Ordinance adopted February 13, 1986, is hereby retained in accordance with *Michigan Zoning Enabling Act, Public Act 110 of 2006*, as amended, and shall consist of three members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the Township outside of incorporated cities and villages. A member of the Township Board may serve on the Zoning Board of Appeals but not serve as the chairperson. The Zoning Administrator or other employee or contractor of the Township Board may not serve on the Zoning Board of Appeals.
- B. Appointment of Members:** The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. No alternate member may be either a member of the Township Board or the Planning Commission. The alternate members may be called as needed, on a rotating basis, to sit as regular members of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- C. Terms of Office:** Members shall be appointed for three (3) year terms except in the case of Planning Commission and Township Board members, whose terms shall be limited to the time they are members of the Planning Commission or Township Board. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has been expired. Vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed. Members of the Zoning Board of Appeals may be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after a public hearing.
- D. Conflict of Interest:** A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure to do so shall constitute misconduct in office.

### Section 6.03            **ORGANIZATION**

- A. Rules of Procedure:** The Zoning Board of Appeals may adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The Board shall annually elect a chairperson, a vice-chairperson, and a secretary.
- B. Meetings and Quorum:** Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Board in its Rules of Procedure may specify. A majority of the total membership of the Board shall comprise a quorum. The Board shall not conduct official business unless it has a quorum. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act.

**C. Oaths and Witnesses:** The chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of any witness in order to insure a fair and proper hearing.

**D. Records:** The minutes of all meetings shall contain the grounds for every determination made by the Board including all evidence and data considered, all findings of fact and conclusions drawn by the Board for every case, along with the vote of each member and the final ruling on each case. The Zoning Board of Appeals shall file its minutes in the office of the Township Clerk.

**E. Legal Counsel:** An attorney for the Township shall act as legal counsel for the Zoning Board of Appeals pursuant to procedures established by the Township Board.

**Section 6.04 JURISDICTION**

The Zoning Board of Appeals shall act upon questions as they arise in the administration of this Ordinance, including the interpretation of the zoning maps. . The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Michigan Zoning Enabling Act, Public Act 110, of 2006 as amended.

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters for which this Ordinance provides an administrative review, interpretation, variance, or temporary Land Use Permit. Within this capacity the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator, Planning Commission, or any official administering or enforcing the provisions of this Ordinance as set forth in Section 6.05.

**Section 6.05 AUTHORIZED APPEALS**

The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

**A. Administrative Review:** The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official or by the Planning Commission in administering or enforcing the provisions of this Ordinance.

- B. Interpretation of the Ordinance:** The Zoning Board of Appeals shall hear and decide upon requests to:
1. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request the Zoning Board of Appeals shall insure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.
  2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator (*see Section 9.04*).
  3. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Article 21, Off Street Parking and Loading, by an analysis of the specific needs. If no comparable use is found, the Zoning Board of Appeals shall so inform the petitioner and indicate that the parking space requirements will have to be established by amendment of the Ordinance.
  4. Provide for the completion, resumption, restoration, reconstruction, extension or substitution of nonconforming uses or structures upon terms and conditions provided in Article 19, Nonconforming Uses of Land and Structures, of this Ordinance.

**C. Variances and Required Findings:** The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements of this Ordinance such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, and sign requirements, provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.

1. That there are practical difficulties, which prevent carrying out the strict letter of this Ordinance. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
2. That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.
3. That the special conditions or circumstances do not result from actions of the applicant.
4. That the variance will relate only to property under control of the applicant.
5. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
6. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
7. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property.
8. That the variance shall not permit the establishment, within a district, of any use, which is not permitted as, a principle permitted use within that zoning district.

#### **Section 6.06 APPEAL PROCEDURES**

##### **A. Notice of Appeal**

1. **Ordinance Interpretation and Variances:** Appeal requests for Ordinance interpretation and requests for variances may be made to the Zoning Board of Appeals by any person aggrieved, or by an officer, or department of the Township, by completing and filing a written Notice of Appeal with the Zoning Administrator on forms established for that purpose and accompanied with such information as is necessary to decide such request. Upon receipt of a Notice of Appeal and fee, the Zoning Administrator shall promptly transmit records concerning the appealed action, as well as any related information to the chairperson of the Zoning Board of Appeals.
2. **Administrative Review:** Where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official or by the Planning Commission in administering or enforcing the provisions of this Ordinance, a written Notice of Appeal shall be completed and filed with the Zoning Administrator on forms established for that purpose within ten (10) days after the date of the decision being appealed. Upon receipt of a Notice of Appeal and fee, the Zoning Administrator shall promptly transmit records concerning the appealed action, as well as any related information to the chairperson of the Zoning Board of Appeals.

**B. Fee:** A fee as established by the Township Board, shall be paid to the Zoning Administrator at the time the petitioner files a Notice of Appeal with the Zoning Administrator. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred by the Board in connection with the appeal. No fee shall be charged if the Township Board, Zoning Administrator, or any official body of the Township is the moving party.

- C. Scheduling and Notice of Hearing:** Upon receipt of a Notice of Appeal, the chairperson of the Zoning Board of Appeals shall fix a reasonable time and date for a public hearing. Upon receipt of a written request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to the person requesting the interpretation or appeal, and to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used. The notice shall also indicate when and where written comments will be received concerning the request.
- D. Hearing:** Upon the hearing, any party may appear in person or by agent or attorney. The Board may recess such hearing from time to time, with notice conforming to the requirements of the Open Meetings Act.
- E. Decision:** The Zoning Board of Appeals shall render its decision within sixty (60) days of filing of a Notice of Appeal, or application for Ordinance interpretation or variance, unless in the opinion of Zoning Board of Appeals, an extension of time is necessary to review information pertinent to making the decision. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant on any matter upon which they are required to pass under or to effect any variation in this Ordinance. The Zoning Board of Appeals shall state the grounds of each determination. Any decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the circuit court of the county in which the property is located.
1. Conditions: In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance (*See Section 18.15*). Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.
  2. Variance Authorization Period: Each variance granted under the provisions of this Ordinance shall become null and void unless the construction or other actions authorized by such variance have commenced within one (1) year of the granting of such variance and has been diligently pursued. Upon written application filed with the Township Clerk prior to the termination of the one (1) year period, the Board of Appeals may authorize a single extension of the time limit for an additional period of not more than one (1) year upon the finding by the Board of Appeals that the project has a reasonable expectation of being completed within such time period.
- F. Rehearing:** No rehearing on a application denied by the Zoning Board of Appeals shall be reconsidered except upon the grounds of newly discovered evidence or a falsehood previously relied upon which is found to be valid, upon inspection by the Zoning Board of Appeals. A rehearing shall be processed in the same manner as the original application, including a new fee unless initiated by the Zoning Board of Appeals or Township Board. A request for rehearing shall be made within (8) days of the denial.

**G. Reapplication:** After eight (8) days following a decision by the Zoning Board of Appeals, no application for a variance, Ordinance interpretation, or appeal of an administrative decision which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

**H. Performance Guarantee:** In authorizing any variance, or in granting any temporary housing permits, the Zoning Board of Appeals may require a performance guarantee covering the estimated cost of conditions or improvements associated with a project, pursuant to Section 3.06.

**Section 6.07 STAY**

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with he or she, that by reason of facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property. Under such conditions, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals, or, on application, by court of record.

**Section 6.08 REVIEW by CIRCUIT COURT**

**A. Circuit Court Review:** The decision of the Zoning Board of Appeals shall be final. However, any party having an interest affected by an order, determination or decision of the Zoning Board of Appeals may obtain a review thereof both on the facts and the law, in the Circuit Court; provided that application is made to the Court within 30 days after the zoning board of appeals certifies its decision in writing or approves the minutes of its decision.

**B. Standards for Review:** The Circuit Court shall review the record and decision of the Zoning Board of Appeals to insure that the decision:

1. Complies with the constitution and laws of the State.
2. Is based upon proper procedure.
3. Is supported by competent, material, and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by the Board of Appeals.

**C. Inadequate Record:** If the Court finds the record of the Zoning Board of Appeals inadequate to make the review required, or that additional evidence exists which is material and with good reason was not presented to the Board of Appeals, the Court shall order further proceedings before the Board of Appeals on conditions which the Court considers proper. The Board of Appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. Any supplementary record and decision shall be filed with the Court.

**D. Authority of Court:** As a result of the review provided by this Section, the Court may affirm, reverse, or modify the decision of the Zoning Board of Appeals.

*End of Article*



# Article 7

## PROCEDURES FOR AMENDMENTS

### **Section 7.01                    PURPOSE**

The purpose of this Ordinance is for establishing and maintaining sound, stable and desirable development within the territorial limits of the Township. It is not intended that this Ordinance be amended except to correct an error in the Ordinance, to address changed or changing conditions in a particular area in the Township, to conform with changes to the Master Plan and/or other ordinances of the Township, to meet public need for new or additional land uses in areas so contemplated by the Master Plan, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Township.

### **Section 7.02                    INITIATION OF AMENDMENTS**

The Township Board on its own motion may initiate proposals for amendments or changes, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

### **Section 7.03                    FILING FEE**

The Township Board shall establish by resolution, a fee to be paid in full at the time of receipt of any application to amend this Ordinance. Said fee shall be collected by the Township Clerk and no part shall be refundable to the applicant. No fee shall be charged when the applicant is the Township Board or Planning Commission.

### **Section 7.04                    PROCEDURES**

**A. Application:** An applicant shall submit a completed application for ordinance amendment to the Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment. When the application involves a change in the Zoning Map, an application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall submit the following information:

1. A legal description of the property and scaled map of the property, correlated with the legal description and clearly showing the property's location, prepared and sealed by a professional engineer or registered land surveyor. The Township Board or Planning Commission may waive this requirement if comparable documentation is provided.
2. A street number or other common description of land proposed to be rezoned.
3. The name and address of the applicant, and the name and address of the owner if the applicant is not the owner.
4. The applicant's interest in the property,
5. The present zoning classification and requested zoning classification of land proposed to be rezoned.
6. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

**B. Conditional Rezoning of Land:** There may be certain instances where it would be in the best interest of the Township, as well as advantageous to a property owner seeking a change in zoning boundaries, if certain conditions are proposed by the property owner as part of the rezoning request. It is the intent of this section to provide a process and procedure for conditional rezoning consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. The following procedures shall apply to a conditional rezoning:

1. An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use a development of the land as a condition to a rezoning of the land or and amendment to a zoning map. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process prior to the public hearing. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of their offer of conditions any time prior to final rezoning action of the Township Board provided that, if such amendment occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public

hearing with appropriate notice and a new recommendation. The Township may not add or alter the conditions approved under Section 7.04.

2. The required application and process for considering a conditional rezoning of land shall be the same as that for conventional rezoning requests without any offer of conditions, as provided in Section 7.04, except as modified in this subsection.
3. The approval of conditional rezoning application shall become null and void after two (2) years from the date approval granted by the Township Board, and the land shall revert to its former zoning classification.
4. Upon written request this time limitation may be extended by the Township Board if:
  - a. It is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and,
  - b. The Township Board finds that there has not been a change in circumstances that would render the current zoning and the statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy. The extension may be for up to twelve (12) months, and only one such extension may be granted.

**C. Notice of Hearing:** After the Zoning Administrator has transmitted the amendment application to the Planning Commission, the Planning Commission shall establish a date for a public hearing on the application which will be conducted by the Planning Commission within ninety (90) days of the date of application receipt. The Planning Commission shall give notice of the public hearing in the following manner.

1. By one (1) publication in a newspaper of general circulation in the Township, at least fifteen (15) days before the date of the public hearing at which the application will be considered. If the notice is for Planning Commission or Township Board action to adopt an initial zoning ordinance, this is the only notice required.
2. For all other zoning notices involving ten (10) or fewer adjacent properties, written notice of the time, date, and place of the hearing shall be delivered by mail, or personally, to the owner or owners of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all structures within three hundred (300) feet of the premises in question. The notice shall be delivered at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used.
3. Written notice of the time and place of the hearing shall also be provided to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, who registers its name and mailing address with the Township Clerk for the purpose of receiving the notice.
4. All notices shall include: The nature of the zoning request/application/action; the time, date and place of the meeting; the property that is the subject of the request (including a list of all existing street addresses within the properties if the request involves ten (10) or fewer adjacent properties); and when and where written comments will be received concerning the request.
5. An affidavit of all mailings shall be maintained.

**C. Planning Commission Actions**

1. Planning Commission Review: In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application. Findings of fact shall be gathered and shall be made a part of the public records of the meetings of the Planning Commission. The matters to be considered by the Planning Commission shall include, but shall not necessarily be limited to the following:
  - a. What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
  - b. What are the precedents and the possible effects of such precedent, which might result from the approval, or denial of the petition?



- c. What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
  - d. Does the petitioned district change adversely affect environmental conditions, or the value of the surrounding property?
  - e. Does the petitioned district change generally comply with the adopted Master Plan, and the existing and planned future land use pattern of adjoining municipalities?
  - f. Is the property in question able to be put to a reasonable economic use in the zoning district in which it is presently located?
  - g. Is the proposed change consistent with other zones, land uses and the trend of development in the area?
  - h. Was an error made in delineating the original district boundaries?
  - i. Are conditions, if any, reasonable and appropriate and in the best interests of the Township?
2. Outside Agency Review: In determining the above mentioned findings of fact, the Planning Commission may solicit information and testimony from officials of, but not necessarily limited to, the County Health Department, County Road Commission, County Drain Commission, any school district affected, and the County Planning Commission.
  3. Planning Commission Recommendation: The Planning Commission shall transmit its findings of fact and a summary of comments received at the public hearing to the Township Board and County Planning Commission. The Township Planning Commission shall report its findings in full along with its recommendations for disposition of the application, to the Township Board within a period of sixty (60) days following the required public hearing in subsection (C) above.

**E. Township Board Actions**

1. After receiving the findings and recommendations of the Township Planning Commission and County Planning Commission, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the Township Board. Only the Township Board may amend this Ordinance.
2. The Township Board shall not deviate from the recommendation of the Planning Commission without first referring the application back to the Planning Commission, which shall have the period of time as specified by the Township Board after such referral in which to make further recommendation to the Township Board, after which the Township Board shall take such action as it determines. In the event that the Township Board refers an application back to the Planning Commission, the Township Board shall make specific mention of their objections to results of the Planning Commissions findings and recommendations.
3. The Township Board must grant a hearing on a proposed zoning ordinance text amendment when properly requested by a property owner, before Township board adoption of a proposed amendment or rezoning, regardless of whether or not the Township Board has previously referred the application back to the Planning Commission for further consideration of changes desired by the Township Board. The property owner's request for a Township Board hearing must be by certified mail, addressed to the Township Clerk. Notice of hearing must comply with the requirements of 7.04 Procedures (C.) Notice of Hearing.

**F. Publication Of Notice Of Ordinance Amendments:** Following adoption of subsequent amendments to this Ordinance by the Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice shall include the following information:

1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
2. The effective date of the amended Ordinance.
3. The place and time where a copy of the amended Ordinance may be purchased or inspected.

**Section 7.05**                    **RESUBMITTAL**

No application for an amendment to the Zoning Map which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions, found upon inspection by the Township Board to be valid.

**Section 7.06**                    **COMPREHENSIVE REVIEW of ZONING ORDINANCE**

The Planning Commission shall, from time to time, or at intervals of not more than five (5) years, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

*End of Article*

# Article 8

**Reserved for Future Use**

*End of Article*



# Article 9

## ZONING DISTRICTS and MAP

### **Section 9.01 ESTABLISHMENT of DISTRICTS**

**A.** For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names.

- C-1: Public Recreation District
- C-2: Resource Protection District
- A-1: Farm Residential District
- R-1: Low Density Residential District
- R-2: Medium Density Residential District
- R-3: High Density Residential District
- R-3a *High Density Residential District (Restricted)*
- R-4: Lakes Residential District
- R-5: *Lakes Residential District (Restricted)*
- B-1: Local Business District
- B-2: General Business District
- I-1: Light Industrial District

### **Section 9.02 ZONING DISTRICT MAP**

**A.** The boundaries of the respective districts enumerated in Section 9.01 are defined and established as depicted on the Official Zoning Map entitled UNADILLA TOWNSHIP ZONING MAP which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.

**B.** This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is the Official Zoning Map of the Unadilla Township Zoning Ordinance adopted on the \_\_\_ day of \_\_\_, 1999.* 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 made on the Official Zoning Map after the amendment has been approved by the Township Board together with an entry on the Official Zoning Map as follows: *On the following date(s) and by official action of the Township Board, the following change(s) were made:* (date of change(s) and brief description of change(s)).

**C.** Two (2) copies of the Official Zoning Map are to be maintained and kept up-to-date, one (1) in the Township Clerk's office, and one (1) in the Zoning Administrator's office.

### **Section 9.03 REPLACEMENT of OFFICIAL ZONING MAP**

**A.** In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following words: *This is to certify that this is the Official Zoning Map, adopted on May 13, 1999, of the Unadilla Township Zoning Ordinance, and replaces and supersedes the Official Zoning Map which was adopted on \_\_\_\_\_, \_\_\_\_, and any amendments made thereon.* Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

**Section 9.04 INTERPRETATION of DISTRICT BOUNDARIES**

- A.** Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, and such condition is not clarified by Section 9.04(B) below, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals. The Board, in arriving at a decision on such matters, shall apply the following standards:
1. Boundaries indicated as approximately following the streets or highway, the centerlines of said streets or highways shall be construed to be such boundaries.
  2. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
  3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such Township boundary lines.
  4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
  5. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning Map.
  6. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads.
  7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Board of Appeals after recommendation from the Planning Commission.
- B.** The following legal descriptions are provided to accurately identify the zoning classification of certain specified land areas which may not otherwise be clearly discernible according to the Official Zoning Map.
1. The B-1 zoning district generally located on the east side of Unadilla Road, south of Portage Creek Drain and north of Kaiser Road, is limited to the following land areas as of the effective date of this Ordinance:
    - a. EAST UNADILLA BLOCK 6 S ½ OF BLOCK 6 EXC. N 8 FT. ALSO BEG AT SW CORNER OF BLOCK 6. S 1 RD. E 8 RD. N 1 RD. W 8 RD. TO POB. ALSO BEG 8 FT S OF SE COR. OF BLOCK 6, N ALONG E LINE OF LOT 6 TO A POINT 8 FT. S OF CEN. OF BLOCK 6, E TO MILL RACE, SW ALONG MILL RACE TO A POINT DUE EAST OF POINT OF BEG., W TO BEG.
    - b. E UNADILLA, N ½ OF BLOCK 6 AND N 8 FT OF S ½ OF BLOCK 6 ALSO BEG 8 FT S OF CEN OF BLOCK 6 ON E LINE HWY, THEN TO MILL RACE NELY ALONG MILL RACE TO PORTAGE RIVER, NWLY ALONG RIVER TO HWY THEN SLY TO NW COR BLOCK 6 THEN 8 RODS ALG N LINE BLOCK 6 TO POB, EXC W 180 FT OF S 128 FT THEREOF.
    - c. EAST UNADILLA BLOCK 6 BEG. 25 FT. N OF SE COR OF LOT 2. N 128 FT. E 180 FT. S 128 FT. W 180 FT. TO BEG.

**Section 9.05            SCOPE of REGULATION**

- A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.
- B. Any use of land not specifically permitted is prohibited, except that the Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district, if so petitioned and in accord with the requirements of Sections 6.05(B) and 6.06. If the Zoning Board of Appeals finds no comparable uses based on an examination of the characteristics of the proposed use, it shall so state and the Planning Commission may be petitioned to initiate an amendment to the text of the Ordinance to establish the appropriate district(s), type of use (by right or special approval), and criteria that will apply for that use. Once the Ordinance has been amended to include the new regulations, then an application can be processed to establish that use.
- C. No part of a setback area, or other open space, or off-street parking or loading space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, open space, or off-street parking or loading space similarly required for any other use, building or structure.
- D. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- E. No portion of one lot, once established and/or improved with a building or structure, shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform with all of the requirements established herein.
- F. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principle uses.

**Section 9.06            ZONING of FILLED LANDS: USE of WATER**

- A. No fill shall be placed in any wetland, lake or stream without proof of a valid permit therefor from the Michigan Department of Environmental Quality. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent, and the same be used for those purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

**Section 9.07            CONFLICTING REGULATIONS**

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

**Section 9.08                    CATEGORIES within ZONING DISTRICTS**

In order to insure all possible benefits and protection for the zoning districts in this Ordinance, land uses have been classified into three (3) categories:

- A. Principle Permitted Uses:** Principle permitted uses are the primary uses and structures specified for which the zoning district has been established.
  
- B. Special Land Uses Permitted By Special Approval:** Special land uses permitted by special approval are uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, but require special consideration in relation to the welfare of adjacent properties and to the community as a whole due to their unique character and/or potentially injurious effects upon the primary uses and structures within the zoning district. All such proposed uses shall be subject to a public hearing following review by the Planning Commission and, in some cases, the Township Board.
  
- C. Accessory Uses:** Accessory uses are uses that are customarily incidental and subordinate to the principle use of the land or building and located on the same lot as the principle use.

**Section 9.09                    SCHEDULE of REGULATIONS**

The requirements in the following table entitled "Schedule of Regulations" applies to all principle land uses and buildings permitted within each zoning district, except as otherwise specified in the schedule or established in this Ordinance. In the event of any conflict between the provisions of the written text of the Ordinance and the content of Schedule A, the provisions of the text shall apply. *Any lot of record legally created prior to the effective date of this amendment (April 24, 2007) shall be considered a legal lot of record in its respective zoning district.* Owners of nonconforming lots of record should refer to Article 19.02 as well. Variances may be granted by the Zoning Board of Appeals only upon a showing of practical difficulty or unnecessary hardship, related to a unique characteristic of the land and not to self created hardships of the owner. See Section 6.05(C).

**Amended 4-24-2007**



## Schedule of Regulations<sup>a</sup>

Zoning District	Minimum Lot Area	Minimum Lot Width & Frontage <sup>b</sup> (in feet)	Maximum Building Height		Minimum Yard Setback (Feet)			Maximum Lot Coverage (%)
			Stories	Feet	Front Yard	Side Yard	Rear Yard	
<b>C-1: Public Recreation District</b>	10 acres	330	2½	35	50	15 <sup>c</sup>	15	5
<b>C-2: Resource Protection</b>	20 acres	660	2½	35	50	15 <sup>c</sup>	15	5
<b>A-1: Farm Residential</b>	SFD: 2 acres <sup>d</sup> TFD: 5 acres <sup>d</sup>	150	2½	35 <sup>g</sup>	50	15 <sup>c</sup>	15	10
<b>R-1: Low Density Residential</b>	SFD: 2 acres TFD: 4 acres.	150	2½	35 <sup>g</sup>	50	15 <sup>c</sup>	15	15
<b>R-2: Medium Density Residential</b>	SFD: 1 acre (43,560 sq.ft.) TFD: 2 acres (87,120 sq.ft.)	150	2½	35	50	15 <sup>c</sup>	15	30
<b>R-3: High Density Residential</b>	SFD: ¾ acre <sup>h</sup> (32,670 sq. ft.) TFD: 1 ½ acres <sup>h</sup> (65,340 sq. ft.)	SFD: 120 TFD: 150	2½	35	50	15 <sup>n</sup>	15	35
<b>R-3a</b> (see footnote e)	½ acre (21,780 sq.ft.)	<b>SFD: 80</b>	2½	35	50	15 <sup>n</sup>	15	35
<b>R-4: Lakes Residential</b>	SFD: 1 acre (43,560 sq. ft.) <sup>i</sup> TFD: 2 acres (87,120sq. ft.) <sup>i</sup>	SFD: 150 <sup>j</sup> TFD: 150 <sup>j</sup>	2½	35	50 <sup>l</sup>	15 <sup>c</sup>	15	35
<b>R-5:</b> (see footnote f)	none	none	2½	35	50 <sup>l</sup>	15 <sup>n</sup>	15	35
<b>B-1: Local Business</b>	10,000 sq. ft. <sup>m</sup>	50	2½	35	50 <sup>k</sup>	15 <sup>k</sup>	35 <sup>k</sup>	No Maximum Limit
<b>B-2: General Business</b>	1 acre (43,560 sq.ft.)	150	2½	35	50	15 <sup>k</sup>	35 <sup>k</sup>	50
<b>I-1: Light Industrial</b>	1 acre (43,560 sq. ft.)	150	2½	35	50	15 <sup>k</sup>	35 <sup>k</sup>	50

SFD=Single Family Dwelling    TFD=Two Family Dwelling    sq. ft.=square feet

*Any lot of record legally created prior to the effective date of this amendment 05/30/06 shall be considered a legal lot of record in its respective zoning district.*

Amended 05/30/06

See following page for explanation of footnotes.

# FOOTNOTES

## For Schedule of Regulations

- a. This schedule summarizes basic site development standards. The specific district regulations and other regulations should be consulted to identify additional standards and regulations, and clarifications of the above standards, and all other applicable site development provisions. Where this Schedule contradicts the text of the Ordinance, the Ordinance text shall rule. See Article 17 for site development standards regarding planned unit developments.
- b. Lot depth shall not exceed four times the width.
- c. The minimum side yard setback for a side yard abutting a road shall be fifty (50) feet. However, a lot of record that is in a neighborhood associated with Patterson, Woodburn, Joslin or Williamsville Lake and is fifteen thousand (15,000) square feet or less in the R-4 District shall have a minimum side yard setback of five (5) feet plus an additional setback of one (1) foot for each two (2) feet that the dwelling exceeds eighteen (18) feet in height, but not to exceed the minimum required setback of fifteen (15) feet.
- d. The minimum lot area for lots which gain direct access to a major or minor thoroughfare shall be two (2) acres for single family dwellings and five (5) acres for two family dwellings.

**amended 2/12/2009.**

- e. No new lots may be created using this district, the intent of this district is to bring existing lots in this district into greater conformance. This district only applies to what is referred to as the Unadilla Mobile Home Estates (Section Map 23-401, 23-402, 23-201), and the Berkshire Sub (Section Map 3-301).
- f. No new lots may be created using this district, the intent of this district is to bring existing lots in this district into greater conformance. This district only applies to what is referred to as the Mecca /Templar Sub (Section Map 25-401), the Williamsville Plat (Section 28-301) Orlando Shores Sub (Section Map 28-302 and 303), and San Luray Sub (Section Map 34-301, and 34-401). Lots in the San Luray Sub greater than 1 (one) acre in size, (Section Map 29-400) are exempted from this district.
- g. The maximum height of farm buildings and farm structures shall be one-hundred (100) feet. All farm buildings and farm structures over thirty-five (35) feet shall be set back from a lot line a distance at least equal to half of the height of the building or structure.
- h. Three-quarters of one acre ( $\frac{3}{4}$  acre) for single family dwellings and one and one-half acre ( $1\frac{1}{2}$  acre) for two family dwellings, except where public sewer is available, in which case one-quarter of one acre ( $\frac{1}{4}$  acre) for single family dwellings and one-half of one acre ( $\frac{1}{2}$  acre) for two family dwellings.
- i. Where public sewer is available, the minimum lot area shall be one-quarter of one acre ( $\frac{1}{4}$  acre) for single family dwellings and one-half of one acre ( $\frac{1}{2}$  acre) for two family dwellings.
- j. One hundred (100) feet for single family dwellings or two family dwelling, except where public sewer is available, in which case forty (40) feet for single family dwellings and eighty (80) feet for two family dwellings. However, in no case shall the minimum lot frontage and width of a lakefront lot created after the effective date of this Ordinance and served by public sewer have a lot width of less than one hundred (100) feet.
- k. No new lots may be created with less than fifteen (15) foot side yard, thirty-five (35) foot rear yard, and fifty (50) foot front setbacks, except in the case where the side or rear yard abuts an Agricultural or Residential District, in which case the minimum side or rear yard shall be fifty (50) feet. Existing lots may have zero side yard set backs when they abut to another existing business and ten (10) foot front and rear setbacks, unless there are structures on abutting

parcels to the sides then they should align as closely as possible with the existing structures, front and back. Lots created outside of the original existing downtown Gregory business district must have a fifty (50) foot front yard set back.

- l. Fifty (50) feet, except that a lot of record of fifteen thousand (15,000) square feet or less in area shall have a minimum front yard setback of twenty (20) feet.
- m. Five thousand (5,000) square feet where public sewer is provided.
- n. A lot of record that is in a neighborhood associated with Woodburn/Patterson Lake Sub, Mecca Sub, Unadilla Mobile Home Estates, San Luray Sub, Berkshire Sub, Orlando Shores Sub, and Williamsville Plat, and is fifteen thousand (15,000) square feet in area or less shall have a minimum side yard setback of five (5) feet plus an additional setback of one (1) foot for each two (2) feet that the dwelling exceeds eighteen (18) feet, but not to exceed the minimum required setback of fifteen (15) feet.

**“n” added 8-14-03**  
**“n” amended 3-17-05**

SAVE PAGE FOR FUTURE ADDITIONS TO SCHEDULE OF REGULATIONS

*End of Article*

# Article 10

## CONSERVATION DISTRICTS

### **Section 10.01 C-1: PUBLIC RECREATION DISTRICT**

**A. Intent:** It is the intent of the Public Recreation District to protect the quantity and quality of the publicly owned natural resources within Unadilla Township, the enjoyment and protection of which is of great public interest and importance to Unadilla Township, the State of Michigan, and other public entities. The lands within this district are comprised of public holdings, which, collectively, form the Pinckney State Recreation Area and other public park and/or resource conservation areas. Much of the land within this District is characterized by extensive wetland and woodland environments. Together, these public resources are important in providing for wildlife habitats, water and air purification, flood control, and recreation opportunities, and support the desired rural character of the Township. It is the intent of this district to carefully review and limit the introduction of land uses which will undermine the intent, quantity, quality and value of these public resources.

**B. Principle Permitted Uses:**

1. Public outdoor recreation activities of an open space character, including, but not limited to, playgrounds, play fields, golf courses, boating areas, fishing sites, and campgrounds.
2. Public conservation areas, game refuges, and similar uses.
3. Developed public open spaces such as botanical gardens and farm experimental areas.
4. Agriculture.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the principal permitted use.

**D. Special Land Uses Permitted By Special Approval:**

1. Public facilities not otherwise permitted as principle permitted uses, including, but not limited to cemeteries, schools, and libraries.

### **Section 10.02 C-2: RESOURCE PROTECTION DISTRICT**

**A. Intent:** Lands within the Resource Protection District consist primarily of privately owned land characterized by extensive areas of wetland environments, the protection of which is of great public interest and importance to Unadilla Township and the State of Michigan. These public resources are important in providing for wildlife habitats, water and air purification, flood control, and recreation opportunities, and support the desired rural character of the Township. It is the primary intent of the Resource Protection District to protect the quantity and quality of these wetland environments in addition to the public safety, through the discouragement of building within these unstable areas and limiting the alteration of these sensitive ecosystems. It is the intent of this district to carefully review and limit the introduction of new land uses which will undermine the intent, quantity, quality and value of the natural resources contained within.

**B. Principle Permitted Uses:**

1. Public outdoor recreation activities of an open space character including, but not limited to, playgrounds, play fields, boating areas, fishing sites, and campgrounds, but excluding golf courses.
2. Public conservation areas, game refuges, and similar uses.
3. Developed public open spaces such as botanical gardens and farm experimental areas.
4. Agriculture, excluding concentrated livestock operations.
5. Single family dwellings.
6. Day care facility, family home.
7. Foster care facility, family home.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the principal permitted use.

**D. Special Land Uses Permitted By Special Approval:**

1. Day care facility, group home.
2. Foster care facility, group home.

*End of Article*

# Article 11

## AGRICULTURAL DISTRICTS

### **Section 11.01      A-1: FARM / RESIDENTIAL DISTRICT**

**A. Intent:** It is the intent of the Farm/Residential District to provide opportunities for the continuation of farming in the Township and the retention of land areas in Unadilla Township which are well suited for production of food and fiber, while similarly providing opportunities for residential development within an overall low density rural setting. This District's boundaries include substantial land areas currently under agricultural use and which support farming operations due to soil and topographic conditions and typical parcel sizes. The intent of this District is to provide opportunities for the continuance of these agricultural activities in the Township while also providing opportunities for the conversion of farmland and vacant land to primarily residential use in a manner more compatible with the continuation of agricultural activities than traditionally provided for. The requirements of this district are also intended to assure adequate provisions for on-site water supply and waste disposal, in light of the lack of public water and sewer in this District and the anticipated lack of such services for an extended period of time. This District is also intended to preserve woodlands and wetlands associated with farms which, because of their natural physical features, are useful as water retention and groundwater recharge areas and habitats for plant and animal life, and which have an important aesthetic and scenic value which contributes to the unique character of the Township.

**B. Principle Permitted Uses:**

1. Agriculture, excluding (D)(4) and (D)(5) below.
2. Single family dwellings.
3. Two family dwellings.
4. Day care facility, family home.
5. Foster care facility, family home.
6. Communication towers of single pole construction not exceeding a height of 30 feet above grade, or more than 20 feet above a building or structure upon which it is attached.
7. State licensed residential facility excluding an adult foster care facility licensed by state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations, roadside stands, agricultural buildings and structures, and private stables.

**D. Special Land Uses Permitted By Special Approval:**

1. Public facilities including, but not limited to, conservation areas and game refuges, campgrounds, cemeteries, parks, schools, and libraries.
2. Private conservation areas, game refuges, and similar uses, but excluding campgrounds.
3. Mineral extraction.
4. Landscape nursery operations, greenhouses, and sod farms, including sales of plant materials and supplies.
5. Concentrated livestock operations.
6. Agricultural service establishments, including livestock auction yards and grain and seed elevators.
7. Veterinarian clinics.
8. Kennel.
9. Commercial stable.
10. Day care facility, group home.
11. Foster care facility, group home.
12. Private campground.
13. Shooting Range/Hunt Club
14. Private mortuaries, funeral homes, and cemeteries.
15. Private *airport*.
16. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
17. Communication towers not otherwise included in (B)(5) above.
18. Golf course/country club.
19. Planned unit development.
20. *Bed & Breakfast*

amended 11/28/06

*End of Article*



# Article 12

## RESIDENTIAL DISTRICTS

### **Section 12.01 R-1: LOW DENSITY RESIDENTIAL DISTRICT**

**A. Intent:** It is the primary intent of the Low Density Residential District to encourage and provide opportunities for comparatively low density residential development patterns and lifestyles, and the protection of the natural resources located within the District. The requirements of this district are also intended to assure adequate provisions for on-site water supply and waste disposal, in light of the lack of public water and sewer in this District and the anticipated lack of such services for an extended period of time. This District includes existing farms and it is not the intent of this District to discourage the continuation of these agricultural operations. However, neither is it the intent of this District to encourage the establishment of more intensive agricultural uses, such as confined livestock operations, which are incompatible with the planned residential use of adjoining lands.

**B. Principle Permitted Uses:**

1. Agriculture, excluding (D)(11) below and concentrated livestock operations.
2. Public conservation areas, game refuges, and similar uses.
3. Single family dwelling.
4. Two-family dwelling.
5. Day care facility, family home.
6. Foster care facility, family home.
7. Communication towers of single pole construction not exceeding a height of 30 feet above grade, or more than 20 feet above a building or structure upon which it is attached.
8. State licensed residential facility excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations, roadside stands, agricultural buildings and structures, and private stables.

**D. Special Land Uses Permitted By Special Approval:**

1. Public facilities not otherwise included in (B)(2) above, including, but not limited to, campgrounds, cemeteries, parks, schools, and libraries.
2. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
3. Kennel.
4. Veterinarian clinic.
5. Day care facility, group home.
6. Foster care facility, group home.
7. Day care center.
8. Nursing home.
9. Outdoor commercial recreation, limited to golf courses and country clubs.
10. Bed and breakfast.
11. Landscape nursery operations, greenhouses, and sod farms, including sales of plant materials and supplies.
12. Private mortuaries, funeral homes, and cemeteries.
13. Communication towers not otherwise included in (B)(7) above.
14. Planned unit development.

**Section 12.02 R-2: MEDIUM DENSITY RESIDENTIAL DISTRICT**

**A. Intent:** It is the primary intent of the Medium Density Residential District to encourage and provide opportunities for medium density residential development patterns which offer Township residents an increased variety of housing options and residential lifestyles, while similarly assuring a stable and sound residential environment with suitable open spaces associated with dwellings. The requirements of this district are also intended to assure adequate provisions for on-site water supply and waste disposal, in light of the current lack of public water and sewer in this District. The lot area requirements contained herein are minimum requirements, and larger lot areas may be required by county or state agencies if public sewer and water remain unavailable.

**B. Principle Permitted Uses:**

1. Single family dwelling.
2. Two family dwelling.
3. Day care facility, family home.
4. Foster care facility, family home.
5. State licensed residential facility excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations.

**D. Special Land Uses Permitted By Special Approval:**

1. Public facilities, including cemeteries, parks, schools, libraries, structures associated with public utilities, and similar uses, but excluding administrative buildings, storage yards, and maintenance depots.
2. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
3. Day care facility, group home.
4. Foster care facility, group home.
5. Day care center.
6. Nursing home.
7. Bed and breakfast.

**Section 12.03 R-3: HIGH DENSITY RESIDENTIAL DISTRICT**

**A. Intent:** It is the intent of the High Density Residential District to provide opportunities for a variety of housing options of a more urban character than permitted in other residential districts, while similarly assuring a stable and sound residential environment with suitable open spaces associated with dwellings. The Township's unincorporated village area of Gregory, where this District is intended to be generally located, includes existing neighborhood areas in addition to areas of nearby vacant land suitable for accommodating additional similar village residential development, provided adequate provisions are available for sewage disposal, potable water, and other necessary support services. The requirements of this district are also intended to assure adequate provisions for on-site water supply and waste disposal, until such time when public sewer and water may be available and permit higher development densities. This District is intended to accommodate new residential development while similarly preserving the residential character of the existing neighborhoods in this District.

**B. Permitted Principle Uses:**

1. Single family dwelling.
2. Two family dwelling.
3. Day care facility, family home.
4. Foster care facility, family home.

5. State licensed residential facility excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

**C. Permitted Accessory Uses: 5-01-2002 (typing error labeled: Principle Permitted Uses)**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations.

**D. Special Land Uses Permitted By Special Approval:**

1. Public facilities, including but not limited to, cemeteries, parks, schools, and libraries
2. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
3. Day care facility, group home.
4. Foster care facility, group home.
5. Bed and breakfast.
6. Nursing home.
7. Private clubs and lodges.
8. Mobile home park.
9. Multiple family dwelling.

**Section 12.03 A. R-3A: HIGH DENSITY LAKES RESIDENTIAL DISTRICT (RESTRICTED)**

**A. Intent:** The intent of this district is to bring existing lots of record only into greater conformance. These lots of record only apply to what is referred to as the Unadilla Mobile Home Estates (Section Map 23-400, 23-401, 23-402, 23-201), and the Berkshire Sub (Section Map 3-301). No new lots may be created using this district.

**B. Permitted Principle Uses:**

1. Single family dwellings.
2. Two family dwellings.
3. Day care facility, family home.
4. Foster care facility, family home.
5. State licensed residential facility excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

**C. Permitted Accessory Uses:** Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations.

**D. Special Land Uses Permitted by Special Approval:**

1. Public facilities, including but not limited to, cemeteries, parks, schools, and libraries.
2. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
3. Day care facility, group home.
4. Foster care facility, group home.
5. Bed and breakfast.
6. Nursing home.
7. Private clubs and lodges.
8. Mobile home park.
9. Multiple family dwelling.

**Section 12.04 R-4: LAKES RESIDENTIAL DISTRICT**

**A. Intent:** It is the primary intent of the Lakes Residential District to provide opportunities for residential development along the principle lakes of Unadilla Township. The surface waters of the Township are valuable assets and resources to the citizens of Unadilla Township, Livingston County, and the State of Michigan. The purpose of this district is to recognize and permit urban development patterns in association

with some of the Township's lake areas, while assuring the maintenance of safe and healthful conditions, protecting against water pollution, reducing hazards to persons and damage to property as a result of flood conditions, protecting fish and other aquatic life, and controlling development so as to preserve the economic and natural environmental value of these water resources. The requirements of this district are also intended to assure adequate provisions for on-site water supply and waste disposal, until such time when public sewer and water may be available and permit higher development densities. This District is established in recognition of existing urban lake area development patterns and land divisions.

**B. Principle Permitted Uses:**

1. Single family dwellings.
2. Two family dwellings.
3. Day care facility, family home.
4. Foster care facility, family home.
5. State licensed residential facility excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations.

**D. Special Land Uses Permitted By Special Approval:**

1. Public facilities including, but not limited to, cemeteries, parks, schools, and libraries.
2. Marinas.
3. Day care facility, group home.
4. Foster care facility, group home.
5. Bed & Breakfast

amended 11/28/06

**Section 12.05 R-5 Lakes Residential District (Restricted)**

**A. Intent:** The intent of this district is to *bring existing lots of record only* into greater conformance. These lots of record only apply to what is referred to as the Mecca/Templar Sub (Section Map 25-401), the Williamsville Plat (Map Section 28-301), the Orlando Shores Sub (Section Map 28-302 and 28-303), and San Luray Sub (Section Map 34-301 and 34-401). Lots in the San Luray Sub greater than 1 (one) acre in size, (Section Map 29-400) are exempted from this district. No new lots can be created using this district.

**B. Principle Permitted Uses:**

1. Single family dwellings.
2. Two family dwellings.
3. Day care facility, family home.
4. Foster care facility, family home.
5. State licensed residential facility excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations.

**D. Special Land Uses Permitted By Special Approval:**

1. Public facilities including, but not limited to, cemeteries, parks, schools, and libraries.
2. Marinas.
3. Day care facility, group home.
4. Foster care facility, group home.

End of Article

# ARTICLE 13

## COMMERCIAL DISTRICTS

### Section 13.01      **B-1: LOCAL BUSINESS DISTRICT**

**A. Intent:** The Local Business District is intended to provide for retail, service, and office establishments which primarily serve the day-to-day convenience and service needs of Township residents and visitors. It is the intent of this District that the buildings and uses within this District be of comparatively small size and bulk in light of the local market, such buildings and uses are intended to serve and maintain the desired rural character of the Township. It is the basic intent of this District to encourage future commercial development within planned centers and community service areas rather than in scattered locations throughout agricultural and residential areas, but also to provide for those necessary services which are most appropriately and conveniently located in close proximity to residential neighborhoods.

**B. Permitted Principle Uses:** The following are principle permitted uses provided no story of any single business contains more than ten thousand (10,000) square feet of floor area and no single building occupies more than thirty thousand (30,000) square feet of floor area:

1. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building including, but not limited to, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware.
2. Standard restaurants, clubs, and other establishments which provide food or drink for consumption by persons seated within a building, but shall not provide dancing or entertainment or serve alcohol.
3. Personal service establishments which perform services on the premises within a completely enclosed building, such as, but not limited to, shoe repair shops, barber and beauty shops, photographic studios, and dry cleaners.
4. Office establishments which perform services on the premises including but not limited to; financial institutions, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, lawyers, engineers, and architects, and similar office uses.
5. Communication towers of single pole construction not exceeding a height of 30 feet above grade, or more than 20 feet above a building or structure upon which it is attached.
6. Churches & religious institutions, including housing for religious personnel affiliated with the church or religious institution. Added 9/6/05
7. Any generally recognized residential use, whether apartment above a business or existing family home within the business district. Added May 10, 2007

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.

**D. Special Land Uses Permitted By Special Use Approval**

1. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building including, but not limited to, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware, provided no story of any building contains more than twenty thousand (20,000) square feet of floor area and no single building occupies more than sixty thousand (60,000) square feet of floor area.
2. Office establishments which perform services on the premises including but not limited to; financial institutions, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, lawyers, engineers, and architects, and similar office uses, provided no story of any building contains more than twenty thousand (20,000) square feet of floor area and no single building occupies more than sixty thousand (60,000) square feet of floor area.
3. Standard restaurants, clubs, and other drinking establishments which provide food or drink for consumption by persons seated within a building, and may also provide dancing and entertainment, and serve alcoholic beverages.
4. Drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle retail or service establishments including restaurants, financial institutions, dry cleaning businesses, and similar facilities.

5. Public facilities including, but not limited to, cemeteries, parks, schools, and libraries.
6. Automobile service and minor repair stations.
7. Enterprises dealing primarily in the rental of equipment or appliances.
8. Communication towers not otherwise included in (B)(5) above.
9. Churches & religious institutions, including housing for religious personnel affiliated with the church or religious institution. Added 9/6/05
10. Bed & Breakfast Added 11/28/06

**Section 13.02 B-2: GENERAL BUSINESS DISTRICT**

**A. Intent:** The General Business District is intended to accommodate commercial land uses which serve the day-to-day convenience and service needs of Township residents and visitors as well as address the retail and service needs of a more regional population than just that of Unadilla Township. This District is intended to provide opportunities for comparison shopping while similarly providing opportunities for convenience shopping as complimentary uses. This District and its permitted uses typically encourage higher levels of vehicular traffic and it is the intent of this District that uses and buildings within this District be adequately served by surrounding road infrastructure, minimize negative impacts of such traffic upon adjacent land uses, and be compatible with the predominant rural character of the Township.

**B. Principle Permitted Uses**

1. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building including, but not limited to, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware.
2. Standard restaurants, clubs, and other establishments, which provide food or drink for consumption by persons seated within a building.
3. Personal service establishments which perform services on the premises within a completely enclosed building, such as, but not limited to, shoe repair shops, barber and beauty shops, photographic studios, and dry cleaners.
4. Office establishments which perform services on the premises including but not limited to; financial institutions, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, lawyers, engineers, and architects, and similar office uses.
5. Motor vehicle, trailer, recreation vehicle, and boat sales, and the service and repair of such items when done so as an accessory use to the principle use sales operation.
6. Open-air business including automobile, truck, and boat sales; nursery and landscape supplies sales; sale of lawn furniture, farm equipment, and playground equipment, and similar outdoor businesses.
7. Farm, commercial, and equipment sales, and the service and repair of such items when done so as an accessory use to the principle use sales operation.
8. Motels and hotels.
9. Offices and showrooms of plumbers, electricians, decorator, or similar trades in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided that the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices, or display.
10. Private clubs and meeting halls.
11. Veterinarian clinic.
12. Communication towers of single pole construction not exceeding a height of 30 feet above grade, or more than 20 feet above a building or structure upon which it is attached.
13. Churches & religious institutions, including housing for religious personnel affiliated with the church or religious institution. Added 9/6/05

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.

**D. Special Land Uses Permitted By Special Approval**

1. Public facilities including, but not limited to, parking lots, cemeteries, parks, schools, and libraries.
2. Standard restaurants, clubs, and other drinking establishments which provide food or drink for consumption by persons seated within a building, and may also provide dancing and entertainment and serve alcoholic beverages.
3. Automobile service and repair stations.
4. Drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle retail or service establishments including restaurants, financial institutions, dry cleaning businesses, and similar facilities.
5. Indoor commercial recreation such as indoor theaters, bowling alleys, skating rinks, shooting and archery ranges, and similar uses.
6. Communication towers not otherwise included in (B)(12) above.
7. Mini-storage facilities.
8. Nursing homes.
9. Adult entertainment businesses.
10. Sale of used cars, used farm machinery, and other used vehicles and equipment when not in conjunction with the sales of new units as the permitted principle use.
11. Major automobile repair station/body shop.
12. Industrial and construction equipment sales, and the service and repair of such items when done so as an accessory use to the principle use sales operation.
13. Churches & religious institutions, including housing for religious personnel affiliated with the church or religious institution.  
**Added 9/6/05**
14. Bed & Breakfast  
**added amended 11/28/06**





# Article 14

## INDUSTRIAL DISTRICTS

### **Section 14.01 I-1: LIGHT INDUSTRIAL DISTRICT**

**A. Intent:** It is the intent of the Light Industrial District to provide for a variety of manufacturing and industrial uses which do not require public sewer and water services and can be generally characterized as being of low intensity, including comparatively small building size and coverage and the absence of objectionable external affects such as noise, fumes, excessive heavy truck traffic and similar characteristics. This district is also intended to accommodate commercial establishments not engaging primarily in retail sales. Such industrial areas should be designed to avoid negatively impacting adjacent conforming uses. All future land uses and activities in this District shall provide for safe sewage disposal and potable water.

#### **B. Principle Permitted Uses:**

The following are principle permitted uses when conducted in a permanent fully enclosed building or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located:

1. The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, zinc and aluminum pressure die casting, shell, textiles, tobacco, wood (excluding planing mill), yarns, and paint not requiring a boiling process.
2. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts such as condensers, transformers, crystal holders, and the like.
3. Central dry-cleaning establishments.
4. Monument and art stone production.
5. Printing and publishing.
6. Building material sales yard, including retail lumber yards and incidental millwork; storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment; warehousing and wholesale establishments; storage and transfer establishments; distribution plants; parcel delivery service; and ice and cold storage plants.
7. Commercial uses not primarily involved in retail sales as a primary use, including but not limited to building material suppliers.
8. The manufacturing, compounding, processing and packaging of drugs, perfumes, pharmaceuticals, toiletries, and condiments.
9. Communication towers of single pole construction not exceeding a height of 30 feet above grade, or more than 20 feet above a building or structure upon which it is attached.

#### **C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.

#### **D. Special Land Uses Permitted By Special Approval:**

1. Tool and die manufacturing establishments.
2. Plastic molding and extrusion.
3. Automobile salvage and junkyards.
4. Laboratories; experimental, film or testing.
5. Communication towers and other broadcasting and receiving facilities.
6. Automobile painting, upholstering, rebuilding, conditioning, body and fender work, and repairing.
7. Communication towers not otherwise include in (B)(9) above.

*End of Article*

# Article 15

**This Article Reserved for Future Use**

*End of Article*

