

Frankenlust Township
Bay County, Michigan

Zoning Ordinance

Ordinance Number 76

Adopted November 10, 2009

Effective November 26, 2009

Amended January 25, 2012

Prepared by:
Frankenlust Township Planning Commission

TABLE OF CONTENTS

ARTICLE 1.00	
TITLE, PURPOSE AND ENABLING AUTHORITY	1-1
Sec. 1.01 TITLE.....	1-1
Sec. 1.02 PURPOSE.....	1-1
Sec. 1.03 ENABLING AUTHORITY.....	1-1
Sec. 1.04 ENACTMENT.....	1-1
ARTICLE 2.00	
CONSTRUCTION OF LANGUAGE.....	2-1
Sec. 2.01 CONSTRUCTION OF LANGUAGE.....	2-1
Sec. 2.02 CATCH WORDS AND LINES.....	2-1
ARTICLE 3.00	
DEFINITIONS.....	3-1
Sec. 3.01 DEFINITIONS.....	3-1
ARTICLE 4.00	
ZONING DISTRICTS AND OFFICIAL ZONING MAP.....	4-1
Sec. 4.01 ESTABLISHMENT OF DISTRICTS.....	4-1
Sec. 4.02 ZONING MAP.....	4-1
Sec. 4.03 INTERPRETATION OF DISTRICT BOUNDARIES.....	4-1
Sec. 4.04 PERMISSIVE ZONING CONCEPT	4-2
Sec. 4.05 ZONING OF VACATED AREAS.....	4-2
Sec. 4.06 ZONING OF FILLED LAND; USE OF WATERS.....	4-2
Sec. 4.07 USES PERMITTED AS A RIGHT.....	4-2
Sec. 4.08 USES PERMITTED BY SPECIAL USE.....	4-3
ARTICLE 5.00	
GENERAL PROVISIONS	5-1
Sec. 5.01 BUILDING REGULATIONS.....	5-1
Sec. 5.02 CONFLICTING LAWS, REGULATIONS AND RESTRICTIONS.....	5-2
Sec. 5.03 DUMPING OF MATERIALS	5-2
Sec. 5.04 EXCAVATIONS OR HOLES.....	5-2
Sec. 5.041 PONDS.....	5-2
Sec. 5.042 GRADE.....	5-3
Sec. 5.05 EXCEPTIONS TO HEIGHT LIMITATIONS.....	5-3
Sec. 5.06 FENCES; WALLS.....	5-3
Sec. 5.07 LOCATION OF ACCESSORY BUILDINGS.....	5-3
Sec. 5.08 OCCUPIED SPACES	5-5
Sec. 5.09 PROTECTIVE SCREENING	5-5
Sec. 5.10 QUALIFYING SPACE.....	5-6
Sec. 5.11 STORAGE OF MOTOR VEHICLES	5-6
Sec. 5.12 VISIBILITY AT INTERSECTIONS	5-6
Sec. 5.13 VOTING PLACE.....	5-7

Sec. 5.14 SPECIAL USES.....	5-7
Sec. 5.15 SIGN REGULATIONS	5-9
Sec. 5.16 PLANNED UNIT DEVELOPMENT	5-17
Sec. 5.17 REGULATION OF CONDOMINIUM DEVELOPMENTS.....	5-33
Sec. 5.18 WETLANDS.....	5-40
ARTICLE 6.00	
AG, AGRICULTURAL DISTRICT	6-1
Sec. 6.01 STATEMENT OF INTENT	6-1
Sec. 6.02 PERMITTED USES AND STRUCTURES	6-1
Sec. 6.03 USES PERMITTED BY SPECIAL USE	6-3
Sec. 6.04 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.....	6-6
ARTICLE 7.00	
RF. RURAL SMALL FARM DISTRICT	7-1
Sec. 7.01 STATEMENT OF INTENT.....	7-1
Sec. 7.02 PERMITTED USES AND STRUCTURES	7-1
Sec. 7.03 USES PERMITTED BY SPECIAL USE	7-1
Sec. 7.04 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.....	7-2
ARTICLE 8.00	
R-1 THROUGH R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS.....	8-1
Sec. 8.01 STATEMENT OF INTENT	8-1
Sec. 8.02 PERMITTED USES AND STRUCTURES	8-1
Sec. 8.03 USES PERMITTED BY SPECIAL USE	8-1
Sec. 8.04 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.....	8-3
ARTICLE 8.00-A	
RT TWO-FAMILY RESIDENTIAL DISTRICT.....	8-4
Sec. 8.00 A-01 STATEMENT OF INTENT	8-4
Sec. 8.00-A-02 PERMITTED USES AND STRUCTURES.....	8-4
Sec. 8.00-A-03 USES PERMITTED BY SPECIAL USE	8-4
ARTICLE 9.00	
RM MULTIPLE FAMILY DISTRICT	9-1
Sec. 9.01 STATEMENT OF INTENT	9-1
Sec. 9.02 PERMITTED USES AND STRUCTURES	9-1
Sec. 9.03 USES PERMITTED BY SPECIAL USE	9-1
Sec. 9.04 DENSITY, AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS.....	9-2
ARTICLE 10.00	
RMH MOBILE HOME PARK DISTRICT	10-1
Sec. 10.01 STATEMENT OF INTENT	10-1

Sec. 10.02 PERMITTED USES AND STRUCTURES	10-1
Sec. 10.03 USES PERMITTED BY SPECIAL USE	10-1
Sec. 10.04 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.....	10-2
Sec. 10.05. MOBILE HOME PARK DEVELOPMENT PROVISIONS.....	10-2
ARTICLE 11.00	
C-1 NEIGHBORHOOD COMMERCIAL DISTRICT	11-1
Sec. 11.01 STATEMENT OF INTENT	11-1
Sec. 11.02 PERMITTED USES AND STRUCTURES	11-1
Sec. 11.03 USES PERMITTED BY SPECIAL USE	11-2
Sec. 11.04 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.....	11-2
ARTICLE 12.00	
C-2 COMMUNITY COMMERCIAL DISTRICT	12-1
Sec. 12.01 STATEMENT OF INTENT	12-1
Sec. 12.02 PERMITTED USES AND STRUCTURES	12-1
Sec. 12.03 USES PERMITTED BY SPECIAL USE	12-2
Sec. 12.04 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.....	12-2
ARTICLE 13.00	
C-3 GENERAL COMMERCIAL DISTRICT	13-1
Sec. 13.01 STATEMENT OF INTENT	13-1
Sec. 13.02 PERMITTED USES AND STRUCTURES	13-1
Sec. 13.03 USES PERMITTED BY SPECIAL USE	13-1
Sec. 13.04 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.....	13-2
ARTICLE 14.00	
LI, LIGHT INDUSTRIAL DISTRICT	14-1
Sec. 14.01 STATEMENT OF INTENT	14-1
Sec. 14.02 PERMITTED USES AND STRUCTURES	14-1
Sec. 14.03 USES PERMITTED BY SPECIAL USE	14-2
Sec. 14.04 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.....	14-2
ARTICLE 14.00-A	
PR, PUBIC USE/RECREATION DISTRICT	14-3
Sec. 14.00-A-01 STATEMENT OF INTENT.....	14-3
Sec. 14.00-A-02 PERMITTED USES AND STRUCTURES	14-3
ARTICLE 14.00-B	
Sec. 14.00-B-01 PUD PLANNED UNIT DEVELOPMENT DISTRICT.....	
Sec. 14.00-B-02 USE REGULATIONS	
Sec. 14.00-B-03 PROCEDURES.....	

Sec. 14.00-B-04 PRELIMINARY DEVELOPMENT PLAN-SUBMISSION AND CONTENT.....	
Sec. 14.00-B-05 PLANNING COMMISSION REVIEW OF PRELIMINARY DEVELOPMENT PLAN.....	
Sec. 14.00-B-06 TRANSMITTAL OF PLANNING COMMISSION RECOMMENDATION	
Sec. 14.00-B-07 FINAL DEVELOPMENT PLAN SUBMISSION AND APPLICATION FOR REZONING	
Sec. 14.00-B-08 FINAL DEVELOPMENT PLAN CONTENT.....	
Sec. 14.00-B-09 PUBLIC HEARING.....	
Sec. 14.00-B-10 PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN.....	
Sec. 14.00-B-11 PLANNING COMMISSION APPROVAL OF THE FINAL DEVELOPMENT PLAN.....	
Sec. 14.00-B-12 REZONING BY THE TOWNSHIP BOARD.....	
Sec. 14.00-B-13 GENERAL PROVISION: PUD PLANNING UNIT DEVELOPMENT DISTRICTS	
Sec. 14.00-B-14 SIGNS IN THE PUD DISTRICT	

ARTICLE 15.00

PLANNING COMMISSION.....	15-1
Sec. 15.01 TOWNSHIP PLANNING COMMISSION.....	15-1
Sec. 15.02 APPOINTMENT, MEMBERSHIP, TERMS, VACANCY, REPRESENTATION, QUALIFICATION, <i>EX-OFFICIO</i> MEMBER, REMOVAL OF MEMBER, COMPENSATION AND FUNDING	15-1
Sec. 15.03 OFFICERS, MEETINGS, PROFESSIONAL ADVISORS and RULES.....	15-2
Sec. 15.04 RESPONSIBILITY FOR PREPARATION AND ADOPTION OF MASTER PLAN; PLAN CONTENT	15-3
Sec. 15.05 APPROVAL OF PUBLIC IMPROVEMENTS.....	15-3

ARTICLE 16.00

SITE DEVELOPMENT REQUIREMENTS.....	16-1
Sec. 16.01 APPLICATION.....	16-1
Sec. 16.02 MOBILE HOME PARK REQUIREMENTS.....	16-24
Sec. 16.03 MULTIPLE-FAMILY AND TOWNHOUSE REQUIREMENTS	16-24
Sec. 16.04 RESIDENTIAL DESIGN STANDARDS	16-25
Sec. 16.04.1 OTHER ACCESSORY STRUCTURES.....	16-28
Sec. 16.05 ACCESSORY APARTMENT REQUIREMENTS.....	16-28
Sec. 16.06 FORMER AGRICULTURAL BUILDINGS.....	16-29
Sec. 16.07 WIND ENERGY CONVERSION SYSTEMS	16-31

ARTICLE 17.00

SITE PLAN REVIEW PROCEDURES	17-1
Sec. 17.01 SCOPE.....	17-1
Sec. 17.02 SITE PLAN DATA REQUIRED	17-1
Sec. 17.03 SUBMITTAL	17-2

Sec. 17.04 APPROVAL	17-2
Sec. 17.05 STANDARDS FOR SITE PLAN REVIEW.....	17-2
Sec. 17.06 MODIFICATIONS	17-3
Sec. 17.07 DISPOSITION	17-3
Sec. 17.08 FEES.....	17-3
Sec. 17.09 REVOCATION.....	17-4
Sec. 17.10 REVIEW PROCEDURE MODIFICATION.....	17-4
 ARTICLE 18.00	
OFF-STREET PARKING AND LOADING AND UNLOADING REQUIREMENTS	18-1
Sec. 18.01 OFF-STREET PARKING REQUIREMENTS.	18-1
Sec. 18.02 TABLE OF PARKING REQUIREMENTS.....	18-2
Sec. 18.03 OFF-STREET PARKING DEVELOPMENT REGULATIONS.....	18-7
Sec. 18.04 OFF-STREET LOADING AND UNLOADING REQUIREMENTS.....	18-9
Sec. 18.05 LOADING AREA REQUIREMENTS.	18-9
 ARTICLE 19.00	
PERFORMANCE STANDARDS.....	19-1
Sec. 19.01 SCOPE.....	19-1
Sec. 19.02 PROCEDURE FOR DETERMINATION OF COMPLIANCE	19-1
Sec. 19.03 APPEALS	19-3
Sec. 19.04 PERFORMANCE STANDARDS.....	19-3
 ARTICLE 20.00	
SCHEDULE OF REGULATIONS.....	20-1
Sec. 20.01 AREA, HEIGHT AND PLACEMENT REQUIREMENTS	20-1
Sec. 20.02 FOOTNOTES TO SCHEDULE OF REGULATIONS.....	20-3
 ARTICLE 21.00	
NONCONFORMING USES AND BUILDINGS	21-1
Sec. 21.01 NONCONFORMING USES	21-1
Sec. 21.02 RECORD OF NONCONFORMING USES.....	21-1
Sec. 21.03 FORFEITURE OF RIGHT TO CONTINUE NONCONFORMING USE.....	21-1
Sec. 21.04 RECONSTRUCTION OF DAMAGED NONCONFORMING BUILDINGS AND STRUCTURES.	21-2
Sec. 21.05 NONCONFORMING LOTS OF RECORD	21-2
Sec. 21.06 NONCONFORMING STRUCTURES	21-3
Sec. 21.07 NONCONFORMING USES OF LAND.....	21-3
Sec. 21.08 NONCONFORMING USES OF STRUCTURES.....	21-3
Sec. 21.09 REPAIRS AND MAINTENANCE	21-4
Sec. 21.10 DISTRICT BOUNDARY CHANGES	21-4
Sec. 21.11 JUNKYARD OR USED MATERIAL YARD IN NONCONFORMING USE.....	21-5

Sec. 21.12 NONCONFORMING USE OF MOBILE HOMES	21-5
Sec. 21.13 VALID NONCONFORMING USE OF MOBILE HOMES	21-5
ARTICLE 22.00	
ADMINISTRATION AND ENFORCEMENT	22-1
Sec. 22.01 ENFORCEMENT	22-1
Sec. 22.02 BUILDING PERMITS	22-1
Sec. 22.03 EXPIRATION OF BUILDING PERMITS	22-2
Sec. 22.04 CONFORMANCE WITH APPROVED PLANS	22-2
Sec. 22.05 CERTIFICATES OF OCCUPANCY	22-2
Sec. 22.06 FINAL INSPECTION	22-3
Sec. 22.07 FEES	22-3
ARTICLE 23.00	
ZONING BOARD OF APPEALS	23-1
Sec. 23.01 BOARD ESTABLISHED	23-1
Sec. 23.02 BOARD MEMBERSHIP	23-1
Sec. 23.03 BOARD MEETINGS	23-2
Sec. 23.04 JURISDICTION AND APPEALS	23-2
Sec. 23.05 HEARING OPEN TO PUBLIC	23-3
Sec. 23.06 POWERS OF THE BOARD OF APPEALS	23-3
Sec. 23.07 APPROVAL PERIODS	23-6
ARTICLE 24.00	
INTERPRETATION, SEVERABILITY, PENALTIES, AMENDMENTS, RIGHTS AND REMEDIES, GENERAL RESPONSIBILITY, ENACTMENT AND EFFECTIVE DATE	24-1
Sec. 24.01 INTERPRETATION	24-1
Sec. 24.02 SEVERABILITY	24-1
Sec. 24.03 VIOLATION; PENALTY	24-1
Sec. 24.04 AMENDMENTS TO THIS ORDINANCE	24-2
Sec. 24.05 RIGHTS AND REMEDIES	24-2
Sec. 24.06 GENERAL RESPONSIBILITY	24-2
Sec. 24.07 ENACTMENT AND EFFECTIVE DATE	24-2

**ZONING ORDINANCE
TOWNSHIP OF FRANKENLUST, MICHIGAN**

**ARTICLE 1.00
TITLE, PURPOSE AND ENABLING AUTHORITY**

Sec. 1.01 TITLE.

This Ordinance shall be known and cited as the Frankenlust Township Zoning Ordinance, Ordinance Number 76.

Sec. 1.02 PURPOSE.

An Ordinance to establish zoning districts within the unincorporated portions of the Township of Frankenlust, Bay County, Michigan, to regulate and encourage or prohibit certain uses of the land therein; and to regulate and limit the location, size, area and height of buildings thereon; and to provide for the administration, enforcement, and penalties for the violation thereof.

Sec. 1.03 ENABLING AUTHORITY.

This Ordinance is enacted pursuant to *2006 P.A. 110*, as amended.

Sec. 1.04 ENACTMENT.

The provisions of this Ordinance are declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people of the Township of Frankenlust, Bay County, Michigan, and are ordered to be given immediate effect from and after the date of its passage by the Township Board and subsequent publication as required by law.

**ARTICLE 2.00
CONSTRUCTION OF LANGUAGE**

Sec. 2.01 CONSTRUCTION OF LANGUAGE.

The following rules of construction apply to the text of this Ordinance, except when the context clearly indicates otherwise:

- a. The particular shall control the general.
- b. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- c. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number and the plural the singular.
- d. A "building" or "structure" includes any part thereof.
- e. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- f. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- g. 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 that the connected items, conditions, or provisions, or events may apply singly or in any combination.
- h. Terms not defined shall have the meaning customarily assigned to them.
- i. The term "he" shall refer to both genders.

Sec. 2.02 CATCH WORDS AND LINES.

Catch words and catch lines shall in no way by their presence or absence limit or affect the meaning of this Ordinance.

ARTICLE 3.00 DEFINITIONS

Sec. 3.01 DEFINITIONS.

For the purpose of this Ordinance, certain words and terms are defined as follows:

Accessory Use, Building, or Structure: A use, building or structure which is clearly incidental to, customarily found in connection with, subordinate to, and located on the same zoning lot as the principal use to which it is related, and devoted exclusively to the main use of the premises.

Adult Care Organizations: A facility for the care of persons over eighteen (18) years of age, as licensed and regulated by the State under Act. No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such facilities shall be further defined as follows:

- a. **Adult foster care facility:** A governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.
- b. **Adult foster care family home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- c. **Adult foster care small group home:** A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- d. **Adult foster care large group home:** A facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks, for compensation.
- e. **Adult foster care congregate facility:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

ADULT FOSTER CARE: See "Adult Care Organizations".

ADULT REGULATED USES: As used in this Ordinance, the following definitions shall apply to adult regulated uses:

- a. **Adult Book or Supply Store:** An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined), or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- b. **Group "A" Cabaret:** An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless wait persons or employees.
- c. **Adult Motion Picture Theater or Adult Live Stage Performing Theater:** An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined) for observation by more than five (5) patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- d. **Adult Model Studio:** Any place where models who display "Specified Anatomical Areas" (as defined) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any bonafide art school or similar educational institution.
- e. **Adult Motel:** A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined).
- f. **Adult Motion Picture Arcade:** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas".
- g. **Massage Parlor or Massage Establishment:**

An establishment having a substantial portion of its space devoted to massages of the human body by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the body with hands, mechanical devices, creams, ointments, oils, alcohol or any other means of preparations to provide relaxation or enjoyment to the recipient. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included in the definition of a massage parlor:

- (1) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed nurse practitioner, a therapeutic massage practitioner as defined by this Ordinance or any other similarly licensed medical professional.
 - (2) Fitness center.
 - (3) Electrolysis treatment by a licensed operator of electrolysis equipment, and
 - (4) Hospitals, nursing homes, medical clinics, or medical offices.
- h. **Adult Outdoor Motion Picture Theater:** A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- i. **"Specified Anatomical Areas"** Portions of the human body defined as follows:
- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola, and
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- j. **Specified Sexual Activities:** The explicit display of one or more of the following:
- (1) Human genitals in a state of sexual stimulation or arousal.
 - (2) Acts of human masturbation, sexual intercourse, or sodomy.
 - (3) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

Alley: Any dedicated public way not more than thirty (30) feet in width, affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Alterations: Any structural change, addition, or modification in construction or type of occupancy, or any change in the structural members of a building, such as bearing walls, columns, beams or girders, the consummated act of which may be referred to as "altered" or "reconstructed."

Automobile Repair Garage: A place where the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and rust proofing of automobiles.

Automobile Service Station: A building or buildings, structures and adjoining space used for the sale and dispensing of motor fuel fixed equipment into the fuel supply tanks of motor vehicles and for the sale and dispensing into or installation on motor vehicles of lubricants and operating supplies and where automotive tires, batteries, parts and accessories may be sold, installed, serviced and adjusted and where, if within a building, such services as tire repairing, battery recharging, cleaning and polishing of vehicles, chassis lubrication, minor repairs and adjustments may be rendered.

Automobile/Vehicle/Car Wash: An establishment together with the necessary mechanical equipment used for washing automobiles, trucks, boats, trailers, and similar vehicles.

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

Bed and Breakfast Inn: A private residence that is also the innkeeper's residence and provides sleeping accommodations in up to ten (10) sleeping rooms for transient guests for compensation. The inn typically serves meals at no extra charge to overnight guests. However, meals are only available to residents and guests of the inn.

Block: The property bounded by streets or abutting on one side of a street and lying between and/or bounded by a combination of streets, parks, lakes, rivers or streams; unplatted acreage or the corporate boundary lines.

Boarding House (Rooming House): A building other than a hotel or motel, where for compensation and by prearrangement for definite periods, lodging, or lodging and meals, are provided for three or more persons. A rooming house shall be deemed a boarding house for the purposes of this Ordinance.

Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building. A building shall not include such structures as billboards, fences, or radio towers,

or structures with interior areas not normally accessible for human use such as tanks, smokestacks, grain elevators, coal bunkers, oil cracking towers, or similar structures.

Building Height: The vertical distance measured from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height between eaves and ridge for gable, gambrel or hip roof. Where the building is located on sloping terrain, the height may be measured from the average ground level of the grade at the front building wall.

Building Line: A line defining the minimum front, side, or rear yard requirements outside of which no building or structure may be located.

Child Care Organization: A facility for the care of minor children under eighteen (18) years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such care organizations shall be further defined as follows:

- a. **Child care center or day care center:** A facility other than a private residence, receiving one (1) or more preschool or school age children for group day care for periods of less than twenty four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.
The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- b. **Family day care home:** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods less than twenty four (24) hours a day, unattended by a parent or 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 four (4) weeks during a calendar year.
- c. **Group day care home:** A private home in which more than six (6) but not more than twelve (12) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or 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 an unrelated minor child for more than four (4) weeks during a calendar year.
- d. **Child caring institution:** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty four (24) hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers

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

- e. **Foster family home:** A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- f. **Foster family group home:** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Child Day Care Facilities: See "Child Care Organization"

Club: A non-profit organization of persons for special purposes or for the promotion of sports, arts, sciences, literature, politics, social activities, and other similar group activities.

Condominium: A condominium is a system of separate ownership of individual units and/or multi-unit projects according to Michigan Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners. For the purposes of these Zoning Regulations, condominium terms shall be defined as follows:

- a. **Common elements:** Portions of the condominium project other than the condominium units.
- b. **Condominium Act:** Shall mean Michigan Public Act 59 of 1978, as amended.
- c. **Condominium lot:** That portion of the land area of a site condominium project designed as the building envelope and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Schedule of Regulations of these Zoning Regulations. Setbacks for the building envelope shall be measured beginning at a point perpendicular to the edge of the pavement of the access road, private road, or public road. The setback shall include a distance of fifteen (15) feet from the edge of the pavement plus the required setback as stated in the Schedule of Regulations of this Ordinance.
- d. **Condominium Subdivision:** A subdivision as defined in the Township Subdivision regulations (Ordinance No. 31).
- e. **Condominium subdivision plan:** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the

nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.

- f. **Condominium unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
- g. **Contractible condominium:** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
- h. **Conversion condominium:** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- i. **Convertible area:** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
- j. **Expandable condominium:** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
- k. **General common elements:** Common elements other than the limited common elements, intended for the common use of all co-owners.
- l. **Greenbelt:** An area of land sufficiently planted as determined by Planning Commission to provide suitable sight and noise abatement. (See Sec. 5.09)
- m. **Limited common elements:** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- n. **Master deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
- o. **Site condominium project:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision.

Convalescent or Nursing Home: An establishment with sleeping rooms which specializes in providing necessary medical services and meals to those unable to care for themselves, licensed under the provisions of Article 17 of Public Act 368 of 1978 (Public Health Code).

Development: The construction of a new building or other structure on a zoned lot, the relocation of an existing building to another zoned lot, or the use of open land for a new use.

District: A portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-In: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in motor vehicles, as well as within the building or structure.

Dwelling Unit: Any building or portion thereof having cooking and sanitary facilities, which is occupied exclusively as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, motor home, automobile chassis, tent or other portable building be considered a dwelling. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions relative to dwellings.

Dwelling, Accessory Apartments: A one (1) bedroom unit which provides basic living, cooking, and sanitary facilities for no more than two (2) people. The unit must be contained within a single family dwelling, provided that such a dwelling has sufficient water, sewage disposal, fire escape, and other necessary utility services according to code for all the above and shall comply with the provisions of Section 16.05 of this Ordinance relative to accessory apartments.

Dwelling, Efficiency Unit: A multiple dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove located directly off the principal room.

Dwelling, Multiple: A building designed for or occupied as a residence for three (3) or more families living independently of each other and each having their own cooking facilities and sanitary accommodations.

Dwelling, One-Family: A detached building designed for or occupied by one (1) family and so arranged as to provide living, cooking and sanitation facilities for one (1) family only. Also known as a single-family dwelling.

Dwelling, Townhouse: A single-family dwelling designed as a part of a series of three (3) or more dwellings, all of which are either attached to the adjacent dwelling or dwellings by common separating walls or located immediately adjacent with no visible separation between walls or roofs. Townhouse dwellings shall also:

- a. Have common or adjacent walls fully dividing each dwelling unit from any other and extending from the basement or foundation to the roof, and,
- b. Not exceed eight (8) units in any series or one hundred and eighty (180) feet in overall building length, and,

- c. Be designed and arranged so that any unit shall adjoin any other unit only along the longer dimension of the building (side) if an end unit or both sides if an interior unit, and,
- d. Have two separate and private means of ingress and egress which shall be located at opposite ends of the dwelling unit.

Dwelling, Two-Family: A detached building, designed for or occupied by two (2) families living independently of each other. Also known as a duplex dwelling.

Erected: For the purpose of this Ordinance, erected shall include built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises, including excavation, fill and/or drainage.

Essential Services: The erection, construction, alteration or maintenance by public utilities or Township departments or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, telephone exchange and/or repeater buildings, electric substations and substation buildings, gas regulator stations and regulator buildings and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such utilities or Township departments or commissions for the public health, safety or general welfare. Excluded from this definition are wireless communication facilities, support structures, and towers.

Family: either of the following:

- a. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- b. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration

Farm: All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, farms may be considered as including establishments

operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; but establishments keeping or operating fur-bearing animals, private stables, commercial dog kennels, game fish hatcheries, piggeries, or stockyards, shall not be considered a farm hereunder unless combined with bona fide farm operations on the same continuous tract of land. For the purposes of this Ordinance, a farm shall contain a minimum of five (5) acres of land area.

Farm Buildings: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

Feedlot or Intensive Livestock Operation: Any farm or farm operation engaged in raising, breeding, or feeding beef or dairy cattle, horses, swine, sheep, goats, poultry/fowl, turkeys, ducks, or other livestock in concentrations of fifty (50) or more animal units, including any buildings, structures, excavations, or enclosed areas directly involved therein, including land used for pasture or feedlot purposes, and any animal storage structures, excavations, or areas directly connected to or associated with such operations. Intensive livestock operations are so defined as to be in operation for a total of forty-five (45) days or more in any twelve (12) month period, where manure may accumulate, and where the concentration is such that vegetative cover or post-harvest residues cannot be maintained within the enclosure during the normal growing season.

For the purpose of this Ordinance, an animal unit shall be construed as a unit of measure used to compare relative differences in the manure, pollutants, nutrients, etc., production characteristics of animal waste, with the following equivalencies applicable to various animals.

Species	Animal Unit
Slaughter or feeder cattle	1.0
Mature dairy cattle	1.4
Horses	2.0
Swine weighing > 55 lbs.	0.4
Sheep/goats	0.1
Turkeys	0.02
Chickens w/overflow watering	0.01
Chickens w/liquid manure system	0.03
Ducks	0.2

The equivalency for types of livestock not specifically listed above shall be stated as equivalency for the type of animal which is most similar in terms of animal waste characteristics, as determined, if necessary, by the Zoning Board of Appeals.

Fence: Any barrier constructed, planted, or otherwise erected by employing processed wood, woven wire, chain link, masonry, decorative hedge, ornamental tree row, or similar materials or plantings, or any combination thereof, for purposes of enclosing property and/or providing privacy to specific areas within property boundaries. All fences shall be of a type and design which will not unreasonably obstruct the light and circulations of air necessary to the health, safety and welfare of neighboring properties.

Filling: The depositing or dumping of any matter onto, or into the ground except common household gardening and ground care.

Flood Plain: The relatively flat area or low lands adjoining a watercourse or body of water, which may be inundated by floodwater when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels above the norm. Determinants of a flood plain are as follows:

- a. Contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of one-hundred (100) years.
- b. Principal estuary courses of wetland areas that are part of the river flow system.
- c. Contiguous areas paralleling a river stream or other body of water that exhibit unstable soil conditions for development.

Floodway: The channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge flood water or are inundated by natural high water conditions.

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

Floor Area, Usable: That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, such as hallways, stairways and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Garage, Private: A space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or of his family or domestic employees.

Grade, Finished: As used in the measurement of building height, finished grade is the simple average of the finished ground elevation at the front building wall. See Section 5.042 of this ordinance and "Grade Guidelines" form which must be signed by zoning permit applicants.

Highway: A public thoroughfare or street, except alleys, but including Federal, State and County roads and those appearing upon plats recorded in the office of the Register of Deeds and accepted for public maintenance.

Home Occupation: Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, excessive traffic, fire hazards and the like, involved in or resulting from such occupation, professions or hobby. Provided further, that no article or service is sold or offered for sale on the premises, except those produced on the premises by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas. One (1) non-illuminated nameplate, not more than four (4) square feet in area, may be attached to the building which shall contain only the name and occupation of the resident of the premises. Medical clinics, hospitals, tea rooms, veterinarian's office, tourist homes, animal hospitals, kennels, among others, shall not be deemed to be home occupations.

Hospitals: A building, structure or institution in which sick or injured persons, both out-patients and in-patients, are given medical or surgical treatment and operating under license by the Health Department of the State of Michigan, excepting those institutions whose primary function is the care of the feebleminded or mentally ill.

Hotel: A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service; furnishing of linen; telephone, secretarial, or desk service; bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms. Any facility serving alcoholic beverages shall be licensed by the State.

Junkyard: A place, structure, or lot where junk, waste, discarded, salvaged, or similar materials such as old iron or other metal, wood, slush, timber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, disassembled, or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment and excluding pawn shops, and establishments for the sale, purchase, or storage of used cars, salvaged machinery, used furniture, radios, stoves, refrigerators, or similar household goods, and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

Kennel: Any lot or premises on which four (4) or more dogs, cats or other household pets more than four (4) months of age are housed, groomed, bred, boarded, trained or sold.

Landscaping: The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping.

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 and unloading merchandise or materials.

Lot: A piece or parcel of land occupied or intended to be occupied by a building and any accessory building or by any other use or activity permitted thereon and including the open spaces and yards required under this Ordinance, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision. A lot may or may not be specifically designated as such on public records.

Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof. This latter parcel is often referred to as a "zoning lot."

- a. **Lot, Depth:** The mean horizontal distance from the front lot line to the rear lot line. In the case of a water front lot, it is from the water front frontage line to the street frontage line.
- b. **Lot, Double Frontage:** A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.
- c. **Lot, Interior:** A lot other than a corner lot with only one (1) lot line fronting on a street.
- d. **Lot, Water Front:** A lot having frontage directly upon a lake (natural or man-made), river, pond, or other natural or artificial impoundment of water. The portion adjacent to the water shall be designated the water frontage of the lot, and the opposite side shall be designated the street frontage of the lot.
- e. **Lot, Width:** The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.

Lot Area, Net: The total area of a horizontal plane within the lot lines of a lot, exclusive of any dedicated publicly dedicated street right-of-way abutting any side of the lot.

Lot Area, Gross: The net lot area plus one-half ($\frac{1}{2}$) the area of that right-of-way directly adjacent to or abutting any side of the lot.

Lot, Corner: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purpose of this Ordinance if the area is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees.

Lot Lines: Any line dividing one (1) lot from another or from the center of the road right-of-way, and thus constitute property lines bounding a lot.

- a. **Lot Line, Front:** In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a building permit.
- b. **Lot Line, Rear:** That boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
- c. **Lot Line, Side:** Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a line from another lot or lots is an interior side lot line.

Lot of Record: A lot with the dimension and configuration of which are shown on a map recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Land Surveyor (so registered and licensed in the State of Michigan) and likewise so recorded and on file with the County Register of Deeds.

Manufactured Building: Includes all factory constructed buildings, or three-dimensional modules or units thereof, designed and constructed in a manner facilitating ease of transportation to the site for placement in accordance with local construction codes, connection to required utilities, and subsequent occupancy. The term "manufactured building" includes both a single, three-dimensional module or unit intended to constitute a building and all three-dimensional modules or units intended to be combined on-site to form a building. The term "Manufactured building" applies only to those major structural, three-dimensional modules or units requiring relatively minor, incidental combination on-site and is not intended to include prefabricated support system components such as panels, trusses, plumbing systems, or similar types of prefabricated support system components designed to be incorporated within buildings during the course of construction.

Manufactured Dwellings: Includes manufactured buildings, modules, or units, or areas within such building, modules, or units which have been designed for and are intended to be employed as dwellings for residential occupancy on an extended, rather than transient basis.

Mobile Home: A manufactured dwelling constructed on a chassis. Notwithstanding the fact that wheels, axles, trailer hitch, or other appurtenances facilitating highway mobility may have been removed and regardless of the type of foundations upon which the mobile home is to be placed, a mobile home shall, for purposes of this Ordinance, remain a mobile home and shall, be subject to all regulations applicable to mobile homes. A mobile home shall not be considered a travel trailer, motor home, or any other type of recreational vehicle.

Mobile Home Lot: A designated site within a mobile home park for the exclusive use of the occupants of a single mobile home.

Mobile Home Park: A tract of land in single ownership which has been developed with all necessary facilities and services in accordance with a site development plan meeting all the requirements of this Ordinance and which is intended for the express purpose of providing a satisfying living environment for mobile home residents on a long term occupancy basis.

Motel: A building or group of buildings, consisting of individual sleeping quarters, detached or connected, providing overnight lodging to the transient public for compensation.

Nonconforming Building: A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto but which does not conform to the provisions of the Ordinance in the district in which it is located.

Nonconforming Lot: A lot lawfully existing at the effective date of this Ordinance, or amendments thereto, but which does not conform to the minimum lot size or width requirements for the district in which it is located.

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

Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.

Pond: An artificially constructed and permanently impounded body of water.

Principal Building or Use: The principal or primary purpose for which a building or parcel of land may be designed, arranged, intended, maintained, or occupied.

Public Utility: A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: water, gas, steam, electricity, telephone, telegraph, water disposal, communication, or transportation.

Seasonal Residence: A dwelling unit which is not normally the permanent residence of the occupant(s) and which is not used as dwelling quarters for more than six (6) months out of any calendar year.

Sign: Any structure included in *Section 5.15* and *Table 1*, and including the wall of any building and trucks, automobiles, farm machinery, other such equipment and/or the supports, uprights, bracings, backing, trim, framework and surface or facing to which a name, identification, description, display, or illustration is affixed, painted, or represented, directly or indirectly which directs attention to an object, product, place, activity, person, institution, organization, business, or message. The area of a sign shall include the entire surface within a single continuous perimeter enclosing all elements of

the display. If a sign contains more than one sign surface, then the total of the areas of each sign surface comprising the sign shall be considered the area of the sign.

Stable (private): A building for housing domesticated animals, other than dogs and cats, when not conducted as a business, but solely for the personal use of the residents of the premises.

Stable (public): A building in which horses are kept for remuneration, hire, or sale.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than half way above grade, such basement or cellar shall be considered a story.

Story, Half: An uppermost story lying between the eave line and a sloping roof and having an area of at least one hundred and sixty (160) square feet with a minimum clear height of seven (7) feet six (6) inches.

Street: A publicly dedicated right-of-way, which affords the principal means of access to abutting property.

Street (private): A permanent unobstructed easement at least sixty six (66) feet in right-of-way width for access to a public street.

Structure: That which is built or constructed, or an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Therapeutic Massage Practitioner: A person performing application of various techniques to the muscular structure and soft tissue of the human body. A therapeutic massage practitioner and all employees of the establishment performing these services must satisfy two (2) or more of the following requirements:

- a. The person is a member of the current Professional Level in the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), International Myomassethics Federation (IMF), or other recognized massage association with equivalent professional membership standards consisting of at least five-hundred (500) hours of training, including: at least three-hundred (300) hours of theory, practice, and techniques of massage; at least one-hundred hours of human anatomy and physiology; and at least one-hundred (100) hours professionalism. Instruction in this area shall include training in contraindications, benefits, ethics, and legalities of massage, building and marking practice, and other electives as appropriate.

- b. The person is a graduate of a school of massage licensed by the State of Michigan or holder of a current license from another state which requires, at a minimum, the training set forth in paragraph a. above.
- c. The person has completed a massage training program at a community college, college, university, or technical school located in the United States, where such program requires at a minimum, the training set forth in a. above.
- d. The person has passed the National Certification Exam for Massage and Bodywork Practitioners.

Tower: A structure designed for purposes of transmission and signal relay by radio, television, public utility, microwave, wireless communication, public utility and/or cable television companies, when said structure is located so that both the structure itself and any supporting wires, cables, and/or anchors adhere to all minimum setback requirements.

Township Board: The Frankenlust Township Board of Trustees.

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 and which is any of the following:

- a. Contiguous to the Great Lakes, an inland lake or pond, or a river or stream.
- b. Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and more than 5 acres in size.
- c. Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and 5 acres or less in size if the Michigan Department of Environmental Quality, or its successor, determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the owner.

Wind Energy Conversion System (WECS). Any device such as a wind charger, windmill, or wind turbine that converts wind energy to usable energy.

- a. **Agricultural WECS.** A WECS that is accessory to a permitted farm or agricultural operation, and is designed and built primarily to serve the needs of the farm or agricultural operation and associated farm dwelling(s).
- b. **Attached WECS.** A WECS that is supported by and structurally connected to or part of a principal building or accessory structure.
- c. **Authorized Factory Representative.** An individual contractor licensed in the State of Michigan, with technical training in the installation and operation of a WECS and written certification for the WECS manufacturer.

- d. **Commercial WECS.** A WECS that is designed and built to provide electricity to the electric utility's power grid.
- e. **Private WECS.** A WECS that is accessory to a principal non-farm, non-agricultural use located on the same lot, and is designed and built primarily to serve the needs of the principal use.
- f. **Shadow Flicker.** The visible effect when rotating blades of a wind energy conversion system cast shadows on the ground and nearby structures during daylight hours, causing a repeating pattern of light and shadow.
(Amended by Ord. 77, eff. July 29, 2010)

Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals, This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Wireless Communications Facilities, Attached: Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

Wireless Communication Support Structures: Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Yard: The open space on the same lot with a principal building, unoccupied and unobstructed from thirty (30) inches above the ground upward except as otherwise provided in this ordinance, and as defined herein:

- 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 building line. There shall be maintained a front yard on each street side of a corner lot.
- 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 main building. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall only be one rear yard.
- c. **Side Yard:** An open space between the principal 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 on the side lot line to the nearest point of the main building.

Zoning Special Uses and Variances:

- a. **Special Use:** A conditional use permitted only after review of an application by the Planning Commission, such review being necessary because the provisions of this Ordinance covering conditions, precedent or subsequent, are not precise enough for all applications without interpretation, and such review is required by the Ordinance. The Planning Commission in making such review and determination, shall consider the guidelines and criteria established in Section 5.15
- b. **Zoning Variance:** A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the regulations would cause undue hardship owing circumstances unique to the individual property on which the variance is granted.

The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

The "Special Use" differs from a "Variance" in several respects. A special use does not require "undue hardship" in order to be allowable. The exceptions that are found in this Ordinance are allowed following Planning Commission review. These land uses could not be conveniently allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following:

- (1) They require large areas.
- (2) They are infrequent.
- (3) They sometimes create an unusual amount of traffic.
- (4) They are sometimes obnoxious or hazardous.
- (5) They are required for public safety and convenience.

**ARTICLE 4.00
ZONING DISTRICTS AND OFFICIAL ZONING MAP**

Sec. 4.01 ESTABLISHMENT OF DISTRICTS.

The unincorporated portion of Frankenlust Township is hereby divided into the following Zoning Districts as shown on the Official Zoning Map:

- AG — Agricultural District
- RF — Rural Small Farm District
- R-1 — Single-Family District
- R-2 — Single-Family District
- R-3 — Single-Family District
- RT — Two-Family Residential District
- RM — Multiple-Family Residential District
- RMH — Mobile Home Park District
- C-1 — Neighborhood Commercial District
- C-2 — Community Commercial District
- C-3 — General Commercial District
- LI — Light Industrial District
- WC — Wetlands Conservation District

Sec. 4.02 ZONING MAP.

The boundaries of said districts as shown upon the zoning map marked and designated "Zoning Map, Frankenlust Township, Bay County, Michigan" attached to and made a part of this Ordinance are established; and the districts above described are created. Said zoning map, together with all notations, references, distances, symbols and other information shown thereon shall be as much a part of this Ordinance as if the matters and information set forth and shown on such map were all fully set forth as contained herein.

Sec. 4.03 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists concerning the exact location of zoning district boundary lines, they shall be determined by the Zoning Board of Appeals according to the following rules:

- a. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- c. Boundaries indicated as approximately following Township limits shall be construed as following such limits;
- d. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

- e. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines, of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;
- f. Boundaries indicated as parallel to or extensions of features indicated in subsections a. through e. above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- g. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Zoning Board of Appeals may permit the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

Sec. 4.04 PERMISSIVE ZONING CONCEPT.

Land uses are specifically permitted in the various zoning districts of this Ordinance. Where not specifically permitted, uses are specifically prohibited. No land contained within any zoning district shall be used for any purpose other than those uses specifically permitted in the district in which the building or land is located, except as otherwise provided.

Sec. 4.05 ZONING OF VACATED AREAS.

Whenever any street, alley or other public way within the Township is vacated by official governmental action, the vacated lands shall become a part of lands adjoining the vacated street, alley or public way. The lands formerly within the vacated street, alley or public way shall automatically and without further governmental action acquire and be subject to the same zoning regulations as are applicable to lands to which they attach, and the permitted uses shall be limited to the same uses as are permitted under this Ordinance for the adjoining lands.

Sec. 4.06 ZONING OF FILLED LAND; USE OF WATERS.

Whenever any fill is placed in any lake or stream, the land created shall automatically and without further governmental action 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 shall be used for the same 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.

Sec. 4.07 USES PERMITTED AS A RIGHT.

Permitted uses are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the schedule of regulations, permit, and site plan requirements

found elsewhere in this Ordinance, but otherwise is considered to be a lawful use not requiring special or extraordinary controls or conditions.

Sec. 4.08 USES PERMITTED BY SPECIAL USE.

The uses identified as special uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.

**ARTICLE 5.00
GENERAL PROVISIONS**

Sec. 5.01 BUILDING REGULATIONS.

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

- a. **Unlawful Building.** In case any building, or part thereof, is used, erected, occupied or altered contrary to law or the provisions of this Ordinance following the effective date of this Ordinance, such building shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating such nuisance shall become a lien upon the land.

- b. **Frontage.** No building shall be erected on a lot which does not have frontage for its full width as required by Article 20.00 upon a street or road either dedicated to the public or private street or road as permitted by section 5.01 b. (1). In any districts where single-family dwellings are permitted, only one principal building shall be placed on a lot of record. Multi-family developments, commercial shopping centers or industrial parks need not front each such structure upon streets or roads provided that adequate interior vehicular circulation and access can be assured in a site plan submitted for approval to the Township.

Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on or direct access to a public street with a roadway which has been accepted for public maintenance by the County Road Commission.

In any district, the required frontage may be approved for a private street or road by the Planning Commission in accordance with provisions of Section 5.14 (Special Uses) according to the following standards:

- (1) Private roads shall be provided with adequate surface drainage. Road beds shall be constructed in accordance with adopted standards and construction standards of the Bay County Road Commission except that a paved surface shall not be required. A minimum sixty six foot right of way will be adequate.

- (2) Property owners abutting a private roadway or streets shall be responsible for maintenance of the roadway. Under no conditions shall maintenance be the responsibility of the Township.

In reviewing a special use for a private street or roadway, the Planning Commission may charge a fee to defray cost of a review by the Township Engineer.

- c. **Temporary Building.** No temporary building shall be erected unless a building permit has been issued for a permanent building on the same site. Any temporary building shall be removed from the site within thirty (30) days of issuance of a certificate of occupancy, and failure to remove said building shall constitute an automatic revocation of the certificate of occupancy.

Sec. 5.02 CONFLICTING LAWS, REGULATIONS AND RESTRICTIONS.

It is intended that any ordinance or parts of ordinances in conflict with any provisions of this Ordinance, excepting, however, the Uniform Building Code, being Ordinance No. 9 are hereby repealed; provided, however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations upon the use of land or buildings, or upon the height of buildings, or requires larger yards, land areas or open space, than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern, excepting, however, that where the provisions of the Uniform Building Code are more stringent, the provisions of that ordinance shall take precedence and govern. The requirements of this Ordinance are to be construed as minimum requirements and shall in no way impair or affect any covenant, easement, agreements between parties or restrictions running with the land, except where such covenant, easement, agreement or restriction between parties imposes lesser requirements.

Sec. 5.03 DUMPING OF MATERIALS.

- a. **Storage, Dumping of Waste, Junk, etc.** The use of land for the storage, collection or accumulation of used construction materials, or for the dumping or disposal of scrap iron, junk, refuse, ash, slag, human waste, or other industrial wastes or by-products shall not be permitted in any district.
- b. **Dumping of Soil, Sand and Clay Materials.** The extensive dumping of any soil, clay, gravel or like materials on any lot or parcel of land in the Township is prohibited without approval of the Planning Commission and subject to requirements as said Commission deems appropriate.

Sec. 5.04 EXCAVATIONS OR HOLES.

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

Sec. 5.041 PONDS

No pond shall be constructed on a lot less than five (5) acres in area, or within one hundred (100) feet of a public or private road right-of-way or within one hundred (100) feet of an adjoining lot line. Where a pond may be established, it shall be the responsibility of the property owner to provide safeguards to maintain safe conditions for use of the pond. Such

safeguards may include fencing or construction of pond side slopes of not more than one (1) foot of vertical fall for each six (6) feet of horizontal run.

Sec. 5.042 GRADE

Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. Grade elevations shall be determined by using the elevation at the centerline of the road in front of the lot as the established grade or such grade determined by the Township Engineer or Building Inspector. Maximum height of grade shall not exceed one foot six inches (1' 6") above the centerline of the road, except for grades determined by the Bay County Health Department for septic fields. Grades for buildings shall comply with the standards on the "Grade Guidelines" form which must be signed by all Zoning Permit applicants.

Sec. 5.05 EXCEPTIONS TO HEIGHT LIMITATIONS.

- a. Height restrictions contained in the Schedule of Regulations do not apply to chimneys, cooling towers, elevators, grain elevators, silos, water tanks, and other mechanical appurtenances pertaining to and necessary to the principal use of the district in which they are located.
- b. Height restrictions contained in the Schedule of Regulations applicable to public and semi-public buildings in Residential Districts do not apply to spires, cupolas, bell towers, penthouses or scenery lofts, provided, however, any such building exceeding the height limit of the district in which it is located shall increase the yard setback requirements by one (1) foot for each two (2) feet the overall height exceeds the maximum permitted.
- d. Height restrictions contained in the Schedule of Regulations do not apply to wireless communication facilities subject to Section 16.01.s. (Wireless Communication Facilities) and to wind energy conversion systems subject to Section 16.07 (Wind Energy Conversion Systems).
(Amended by Ord. 77, eff. July 29, 2010)

Sec. 5.06 FENCES; WALLS.

Notwithstanding other provisions of this Ordinance, fences and walls may be permitted in any required yard; provided that, no fence or wall shall be erected on road rights-of-way; provided that, no fence or wall located in any rear or side yard shall be over six (6) feet in height; provided that, no fence or wall located in a front yard shall be over forty-eight (48) inches in height; and, provided that, all fences or walls, located on corner lots shall comply with the restrictions established in Section 5.12 of this Ordinance.

Sec. 5.07 LOCATION OF ACCESSORY BUILDINGS AND STRUCTURES.

- a. An accessory building or structure which is connected to the principal building shall be considered a part of and subject to the same yard setback requirements as the principal building.

- b. When an accessory building or structure is not structurally attached, it shall be located in the side or rear yard, except as may be modified below.
 - (1) In the case of double frontage lots, such accessory buildings or structures shall be restricted to the central one-third of the lot.
 - (2) On a lot, abutting upon a lake or other impoundment of water and the opposite lot line fronting onto a street, accessory buildings or structures shall be erected in a side yard.
 - (3) On a corner lot, an accessory building or structure erected at the side lot line shall not project beyond the front yard setback line required on the lot to the rear of the corner lot.

- c. Unless specifically provided for otherwise elsewhere in this Ordinance, an accessory building or structure shall not:
 - (1) Exceed one (1) story or fourteen (14) feet in height (applies to accessory building, only); except for accessory buildings on residential lots within the AG Agricultural and RF Rural Small Farm zoning districts provided said lots are a minimum of one (1) acre in area. In such instances, the maximum height shall not exceed twenty one (21) feet to the top of the roof in total. All doors on these buildings shall not exceed fourteen (14) feet in height. Other accessory structures shall not exceed the maximum principal building height limitation in the district in which such structure is to be located unless allowed by the Planning Commission as a special use in accordance with the provisions of Section 5.14 of this Ordinance.
 - (2) Occupy more than twenty-five (25) percent of the required rear yard;
 - (3) Occupy more than forty (40) percent of the total rear yard;
 - (4) Exceed, in total floor area, the ground floor area of the principal building and attached garage on that lot; except that buildings larger than the ground floor area of the principal building and attached garage may be permitted on residential lots within the AG Agricultural and RF Rural Small Farm Zoning Districts provided said lots are a minimum of one (1) acre in area. In such instances, the ground floor area of all accessory buildings in the aggregate shall be limited to ten (10) percent of the total lot area, or to two thousand four hundred (2,400) square feet, whichever is less. In instances, where accessory buildings are permitted to exceed the ground floor area of the principal building and attached garage, accessory buildings shall meet all setbacks as required for principal structures within the zoning district in which said buildings are proposed to be located.
 - (5) Be located closer than ten (10) feet to any property line (applies to accessory buildings, only); other accessory structures shall be located no closer than one times their own height above the ground to any property line unless

allowed by the Planning Commission as a special use in accordance with the provisions of Section 5.14 of this ordinance.

- (6) Exceed in number one (1) private garage per residential lot;
- (7) Have a door exceeding twelve (12) feet in height;
- (8) Be occupied for dwelling purposes.
- (9) Be erected on any lot prior to the time of construction of the principal building to which it is accessory.
- (10) Be located any closer than ten (10) feet to any other accessory or principal structure if it is a detached structure. Accessory buildings or structures shall be considered as attached to a principal building when the distance between the two buildings, or building and structure, is solidly covered by a breezeway, portico, covered colonnade, or similar architectural device. No such connecting structure shall exceed fourteen (14) feet in length.
- (11) Be constructed unless adequate appurtenances or provisions are provided to prevent storm water drainage from flowing onto adjoining properties.

d. Other

Sidewalks, fences, light posts and utility poles are excluded from these regulations. Fences shall be regulated as set forth in Section 5.06 of this ordinance.

Sec. 5.08 OCCUPIED SPACES.

Outside stairways, fire escapes, fire towers, porches, platforms, balconies, boiler flues, and other projections shall be considered as part of the building and not as part of the yards or courts or unoccupied outside spaces.

Sec. 5.09 PROTECTIVE SCREENING.

To provide adequate protective screening, retain the integrity of land uses and create buffers between residential areas and non-residential areas and uses, the following regulations shall apply in all zoning districts:

- a. Where a new commercial or industrial use is established that abuts directly upon residentially zoned property, a landscaped earth berm or a solid masonry obscuring wall shall be erected prior to the Township issuing a certificate of occupancy in accordance with the following specifications:
 - (1) Where a commercial or industrial land use chooses to erect a wall, the wall shall be at least six (6) feet in height, but not over seven and one-half (7 ½) feet, constructed of solid masonry material, such as poured concrete or eight

(8) inch concrete block, decorative with simulated brick pattern or face brick on the exterior side, and capped.

- (2) Where a commercial or industrial land use chooses to erect a landscaped earth berm in lieu of an obscuring wall, the berm shall be defined as a continuously mounded pile of earth, free of large stones, refuse, capable of growing turf and decorative plant materials and with a height, width, side slope ratio, and landscaping as noted below:

Required height — four (4) feet as measured from the grade of the adjacent off-street parking area or building, whichever is nearest.

Width — twenty-six (26) feet.

Side slope ratio — not less than 3:1, that is, three feet of horizontal distance for each foot of vertical rise.

Landscaping to be planted — for each sixty (60) feet of linear distance, one deciduous hardwood tree, one and one-half (1½) inch caliper in size; evergreen hedging material that provides a total berm height of six (6) feet for at least fifty (50) percent of the berm length; for each one hundred (100) feet of linear distance, one decorative spring flowering tree, five (5) feet in height; remaining ground surface area shall be sodded or seeded; all landscape materials shall be live, hardy, adaptable to the rigorous local climate and maintained in a healthy growing condition.

- b. Where off-street parking or vehicular use areas are constructed in a residential district to serve a permitted use or a use permitted by special use there shall be erected a solid masonry decorative obscuring wall four (4) feet in height along those sides of the parking area that abut or are located within twenty-five (25) feet of any property line.

Sec. 5.10 QUALIFYING SPACE.

No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations for the district in which the building is located. No portion of a lot used in complying with the provisions of this Ordinance for yards, courts, lot area per family or percentage of lot occupancy, in connection with an existing or projected building, or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

Sec. 5.11 STORAGE OF MOTOR VEHICLES.

There shall be no outside storage of automobiles, trucks, tractors and similar vehicles or parts of vehicles that are abandoned, disabled, wrecked or unlicensed except in a lawful junkyard.

Sec. 5.12 VISIBILITY AT INTERSECTIONS.

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of two and one-half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along the lines twenty-five (25) feet from the point of the intersection.

Sec. 5.13 VOTING PLACE.

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

Sec. 5.14 SPECIAL USES.

a. Purpose: Certain land use activities entitled “Permitted by Special Use” may be authorized in the various zoning districts but only if adequate safeguards are provided to ensure the protection of the public health, safety and general welfare. The uses that may be authorized are listed in the “Permitted by Special Use” section of each zoning district or as may otherwise be noted in this Ordinance. Special uses are authorized by the Township Planning Commission by the issuance of a special use permit provided:

- (1) The proposed use is one listed as permitted by special use for the district in which the use is to be located or as indicated elsewhere in this Ordinance.
- (2) The provisions of this Section are complied with.
- (3) The standards for the particular use as stated in the provisions for that district in which the use is located are fulfilled, and all other applicable standards or other requirements of this Ordinance are met.

b. Procedures:

- (1) Applications for special use permits authorized in this Ordinance shall be submitted to the Clerk on a form supplied for this purpose. Applications shall be accompanied by the payment of the fee established by the Township Board and a site plan meeting the requirements of Article 17.00. Sixteen (16) sets of all documents shall be submitted.
- (2) An application for a special use permit shall be processed in the following manner:
 - (a) The Clerk shall forward the complete application and supporting data to the Township Planning Commission. If all required information is not provided the Zoning Administrator may deny the application on that basis.

- (b) The Township Planning Commission shall review the proposed development as presented in the application and in terms of the specifications established in this Ordinance.
 - (c) After review of the application by the Planning Commission, a public hearing shall be held within five (5) weeks of receipt of the application and all required materials. A notice that a request for special use permit has been received shall be published in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet.
 - (d) The notice shall be given and publication shall take place not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notifications. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area, each unit shall receive notice. In the case of a single structure containing more than four (4) dwelling units, individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:
 - Describe the nature of the special land use request.
 - Indicate the property, which is the subject of the special use permit request.
 - State when and where the public hearing will be held and the special use permit request will be considered.
 - Indicate when and where written comments will be received concerning the request.
- (3) Within three (3) months following the public hearing, the Planning Commission shall approve, deny, or approve with conditions the application for the special use permit. The Planning Commission's decision must:
- (a) Be made in writing, and include a finding of fact describing how the special use permit does or does not comply with the provisions of this Article.
 - (b) Clearly specify any conditions attached to an approval of a special use permit and the basis for those conditions.
 - (c) If the Planning Commission denies the application, the reasons for its denial must be clearly specified. A copy of the Planning Commission's decision must be provided to the applicant.

c. Basis for Determination:

The Planning Commission shall review the proposed special use in terms of the standards stated within this Ordinance and shall approve the special use permit if the application meets all of the following standards.

- (1) The use will be designed, constructed, operated and maintained to be harmonious with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed to be located.
- (2) The use will not be hazardous or disturbing to existing or future nearby uses.
- (3) The use will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
- (4) The use will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.
- (5) The use will be consistent with the intent and purposes of this Ordinance and meet the goals and objectives of the Frankenlust Township Master Plan.

d. Reapplication: No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year or more from the date of the denial, except on grounds of newly discovered evidence or proof of changed conditions found by the Zoning Administrator to be sufficient to justify reconsideration by the Planning Commission.

e. Special Use Permit Validity:

- (1) Approval of a special use permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owner.
- (2) In instances where development authorized by a special use permit has not commenced within one (1) year from the date of issuance, the permit shall expire.
- (3) A special use permit shall become invalid when the use of the property for which the permit was granted is discontinued for a period of six (6) months. However, the Planning Commission shall not invalidate a special use permit unless intent to discontinue the operation is evident. Intent to discontinue is demonstrated by disconnected utilities, sign removal, fixture and furniture removal or inventory removal.

Sec. 5.15 SIGN REGULATIONS.

It is the intent and purpose of this section to provide proper regulation and control of all outdoor signs such that no sign will, by reason of its size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety; and further, to regulate such signs in such a way as to create land patterns compatible with other major land use objectives and to prevent such signs from causing annoyance or disturbance to the citizens of the Township or the general public. Only the types of signs identified below and in *Table 1* shall be permitted in Frankenlust Township in the zoning district indicated. Signs shall be regulated as provided in *Table 2* and as provided in the definition of “sign” in *Section 3.01* of this Ordinance.

A. Types of Signs. Signs shall include the following types as well as those described in *Table 1*:

1. **Off-Premise Advertising Sign or Billboard:** Any sign advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located, or products not primarily sold, manufactured, processed or fabricated on such land.
2. **Business Sign:** Any sign advertising a business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed or fabricated on such land.
3. **Freestanding Sign:** A sign which is supported by a pole, uprights or braces on the ground; that is not attached to a building.
4. **Identifying Sign:** Any structure on the same premises it identifies which serves (1) only to tell the name, address and/or use of any building; or, (2) only to inform the public as to the use of a parking lot.
5. **Nameplate:** A structure affixed against the wall of a building which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.
6. **Real Estate Sign:** Any temporary structure used only to advertise with pertinent information the sale, rental or leasing of the premises upon which it is located.
7. **Pylon Sign:** A type of freestanding sign supported on a post(s) or pole(s).
8. **Wall Sign:** A sign attached to or painted on the face or wall of a building.
9. **Special Event Sign:** A sign which advertises an event or activity which is unique, or if periodic, is repeated not more often than monthly.
10. **Ground-Mounted Sign:** A billboard, sign board, business sign, real estate sign, special event sign, including temporary signs, which is set on the ground or on a foundation which is set on the ground and which does not exceed

three feet in height and which is not supported by a pole, uprights, braces or a pylon.

11. **Copy:** The wording on a sign surface in either permanent or removable letter form.
12. **Reader Board:** Reader Board means one of the following:
 - a. **Manual.** A sign on which copy, or other display is changed manually, such as reader boards with changeable letters or pictorials.
 - b. **Automatic:** An electronic controlled sign, where different static copy, or static picture changes are shown on the face of the sign for intervals of not less than 10 seconds. Transitions shall be limited to dissolve, fade, scroll and travel, but are not required.
13. **Dissolve:** A mode of message transition on an automatic reader board accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.
14. **Fade:** A mode of message transition on an automatic reader board accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
15. **Scroll:** A mode of message transition on an automatic reader board where the message appears to move vertically across the display surface.
16. **Transition:** A visual effect used on an automatic reader board to change from one message to another.
17. **Travel:** A mode of message transitions on an automatic reader board where the message appears to move horizontally across the display surface.

TABLE 1
PERMITTED SIGNS BY ZONING DISTRICT

SIGN TYPE	AG	RF	R-1	R-2	R-3	RT	RM	RMH	C-1	C-2	C-3	LI	WC	APPLICABLE REGULATIONS
Highway signs erected by a unit of government	X	X	X	X	X	X	X	X	X	X	X	X	X	
Governmental use signs pertaining to public buildings or spaces	X	X	X	X	X	X	X	X	X	X	X	X	X	
Directional signs	X	X	X	X	X	X	X	X	X	X	X	X	X	1, 12
Historic signs	X	X	X	X	X	X	X	X	X	X	X	X	X	
Signs posted to control/prohibit hunting/trespassing	X	X	X	X	X	X	X	X	X	X	X	X	X	
Signs denoting utility lines, railroad lines, hazards and precautions	X	X	X	X	X	X	X	X	X	X	X	X	X	
Memorial signs	X	X	X	X	X	X	X	X	X	X	X	X	X	2
Decorative displays, pennants or banners	X	X	X	X	X	X	X	X	X	X	X	X	X	3
Any sign, or nameplate under four sq. ft. in area	X	X	X	X	X	X	X	X	X	X	X	X	X	
Customary farm and crop signs less than 10 sq. ft. in area	X	X	X	X	X	X	X	X	X	X	X	X	X	

SIGN TYPE	AG	RF	R-1	R-2	R-3	RT	RM	RMH	C-1	C-2	C-3	LI	WC	APPLICABLE REGULATIONS
Farm nameplates under 144 sq. ft. in area	X													
Temporary signs	X	X	X	X	X	X	X	X	X	X	X	X	X	4, 12
Flags	X	X	X	X	X	X	X	X	X	X	X	X	X	3, 5, 14
Reader Board	X	X	X	X	X	X	X	X	X	X	X	X		6, 14
Freestanding signs	X	X	X	X	X	X	X	X	X	X	X	X		7, 8, 10, 12, 13, 14
Ground-mounted signs	X	X	X	X	X	X	X	X	X	X	X	X		7, 8, 12, 13, 14
Wall sign									X	X	X	X		
Pylon sign	X	X	X	X	X	X	X	X	X	X	X	X		10, 12, 13, 14
Off-Premise Advertising signs/billboards									X	X	X	X		11, 13, 14

TABLE 2

Regulation	Applicable Regulations
1.	<p>The following types of directional signs are exempt from regulations of this ordinance pertaining to permits, heights, locations and total signage area except as provided, below:</p> <ul style="list-style-type: none"> a. On-premises directional signs placed for drivers, or off-street parking areas which do not exceed four square feet in area and three feet in height and which are limited to traffic control functions only. b. Off-premises directional signs to local businesses which do not exceed four (4) square feet in area and four (4) square feet in height. The lowest part of such a sign shall be at least two (2) feet above ground level. Such signs shall only be allowed as a special use by the Planning Commission.
2.	<p>Memorial signs or tablets not exceeding six (6) square feet in area which are either cut into the face of a building, or constructed of bronze or other non-combustible material when located flat on the face of a building are exempt from provisions of this ordinance pertaining to permits, heights and location.</p>
3.	<p>All decorative displays, pennants, banners, or flags shall be maintained in good condition and shall not be torn, faded or dirty.</p>
4.	<p>The following types of temporary signs are permitted for a limited period of time only and shall not require a permit:</p> <ul style="list-style-type: none"> a. Construction signs which identify the name of the building, the owner, architect, engineer, contractor and other individuals involved with construction, including the advertisement of a product or service during the period of construction. Signs shall not exceed two (2) in number on any one lot or parcel of land on which construction is taking place. The aggregate of all sign surfaces on any one lot or parcel of land shall not exceed one hundred forty-four (144) sq. ft. They shall be confined to the site of construction and shall be removed following completion of construction activities. b. Real estate signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, provided the aggregate sign area of such signs does not exceed ninety-six (96) sq. ft. On property smaller than five (5) acres the total aggregate sign area shall not exceed eight (8) square feet. Such signs shall be removed after the sale, rental or lease. c. Election campaign signs announcing a candidate or election issue to be voted upon shall be limited to one sign per candidate or issue per parcel. Such signs shall not exceed sixty-four (64) square feet in aggregate area and such signs shall be confined to private property and shall be removed within five (5) days following the election which they announce. d. Special event signs, subject to the following conditions. <ul style="list-style-type: none"> 1. They do not exceed ninety-six (96) square feet in aggregate area. 2. They are not placed in street rights-of-way.

	<p>3. They may be illuminated provided such lights are not flashing or intermittent and are not placed or designed such that they can be confused with or appear similar to a highway sign or traffic safety device.</p> <p>4. No special event sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.</p> <p>5. No special event sign shall be allowed to remain after the event.</p>										
5.	<p>Flags shall be regulated as follows:</p> <p>a. All flags shall be displayed from a pole or other mounting which is permanently affixed to the ground or a building.</p> <p>b. All flags shall comply with the yard requirements of the zoning district in which they are located except that flags located in yards having frontage on a street shall comply with the ten (10) feet setback requirements for signs set forth in Regulation 12 of this Table.</p> <p>c. The maximum permitted area of a flag shall be as follows:</p> <table border="0"> <thead> <tr> <th><u>Pole Height</u></th> <th><u>Maximum Permitted Flag Area</u></th> </tr> </thead> <tbody> <tr> <td>46' & over</td> <td>60 sq. ft.</td> </tr> <tr> <td>25'-45'</td> <td>40 sq. ft.</td> </tr> <tr> <td>21'-25'</td> <td>24 sq. ft.</td> </tr> <tr> <td>Under 21'</td> <td>15 sq. ft.</td> </tr> </tbody> </table> <p>d. No flag may advertise or direct attention to any business, profession, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises upon which it is located.</p> <p>e. No more than three flags shall be permitted on any street frontage portion of any lot or parcel of land.</p> <p>f. Flags on residentially-used premises are exempt from the permit requirement set forth in Regulation 14, below. All other flags are subject to the permit requirements.</p>	<u>Pole Height</u>	<u>Maximum Permitted Flag Area</u>	46' & over	60 sq. ft.	25'-45'	40 sq. ft.	21'-25'	24 sq. ft.	Under 21'	15 sq. ft.
<u>Pole Height</u>	<u>Maximum Permitted Flag Area</u>										
46' & over	60 sq. ft.										
25'-45'	40 sq. ft.										
21'-25'	24 sq. ft.										
Under 21'	15 sq. ft.										
6.	<p>One reader board not exceeding fifty (50) square feet in aggregate area is permitted for any nonresidential permitted or special use when permanently mounted on a freestanding sign structure, or building.</p>										
7.	<p>In the AG and R-zoned districts, one freestanding, or ground-mounted identifying sign is permitted for any permitted or special use except single-family dwellings, two-family dwellings, farms, roadside stands, home occupations, child care organizations, or adult foster care homes provided that the area of the sign does not exceed sixty-four (64) square feet.</p>										
8.	<p>In the C-zoned districts, one freestanding, ground-mounted, or changeable copy sign in accordance with the provisions of Regulation No. 6 is permitted along each street frontage of a parcel provided that no sign area shall exceed one hundred forty-four (144) square feet. If the sign serves more than one use on a single parcel, the surface area limitation may be increased by fifty (50) percent. The Planning Commission may allow a larger sign along each such street frontage as a special use in accordance with the provisions of <i>Section 5.14</i> of this ordinance where the following requirements can be met:</p> <p>a. The parcel of land is C-zoned and is located within six hundred sixty (660) feet of the centerline of that stretch of M-84 where the north-bound and</p>										

	<p>south-bound lanes of travel are separated by a grassy median area;</p> <p>b. The parcel of land is at least ten (10) acres in size;</p> <p>c. There is a minimum of four hundred (400) feet of frontage along any street where the sign is to be placed;</p> <p>d. The sign area does not exceed five hundred (500) square feet;</p> <p>e. The sign is not located closer than sixty (60) feet to any street right-of-way or driveway;</p> <p>f. The sign is not located within one hundred (100) feet of any property line;</p> <p>g. There is compliance with all other applicable requirements of this section; and,</p> <p>h. No variances are required.</p>
9.	<p>In the C-zoned district and LI-zoned district, wall signs are permitted in addition to a freestanding or ground-mounted sign provided that they are attached to a building parallel to the side on which it is attached and cannot project above the building roof line. Wall signs can be placed on more than one side of a building, provided that the total sign area of such wall signs does not exceed one hundred forty-four (144) square feet. Wall signs are permitted in the C-zoned districts in addition to a freestanding sign and changeable copy sign.</p>
10.	<p>With the exception of pylon signs in the C-3 General Commercial District and wall signs, no exterior freestanding sign, signboard, billboard or pylon sign shall exceed twenty-five (25) feet in height. Pylon signs in the C-3 District shall not exceed a maximum height of sixty (60) feet.</p>
11.	<p>Off-premise advertising signs/billboards are allowed by special use in the C-zoned districts and are permitted in the LI-zoned district. All billboards must comply with the following regulations:</p> <p>a. No more than five (5) billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of Frankenlust Township where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Billboard structures with tandem (side-by-side) or stacked (one above the other) sign surfaces shall be considered as two (2) billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in Subsection b, below.</p> <p>b. No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the same street or highway.</p> <p>c. No billboard shall be located within two hundred (200) feet of a residential zone, existing residence, church, or school. If the billboard is illuminated, this required distance shall instead be three hundred (300) feet.</p> <p>d. No billboard shall be located closer than fifty (50) feet to any roadway right-of-way or twenty (20) feet from any interior boundary lines of the premises on which the billboard is located.</p> <p>e. The sign area of a billboard shall not exceed seven hundred fifty (750) sq.</p>

	<p>ft.</p> <p>f. The height of a billboard shall not exceed forty-five (45) feet above the grade of the ground on which the billboard sits or the grade of the abutting roadway, whichever is higher. The lowest part of a billboard shall not be less than ten (10) feet above ground level.</p> <p>g. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.</p> <p>h. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection into any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.</p> <p>i. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity as set forth in the current edition of the Frankenlust Township Building Code. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.</p> <p>j. A billboard established within a business, commercial or industrial area as defined in the Highway Advertising Act of 1972 (PA 106 of 1972 as amended) bordering interstate highways, freeways or primary highways as defined in said act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said act and the regulations promulgated thereunder, as such may from time to time be amended.</p>
12.	No portion of a sign shall be located closer than ten (10) feet to any street right-of-way, or driveway. No portion of a sign shall be located within a required side yard and in no case within twenty (20) feet of a side lot line. No part of a sign shall be attached to, supported by, or in any way connected to a building. A minimum two (2) feet separation shall be maintained between any sign and any adjacent building or structure. No sign shall be located in such a manner as to interfere with any motorist's visibility.
13.	Signs may be illuminated, provided that such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises.
14.	<p>Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, alter, relocate, or maintain within the Township any sign as defined herein without first obtaining a permit from the administrative officer, and making payment of any fee required.</p> <p>(1) Application Procedure. Sign Application Form obtained from the Frankenlust Township Clerk,</p> <p>1. Information that must be included in the application:</p> <p>(l) Location. A written description of the site as well as an adequate depiction of the requested sign location that would allow on-site inspection by the Zoning Administrator and/or Building Inspector.</p>

	<ul style="list-style-type: none"> (ii) A drawing of the sign and supports at a scale of not less than 1"=5', showing all pertinent dimensions of the sign. (iii) A schematic sketch or drawing of the site showing the sign's proposed relationship to the roadway, adjacent land uses within four hundred (400) feet, and any landscaping to be used in conjunction with the sign. Scale shall be 1" 50'. (iv) The application shall conform with all aspects of <i>Section 5.16</i> of this Ordinance . <ul style="list-style-type: none"> 2. The Township Clerk shall transfer all applications to the Zoning Administrator and/or Building Inspector. 3. The Zoning Administrator and/or Building Inspector will review, approve, approve with conditions, or deny the application.
--	---

B. PROHIBITED SIGNS. No sign listed in any of the following subsections shall be permitted, erected or maintained in any district:

- (1) Permanent signs which incorporate any manner of flashing or moving lights except reader boards which comply with the regulations in *Table 2*.
- (2) A sign which has any visible moving part, visible revolving part, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, including intermittent electrical pulsations or by action of natural wind currents except reader boards which comply with the regulations in *Table 2*.
- (3) String lights used in connection with commercial premises for commercial purposes.
- (4) Any sign or sign structure which is structurally unsafe or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or is not kept in good repair, or is capable of causing electrical shocks to persons likely to come in contact with it.
- (5) Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety or obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets or roads. In determining whether a sign may constitute a traffic hazard or interfere with traffic safety or visibility, the Zoning Administrator shall consider the following:
 - (a) Height, area, supporting structure, and distance from ground level of the sign.
 - (b) Lighting of the sign.
 - (c) Location of the sign in relation to roads, drives, points of ingress and

egress, parking areas, sidewalks and other vehicular or pedestrian accessways.

- (d) Location of the sign in relation to nearby buildings and structures.
- (6) Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit-way.
- (7) Signs which make use of words such as “STOP”, “LOOK”, “DANGER”, or any other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic.
- (8) Any sign unlawfully installed, erected, or maintained.
- (9) Any sign which is not accessory to the business being conducted on the property on which the sign is located, except as otherwise provided in this Ordinance.
- (10) Any sign projecting into a public right-of-way or dedicated easement, except those erected by the Township, County, State or Federal government.
- (11) Signs painted on or attached to operable or inoperable automobiles, trucks or truck trailers, farm or industrial machinery, airplanes or other vehicles of any sort, which do not have current registration certificates or plates or signs painted on rocks or other natural features.
- (12) Any sign which projects from and is supported by a building wall, any part of which extends more than twelve (12) inches beyond the building face or ends of the building wall.
- (13) Any sign attached and any portion of which is erected, constructed and maintained above the roof of a building.
- (14) Portable signs.

C. CONSTRUCTION REQUIREMENTS FOR SIGNS. All signs shall be constructed and maintained in accordance with the provisions of the applicable building code.

Sec. 5.16 REGULATION OF CONDOMINIUM DEVELOPMENTS.

The following regulations shall apply to all condominium developments within Frankenlust Township.

- a. **Initial Information.** Concurrently with notice required to be given Frankenlust Township pursuant to Section 71 of Public Act 59 of 1978, as amended (the Condominium Act) a person, firm or corporation intending to develop a condominium development shall provide the following information:

- (1) The name, address and telephone number of:
 - (a) All persons, firms or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee).
 - (b) All engineers, attorneys, architects or registered land surveyors associated with the project.
 - (c) The developer or proprietor of the condominium development.
 - (2) The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.
 - (3) The acreage content of the land on which the condominium development will be developed.
 - (4) The purpose of the development (for example, residential, commercial, industrial, etc.).
 - (5) Approximate number of condominium units to be developed on the subject parcel.
 - (6) Whether or not a community water system is contemplated.
 - (7) Whether or not a community septic system is contemplated.
- b. **Information to be Kept Current.** The information shall be furnished to the Township Building Official and shall be kept updated until a Certificate of Occupancy has been issued.
- c. **Site Plans for New Projects.** Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to Article 17.00 of this Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.
- d. **Site Plans for Expandable or Convertible Projects.** Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Article 17.00 of this Ordinance.
- e. **Master Deed, Restrictive Covenants, and "As Built" Survey to be Furnished.** The condominium developer or proprietor shall furnish the Building Official with the following: One (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants and two (2) copies of an "as built survey". The "as built survey" shall be reviewed by the Township Engineer for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board.

- f. **Monuments Required.** All condominium developments which consist in whole or in part of condominium units which are building sites, mobile home sites or recreational sites, shall be marked with monuments as provided in this subsection.
- (1) All monuments used shall be made of solid iron or steel bars at least one-half ($\frac{1}{2}$) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
 - (2) Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
 - (3) If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof is clearly indicated on the plans and referenced to the true point.
 - (4) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half ($\frac{1}{2}$) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
 - (5) All required monuments shall be placed flush with the ground where practicable.
 - (6) All unit corners and the intersection of all limited common elements and all common elements shall be monumented in the field by iron or steel bars or iron pipe at least eighteen (18) inches long and one-half ($\frac{1}{2}$) inch in diameter, or other approved markers.
 - (7) The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit to the Township of Frankenlust, whichever the proprietor selects, in an amount to be established by the Township Board, by resolution. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.
- g. **Compliance with Federal, State and Local Law.** All condominium developments shall comply with federal and state statutes and local ordinances.

h. **Temporary Occupancy Permit.** The Building Official may allow occupancy of the condominium development before all improvements required by this Ordinance are installed provided that cash, a certified check, or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.

i. **Single-Family Detached Condominiums.**

(1) Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans must be approved by the Township Board following review and recommendation for approval by the Planning Commission. In determining whether to recommend a condominium subdivision plan for approval to the Township Board, the Planning Commission shall consult with the Zoning Administrator, Township Attorney, Township Engineer and Township Planner regarding the adequacy of the Master Deed, deed restrictions, utility systems and streets, development layout, and design and compliance with all requirements of the Condominium Act and Township Zoning Ordinance.

(2) A single-family detached condominium development shall be subject to all of the requirements and standards of the applicable Single- or Multiple-Family Residential District or approved Planned Unit Development (PUD) Plan.

(3) The design of a single-family detached condominium project shall be subject to the design layout and engineering standards, as provided below, except as may otherwise be provided by this Ordinance. Streets shall conform to at least all minimum requirements of the general specifications and typical cross sections as set forth in the Design Layout Standards Article of the Township Zoning Ordinance and other conditions set forth by the Township Board and Bay County Road Commission.

(a) **Location Arrangement and Design of Streets.**

(i) The street layout shall provide for continuation of collector streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Commission.

(ii) Private streets shall not be permitted unless constructed to Bay County Road Commission standards, otherwise streets shall be dedicated to the public.

(iii) The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.

(iv) Should a proposed condominium development border on or contain an existing or proposed major thoroughfare, the Commission may require marginal access streets, reverse frontage or such other treatment as may be necessary for

- adequate protection of residential properties and to afford separation and reduction of traffic hazards
- (v) Should a proposed condominium development border on or contain a railroad, expressway or other limited access highway right-of-way, the Commission may require the location of a street approximately paralleled to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.
 - (vi) Half streets shall not be permitted. Wherever there exists adjacent to the tract to be subdivided, a dedicated or platted and recorded half street, the other half shall be platted or otherwise included in the condominium subdivision.
 - (vii) Should a proposed condominium development border upon or contain an existing or proposed canal, channel or drainage-way, the Commission may require the location of a bridge facility suitable to permit the unimpeded flow of water and the passage of water-borne vehicles.
- (b) **Right-of-Way and Pavement Widths.** Street right-of-way and pavement widths shall conform to at least the following minimum requirements:
- (i) Streets shall be constructed in accordance with adopted standards and construction standards of the Bay County Road Commission.
 - (ii) No on-street parking shall be allowed.
 - (iii) Minimum length for residential cul-de-sac streets shall be one hundred forty (140) feet. Maximum length for residential cul-de-sac streets shall be six hundred (600) feet.
 - (iv) Access to streets across all ditches shall be provided by the proprietor in accordance with the Bay County Road Commission's specifications and procedures for driveway installation.
- (c) **Easements:**
- (i) Location of utility line easements shall be provided as necessary for utility lines. Such easements shall be a total of not less than twelve (12) feet wide, six (6) feet from each parcel. Utility easements six (6) feet in width are permissible along rear property lines, in cases where such property lines abut unplatted land.
 - (ii) Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the proposed condominium development plan to all appropriate public utility agencies.
- (4) **Condominium Units.** Condominium units within detached condominium developments shall conform to the following standards:

- (a) Condominium units situated on corners in residential subdivisions shall be at least fifteen (15) feet wider than the minimum width permitted by the Zoning Ordinance.
 - (b) Excessive condominium unit depth in relation to width shall be avoided. A depth-to-width ratio of 2 ½ to 1 shall be considered a maximum.
 - (c) Every condominium unit shall front or abut on a street.
 - (d) Side condominium unit lines shall be at right angles or radial to the street lines.
 - (e) Condominium units abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with reverse frontage condominium units, or with side condominium unit lines parallel to the major traffic streets.
 - (f) Condominium units shall have a front-to-front relationship across all streets where possible.
 - (g) Where condominium units border upon bodies of water, the front yard may be designated as the waterfront side of such condominium unit provided the building envelope has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the waterfront side.
- (5) **Blocks:**
- (a) Maximum length for blocks shall not exceed one thousand three hundred twenty (1,320) feet in length. This may be exceeded where lot sizes average over twenty thousand (20,000) square feet, except that in no case, however, may the maximum block length exceed one thousand eight hundred (1,800) feet.
 - (b) Minimum block length, measured as above, shall not be less than five hundred (500) feet.
 - (c) Width of blocks shall be equal to the total depth of two (2) tiers of lots and shall not be less than two hundred forty (240) feet.
- (6) **Natural Features.** The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses and similar community assets that will add attractiveness and value to the property, if preserved, the preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.
- (7) **Walkways.** Walkways shall be installed in all single family detached condominium developments. Such walkways shall be a minimum of five (5) feet in width along both sides of collector and minor streets and six (6) feet in width along all major thoroughfares. Access to all general common areas shall be provided. Upon review of the site plan, the Planning Commission may approve alternate locations for the walkways or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation.

- (8) **Street Trees and Landscaping:**
- (a) Street trees shall be provided in the ratio of at least one (1) per dwelling unit; shall be placed along the right-of-way, and shall not be less than eight (8) feet in height. Condominium units with street frontage of one hundred twenty (120) feet or more shall have a minimum of two (2) trees per unit.
 - (b) Desired minimum tree size shall be one and one-half (1 ½) inches to two (2) inches in diameter as measured six (6) inches above the ground.
 - (c) The selection of variety, spacing and planting of all trees shall be done in accordance with standards and specifications of the Bay County Road Commission.
 - (d) All unimproved surface area of the site shall be planted with grass, ground cover, shrubbery or other suitable landscape materials, except that patios, terraces, decks and similar site features may be allowed.
- (9) **Utilities and Improvements.** The improvements set forth under this section are to be considered as the minimum acceptable standard. Those improvements for which standards are not specifically set forth shall be established by the Township Board with assistance from the Township Engineer. The current Michigan Department of Transportation and State Health Department requirements will also be applicable.
- (a) **Street Pavement:** Street improvements shall be provided by the proprietor in accordance with standards and specifications of the Bay County Road Commission.
 - (b) **Storm Drainage:** All streets shall have storm drainage in accordance with standards and specifications prescribed by the Bay County Road Commission. Where County drains are included in the proposed plat a letter or document of approval shall be submitted by the proprietor from the Bay County Drain Commissioner and other public agencies that have jurisdiction.
 - (c) **Sanitary Sewerage System:** In those districts in which the Zoning Ordinance requires a public sanitary sewer system, the sewer size, type grade and other appurtenances of the systems shall be constructed in conformance with the standards and specifications prescribed by the Bay County DPW and Bay County Health Department.
 - (d) **Water System:** In those districts in which the Zoning Ordinance requires a public water supply system, the water mains, fire hydrants and necessary water system appurtenances shall be constructed in such a manner as to adequately serve all lots shown on the plat both for domestic use and fire protection. Standards and specifications shall be prescribed by the Township Engineer.
 - (e) **Curbs and Gutters:** Where applicable, curbs may be constructed on all streets shown on the plat in accordance with standards and specifications of the Bay County Road Commission.
 - (f) **Cable and Conduits:** The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely

throughout the development area, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the Township Engineers, and the approval of the Planning Commission at the time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately held property shall be protected by easements granted by the proprietor.

- (10) **Final Documents to be Provided.** After submittal of the condominium plan and bylaws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not to exceed ten and one-half by fourteen (10 ½ x 14) inches.

Sec. 5.17 WETLANDS.

Any activities proposed to take place in an area designated as a wetland shall comply with all requirements of the State of Michigan Natural Resources and Environmental Protection Act, MCL 324.101, et seq, and any other applicable state or federal environmental protection laws.

ARTICLE 6.00
AG, AGRICULTURAL DISTRICT

Sec. 6.01 STATEMENT OF INTENT.

The intent of this district is to establish restrictions on land which will preserve the land for agricultural use, restrict the conversion of agricultural land to urban uses, and provide the basis for land tax assessments which reflect its existing agricultural nature.

The AG Agricultural District acknowledges that agriculture is a specialized form of industry characterized by the production through biological and botanical processes of saleable commodities as a result of the conjunction of raw materials, (soils, seeds, plants, water, and fertilizers), manpower (farm labor and machinery), and energy (solar and power equipment) to produce the product. In promoting the general purposes of this Ordinance, the specific intent of this Article is:

- a. That the preservation of a maximum amount of the limited supply of agricultural land in the Township is necessary to the conservation of local, State, and National economic resources, and is necessary not only to the maintenance of the agricultural economy of the State, but also for the assurance of adequate healthful and nutritious food for future residents of this locale, State and Nation.
- b. That the discouragement of unnecessary conversion of agricultural land to urban uses is a matter of public interest and will be of benefit to urban dwellers themselves in that it will discourage noncontiguous urban development patterns which unnecessarily increase the costs of community services to community residents.
- c. That in a rapidly urbanizing society, agricultural lands have a definite public value as open space, and the preservation in agricultural production of such lands, the use of which may be limited under the provisions of this Article, constitutes an important physical, social, aesthetic, and economic asset to existing or future urban or metropolitan developments.
- d. For these reasons, this Article is necessary for the promotion of the general welfare and the protection of the public interest in agricultural land.

Sec. 6.02 PERMITTED USES AND STRUCTURES.

In all Agricultural Districts, no building or part thereof shall be erected, used or structurally altered, nor land or premises used in whole or in part except for one or more of the following permitted uses or structures:

- a. Single-family detached dwellings when at least one hundred thirty (130) feet of roadway frontage is provided with a minimum of one hundred eighty (180) feet of depth from the centerline of the road. However, no lot shall be less than one (1) acre in area, unless the lot is served with municipal water and sewer, in which case the lot may be reduced to three-fourths (3/4) acre.

- b. General and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry, bees and other farm animals; products and foodstuffs; and any building or structure may be located thereon and used for the day-to-day operation of such activities, for the quartering, storage or preservation of said crops, livestock, poultry, bees, animals, products and foodstuffs until consumed on the premises or until moved to a place of collection, distribution, or processing, and for the incidental sale of the crops, products and foodstuffs raised or grown on said parcel or in said building or structure, provided that any parcel that is kept as idle crop land shall be so treated as to prevent actual or potential soil erosion by wind or water. Feedlots and Intensive Livestock Operations are excluded under this subsection, but are included in Section 6.03. Setbacks for stables and fencing for domesticated farm animals and livestock from adjacent residential uses are noted in Section 16.01 (o).
- c. Raising or growing of plants, trees, shrubs and nursery stock, and any building or structure used for such raising or growing and for the storage of equipment and materials necessary for such raising or growing.
- d. The growing, stripping and removal of sod, provided that said lot or portion thereof shall be reseeded after stripping by fall of the year in which it was stripped so as to prevent actual or potential erosion by water or wind.
- e. Small aircraft landing fields.
- f. Accessory buildings and uses customarily incidental to the above permitted uses.
 - a. Family day care homes (1-6 children) and group day care homes (7-12 children).
 - b. Adult foster care family home (1-6 adults) and adult foster care small group home (7-12 adults).
 - c. Fishing, trapping, or hunting.
 - d. Swimming or boating.
 - e. Hiking.
 - l. Grazing of animals. Feedlots and Intensive Livestock Operations are excluded under this subsection, but are included in Section 6.03.
 - m. Horticulture, silviculture, lumbering, and ranching activities, including plowing, irrigation, irrigation ditching, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices. Feedlots and Intensive Livestock Operations are excluded under this subsection, but are included in Section 6.03.
 - n. Maintenance or operation of serviceable structures in existence on October 1, 1980 or constructed pursuant to MCL 324.30301, et seq or former 1979 PA 203.
 - o. Construction or maintenance of farm or stock ponds.

- p. Maintenance, operation, or improvement which includes straightening, widening, or deepening of the following which is necessary for the production or harvesting of agricultural products:
 - (i) An existing private agricultural drain.
 - (ii) That portion of a drain legally established pursuant to the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630, which has been constructed or improved for drainage purposes.
 - (iii) A drain constructed pursuant to other provisions of this part or former 1979 PA 203.
- q. Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining or forestry equipment. This can be done in a wetland if the roads are constructed and maintained in a manner to assure that any adverse effect on the wetland will be otherwise minimized.
- r. Drainage necessary for the production and harvesting of agricultural products. This can be done in a wetland if the wetland is owned by a person who is engaged in commercial farming and the land is to be used for the production and harvesting of agricultural products. Except as permitted in MCL 324.30301, et seq, wetland improved under this subsection after October 1, 1080 shall not be used for nonfarming purposes without a permit from the Michigan Department of Environmental Quality or its successor. This subsection does not apply to a wetland that is contiguous to a lake or stream, or to a tributary of a lake or stream, or to a wetland that the Michigan Department of Environmental Quality, or its successor, has determined by clear and convincing evidence to be a wetland that is necessary to be preserved for the public interest, in which case a permit from that department is required.
- s. Maintenance or improvement of public streets, highways, or roads within the right-of-way. This can be done in a wetland as long as it is done in such a manner as to assure that any adverse effect on the wetland will be otherwise minimized. Maintenance or improvement does not include adding extra lanes, increasing the right-of-way, or deviating from the existing location of the street, highway, or road.
- t. Maintenance, repair, or operation of gas or oil pipelines and construction of gas or oil pipelines having a diameter of 6 inches or less. This can be done in a wetland if the pipelines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.
- u. Maintenance, repair, or operation of electric transmission and distribution power lines and construction of distribution power lines. This can be done in a wetland if the distribution power lines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.
- v. Operation or maintenance, including reconstruction of recently damaged parts, of serviceable dikes and levees in existence on October 1, 1980 or constructed pursuant to MCL 324.30301, et seq, or former 1979 PA 203.

Sec. 6.03 USES PERMITTED BY SPECIAL USE.

In accordance with Article 16.00, Site Development Standards, and additional requirements deemed to be reasonable and necessary by the Planning Commission in accordance with the guideline established in Section 5.15 to assure adequate protection to surrounding properties and a sound stable development for the Township.

- a. Cemeteries, when occupying a site of ten (10) acres or more.
- b. Roadside stands for the display and sale of produce raised on the premises. Maximum of one (1) stand per farm unit, subject to the requirements of Section 16.01.
- c. Feedlots and Intensive Livestock Operations
 - (1) Area and Location Requirements
 - (a) The property shall have a minimum lot area of forty (40) contiguous acres under common ownership.
 - (b) The property shall have a minimum lot frontage of six hundred sixty (660) feet.
 - (c) All non-residential buildings, structures, enclosed areas (including land used for pasture or feedlot purposes), and equipment associated with the conducting of an intensive livestock operation, including animal shelter and waste storage areas, structures, excavations shall be located a minimum from any property boundary according to the following schedule:

Total Animal Units	Property Line Setback
50-499	250 ft.
500-999	400 ft.
1,000 or more	600 ft.

- (d) All buildings, structures, enclosed areas (including land used for pasture or feedlot purposes), and equipment associated with the conducting of an intensive livestock operation, including animal shelters and waste storage areas, structures, and excavations:
 - (i) shall be located at least one-quarter (1/4) mile from the boundaries of any property zoned other than “AG” Agricultural District as indicated on the Township Zoning Map, at the time application for the special exception permit is made.
 - (ii) shall be located at least one-half (1/2) mile from the boundaries of any existing recorded residential plat or site condominium project in the Township.
 - (iii) shall be located at least one-half (1/2) mile from any other existing intensive livestock operation.
 - (iv) shall be located a minimum from any non-farm residence in the “AG” Agricultural District according to the following schedule:

Total Animal Units	Setback from Non-Farm Residence
50-749	1,320 ft.

750-999	2,640 ft.
1,000 or more	2,640 ft.

- (2) Operational and Waste Management Requirements. An intensive livestock operation shall be operated and maintained at all times according to the recommendations set forth in the GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR SITE SELECTION AND ODOR CONTROL FOR NEW AND EXPANDING LIVESTOCK PRODUCTION FACILITIES (GAAMPS) as adopted by the Michigan Agricultural Commission.
- d. The raising of fur-bearing animals, including mink or rabbit and provided said use shall be located on a continuous parcel of land five (5) acres or more in area, and that all buildings and outdoor runs are set back one hundred (100) feet or more from all property lines, with the exception of raising mink which shall be conducted on a continuous parcel of land forty (40) acres or more in area, and all outdoor runs or breeding areas are enclosed on all sides by a fence not less than four (4) feet in height and are set back from all property lines a minimum distance of four hundred (400) feet.
 - e. Public or private golf courses and country clubs, subject to the requirements of Section 16.01.
 - f. Essential services, provided that no buildings, including gas regulator buildings, except those which are compatible in appearance and design with the development of the area and with the zoning classification in which the same are located, and are not materially larger than other buildings in such area, no substations except electric substations with supply voltage of not more than 46KV, no sewage or disposal system, nor other substantial and unusual equipment or operations, located and exposed above ground, shall be permitted without the prior approval of the Planning Commission in accordance with the guidelines established in Section 5.15, to be granted only where the same is, in the discretion of the Commission, compatible with the uses and structures allowed in the zoning district and is not detrimental to the health, safety and welfare of the surrounding area under any reasonable condition and limitations which might be imposed by said Commission as a condition of such approval, or where the same is necessary to be situated in the particular location for the public health, safety and welfare.
 - g. Home occupations, as defined in Article 3.00.
 - h. Accessory apartments, subject to the requirements of Section 16.05.
 - i. Kennels, subject to the requirements of Section 16.01.
 - j. Bed and Breakfast Inn, subject to the requirements of Section 16.01.
 - k. RV/travel trailer parks and campgrounds as licensed and regulated by the State of Michigan, subject to the requirements of Section 16.01

- I. Public stables, subject to the requirements of Section 16.01.

- m. In any AG zoning the breeding, rearing and housing of horses, miniature horses, mules and similar domestic animals will be allowed and must meet the following minimum requirements:
 - (1) The minimum lot size shall be 5 acres for the first two animals.
 - (2) Three additional acres shall be required for each additional (1) animal.
 - (3) The minimum road frontage shall be 250 feet.
 - (4) The minimum width shall be 250 feet.
 - (5) The use shall meet all requirements under Article 16, sec. 16.01 stables, sub title O, items 2, 3 and 4.

Sec. 6.04 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

In accordance with Article 20.00, Schedule of Regulations.

ARTICLE 7.00
RF. RURAL SMALL FARM DISTRICT

Sec. 7.01 STATEMENT OF INTENT.

The intent of the RF Rural Small Farm District is to provide areas of the Township where agriculture, farming residential, and very low-density dispersed single-family residential uses, along with compatible uses often occupying large areas may occur. The main uses are to be agriculture, farming, and residential.

Sec. 7.02 PERMITTED USES AND STRUCTURES.

In all Rural Small Farm Districts, no buildings or part thereof shall be erected, used or structurally altered, nor land or premises used in whole or in part, except for one or more of the following permitted uses or structures:

- a. All permitted uses in the R-1 through R-3 Residential Districts as permitted in Section 8.02.
- b. General farming including livestock and poultry raising, dairying, horticulture, sod, farm forestry, truck gardening and nurseries and similar bona fide agricultural enterprises or use of land and structures, but not including any operation for the disposal of garbage, sewage, rubbish, offal or wastes from rendering plants or slaughterhouses. Feedlots and Intensive Livestock Operations are excluded from this sub-section.
- c. Public schools, colleges, and universities.
- d. Accessory buildings and uses customarily incidental to the above permitted uses.

Sec. 7.03 USES PERMITTED BY SPECIAL USE.

In accordance with Article 16.00 Site Development Standards , and additional requirements deemed to be reasonable and necessary by the Planning Commission in accordance with the guidelines established in Section 5.15 , to assure adequate protection to surrounding properties and a sound stable development for the Township.

- a. Public and private stables, riding academies subject to the requirements of Section 16.01.
- b. Private schools.
- c. Roadside stand for the display and sale of produce raised on the same premises subject to the requirements of Section 16.01. Maximum of one (1) stand per premises.
- d. Churches subject to the requirements of Section 16.01.

- e. Home occupations as defined in Article 3.00.
- f. Cemeteries, when occupying a site of ten (10) acres or more.
- g. Private and public golf courses and country clubs subject to the requirements of Section 16.01.
- h. Radio or television towers, station or transmitter subject to the requirements of Section 16.01.
- i. Temporary buildings or trailer offices incidental to construction.
- j. Ponds, subject to the requirements of Section 5.051.
- k. Essential services, subject to the requirements of Section 6.03
- l. Accessory apartments, subject to the requirements of Section 16.05.
- m. Bed and Breakfast Inn subject to the requirements of Section 16.01.

Sec. 7.04 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

In accordance with Article 20.00, Schedule of Regulations.

ARTICLE 8.00
R-1 THROUGH R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS

Sec. 8.01 STATEMENT OF INTENT.

The intent of the Single-Family Districts is to provide areas in the Township wherein single-family residential uses, incorporating a reasonable range of lot sizes, plus compatible and/or accessory uses, may develop while at the same time promoting a predominantly semi-urban character within the community.

Sec. 8.02 PERMITTED USES AND STRUCTURES.

In all Single-Family Districts, no building or part thereof shall be erected, used or structurally altered, nor land or premises used in whole or in part, except for one or more of the following permitted uses or structures:

- a. Single-family detached dwellings subject to the regulations in Section 16.04 of this Zoning Ordinance.
- b. Publicly owned and operated parks, parkways and recreational facilities.
- c. Public educational institutions under the jurisdiction of a public school district board of education, or similar body authorized by the State of Michigan to provide primary and secondary education.
- d. Cemeteries lawfully occupying land at the time of adoption of this Ordinance.
- e. Family day care homes (1-6 children) and adult foster care family homes (1-6 adults).
- f. Accessory buildings and uses customarily incidental to the above permitted uses.

Sec. 8.03 USES PERMITTED BY SPECIAL USE.

In accordance with Article 16.00, Site Development Standards, and additional requirements deemed to be reasonable and necessary by the Planning Commission, in accordance with the guidelines established in Section 5.14, to assure adequate protection to surrounding properties and a sound stable development for the Township.

- a. Churches, subject to the requirements of Section 16.01.
- b. Publicly owned and operated museums, libraries, and post offices.
- c. Municipal buildings and uses not requiring outdoor storage of materials or vehicles.
- d. Kindergartens or nursery schools for children of pre-school age, child care centers, and institutions of an educational, philanthropic, or charitable nature, including any dormitory or living facilities, provided that such dormitory or living facilities shall be

erected on a parcel of land containing at least five (5) acres, shall be subject to all other requirements of this Ordinance and shall be located within a building which conforms and is similar in appearance, height and size to a residence. These uses are also subject to the requirements of Section 16.01.

- e. Private and public golf courses and country clubs subject to the requirements of Section 16.01.
- f. Home occupations as defined in Article 3.00.
- g. Temporary buildings or trailer offices incidental to construction.
- h. Essential services, subject to the requirements of Section 6.03 (f).
- i. Accessory apartments, subject to the requirements of Section 16.05
- j. Group day care homes (7-12 children) shall be permitted as a Special Use in the R-3, Single-Family Residential District, subject to complying with the following standards:
 - (1) Is located not closer than one thousand five hundred (1,500) feet to any of the following facilities, as measured along a street, road or other public thoroughfare, excluding an alley:
 - (a) Another licensed group day care home.
 - (b) Another adult foster care small group home or large group home, licensed by the State of Michigan.
 - (c) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, whether or not it is licensed by the State of Michigan.
 - (d) A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections or a similar governmental authority.
 - (2) All outdoor play areas shall be enclosed by a fence that is not climbable in design and at least fifty-four (54) inches high.
 - (3) Maintains the property consistent with the visible characteristics of the neighborhood. The group day care home shall not require the modification of the exterior of the dwelling nor the location of any equipment in the front yard.
 - (4) May have one (1) non-illuminated sign that complies with the following:
 - (a) Shall not exceed four (4) square feet in total sign area.

- (b) Shall not exceed an overall height of four (4) feet.
 - (c) Shall be setback at least ten (10) feet from all property lines.
 - (d) Shall display only the name and address of the group day care home.
 - (5) Shall provide on-site parking for all employees, in a driveway or similar facility common to the particular neighborhood, and in addition to the on-site parking required for the residence itself.
 - (6) Operating hours shall be limited from 6:00 a.m. to 10:00 p.m. daily.
 - (7) Shall be inspected for compliance with these standards prior to occupancy and at least once each year thereafter within ten (10) days of the anniversary of the Certificate of Occupancy.
- k. Bed and Breakfast Inn, subject to the requirements of Section 16.01.
 - l. Adult foster care small group homes (7-12 adults) shall be permitted as a Special Use in the R-3, Single-Family Residential District.

Sec. 8.04 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

In accordance with Article 20.00, Schedule of Regulations.

**ARTICLE 8.00-A
RT TWO-FAMILY RESIDENTIAL DISTRICT**

Sec. 8.00 A-01 STATEMENT OF INTENT.

The intent of the Two-Family District is to provide areas in the Township for an intermediate type of residential zoning district, primarily located on collector thoroughfares, on smaller land parcels, and in situations where the close proximity of single-family detached housing developments would be adversely influenced by the higher density traditional multiple family complex.

Sec. 8.00-A-02 PERMITTED USES AND STRUCTURES.

In the RT, Two-Family District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided for in this Ordinance.

- a. All permitted uses in the R-1 through R-3 Residential Districts as permitted in Section 8.02.
- b. Two-family dwellings.
- c. Publicly owned and operated parks, parkways, and recreational facilities.
- d. Family day care homes (1-6 children) and group day care homes (7-12 children).
- e. Accessory buildings and uses customarily incidental to the above permitted uses.
- f. Adult foster care family homes (1-6 adults) and adult foster care small group homes (7-12 adults).

Sec. 8.00-A-03 USES PERMITTED BY SPECIAL USE.

In accordance with Article 16.00, Site Development Standards and additional requirements deemed to be reasonable and necessary by the Planning Commission in accordance with the guidelines established in Section 5.15, , to assure adequate protection to surrounding properties and sound and stable development for the Township, the following uses shall be permitted.

All uses permitted by special use in the R-1 through R-3 Residential Districts as permitted in Section 8.03.

**ARTICLE 9.00
RM MULTIPLE FAMILY DISTRICT**

Sec. 9.01 STATEMENT OF INTENT.

The intent of the RM District is to provide for higher density residential development which may occur under controlled circumstances, along with other compatible and/or accessory uses. These districts may act as a buffer area between single-family residential and nonresidential uses and because of the more extensive public service needs of this type of use, they are situated near urban concentrations where such public services exist or can be feasibly and readily furnished.

Sec. 9.02 PERMITTED USES AND STRUCTURES.

In the Multiple Family District, no building or part thereof shall be erected, used or structurally altered, or land or premises used in whole or in part, except for one or more of the following permitted uses.

- a. All permitted uses in the R-1 through R-3 Residential Districts as permitted in Section 8.02.
- b. All permitted uses in the RT, Two-Family Residential District as permitted in Section 8.00-A-02
- c. Multiple-family dwellings.
- d. Accessory buildings and uses customarily incidental to the above permitted uses.

Sec. 9.03 USES PERMITTED BY SPECIAL USE.

In accordance with Article 16.00, Site Development Standards, and additional requirements deemed to be reasonable and necessary by the Planning Commission, in accordance with the guidelines established in Section 5.15, to assure adequate protection to surrounding properties and a sound stable development for the Township.

- a. All uses permitted by special use in the R-1 through R-3 Residential Districts as permitted in Section 8.03.
- b. Public or private business schools, colleges and universities.
- c. Housing for the elderly.
- d. Hospitals subject to the requirements of Section 16.01.
- e. Convalescent homes, nursing homes, adult foster care congregate facilities.
- f. Adult foster care large group homes (13-20 adults).

- g. Essential services, subject to the conditions and limitations contained in Section 6.03 (f), Essential Services.
- h. All uses permitted by special use in the RT, Two-Family Residential District as permitted in Section 8.00-A-03.

Sec. 9.04 DENSITY, AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS.

In accordance with Article 20.00, Schedule of Regulations.

ARTICLE 10.00
RMH MOBILE HOME PARK DISTRICT

Sec. 10.01 STATEMENT OF INTENT.

The intent of the RMH District is to provide areas of such size and location as will encourage good mobile home residential developments served by necessary community services, and otherwise capable of protecting the health, safety and welfare of the residents.

Sec. 10.02 PERMITTED USES AND STRUCTURES.

In all Mobile Home Park Districts, no building or part thereof shall be erected, used or structurally altered, nor land or premises used in whole or in part, except for one or more of the following permitted uses or structures:

- a. Mobile homes located in a mobile home park.
- b. Mobile home parks subject to the requirements of the Mobile Home Commission Act, Act 96 of 1987, as may be amended.
- c. Publicly owned and operated parks, parkways and recreational facilities.
- d. Public educational institutions under the jurisdiction of a public school district board of education or body authorized and licensed by the State of Michigan to provide primary and secondary education.
- e. Accessory buildings and uses customarily incidental to the above permitted uses.
- f. Single-family detached dwellings subject to the regulations in Section 16.04 of this Zoning Ordinance.
- g. Family day care homes (1-6 children).
- h. Group day care homes (7-12 children).

Sec. 10.03 USES PERMITTED BY SPECIAL USE.

In accordance with Article 16.00, Site Development Standards, and additional requirements deemed to be reasonable and necessary as the Planning Commission, in accordance with the guidelines established in Section 5.15, to assure adequate protection to surrounding properties and a sound stable development for the Township.

- a. Churches subject to the requirements of Section 16.01.
- b. Municipal buildings and uses not requiring outdoor storage of materials and vehicles.

- c. Child care centers, nursery schools, day nurseries, not including dormitories subject to the requirements of Section 16.01.
- d. Private and public golf courses or country clubs subject to the requirements of Section 16.01.
- e. Temporary buildings or trailer offices incidental to construction.
- f. Essential services, subject to the conditions and limitations contained in Section 6.03 (f).

Sec.10.04 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

In accordance with Article 20.00, Schedule of Regulations, except that mobile homes in mobile home parks shall comply with the development provisions of Section 10.05.

Sec. 10.05. MOBILE HOME PARK DEVELOPMENT PROVISIONS.

Mobile home park developments are subject to all minimum requirements and standards as established in the Mobile Home Commission Act, Act 96 of 1987 as amended, and any and all rules and regulations promulgated pursuant to Act 96, as may be amended, unless otherwise provided herein as follows:

a. Park Site Standards:

- (1) Sites for the placement and occupancy of mobile home units within a mobile home park developed under Act 96 of 1987, shall average five thousand five hundred (5,500) square feet. The five thousand five hundred (5,500) square foot requirement may be reduced by up to twenty (20) percent, provided that the individual site shall include a minimum of four thousand four hundred (4,400) square feet; and further provided that land area in an amount equal to that gained by reduction of a site(s) below five thousand five hundred (5,500) square feet shall be dedicated as open space. In no instance, however, shall required open space and spatial separation between units be less than that required under R125.1941, Rule 941; R125.1944, Rule 944; and R125.1946, Rule 946 of the Michigan Administration Code.
- (2) Minimum site size for mobile home parks shall be fifteen (15) acres.
- (3) Minimum standards for plumbing, heating and electrical systems shall be those set forth by the United States Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards. Mobile homes built to the standards of the American National Standards Institute (ANSI) or the State of Michigan Construction Standards shall also be acceptable for those homes constructed prior to the effective date of HUD certification.
- (4) Maximum height for any building or structure shall not exceed two (2) stories or twenty-five (25) feet.

b. Mobile Home Space Standards:

- (1) No personal property shall be stored outside or under any mobile home. Storage sheds may be used to store property but need not be supplied by the owner of the mobile home development.

c. Utilities Standards:

- (1) Electric lines to each mobile home park space shall be installed underground and specifically designed for that purpose. When separate meters are installed, each meter shall be located in a uniform manner.
- (2) Natural gas service to each mobile home park space, if provided, shall be installed underground. When separate meters are installed, each meter shall be located in a uniform manner.

d. Landscaping and Ground Cover:

- (1) Exposed ground surfaces in all parts of the mobile home park shall be paved or covered with stone or other solid material or protected with grass, trees or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner.
 - (a) If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
 - (b) In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way. The landscaping shall consist of evergreen trees or shrubs of a minimum three (3) feet in height, which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.

e. Public Health and Safety:

- (1) Fire hydrants shall be installed in all mobile home parks for which public water systems are available and shall be in compliance with the requirements and provisions of the current local Fire Code in effect at the time of permit application.
- (2) For the protection of the public safety, an orderly street name system and numbering system shall be established by the mobile home park owner and a plan of this system shall be verified with the Township Fire and Police Department. Mobile home space numbers shall be located uniformly on each space, mobile home unit or identification marker, throughout the mobile home park and street names shall be adequately marked.
- (3) Dogs, cats or other pets shall not be permitted to run at large or to commit any nuisance within the park.
- (4) Cooking shelters, barbecue pits, fireplaces and wood burning stoves or incinerators shall be so located, constructed, maintained and used as to

minimize fire hazards and smoke nuisance both on the site and on neighborhood property. Open fires shall not be allowed except in facilities provided and all such fires must be attended. No fuel shall be used or items burned which emit dense smoke or objectionable odors.

f. **Miscellaneous Provisions:**

- (1) **Performance bond.** Upon approval of a mobile home park by Frankenlust Township, a bond, executed by any surety company authorized to do business in the State of Michigan, may be required to be delivered to the legislative body by the applicant for the faithful performance of provisions of this Ordinance. Said bond shall be in an amount to be determined by the legislative body and shall be conditioned upon the completion of all acts relative to the construction, alteration or extension of any mobile home park approved by the Township.
- (2) **Removal of towing mechanisms.** Towing mechanisms shall be removed from the mobile home dwelling at the time of dwelling installation and stored so as not to be visible from the exterior of the mobile home park.
- (3) **Skirting of mobile homes.** Individual mobile homes shall be skirted around the perimeter of the mobile home unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Mobile Home Commission Rules. All skirting shall be manufactured of fire-resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.

ARTICLE 11.00
C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 11.01 STATEMENT OF INTENT.

The intent of the C-1 District is to provide areas of the Township where local service and convenience shopping facilities can be optimally located to best serve the immediate neighborhood. These regulations are meant to encourage cluster development and otherwise discourage costly commercial strip or linear development, especially along major thoroughfares. It also may contain other compatible and/or accessory uses.

Sec. 11.02 PERMITTED USES AND STRUCTURES.

In all neighborhood commercial districts, no building or part thereof shall be erected, used or structurally altered, nor land or premises used in whole or in part, except for one or more of the following permitted uses or structures:

- a. Office buildings when goods or wares are not commercially created, exchanged or sold.
- b. Medical or dental clinics.
- c. Financial establishments such as banks, credit unions, savings and loan associations.
- d. Photographic studios.
- e. Funeral homes.
- f. Insurance offices, brokerage houses and real estate offices.
- g. Retail establishments for the sale of alcoholic beverages, baked goods, bicycles, books, confection, drugs, flowers, groceries, hardware, hobby equipment, jewelry, music, notions, paint, periodicals, sundry small household articles, tobacco and similar products.
- h. Personal service establishments performing services on the premises, such as barber and beauty shops; watch, radio, television, clothing and shoe repair, tailor shops, locksmith and similar establishments.
- i. Laundry or dry cleaning customer outlets, coin-operated laundromats, self-serve dry cleaning centers and the like. Dry-cleaning or laundry plants serving more than one customer service outlet are prohibited.
- j. Eating and drinking establishments when food or beverage is consumed only within a completely enclosed building. Establishments with a character of a drive-in or open-front store are prohibited.

- k. Accessory buildings and uses customarily incidental to the above permitted uses.

Sec. 11.03 USES PERMITTED BY SPECIAL USE.

In accordance with Article 16.00, Site Development Standards, and additional requirements deemed to be reasonable and necessary by the Planning Commission, in accordance with the guidelines established in Section 5.15, to assure adequate protection to surrounding properties and a sound stable development for the Township.

- a. Hospitals, convalescent homes, or nursing homes subject to the requirements of Section 16.01.
- b. Child care centers, nursery schools, day nurseries, not including dormitories subject to the requirements of Section 16.01.
- c. Temporary buildings or trailer offices incidental to construction.
- d. Off-premise advertising signs provided that any such sign shall be located not less than fifty (50) feet from the road right-of-way.
- e. Essential services, subject to the conditions and limitations contained in Section 6.03 (f).
- f. All permitted uses in the C-2, Community Commercial District as permitted in Section 12.02 except wholesale businesses.

Sec. 11.04 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

In accordance with Article 20.00, Schedule of Regulations.

**ARTICLE 12.00
C-2 COMMUNITY COMMERCIAL DISTRICT**

Sec. 12.01 STATEMENT OF INTENT.

The intent of the C-2 District is to provide a district where the community's overall commercial and business facilities can be centralized to most efficiently and effectively serve the general Township and adjacent areas, with a wide variety of compatible and/or accessory retail uses.

Sec. 12.02 PERMITTED USES AND STRUCTURES.

In all Community Commercial Districts, no building or part thereof shall be erected, used or structurally altered, nor land or premises used in whole or in part, except for one or more of the following permitted uses or structures:

- a. All permitted uses in the C-1 District as permitted in Section 11.02.
- b. Any retail business or wholesale businesses whose principal activity is the sale or rental of merchandise within a completely enclosed building.
- c. Business service establishments performing services on the premises such as office machine and typewriter repair; printing.
- d. Any service establishment of an office, showroom, or workshop nature within a completely enclosed building of a taxidermist, decorator, upholsterer, caterer, exterminator, building contractor (including electrical, glazing, heating, painting, paper hanging, plumbing, roofing, ventilating and plastering), excluding outside storage yards and similar establishments that require a retail adjunct.
- e. Photographic film developing and processing.
- f. Physical culture establishment, including gymnasiums, reducing salons, therapeutic massage practitioners, saunas, and commercial athletic clubs.
- g. Veterinary hospitals and clinics.
- h. Other uses similar to the above, subject to the following restrictions:
 - (1) All goods produced on the premises shall be sold at retail on the premises where produced.
 - (2) All business or servicing shall be conducted within a completely enclosed building.
- i. Bowling alley, indoor ice skating rinks and similar recreational uses.
- j. Private service clubs, fraternal organizations and lodge halls.

- k. Child care centers subject to the requirements of Section 16.01.

Sec. 12.03 USES PERMITTED BY SPECIAL USE.

In accordance with Article 16.00, Site Development Standards, and additional requirements deemed to be reasonable and necessary by the Planning Commission, in accordance with the guidelines established in Section 5.15, to assure adequate protection to surrounding properties and a sound stable development for the Township.

- a. Automobile service stations subject to the requirements of Section 16.01.
- b. Hospitals, convalescent homes, or nursing homes subject to the requirements of Section 16.01.
- c. Temporary buildings or trailer offices incidental to construction.
- d. Off-premise advertising signs, provided that any such sign shall be located not less than 50 feet from the roadway right-of-way.
- e. Communications facilities, radio and television subject to the requirements of Section 16.01.
- f. Essential services, subject to the conditions and limitations contained in Section 6.03 (f).
- g. All permitted uses in the C-3, General Commercial District as permitted in Section 13.02.

Sec. 12.04 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

In accordance with Article 20.00, Schedule of Regulations.

ARTICLE 13.00
C-3 GENERAL COMMERCIAL DISTRICT

Sec. 13.01 STATEMENT OF INTENT.

The intent of the C-3 General Commercial District is to provide areas where those commercial, business, and service uses which primarily cater to the motoring public, plus compatible and/or accessory uses, may be located without encroaching into other districts where their unique needs or circumstances would render them undesirable.

Sec. 13.02 PERMITTED USES AND STRUCTURES.

In all General Commercial Districts, no building or part thereof shall be erected, used or structurally altered, nor land or premises used, in whole or in part, except for one or more of the following permitted uses or structures:

- a. All permitted uses in the C-2 District as permitted in Section 12.02.
- b. Hotels and motels subject to the requirements of Section 16.01.
- c. Vehicle wash establishments subject to the requirements of Section 16.01.
- d. Outdoor automobile, mobile home, boat, trailer or home equipment rental or sales.
- e. Outdoor display and sale of garages, swimming pools, and similar uses.
- f. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar outdoor recreation uses.
- g. Uses similar to the above and no more injurious to abutting residential areas.
- h. Lumber yards.
- i. Accessory buildings and uses customarily incidental to the above permitted uses.
- j. Warehousing and material distribution centers.

Sec. 13.03 USES PERMITTED BY SPECIAL USE.

In accordance with Article 16.00, Site Development Standards, and additional requirements deemed to be reasonable and necessary by the Planning Commission, in accordance with the guidelines established in Section 5.15 , to assure adequate protection to surrounding properties and a sound stable development for the Township.

- a. Automobile repair garage.
- b. Drive-in theaters subject to the requirements of Section 16.01.

- c. Automobile service stations subject to the requirements of Section 16.01.
- d. Open-air business subject to the requirements of Section 16.01.
- e. Off-premise advertising signs, provided that any such sign shall be located not less than 50 feet from the road right-of-way.
- f. Essential services, subject to the conditions and limitations contained in Section 6.03 (f).

Sec. 13.04 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

In accordance with Article 20.00, Schedule of Regulations.

ARTICLE 14.00
LI, LIGHT INDUSTRIAL DISTRICT

Sec. 14.01 STATEMENT OF INTENT.

- a. The intent of the Light Industrial District regulations are established to apply to those light industrial areas and subdivisions developed according to the Frankenlust Township Master Plan to provide sites for manufacturing plants, distribution warehouses and similar uses. The regulations contained in the LI District are intended to maintain aesthetic values in the District, protect investments of the community and industries occupying the improved sites. To these ends, development is limited to uses that can be carried out in an unobtrusive manner, and maintain a compatibility with surrounding agricultural, residential or commercial areas.
- b. Minimum 20 acres shall be required for industrial park development.

Sec. 14.02 PERMITTED USES AND STRUCTURES.

In all Light Manufacturing Districts, no building or part thereof shall be erected, used or structurally altered, nor land or premises used, in whole or in part, except for one or more of the following permitted uses or structures:

- a. **Any of the following uses when carried out within a completely enclosed building:**
 - (1) The manufacturing, compounding, processing, packaging, treatment, or fabrication of products such as but not limited to: bakery goods, candy, ceramics, cosmetics, clothing, electrical and electronic equipment, jewelry, instruments, optical goods, pharmaceuticals, toiletries, food products (except fish, sauerkraut, vinegar, yeast, and rendering or refining of fats and oils), hardware, cutlery and pottery.
 - (2) The manufacturing, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (except planning mill), yarns, sheet metal, wax, and wire.
 - (3) Research, experimental, or testing laboratories.
 - (4) Assembly of electrical appliances, electronic instruments or precision devices, radios, phonographs (including the manufacture of parts), musical instruments, toys, novelties, sporting goods, and photographic equipment and the like.

- (5) Printing, lithographic, blueprinting and similar uses.
- (6) Tool, die, gauge, metal polishing and machine shops.
- (7) Warehousing and material distribution centers, and contractors' establishments.
- (8) Public utility buildings and uses, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations.
- (9) Other assembly or manufacturing uses, of a similar nature to the above, when located and arranged according to a plan providing for conditions in harmony with the district.

b. Accessory Uses and Buildings:

- (1) Storage of raw materials and supplies shall not be permitted except within a completely enclosed building. Finished or semi-finished products may, if properly screened from adjoining residences, streets and highways by a solid six (6) foot fence or wall, be stored in the open but not closer to a property line than the setback requirements, and in no case shall materials be stacked or stored so as to exceed the height of the fence.
- (2) Other accessory uses and buildings that are customarily incidental to the above permitted uses.

Sec. 14.03 USES PERMITTED BY SPECIAL USE.

In accordance with Article 16.00, Site Development Standards, and additional requirements deemed to be reasonable and necessary by the Planning Commission, in accordance with the guidelines established in Section 5.15, to assure adequate protection to surrounding properties and a sound and stable development for the Township.

- a. Small aircraft landing fields.
- b. Automobile repair garages, tire vulcanizing and recapping, undercoating, painting.
- c. Automobile service stations subject to the requirements of Section 16.01.
- d. Eating and drinking establishments when food or beverage is consumed only within a completely enclosed building.
- e. Adult regulated uses as defined herein and as regulated by Section 16.01.
- f. Essential services, subject to the conditions and limitations contained in Section 6.03 (f).

Sec. 14.04 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

In accordance with Article 20.00, Schedule of Regulations.

**ARTICLE 14.00-A
PUBLIC/RECREATIONAL**

Sec. 14.00-A-01 STATEMENT OF INTENT.

The intent of the public/Recreational District is to provide areas in the township that are solely dedicated to the needs of the public. Uses such as public schools; colleges and universities; community owned parks; playgrounds and recreational facilities; and buildings to serve the public such as fire stations; police stations; township offices and other buildings owned by the public.

Sec. 14.00-A-02 PERMITTED USES AND STRUCTERS.

In all Public/Recreational districts, no building or part thereof shall be erected, used or structurally altered, nor land or premises used in whole or in part, except for one or more of the following permitted uses or structures:

- a. All permitted uses of C-1 district.

**ARTICLE 14.00-B
PUD PLANNED UNIT DEVELOPMENT DISTRICT**

Sec. 14.00-B-01. DESCRIPTION AND PURPOSE. The use, area, height, bulk, and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal building on a lot. In certain large developments, these requirements would result in situations less in the interest of public health, safety, and welfare than if a controlled degree of flexibility were allowed. The PUD Planned Unit Development District is intended to permit and control the development of preplanned areas for various compatible uses allowed by the Frankenlust Township Zoning Ordinance and for other special uses not so provided as long as the proposed development is consistent with the current Township Master Plan.

It is intended that this District shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to this District. Areas may be zoned under this District when problems of size, shape, terrain, topography, adjacent uses, or natural resources may require special regulations.

Zoning under this chapter of any area of Frankenlust Township and all proceedings in regard thereto shall be done with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, fire or explosion hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, surface and groundwater quality, and other similar considerations having an effect on

public health, safety and general welfare.

Sec. 14.00-B-02. USE REGULATIONS. Land in the PUD District may be developed for any use permitted or allowed by special use permit in this ordinance.

Billboards are not permitted.

Sec. 14.00-B-03. PROCEDURES. Any RF, R-1, R-2, R-3, RT, RM, RMH, C-1, C-2, C-3, LI, or PR Zoning District in Frankenlust Township may be re-zoned a PUD Planned Unit Development District provided the procedures and requirements set forth in the following sections are met.

Sec. 14.00-B-04. PRELIMINARY DEVELOPMENT PLAN - SUBMISSION AND CONTENT. Applicants shall submit to the Secretary of the Planning Commission 12 copies of a preliminary development plan for distribution to Planning Commissioners, to the Planning Commission file and to any Planning Commission consultants. The plan shall set forth, in general terms, the proposed uses to be developed in the PUD District, and the following information:

- A. Legal description of property;
- B. Small scale sketch of properties, streets, and uses within one quarter mile of the area;
- C. A map to scale showing any existing or proposed arrangement of:
 - 1. streets;
 - 2. lots and buildings;
 - 3. access points;
 - 4. other transportation arrangements; and
 - 5. buffer strips; and
- D. A narrative describing:
 - 1. the overall objectives of PUD;
 - 2. method of financing;
 - 3. number of acres allocated to each proposed use;
 - 4. gross and net densities;
 - 5. proposed method of providing sewer and water service as well as other public and private utilities; and
 - 6. proposed method of providing storm drainage.

In addition to the above required information, the applicant shall submit a fee to cover the normal expenses of the Planning Commission and Township Board as set from time to time by resolution of the Township Board.

Sec. 14.00-B-05. PLANNING COMMISSION REVIEW OF PRELIMINARY DEVELOPMENT PLAN. The Planning Commission shall review the preliminary

development plan and make recommendations to the applicant based on all the requirements of this Ordinance and specifically the following considerations where applicable:

- A. Ingress and egress to property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire, catastrophe, or emergency;
- B. Off-street parking and loading areas where required, with particular attention to the items in subparagraph (1) above and the economic, noise, glare, or odor effects of each use in the PUD on adjoining properties and properties in the proposed PUD;
- C. Refuse and service areas with particular reference to the items in subparagraph (1) and (2) above;
- D. Utilities with reference to locations, availability, and character;
- E. Screening and buffering with reference to type, dimensions, and character;
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties in the proposed PUD;
- G. Required yards and other open space;
- H. General compatibility with adjacent properties and other property in the proposed PUD; and
- I. The general purposes and spirit of this Ordinance and the General Development Plan.

Sec. 14.00-B-06. TRANSMITTAL OF PLANNING COMMISSION

RECOMMENDATION. The Planning Commission shall transmit its recommendation to proceed or not to proceed with the provisions as herein provided, along with any recommended changes or modifications in the preliminary development plan to the applicant. A copy of the Planning Commission's recommendations shall be transmitted to the Township Board. During this time period, the Planning Commission may call an advisory public hearing for the purpose of receiving comments relative to the preliminary development plan giving such notice thereof as it shall deem appropriate.

Sec. 14.00-B-07. FINAL DEVELOPMENT PLAN SUBMISSION AND APPLICATION

FOR REZONING. After receiving the recommendations of the Planning Commission on the preliminary development plan, an applicant proceeding under this PUD Planned Unit Development District shall submit 12 copies of a final development plan to the Secretary of the Planning Commission for distribution to Planning Commissioners, to the Planning

Commission file, to the Township Board, for attachments to any ordinance amending the zoning ordinance and to any Planning Commission consultants.

Sec. 14.00-B-08. FINAL DEVELOPMENT PLAN CONTENT. The final development plan shall include such of the following information as the Planning Commission finds reasonably necessary:

- A. A plot plan based on an accurate certified property survey showing:
 - 1. location, size and type of present buildings to be retained or removed;
 - 2. location of proposed buildings or improvements;
 - 3. location of existing and proposed streets, drives, loading areas, and parking lots;
 - 4. location of water, sewer, and other utility lines;
 - 5. storm drainage;
 - 6. topographical features, including contour intervals no greater than five (5) feet;
 - 7. ditches and watercourses;
 - 8. ground cover and other pertinent physical features of site such as trees;
 - 9. proposed landscaping;
 - 10. location of existing improvement; and
 - 11. location of lot lines.
- B. Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings. Height and area of buildings and structures shall be described;
- C. The period of time within which the project will be completed;
- D. Proposed staging of the project, if any;
- E. Gross area in building and parking ratios;
- F. Gross and net densities;
- G. Delineation of the normal high water mark or the one hundred (100) year floodplain and any proposed uses therein;
- H. A description of all aspects of such plan which might have an adverse effect on public health, safety and welfare, or upon values of nearby properties, streams, or rivers;
- I. Current proof of ownership of land to be utilized or evidence of a contractual ability to acquire this land, such as an option or purchase contract;
- J. Method of financing; and

- K. Additional information which the Planning Commission may find reasonably necessary to evaluate the proposed PUD and its effect on the surrounding neighborhood and the Township in general.

Sec. 14.00-B-09. PUBLIC HEARING. The Planning Commission shall hold a public hearing in accordance with the provisions of this ordinance in Sec. 24.04 pertaining to amendments to this ordinance and applicable provisions of *2006 P.A. 110*, as amended, pertaining to planned unit developments for the purpose of receiving comments relative to the final development plan and the proposed rezoning.

Sec. 14.00-B-10. PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN. The Planning Commission shall consider the final development plan based on all the requirements of this Ordinance and specifically the considerations listed in Secs. 14.00-B-05 and 14.00-B-08 and shall, when appropriate, recommend that specific changes be made to conform with the spirit, purpose, intent and provisions of this Ordinance and the intent and purpose of the General Development Plan.

If the Planning Commission shall determine that the proposed use of the land as shown on the final development plan might have an enervating, debilitating or offensive effect on adjacent properties, whether industrial, commercial, residential or other, through the effects of noise, smoke, odor, dust and dirt, noxious gases, glare and heat, vibrations, fire or explosion hazards, liquid or solid industrial wastes, traffic, or adverse aesthetic effects, the Commission may require the owner, through the use of qualified technical persons and acceptable testing techniques, to demonstrate the devices which shall be utilized to control the factors determined to be offensive. Upon acceptance by the Planning Commission of such control devices, they shall be incorporated as a part of the final development plan.

Sec. 14.00-B-11. PLANNING COMMISSION APPROVAL OF THE FINAL DEVELOPMENT PLAN. The Planning Commission may approve the final development plan with changes, as it deems appropriate. Upon approval of the rezoning request by the Township Board, the final development plan, as approved by the Planning Commission, shall be incorporated into, and become a part of, the zoning ordinance text and map. In the event the Planning Commission does not approve the final development plan, it shall be returned to the applicant with appropriate notations as to why the development plan was not approved.

Sec. 14.00-B-12. REZONING BY THE TOWNSHIP BOARD. After the Planning Commission has approved or disapproved the final development plan, the Township Board shall act upon the rezoning request. Approval of the rezoning request shall be in accord with the procedures established in this Ordinance. In the event the Township Board disapproves the rezoning request, it shall notify the applicant, stating the reasons.

Sec. 14.00-B-13. GENERAL PROVISION: PUD PLANNED UNIT DEVELOPMENT DISTRICTS.

- A. Minimum Size - In order to be zoned as a PUD District, the proposed area shall consist of at least five (5) acres and have a minimum of two hundred (200) feet of frontage.
- B. Maximum Densities - For the purposes of this chapter, maximum densities shall be determined on the basis of the gross area of the proposed PUD District.
- C. Sewer and Water Service - In the event public sewer and/or water service is not available at the time of development, a PUD may utilize a private sewer and/or water system, provided each sewer and/or water system is approved by the Bay County Department of Water and Sewer, the Township Board and the Township Engineer. At such time as public sewer and/or water service is available, the developer shall make arrangements to connect to said sewer and/or water system.
- D. Performance Bonds - The Planning Commission is empowered to require a performance bond or certified check in an amount up to the estimated cost of improvements associated with the project. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site development plan; if not, said performance bond shall be forfeited. The Township shall rebate a proportional share of the deposit, shown requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. The Zoning Administrator may, at his discretion, call upon professional assistance from the Township Engineer or the Township Planner. In cases where the provisions of the final development plan, as approved, have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to return the property to a safe and healthy condition; and the balance, if any, shall be returned to the applicant.
- E. Time Limitations on Development - Each PUD shall be under construction within one year after the date of final approval by the Township Board and the Planning Commission. If the development does not fulfill this requirement, the Planning Commission may initiate rezoning back to the zoning in effect at the time of PUD rezoning.
- F. Required Improvements Prior to Issuance of Occupancy Permit - The Planning Commission is hereby empowered to impose a condition that all required improvements be constructed and completed prior to issuing an occupancy permit. In the event that such improvements are partially completed to the point where occupancy would not impair the health, safety, and general welfare of residents, but are not fully completed, the Planning Commission may, upon the recommendation of the Zoning Administrator, grant an occupancy permit so long as the developer deposits a performance bond with the Township Clerk in an

amount equal to the cost of the improvements yet to be made; the improvements to be completed within one year of the date of issuance of the occupancy permit.

- G. The Planning Commission and the Township Board are specially authorized to require the recording of a plat in connection with any such application when such would be required by the *Land Division Act, 1967 P.A. 288*, as amended (particularly by *1996 P.A. 591*), of the State of Michigan.
- H. Additional Provisions - All of the provisions of the Zoning and other ordinances of the Township shall control in the PUD District except where inconsistent with PUD provisions in which case the provisions of the PUD District shall supersede and control any other such provisions.
- I. In the event that any section, clause or provision of this PUD District shall be declared by a court to be invalid, the same shall not affect the validity of this section as a whole, or any part thereof, other than the part so declared to be invalid.
- J. Any proposed Planned Unit Development shall be consistent with the current Township Master Plan.

Sec. 14.00-B-14. SIGNS IN THE PUD DISTRICT. In the PUD District, signs shall be regulated according to the provisions of the District most nearly appropriate to the PUD under consideration.

**ARTICLE 15.00
PLANNING COMMISSION**

Sec. 15.01 TOWNSHIP PLANNING COMMISSION.

The Frankenlust township Planning Commission is created as specified in 2008 P.A. 33, as amended, being the Michigan Planning Enabling Act. The Planning Commission shall have all powers, duties and responsibilities as provided to it in that Act and in 2006 P.A. 110, the Michigan Zoning Enabling Act, together with such other powers and duties as are given to such Planning Commission by the provisions of this ordinance, including authority to act on all matters requiring the approval or recommendation of such Planning Commission.

Sec. 15.02 APPOINTMENT, MEMBERSHIP, TERMS, VACANCY, REPRESENTATION, QUALIFICATIONS, *EX-OFFICIO* MEMBER, REMOVAL OF MEMBER, COMPENSATION AND FUNDING.

- a. The township supervisor shall appoint members of the Planning Commission, subject to approval by a majority vote of the members of the Township Board, elected and serving.
- b. The Planning Commission shall consist of five, seven, or nine members. Other than *ex-officio* members appointed as provided in subsection e, below, members shall be appointed for three-year terms. A number of members of the Planning Commission first appointed, other than *ex-officio* members, shall be appointed to one-year or two-year terms such that, as nearly as possible, the terms of 1/3 of all the Planning Commission members will expire each year. If a vacancy occurs on the Planning Commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until his or her successor is appointed.
- c. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable.
- d. Members of the Planning Commission shall be qualified electors of the township, except that one member may be appointed who is not a qualified elector of the township.
- e. One member of the Township Board shall be appointed to the Planning Commission, as an *ex-officio* member. Except as provided in this subsection, an elected official or employee of the township is not eligible to be a member of the Planning Commission. The term of the *ex-officio* Township Board member of the Planning Commission shall expire with his or her term on the Township Board.

- f. The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the members shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by any bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.
- g. Planning Commission members may be compensated for their services as provided by the Township Board. The Planning Commission may adopt bylaws relative to compensation and expenses of members and employees for travel when engaged in the performance of activities authorized by the Township Board, including, but not limited to, attendance at conferences, workshops, educational and training programs, and meetings.
- h. The Planning Commission shall make an annual written report to the Township Board concerning its operations and status of planning activities, including recommendations regarding actions by the Township Board relating to planning and development.
- i. The Planning Commission may accept gifts for the exercise of its functions. However, only the Township Board may accept such gifts on behalf of the Planning Commission. A gift of money so accepted shall be deposited with the township treasurer in a special non-reverting Planning Commission fund for expenditure by the Planning Commission for the purpose designated by the donor. The treasurer shall draw a warrant against the special non-reverting fund only upon receipt of a voucher signed by the chairperson and secretary of the Planning Commission and an order drawn by the township clerk. The expenditures of the Planning Commission, exclusive of gifts and grants, shall be within the amounts appropriated by the Township Board.

Sec. 15.03 OFFICERS, MEETINGS, PROFESSIONAL ADVISORS AND RULES.

- a. The Planning Commission shall elect a chairperson, vice-chairperson and secretary from its members and create and fill such other offices as it considers advisable. An *ex-officio* member of the Planning Commission is not eligible to serve as chairperson. The Commission may appoint advisory committees outside of its membership. The term of each officer shall be one year.
- b. The Planning Commission shall hold not less than four regular meetings each year, and by resolution shall determine the time and place of the meetings. Special meetings may be called by the chairperson or by other members, upon written request to the secretary. The secretary shall send written notice of a special meeting to Planning Commission members not less than 48 hours before the meeting. The business that a Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act, 1976 PA 267.

- (1) The Township Board, upon recommendation of the Planning Commission, may employ a planning director or other planning personnel, contract for the part-time or full-time services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.
- d. The Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations. It shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

Sec. 15.04 RESPONSIBILITY FOR PREPARATION AND ADOPTION OF MASTER PLAN; PLAN CONTENT.

- a. The Planning Commission shall make and approve a master plan as a guide for development within the planning jurisdiction. The plan shall include maps, plats, charts and descriptive, explanatory and other related matter and shall show the Planning Commission's recommendations for physical development within the planning jurisdiction.
- b. The master plan shall include those of the following subject which reasonably can be considered as pertinent to the future development of the Township:
 - (1) A land use plan and program, in part consisting of a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forest, wildlife refuges, and other uses and purposes;
 - (2) The general location, character and extent of streets, roads, highways, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways and waterfront developments; flood prevention works, drainage, sanitary sewers and water supply systems; works for preventing pollution and works for maintaining water levels; and public utilities and structures;
 - (3) Recommendations as to the general character, extent and layout for the redevelopment or rehabilitation of blighted districts and slum areas; and the removal, relocation, widening, narrowing, vacating, abandonment, changes or use or extension of streets, ways, grounds, open spaces, buildings, utilities or other facilities; and
 - (4) Recommendations for implementing any of the master plan's proposals.

Sec. 15.05 APPROVAL OF PUBLIC IMPROVEMENTS.

- a. A street, square, park, playground, public way, ground or other open space; or public building or structure, shall not be constructed or authorized for construction in an area covered by a municipal master plan unless the location, character and extent thereof shall have been submitted to the Planning Commission by the Township Board or other body having jurisdiction over the authorization or financing of the project and has been approved by the Planning Commission.

- b. The Planning Commission shall submit its reasons for approval or disapproval to the body having jurisdiction, which shall have the power to overrule the Planning Commission by a recorded vote of not less than a majority of its entire membership. If the Planning Commission fails to act within 35 days after submission of the proposal to the Planning Commission, the project shall be considered to be approved by the Planning Commission.

ARTICLE 16.00
SITE DEVELOPMENT REQUIREMENTS

Sec. 16.01 APPLICATION.

Those permitted uses and uses permitted by special use enumerated in any zoning district, and if included below, shall be subject to all the conditions and requirements of this Article and Article 17.00.

a. Churches.

- (1) Minimum lot width shall be one hundred and fifty (150) feet.
- (2) Minimum lot area shall be two (2) acres.
- (3) Off-street parking shall be prohibited within the front yard setback areas as required in Article 20.00.

b. Drive-In Theaters.

- (1) The lot location shall be such that at least one (1) property line abuts a paved County or State primary road and shall be at least five hundred (500) feet from any residential district or existing residence. All ingress and egress to the lot shall be directly onto said primary road.
- (2) The premises shall be enclosed with a solid screen fence eight (8) feet in height.
- (3) All points of entrance or exit shall be located no closer than two hundred and fifty (250) feet to any intersection of a street or road (as measured to the nearest intersection right-of-way line).
- (4) Space shall be provided, on-premises, for fifty (50) waiting vehicles to stand at the entrance to the facility.
- (5) The theater screen shall not be visible to a State or County primary road or any residential district or existing residence.

c. Motel or Motor Court.

- (1) Each unit of commercial occupancy shall contain a minimum of two hundred and fifty (250) square feet of gross floor area.
- (2) When adjacent to a residential district or existing residence, a masonry wall, six (6) feet in height, shall be erected on the common property line.

d. **Drive-In Restaurant.**

- (1) The main and accessory buildings shall be set back a minimum of sixty (60) feet from any adjacent right-of way line or residential property line.
- (2) A six (6) foot high masonry obscuring wall shall be provided adjacent to any residential district or existing residence.

e. **Child Care Centers; Nursery Schools; Day Nurseries.**

- (1) Nursery schools and day nurseries for children of preschool age shall provide a lot area of not less than seven hundred (700) square feet for each child enrolled therein.
- (2) For each child cared for, there shall be provided, equipped and maintained, on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor play area [minimum total area of five thousand (5,000) square feet per facility].
- (3) The outdoor play area shall be suitably fenced and screened by a heavily planted greenbelt from any abutting residential uses.

f. **Hospitals.**

- (1) Minimum lot area shall be twenty (20) acres.
- (2) The lot location shall be such that at least one (1) property line abuts a paved County primary or State highway. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said County primary or State highway.
- (3) Minimum setback for main and accessory building shall be one hundred (100) feet.
- (4) Ambulance and emergency entrance areas shall be visually screened from the view or adjacent residential uses by a structure or by a masonry wall of six (6) feet or more in height.
- (5) No power plant or laundry shall be located nearer than three hundred (300) feet to any adjacent residential use.

g. **Open-Air Business.**

- (1) Minimum lot area shall be ten thousand (10,000) square feet.
- (2) Minimum lot width shall be one hundred (100) feet.

- (3) Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
- (4) In the case of car sales lots:
 - (a) All areas subject to vehicular use shall be covered with a durable dust-free surfacing, with appropriate bumper guards where needed.
 - (b) Lighted parking areas shall not create a nuisance for nearby properties.
- (5) In the case of a plant materials nursery:
 - (a) The storage of materials display areas shall meet all the yard setback requirements applicable to any building in the district. All loading activities and parking areas shall be provided on the same premises (off-street).
 - (b) The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect upon adjacent properties.
- (6) In the case of sales of cut trees intended to be displayed during the Christmas Season, a temporary permit shall be obtained from the Building Inspector which shall require that all Christmas trees as well as any poles, lights, wires, or other items incidental to this use shall be removed from the premises by December 31st, and no trees shall be stored or displayed nearer the street than the front right-of-way line, furthermore, that off-street parking shall be provided in accordance with the regulations for open-air business uses.

h. Radio and Television Towers.

- (1) The setbacks for each tower from adjacent rights-of way and/or property lines shall be not less than one (1) time the height of each tower above the ground.
- (2) Unless specifically waived by the Planning Commission an open-weave wire fence six (6) feet in height shall be constructed on the boundary property lines.

i. Automobile Service Stations.

- (1) Minimum lot area shall be fifteen thousand (15,000) square feet for an automobile service station or repair garage.
- (2) Minimum lot width shall be not less than one hundred and twenty (120) feet.

- (3) An automobile service station building shall be located not less than forty (40) feet from any right-of-way line and not less than twenty-five (25) feet from any side or rear lot line abutting residentially zoned property.
- (4) Ingress and egress drives shall not be more than thirty (30) feet in width.
- (5) No more than one (1) curb opening shall be permitted for every fifty (50) feet of frontage (or major fraction thereof) along any street.
- (6) No drive or curb opening shall be located nearer than twenty-five (25) feet to any intersection or adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the Township it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- (7) A raised curb of six (6) inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings, in such areas where public roadways meet the same standards.
- (8) The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- (9) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- (10) When adjoining residentially zoned property, a six (6) foot masonry wall shall be erected and maintained along the connecting interior lot line, or if separated by an alley, than along the alley lot line. All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within twenty-five (25) feet of any right-of-way line, subject to approval by the Township.
- (11) All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five (5) foot masonry wall and shall comply with requirements for location of accessory buildings. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted for a period exceeding five (5) days.
- (12) The sale of new or used cars, trucks, trailers, and any other vehicles on the premises is expressly prohibited.

- (13) All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
- (14) Any signage shall meet the requirements of Section 5.16.
- (15) On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this Ordinance.

j. Private Swimming Pools.

- (1) For permanent above or below ground swimming pools, and for portable pools with a diameter exceeding twelve (12) feet or an area exceeding one hundred (100) square feet, a building permit must be obtained for its alteration, erection and construction. The application for such permit shall include the name of the owner, the manner of supervision of the pool, a plot plan showing the dimensions and site location of the pool plus nearby buildings, fences, gates, septic tanks, tile fields, public utilities, and easements. The application for a below ground pool shall be accompanied by plans and specifications to scale of the pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping and valve layout. Any other information affecting construction and safety features deemed necessary by the Township or the County Health Department shall also be submitted.
- (2) No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.
- (3) Minimum side yard setback shall comply with required side yard spaces specified for the zoning district wherein the pool is located. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear or side yard setback shall not be less than ten (10) feet between the pool outside wall and the side or rear property line, or less than four (4) feet between pool wall and any building on the lot.
- (4) All swimming pools shall be completely enclosed by a chain-link fence or a fence of comparable safety not less than four (4) feet or more than six (6) feet in height, and set at a distance of not less than four (4) feet from the outside perimeter of the pool wall. Except, that if a building is located on a lot not having any means of public access, a fence shall not be required on any such side, except for swimming pools above grade (e.g., portable) which have a side wall with a smooth surface not less than four (4) feet in height and with all means of access being secured, raised and /or locked to prevent unauthorized use. All openings in any such fence or building shall be equipped with a self-closing, self-latching gate or door which shall be securely locked with a tamper-proof lock when the pool is not in use. Provided, however, that if the entire premises is enclosed by fence or wall, then said

fence requirements may be waived by the Township, after due inspection and approval.

- (5) All electrical installations or wiring in connection with below-ground swimming pools shall conform to the provisions of the National Electrical Code or equivalent. If service drop conductors or other utility wires cross under or over the proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of the swimming pool.
- (6) A private swimming pool shall be located only in the rear yard.

k. Convalescent or Nursing Homes.

- (1) Minimum lot size shall be three (3) acres.
- (2) The lot location shall be such that at least one (1) property line abuts a paved County primary. The ingress and egress for off-street parking areas for guests and patients shall be directly from said County primary road.
- (3) The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
- (4) The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking areas, driveways, required yard setbacks and accessory uses.

l. Kennels.

- (1) All kennels shall be operated in conformance with all County and State regulations, permits being valid no longer than one (1) year.
- (2) For dog kennels, the minimum lot size shall be two (2) acres for the first four (4) dogs and an additional one (1) acre for each ten (10) additional animals.
- (3) Buildings where animals are kept, animal runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

m. Golf Courses; Country Clubs.

- (1) Minimum lot size shall be sixty (60) acres.
- (2) A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department and the Township Building Code.

- (3) The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

n. **Vehicle Wash Establishments.**

- (1) Minimum lot size shall be ten thousand (10,000) square feet.
- (2) All washing activities must be carried on within a building.
- (3) Vacuuming activities must be carried out only in the rear yard and at least fifty (50) feet distance from any adjoining residential use.
- (4) The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.

o. **Stables (Private and Public).**

- (1) For breeding, rearing and housing of horses, mules and domesticated farm animals, the minimum lot size shall be ten (10) acres, except that up to two (2) saddle horses, ponies or other domesticated farm animals may be housed and reared on lots of at least five (5) acres but less than ten (10).
- (2) A stable shall not be located nearer than sixty (60) feet to any property line and not nearer than one hundred (100) feet to any dwelling.
- (3) Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than sixty (60) feet to any adjacent premises.
- (4) The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

p. **Roadside Stand.** No roadside stand shall be operated on a State highway or other roadway within the Township for more than four weeks in any calendar year, except in compliance with the following:

- (1) The gross floor area of the temporary building shall be not less than fifty (50) square feet but not more than two hundred and fifty (250) square feet.
- (2) Suitable containers for rubbish shall be placed on the premises for public use.
- (3) The temporary building shall be located not less than twenty-five (25) feet from the public road right-of-way. Its height shall be no more than one (1) story.

- (4) Off-street parking may be provided in the required front yard setback area, and shall be constructed in accordance with Article 18.00 except hard-surfacing shall not be required.

q. **Campgrounds; Travel Trailer Parks.**

- (1) Minimum lot size shall be ten (10) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park. Each lot shall be provided with at least one (1) public telephone.

r. **Junkyards.**

- (1) Minimum lot size shall be ten (10) acres.
- (2) The setback from the front property line to the area upon which junk materials are stored shall be not less than fifty (50) feet and said area shall be screened from the roadway and from any adjoining residential or business uses by an obscuring fence six (6) feet in height. Said fence to be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it.
- (3) All structures and fencing and used material storage yards shall be set back not less than fifty (50) feet from any street or highway right-of-way.
- (4) All roads, driveways, parking lots, and loading and unloading areas within any junkyard shall be paved, oiled, watered or chemically treated so as to limit for adjoining lots and public roads, the nuisance caused by windborne dust.

s. **Wireless Communications Facilities**

It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

(1) **Purpose and Intent.**

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, the regulations included in this Ordinance further intend to:

- (a) Facilitate adequate and efficient provision of sites for wireless communication facilities.

- (b) Establish predetermined districts or zones of the number, shape, and in the location, considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
- (c) Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.
- (d) Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
- (e) Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
- (f) Promote the public health, safety and welfare.
- (g) Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
- (h) Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
- (i) Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this section.
- (j) The Township finds that the presence of numerous tower structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, would have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to

the maintenance and promotion of property values, and further recognizing that this economic component plays an important part in the promotion of the public health, safety and welfare.

(2) **Development Regulations.**

All wireless communications facilities, as defined in Article 3, shall be developed in accordance with the following minimum specifications and standards:

(a) **Standards and Conditions Applicable to All Facilities.**

All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission in its discretion:

- (i) Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
- (ii) Facilities shall be located and designed to be harmonious with the surrounding areas.
- (iii) Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- (iv) Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
- (v) The following additional standards shall be met:
 - A. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
 - B. The setback of the support structure from any residential district shall be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.

- C. Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the accessory structures shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located.
- D. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
- E. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
- F. Where an attached wireless communication facility is proposed on the roof of a building and if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
- G. The Planning Commission shall, with respect to the color of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
- H. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical

engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

- I. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

- (vi) The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in this subsection. In this regard, the security shall, at the election of the Township, be in the form of: (a) cash; (b) surety bond; (c) letter of credit; or, (d) an agreement in a form approved by the attorney for the community and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the community in securing removal.

(c) **Location Authorization.**

When new wireless communication facilities are proposed, the facilities shall be located in accordance with the following specifications:

- (i) In a Zoning District where the use is specifically described as a permitted use or a special use; or
- (ii) On a site owned by the Township; or
- (iii) On a part of the Delta College campus site in Section 3 of the Township;

(c) **Standards and Conditions Applicable to Special Land Use Facilities.**

Applications for wireless communication facilities which may be approved as special land uses under the provisions of this Zoning Ordinance shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions

previously described in this subsection and in accordance with the following standards:

- (i) The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
 - A. Proximity to an interstate or major thoroughfare.
 - B. Areas of population concentration.
 - C. Concentration of commercial, industrial, and/or other business centers.
 - D. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - E. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - F. Other specifically identified reason(s) creating facility need.
- (ii) The proposal shall be reviewed in conformity with the co-location requirements of this subsection.

(3) **Co-Location of Wireless Communication Facilities.**

It is the policy of the Township to minimize the overall number of locations for wireless communication facilities and Wireless Communication Support Structures within the community, and encourage the use of existing structures for Attached Wireless Communication Facility purposes, consistent with the statement of purpose and intent, set forth in this subsection. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of these regulations. If a provider fails or refuses to permit co-location on a facility owned or otherwise controlled by it, where co-location is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with this policy.

(4) **Feasibility of Co-Location.**

Co-location of wireless communications facilities shall be deemed to be "feasible" for purposes of this Ordinance where all of the following are met:

- (a) The wireless communication provider under consideration for co-location will undertake to pay market rent or other market compensation for co-location .
- (b) The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- (c) The co-location being considered is technologically reasonable, that is, the co-location will not result in unreasonable interference to or from other nearby equipment, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
- (d) The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained in parts this subsection.

(5) **Requirements for Co-Location.**

- (a) Approval for development and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.
- (b) All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location .
- (c) The policy of the community is for co-location. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- (d) If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible co-location, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible co-location shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a

period of five (5) years from the date of the failure or refusal to permit the co-location. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

(6) **Removal of Equipment.**

A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

- (a) When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
- (b) One hundred eighty (180) days after new technology is available at reasonable cost, as determined by the Planning Commission, which permits the operation of the communication system without the requirement of the support structure.
- (c) The situations in which removal of a facility is required, as set forth in paragraph (a) above, may be applied and limited to portions of a facility.
- (d) Upon the occurrence of one or more of the events requiring removal, specified above, the property owner or persons who had used the facility shall immediately make application to secure any required demolition or removal permits, and upon approval of the permits, immediately proceed with and complete the demolition or removal, restoring the premises to an acceptable condition as reasonably determined by the Township.
- (e) If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

t. **Bed and Breakfast Inns.**

Bed and breakfast inns shall be subject to the following regulations:

- (1) **Bed and Breakfast as Accessory Use.**

The bed and breakfast operations shall be clearly incidental to the principal residence on the site. Accordingly, the bed and breakfast operations shall be confined to a part of the single-family dwelling unit that is the principal dwelling on the site.
- (2) **Maximum Number of Units.**

No more than ten (10) bed and breakfast sleeping rooms shall be established in a bed and breakfast dwelling unit. However, the Planning Commission may limit the number of sleeping rooms based on site or building limitations and principles of good design.
- (3) **Principal Residence.**

The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.
- (4) **Kitchen Facilities.**

There shall be no separate cooking facilities for the bed and breakfast operation, other than those which serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast inn. Dining space sufficient to seat all guests shall be provided.
- (5) **Building Requirements**

A building used for bed and breakfast operations shall comply with the following minimum requirements:

 - (a) There shall be at least two (2) exits to the outdoors.
 - (b) Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants. Rooms shall be designed to accommodate no more than two (2) occupants.
 - (c) Each sleeping room shall be equipped with a smoke detector. A fire escape plan shall be graphically displayed in each guest room. A fire extinguisher in proper working order shall be placed on every floor.
 - (d) At least one bathroom shall be provided for each two rooms on the same floor.
- (6) **Parking.**

Not less than one off-street parking space shall be provided for each bed and breakfast guest room. Off-street parking in the front yard is prohibited.
- (7) **Signs.**

A bed and breakfast inn shall be permitted to install a nameplate identification sign in accordance with the provisions of Section 5.16.

u. **Adult Book or Supply Stores, Adult Motion Picture Theaters, Adult Live Stage Performing Theaters, Adult Outdoor Motion Picture Theaters, Group "A" Cabarets, and Massage Parlors or Massage Establishments.**

In the development and execution of this Ordinance and this Section, it is recognized that there are certain uses which, because of their very nature, have serious objectionable characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. The special regulations in this section are intended to prevent a concentration of these uses in any one area, so as to prevent the blighting, deterioration, or downgrading of an area. The following requirements are intended to accomplish these purposes:

- (1) The establishment of the types of Adult Regulated Uses listed below shall be prohibited if the establishment of such use will constitute the second such use within a one thousand (1,000) foot radius (that is, not more than one such establishment within one thousand (1,000) feet of another such establishment). The distance between uses shall be measured between the nearest property lines.
 - (a) Adult Book or Supply Stores
 - (b) Adult Motion Picture Theaters
 - (c) Adult Motion Picture Arcade
 - (d) Adult Motel
 - (e) Adult Model Studio
 - (f) Adult Live Stage Performing Theaters
 - (g) Adult Outdoor Motion Picture Theaters
 - (h) Group "A" Cabarets
 - (i) Massage Parlors or Massage Establishments, excluding Therapeutic Massage Practitioner, as defined.
- (2) It shall be unlawful to hereafter establish any Adult Regulated Use if the proposed regulated use will be within a six hundred (600) foot radius of the following:
 - (a) Any "Class C" establishment licensed by the Michigan Liquor Control Commission.

- (b) Pool or billiard halls.
- (c) Coin-operated amusement centers.
- (d) Disco or dance centers which typically cater to teens.
- (e) Ice or roller skating rinks.
- (f) Pawn shops.
- (g) Indoor or drive-in movie theaters.
- (h) Public parks, playgrounds, or other recreation uses.
- (i) Churches, convents, monasteries, synagogue, or similar religious institutions.
- (j) Day care centers or nurseries.
- (k) Any public, private or parochial nursery, primary, or secondary school.
- (l) Any residentially used or zoned land, including land that is zoned AG, RF, R-1, R-2, R-3, RT, RM, RMH, or WC.

The distance between uses shall be measured between the nearest property lines.

- (3) The building and premises shall be designed and constructed so that material depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined in this Ordinance) cannot be observed by pedestrians or from vehicles on any public right-of-way. This provision shall apply to any display, decoration, sign, show window, or other opening.

v. Uses in the M-84 Corridor

(1) The Provisions of this subsection are intended to:

- (a) Promote safe and efficient travel within the M-84 corridor.
- (b) Minimize disruptive and potentially hazardous traffic conflict.
- (c) Increase safe access by emergency vehicles.
- (d) Protect the substantial public investment in the road system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow.

- (e) Separate traffic conflict areas by reducing the number of driveways.
- (f) Provide safe spacing standards between driveways and between driveways and intersections.
- (g) Provide for shared access between abutting properties.
- (h) Ensure reasonable access to properties, though not always by the most direct access.

(2) Description

- (a) The provisions of this subsection apply only to segments of M-84 that are divided by a median or boulevard strip and to a depth extending along a line six hundred sixty (660) feet in length, perpendicular from the centerline of the M-84 right-of-way. Only that property within this corridor that has frontage on M-84 or access to M-84 via easements across property with frontage on M-84 shall be subject to the provisions of this subsection. Single-family residential and agricultural driveways are exempt.
- (b) Any development within the corridor described in subpart (a) shall comply with the provisions of this subsection. In instances where there is a conflict between a provision of this subsection and some other zoning ordinance provision, the provision of this subsection shall control. A development must also comply with all other applicable zoning ordinance requirements.

(3) Access

- (a) Each contiguous parcel or lot under common ownership as of the adoption date of this subsection ("parent parcel") with less than four hundred fifty (450) feet of M-84 frontage within the corridor described in part (2)(a) shall be entitled to one (1) driveway or road access per parcel onto M-84. Where a lot or parcel has access to M-84 via an easement across property with less than four hundred fifty (450) feet of M-84 frontage, such lot or parcel shall use the same M-84 driveway as the frontage parcel.
- (b) All driveways or access points located on parcels with more than four hundred fifty (450) feet of M-84 frontage shall be at least four hundred fifty (450) feet from the nearest access point on the same or adjacent parcels.
- (c) A second driveway may be permitted if the Frankenlust Township Planning Commission determines in its sole discretion that topographic conditions on the site, curvature on the road, parcel size

or shape, or sight distance limitations demonstrate a second driveway within a lesser distance is safer, or the nature of the land use to be served requires a second driveway

- (d) Where a parcel is divided by M-84, each portion of the parcel on either side of M-84 shall be entitled to access according to this subsection.
- (e) All subsequent land divisions of a parent parcel shall not increase the number of driveways or road accesses beyond those entitled to the parent parcel on the effective date of this subsection.
- (f) Residential and farm access driveways are exempt from this regulations.
- (g) The location, design and construction of any driveway directly accessing M-84 shall be approved by the MDOT.
- (h) The location and design of any driveway access from M-84, acceleration, deceleration, or taper shall be approved by the MDOT.

(4) Shared Access/Service Drives

- (a) The use of shared access, parking lot connections and service drives in conjunction with driveway spacing, is intended to preserve traffic flow along M-84 and to minimize traffic conflict, while retaining reasonable access to an owner's property. Where noted above, or where the Planning Commission determines that restricting new access points or reducing the number of existing access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, then access from a side street, a shared driveway, a parking lot connection, or service drive connection to M-84 or collector street may be required. However, where traffic safety would be improved, and the driveway spacing requirements of this ordinance can be met, then direct connection to M-84 or collector street may be allowed in addition to a required service drive.
- (b) In particular, shared access, service drives, or a connection between abutting land uses may be required in the following cases:
 - (i) Where the driveway spacing standards of this subsection cannot be met.
 - (ii) When the driveway could potentially interfere with traffic operations at an existing or planned traffic signal location.

- (iii) The site is along a collector with high traffic volume, or along segments of M-84 or a collector experiencing congestion, or a relatively high number of crashes.
 - (iv) The property frontage has limited sight distance.
 - (v) The fire or emergency services department recommends a second means of emergency access.
- (c) In areas where frontage roads or rear service drives are recommended, but adjacent properties have not yet developed, the site shall be designed to accommodate a future road/facility designed according to the standards cited in this Ordinance. The Planning Commission may approve temporary access points where a continuous service drive is not yet available and a performance guarantee is accepted to assure elimination of temporary access when the service road is constructed. (See subpart (5) Service Drive Standards, below).

(5) Service Drive Standards

- (a) The standards for all service drives shall be as follows:
 - (i) Site Plan Review – To ensure safe and adequate continuity of a service drive between contiguous parcels, all such service drives shall be reviewed and considered for approval by the Planning Commission as part of the site plan review process.
 - (ii) Front and Rear Service Drives – A front or rear service drive may be established on property that abuts only one public road.
 - (iii) Location – Service roads shall generally be parallel to the front property line and may be located in front of or behind principal buildings. Such service roads may be placed in required yards at the discretion of the Planning Commission. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing and proposed buildings and anticipated traffic flow for the site.
 - (iv) Access Easement – A service drive shall be within an access easement permitting traffic circulation between properties. The easement shall be recorded with the Bay County Register of Deeds.
 - (v) Snow Storage and Landscaping Areas – A minimum of six (6') feet of snow storage/landscaping area shall be reserved along both sides of any service drive.

- (vi) Frontage Road and Service Drive Intersections – Frontage road and service drive intersections with a collector street or M-84 shall be approved by the Bay County Road Commission or MDOT.
- (vii) Driveway Entrance – The Planning Commission shall approve the location of all access to any service drive. Access to a service drive shall be located so that there is no undue interference with the free movement of service drive and emergency vehicle traffic, where there is safe sight distance, and where there is a safe driveway grade.
- (viii) Driveway Radii – All driveway radii for service drives shall be approved by the township engineer.
- (ix) Acceleration Lanes and Tapers – The location and design of the driveway access, acceleration, deceleration, or taper for service drives shall be approved by the township engineer.
- (x) Elevation – The elevation of a service drive shall be uniform or gently sloping between adjacent properties.
- (xi) Service Drive Maintenance – No service drive shall be established on existing public right-of-way. The service drive shall be a public street (if dedicated and accepted by the Bay County Road Commission) or a private road, if permitted, and maintained by the adjoining property owners it serves who shall enter into a formal agreement for its joint maintenance. The agreement shall also specify who is responsible to pay taxes on it and for enforcing speed limits, parking and related vehicular activity on the service drive. The agreement shall be approved by the Frankenlust Township attorney and recorded with the Bay County Register of Deeds.
- (xii) Landscaping – Landscaping areas along the service drive shall be planted with suitable plantings appropriately spaced and kept in living condition by the developer, owner, or property owners' association.
- (xiii) Parking Areas – All separate parking areas (those that do not use joint parking cross access) shall have no more than one access point or driveway on the service drive.
- (XIV) Parking – the service road is intended to be used exclusively for circulation, and not for vehicle parking, loading or unloading. Parking shall be prohibited along two-way frontage roads and service drives. One-way roads or two-way roads designed with additional width for parallel parking may be allowed if it can be

demonstrated that on-street parking will not significantly affect the capacity, safety or operation of the frontage road or service drive. Perpendicular or angle parking along either side of a designated frontage road or service drive is prohibited. The Planning Commission may require the posting or “no parking” signs along the service road.

- (xv) Directional Signs and Pavement Markings – Pavement markings may be required to help promote safety and efficient circulation. The property owner shall be required to maintain all pavement markings.
- (xvi) Alternate Cross Access – In the case of expansion, alteration to redesign of existing development where it can be demonstrated that preexisting conditions prohibit installation of a frontage road or service drive in accordance with these standards, the Planning Commission shall have the authority to allow and/or require alternate cross access between adjacent parking areas through the interconnection of main circulation aisles. Under these conditions, the aisles serving the parking stalls shall be aligned perpendicularly to the access aisle, with islands, curbing and signage to further delineate the edges of the route to be used by through traffic.

(6) Temporary Access

- (a) Temporary access may be approved with conditions for a development located in the described corridor that plans road improvements and installation of service drives and shared driveways that would eliminate the need for the temporary driveway.
- (b) Conditions may be included in the temporary access approval including but not limited to, a limitation on development intensity on the site until adjoining parcels develop which can provide a shared driveway, shared access via a service drive, and/or cross parking lot connection consistent with the requirements of this subsection.
- (c) A site plan for property that cannot meet the access requirements of this subsection and has no alternative means of reasonable access to the public road system may be approved with a temporary access. When adjoining parcels develop which can provide a shared driveway, shared access via a service drive or a cross parking lot connection, the temporary access approval shall expire.
- (d) The Township may require a performance guarantee in the form of cash, a bond, or bank letter of credit in an amount sufficient to cause removal of the temporary driveway at such time as temporary approval terminates. Any remaining balance of a performance guarantee shall

be returned to the applicant when the temporary driveway is removed or it is granted unconditional, permanent approval.

Sec. 16.02 MOBILE HOME PARK REQUIREMENTS.

The minimum requirements established by the Mobile Home Commission Act, 1987 P.A. 96 and rules and regulations of the Mobile Home Commission promulgated pursuant to said Act, must be adhered to, and will govern the construction and operation of any mobile home parks in the Township in the future. See Article 10.

Sec. 16.03 MULTIPLE-FAMILY AND TOWNHOUSE REQUIREMENTS.

a. **Site Development Standards.** The following site development standards shall apply to any multiple-family or townhouse dwelling development in the RM, Two-Family and Multiple-Family Districts.

- (1) No building shall exceed two hundred (200) feet in length.
- (2) Dual access throughout a multiple site is required for emergency vehicle access. A boulevard may be utilized for dual access, provided the median strip is a minimum of twenty-five (25) feet in width. No dead end street shall be more than three hundred (300) feet in length and a suitable turning space shall be provided for vehicles at the terminus of all dead end streets.
- (3) All main access drives in a multiple site shall be free of on-street parking. The minimum width of an access drive shall be twenty-four (24) feet.
- (4) Parking within the required side and rear yards shall be permitted, except that parking lots, or access drives adjacent to single-family districts must be located a minimum of five (5) feet from the property line.
- (5) No building shall be located closer than twenty-five (25) feet from internal site access roads nor shall the longer dimension of a building be located closer than twenty (20) feet from parking areas or parking service drives. The shorter dimension of a building or an end wall without windows or doors may be located to within five (5) feet of parking areas or drives.
- (6) No dwelling unit in a development shall be located more than one hundred (100) feet from a street or private access road.
- (7) No entrance to a dwelling unit or building shall be more than one hundred and fifty (150) feet from a parking lot, measured along the sidewalk leading to the parking lot.
- (8) One tree contained in the Township's approved tree list not less than one and one-half (1/2) inch in diameter shall be placed on the interior of the site for each dwelling unit. This requirement is in addition to any tree planted for buffering purposes.

- (9) Any community building located on a multiple site shall have minimum number of automobile parking spaces measured by the following formula:

0-100 units — 10 spaces,
101-150 units — 15 spaces
151 or more units — 20 spaces

- (10) Internal site sidewalks shall be provided and located ten (10) feet from and parallel to access drives, and also located to provide convenient access to community buildings and parking areas from dwelling units. The size of sidewalks shall be four (4) feet wide except that sidewalks directly adjacent to parking areas shall be constructed as integral walk and curb, a minimum of six (6) feet in width.
- (11) Where a multiple-family or townhouse development abuts a single-family district a six (6) foot solid unpierced masonry wall shall be constructed along any common side and rear property line.

- b. **Fees.** All fees regarding the enforcement of this Article to be in accordance with a schedule established by the Township Board.

Sec. 16.04 RESIDENTIAL DESIGN STANDARDS.

The purpose of this section is to establish standards governing the design and appearance of all residential structures, including mobile homes and manufactured housing, when developed on individual lots or home sites in Frankenlust Township. It is the intent of these regulations to allow a mix of housing types and living styles in a manner which will not adversely affect existing neighborhoods. Any residential structure shall be erected or constructed only if in compliance with the following residential design standards.

a. General Requirements

- (1) **Area and Bulk Regulations**
Any residential structure, including any site built or manufactured home, shall comply with the minimum floor area requirements specified for the zoning district where such structure is located. Mobile homes shall comply with all regulations normally required for site-built housing in the zoning district in which it is located, unless specifically indicated otherwise herein.
- (2) **Foundation**
Any residential structure, including a site built or manufactured home, shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the adopted building code. A site built or manufactured home shall be securely anchored to its foundation in order to prevent displacement during windstorms. The wheels, tongue and hitch assembly, and other towing

appurtenances, shall be removed before attaching a manufactured home to its permanent foundation.

- (3) **Other Regulations**
Residential structures shall be constructed in compliance with applicable state, Federal, or local laws or ordinances, including the Michigan State Construction Code. Mobile homes shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24CFR3280), as amended.
- (4) **Location**
For the purposes of this Ordinance a mobile home or other manufactured housing type may be located on an individual lot in any of the zoning districts which allow for the development of single family residential structures, subject further to the regulations contained herein.
- (5) **Floodplain**
No dwelling unit, including site built or manufactured homes, shall be located within a one-hundred (100) year floodplain.
- (6) **Use**
Mobile homes and other structures shall be used only for the purposes permitted in the zoning district in which they are located.
- (7) **Attachments**
Any exterior attachments or extensions onto a dwelling unit, such as entry steps and storage buildings, shall comply with the adopted building code.
- (8) **Services**
Any residential structure shall be connected to a waste treatment and potable water supply system approved by the Bay County Health Department.

b. Design Compatibility Requirements

To insure compatibility in appearance, all manufactured homes shall comply with the general requirements set forth in this section, and with the following design and site standards.

- (1) **Roof Pitch**
The pitch of the main roof shall have a minimum vertical rise of one (1) foot for each four (4) feet of horizontal run, and the minimum distance from the eaves to the ridge shall be ten (10) feet, except where the specific housing design dictates otherwise (such as, French provincial or Italianate)
- (2) **Roof Drainage**
A minimum six (6) inch roof overhang shall be established on all sides or an eave with a roof drainage system that will collect and concentrate the roof

discharge of storm water or snow away from the sides of the dwelling. The roof shall have wood shake, asphaltic or other shingles or other materials commonly used in standard on-site residential construction in the vicinity, and meet the snow load standards for this portion of the State of Michigan as specified by the applicable construction code.

(3) Exterior Materials

The exterior siding shall consist of materials that are generally acceptable for housing in the vicinity, provided that the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel, and provided further that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

(4) Dimensions

The dimensions and placement of homes shall be comparable to typical dimensions and placement of other housing in the vicinity. Therefore, a dwelling shall be located on a lot so that the minimum width of the front elevation is no less than thirty-four (34) feet and the minimum dimension along any side or rear elevation is no less than twenty-four (24) feet. If there are additions off of the front of the home, the minimum width of any such secondary front elevation shall be twenty-four (24) feet. Such dimensions shall be measured from the outer extremities and shall include additions to the main body of the dwelling, such as living or recreation rooms, garages, carport, utility rooms, and the like, the front portions of which are within ten (10) feet of the front of the main dwelling.

(5) Perimeter Foundation Wall

A dwelling shall have a wall of the same perimeter dimensions as the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that a manufactured dwelling is installed pursuant to the manufacturer's setup instructions, such dwelling shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Home Commission and shall have a perimeter wall as required above.

(6) Exterior Doors

Dwellings shall have no less than two exterior doors which shall not be located on the same side of the building. Where required because of a difference in elevation, all exterior doors shall be provided with steps that are permanently attached to the building.

(7) Design Features

The design and position of windows and other features of dwellings, including exterior wall colors and color combinations, shall be similar to existing homes within 2,000 feet of the property boundaries. If no more than five (5) dwellings are presently located within 2,000 feet of the proposed location, then the dwelling shall be compared to the nearest fifty (50) homes.

The foregoing shall not be construed to prohibit innovative design concepts involving such features as solar energy, view, unique land contour, or relief from the common or standard design homes.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling. An appeal may be made to the Zoning Board of Appeals as prescribed in Section 23.04.

c. Accessory Structures

Detached accessory structures, as permitted in this Ordinance shall be built to the Single State Construction Code, as amended.

d. Permits

No dwelling unit shall be constructed on or delivered to any lot in the Township until it is demonstrated that the requirements of this section can be met. Prior to the construction or installation of a dwelling on a residential lot, the lot owner or representative shall obtain necessary building permits from the Township.

Sec. 16.04.1 OTHER ACCESSORY STRUCTURES.

When considering a special use permit approval for “other accessory structures” which exceed the height limitation in Section 5.07 c. (1), or the minimum setback requirement in Section 5.07 c. (5), the Planning Commission shall insure that engineering plans, or certification from a qualified engineer show:

- a. That the structure will be anchored sufficiently to resist wind loads;
- b. That the structure is designed to collapse on itself, or will fall on its owner’s property; and,
- c. That the design of the structure is sufficient to assure safety.

The Planning Commissioners may also impose any other reasonable conditions to assure that a proposed “other accessory structure”:

- d. Is safe;
- e. Blends into its neighborhood harmoniously;
- f. Does not have an adverse impact on the neighborhood; and,
- g. Does not require any variances to comply with these standards.

No variances shall be granted from any of these standards.

Sec. 16.05 ACCESSORY APARTMENT REQUIREMENTS.

It is the purpose and intent to allow accessory apartments in the AG, Agricultural, RF, Rural Small Farm, R-1 through R-3, Single Family, RT, Two-Family, and RM, Multiple-Family Districts as uses permitted by special use, to provide the opportunity for the development of small rental housing units designed to meet the special housing needs of single persons and couples, both young and old, and to provide homeowners the additional income needed to retain their home in the community and to allow parents, married children or other relatives to reside with family members presently living in Frankenlust Township. To help promote the objectives of this section, the following specific standards have been established for such accessory apartment uses:

- a. The accessory apartment shall be clearly isolated from and a subordinate part of the single family dwelling. Garage space may not be connected.
- b. Only one accessory apartment shall be created within a single family house.
- c. The owner(s) of the one family lot upon which the accessory apartment is located shall occupy at least one (1) of the dwelling units on the premises.
- d. Two (2) parking spaces for the principal dwelling and one (1) parking space for the accessory apartment unit shall be provided upon the lot on which the accessory apartment is located, except where the Planning Commission, for good cause shown, may recommend that this requirement be waived.
- e. The entry to the accessory apartment unit and its design shall be such that, to the degree reasonably feasible, the appearance of the building will remain as a one family residence.
- f. The design and size of the accessory apartment shall conform to all applicable standards in the health, building, and other codes.

Sec. 16.06 FORMER AGRICULTURAL BUILDINGS.

The intent of this section is to allow utilization of former agricultural buildings and standards that the Planning Commission must consider in deciding whether to approve the use of former agricultural buildings are as follows:

- a. The use of such buildings shall be limited to storage of household items, or recreational equipment typically kept by a householder on residential property;
- b. The availability of such buildings must result from their separation from land which is part of a bona fide farm operation;
- c. Such building(s) must be at least ten (10) years old;
- d. There must be compliance with applicable zoning district minimum lot size, lot width, height and setback requirements for single family homes;

- e. There must be compliance with applicable provisions of 1967 P.A. 288, as amended, the Land Division Act, and Frankenlust Township Ordinance No. 69, the Frankenlust Township Land Division Ordinance;
- f. The aggregate square footage of all of such buildings shall not exceed ten (10) percent of the total square footage of the lot they are located on;
- g. Such buildings shall blend into their neighborhood harmoniously;
- h. Such buildings shall not have an adverse impact on their neighborhood;
- i. No variance shall be required to comply with these standards; and
- j. No variances shall be granted from these standards.

Conditions for use of former agricultural buildings:

- k. Any such building shall not be structurally altered, enlarged in any way, or repaired where the cost to repair exceeds fifty (50) percent of the True Cash Value of the building as determined by the Frankenlust Township Tax Assessor unless allowed by the Planning Commission as a special use in accordance with the provisions of Section 5.14 of this ordinance;
- l. If the cost to repair such a building exceeds fifty (50) percent of the True Cash Value of the building as determined by the Frankenlust Township Tax Assessor, Township Board of Trustees (and/or) the Zoning Administrator may order the building to be removed;
- m. Such building may be repaired or maintained without Planning Commission special use approval where repair or maintenance costs do not exceed fifty (50) percent of the True Cash Value of the building as determined by the Frankenlust Township Tax Assessor;
- n. (1) The Planning Commission may require security in the form of a cash deposit, bank letter of credit or performance bond to defray demolition costs; or
 (2) The Township may cause such a building to be demolished and its demolition costs shall become a lien on the property which can be collected in any manner allowed by law and, if not paid, may be placed on the Tax Roll and collected the same as other taxes;
- o. A notice of any special use permit authorizing the continued use of a former agricultural building shall be recorded at the Bay County Register of Deeds office;
- p. No signs shall be permitted;
- q. No outside storage shall be allowed; and
- q. Such former agricultural buildings may be required to be screened by a greenbelt planting strip with a width which is not less than the applicable side/rear yard setback requirement. The planting strip shall consist of deciduous or evergreen trees a minimum of five (5) feet in height at the time of planting measured from the proposed grade and

kept in living condition. Other suitable screening means may be used as approved by the Planning Commission.

Sec. 16.07 Wind Energy Conversion Systems.

The location, construction, operation, and maintenance of wind energy conversion systems (WECS) in the Township shall be subject to the following requirements:

A. Intent.

The intent of this Section is to permit the effective and efficient use of wind energy conversion systems (WECS) in a manner that protects the public health, safety, and welfare of neighboring property owners and the residents of the Township. This Section is further intended to:

1. Reduce dependency on electricity produced fossil fuels by providing a means by which residents, farmers, and businesses in certain zoning district may use WECS to satisfy a portion of their electricity needs;
2. Promote a healthy agricultural economy by providing an opportunity for farmers to diversity their income sources and/or reduce energy costs; and
3. Limit the potential impacts of WECS units through setback, height, and other restrictions.

The standards of this Section have been determined to be the minimum necessary to meet the intent and purposes of this Section and Ordinance.

B. Permitted Locations.

Wind energy conversion systems (WECS) shall only be permitted in the zoning districts as specified in Table 16.07-1, and shall be prohibited in all other zoning districts. WECS shall be subject to review and approval in accordance with the following:

Table 16.07-1 Permitted Locations

Type of Wind Energy Conversion System (WECS) Installation or Alteration on a Single Lot	Zoning District						Applicable WECS Standards in Section 16.07
	AG	RF	R-1	C-3	LI	PR	
One (1) Agricultural WECS up to 100.0 feet in height	P	P				P	Subsections C - E
One (1) Agricultural WECS greater than 100.0 feet in height	S	S				S	Subsections C - E
Two (2) or more Agricultural WECS of any height	S	S				S	Subsections C - E
One (1) Private WECS up to 100.0 feet in height	P	P	P	S		P	Subsections C - D, G

Type of Wind Energy Conversion System (WECS) Installation or Alteration on a Single Lot	Zoning District						Applicable WECS Standards in Section 16.07
	AG	RF	R-1	C-3	LI	PR	
Two (2) or more Private WECS up to 100.0 feet in height	S	S	S			S	Subsections C - D, G
One (1) or more Attached WECS units on a building or accessory structure	S	S		S	S	S	Subsections C - D, F
One (1) or More Commercial WECS of any height					S		Subsections C - D, G, H
	Symbol		Key				
	P		Administrative Permit Approval				
	S		Special Use Approval				
			Prohibited in this Zoning District				

1. **Administrative permit approval.** WECS subject to administrative permit approval per Table 16.07-1 shall require review and approval by the Zoning Administrator in accordance with the applicable standards of this Section and Article 22.00 (Administration and Enforcement).
2. **Special use approval.** WECS subject to special use approval per Table 16.07-1 shall require special use permit approval in accordance with the applicable standards of this Section and Section 5.14 (Special Uses).
3. **WECS in a Planned Unit Development (PUD) District.** A WECS may be permitted as part of a Planned Unit Development (PUD) project, subject to the standards of Section 5.16 (Planned Unit Development) and the following:
 - a. A separate special use approval shall not be required for a WECS approved as part of a PUD.
 - b. All other standards of this Section shall apply to a WECS in a PUD.
4. **Other permits and approvals.** WECS units shall conform to all applicable federal, state, and local regulations and permitting requirements, including compliance with the State Construction Code and other applicable building and electrical codes. Copies of all applicable outside agency permits and approvals shall be submitted to the Township, prior to the start of construction.

C. Required Application Information.

The following information shall be submitted with any application for WECS approval:

1. Documentation of any potential interference that the proposed WECS may cause with microwave transmissions, residential television reception or radio reception.

2. Documentation of compliance with applicable federal and state regulations for the installation.
3. A plan for the long-term, continuous maintenance of the facility, including who will be responsible for maintenance of the facility, including access, landscaping, screening, and security improvements.
4. Elevation drawings of the proposed WECS and any associated facilities. The drawings shall identify the type, design, materials, and height for the proposed WECS and associated facilities; and the name and location of the WECS manufacturer, if applicable.
5. Written certification shall be provided from an Authorized Factory Representative or Professional Engineer registered in the State of Michigan demonstrating:
 - a. The manner in which the structure will fall in the event of accident, damage or failure, and that the setback area will accommodate the facility and provide an adequate buffer from adjacent parcels;
 - b. That the facility is designed in accordance with applicable dead load, dynamic load, and wind pressure standards; and
 - c. That the facility is designed to conform to the State Construction Code and all other applicable building, electrical, and fire codes.
 - d. For WECS subject to special use approval per Table 16.07-1, this written certification shall only be provided by a Professional Engineer registered in the State of Michigan.
6. The applicant shall submit an agreement for the future removal of the facility upon cessation of operation, signed and notarized by the property owner and WECS owner/operator. This agreement shall be binding on all owners, operators, successors, and assigns.

D. General WECS Standards.

All WECS units shall be designed, constructed, operated, and maintained to be harmonious with the existing or intended character of the area in which it is located, and shall conform to the following standards:

1. **Minimum lot area.** The minimum of two (2) acres of gross lot area shall be required for a WECS in any zoning district.
2. **Schedule of regulations.** All WECS projects shall conform to the following:

Table 16.07-2 Schedule of Regulations

Type of Wind Energy Conversion System (WECS) Installation or Alteration on a Single Lot	Maximum Noise Level [dB(A)]	Minimum Yard Setback (percentage of WECS height)	Maximum WECS Height (feet)
One (1) Agricultural WECS up to 100.0 feet in height	45	150%	100.0
One (1) Agricultural WECS greater than 100.0 feet in height	45	200%	none
Two (2) or more Agricultural WECS of any height	45	150%	none
One (1) Private WECS up to 100.0 feet in height	40	150%	100.0
Two (2) or more Private WECS up to 100.0 feet in height	40	150%	100.0
One (1) or more Attached WECS units on a building or accessory structure	45	Same as yard setbacks for the district	15.0 feet above the building or structure height
One (1) or More Commercial WECS of any height	45	200%	none

- a. Height shall be measured from grade to the top of the tower or blade tip in a vertical position, whichever is higher.
- b. Yard setbacks shall be measured in a straight and level line from the vertical plane of all lot boundaries and road rights-of-way to the base of the tower or blade tip in a horizontal position, whichever is nearer.
- c. Noise levels shall be measured from a point no closer to the WECS than any lot boundary abutting the subject lot upon which the WECS is located.
- d. WECS height is further subject to the following:
 - (1) All WECS projects shall conform to the requirements of the Airport Zoning Act (P.A. 23 of 1950, as amended), Tall Structures Act (P.A. 259 of 1959, as amended), airport approach plan(s) adopted by the Michigan Aeronautics Commission, and applicable Federal Aviation Administration (FAA) regulations.
 - (2) Where no maximum WECS height is specified in Table 16.07-2, the proposed height shall be subject to a Planning Commission determination of compliance with the special use standards of Section 5.14.c. (Basis for Determination).

3. **Ground clearance.** No WECS shall be installed with any moving part less than 15 feet above grade.
4. **Climb prevention.** All WECS towers shall be secured against unauthorized access by perimeter fencing, siting within the interior of large parcels, use of anti-climbing devices, and/or similar security methods.
5. **Nuisances, signage, and lighting prohibited.** A WECS shall not cause interference with microwave transmissions, residential television reception or radio reception. Advertising, signs, and identification of any kind intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes. Structures shall not be illuminated, unless required by federal or state regulation.
6. **Shadow flicker.** The property owner and WECS owner/operator shall be responsible for any off-site impacts from the visible shadow flicker effect when rotating blades cast a repeating pattern of light and shadow on the ground and nearby structures during daylight hours:
 - a. WECS units shall be located within the subject parcel so as to prevent shadow flicker from passing over any off-site road right-of-way, occupied dwelling or other principal building during daylight hours from one (1) hour after sunrise to one (1) hour before sunset.
 - b. A letter from the WECS owner/operator or installation contractor verifying compliance with this subsection shall be included with any application for approval under this Section and Ordinance.
 - c. Three (3) or more documented complaints of shadow flicker passing over any off-site road right-of-way, occupied dwelling or other principal building received and verified by the Zoning Administrator within any 365 calendar day period shall be grounds for the Township to require that the WECS unit be shut down and secured against movement during the hours when such off-site impacts have occurred.
7. **Design safety certification.** An Authorized Factory Representative or Professional Engineer registered in the State of Michigan shall certify the safety of the design of all WECS units. The standard for certification shall be included with the permit application.
8. **Controls and brakes.** All WECS units shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Authorized Factory Representative or Professional Engineer shall certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from the certified design shall be permitted.

9. **Installation certification.** The Authorized Factory Representative or Professional Engineer shall certify that the construction and installation of the WECS project meets or exceeds the manufacturer's construction and installation standards.

E. Agricultural WECS Standards.

The following additional standards shall apply to Agricultural WECS in the Township:

1. Agricultural WECS shall be accessory to a permitted farm or agricultural operation in the zoning district.
2. The number of Agricultural WECS units on a single lot shall be limited so that the majority of the total generating capacity of such units serves the needs of the farm or agricultural operation and associated farm dwelling(s).

F. Attached WECS Standards.

The following additional standards shall apply to Attached WECS in the Township:

1. Attached WECS units shall be prohibited on dwellings and residential accessory structures.
2. In the AG (Agricultural), RF (Rural Small Farm), and PR (Public/Recreation) districts, such WECS units may be attached to buildings and structures accessory to a farm or agricultural operation.
3. In the RF (Rural Small Farm), PR (Public/Recreation), C-3 (General Commercial), and LI (Light Industrial) districts, such WECS units may be attached to principal buildings occupied by non-residential uses.
4. The number and location of Attached WECS units on a building or structure shall be subject to a Planning Commission determination of compliance with the special use standards of Section 5.14.c. (Basis for Determination).

G. Private and Commercial WECS Standards.

The following additional standards shall apply to Private and Commercial WECS in the Township:

1. **Subdivisions and site condominiums.** Private WECS shall be prohibited within an approved residential subdivision plat or site condominium development, except as part of an approved Planned Unit Development (PUD).
2. **Color.** Private and Commercial WECS shall be painted a neutral color that minimizes off-site visibility, or as otherwise required by law.

3. **Waste.** All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the WECS, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the WECS, including but not limited to lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.
4. **Liability insurance.** The property owner or WECS owner/operator shall maintain a current insurance policy with a bond rating acceptable to the Township to cover installation and operation of the WECS project. For a Private WECS accessory to a dwelling, proof of homeowner's insurance with specific coverage for the WECS shall satisfy this requirement.
5. **Additional conditions.** To minimize off-site impacts from any WESC unit(s) subject to special use approval per Table 16.07-1, the Planning Commission may impose conditions on the approval, including are not limited to:
 - a. Limiting hours of WECS operation;
 - b. Requiring a dense obscuring screen of closely spaced evergreen trees of sufficient height and density at planting to reduce noise and shadow flicker impacts, to be planted along lot boundaries abutting residential land uses and/or along abutting road rights-of-way; and/or
 - c. Other conditions of approval consistent with Section 502(4) of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) and Section 5.14 (Special Uses) of this Ordinance.

H. Additional Standards for Commercial WECS Projects.

The following additional standards shall apply to all Commercial WECS in the Township:

1. **Shadow casting study.** A shadow casting study, including maps and/or a computer animation in a format compatible with Township computer systems, shall be submitted with the application for special use approval. A qualified professional shall prepare the study, and all costs shall be paid by the applicant. The study shall identify the projected shadow arcs and all areas anticipated to be impacted by shadow flicker from the proposed WECS over one (1) calendar year, including:
 - a. All land areas anticipated to be impacted during daylight hours from one (1) hour after sunrise to one (1) hour before sunset.
 - b. Additional land areas anticipated to be impacted during the first one (1) hour after sunrise and the last one (1) hour before sunset.

- c. Approximate locations of all dwellings and other principal buildings within the shadow flicker impact areas.
2. **Migratory bird study.** An avian study to determine any potential impacts the commercial WECS project may present to migratory birds shall be submitted with the application for special use approval. A qualified professional shall prepare the study, and all costs shall be paid by the applicant. Recommended mitigation measures or other alternatives to eliminate such impacts shall be provided with the study.
3. **Decommissioning plan and escrow.** Commercial WECS projects shall include a decommissioning plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within 180 calendar days of the end of project life or facility abandonment. The decommissioning plan shall also include an agreement between the applicant and the Township with the following:
 - a. The decommissioning plan shall state how the facility will be decommissioned, a Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited.
 - b. The financial resources for decommissioning shall be in the form of a cash bond, irrevocable letter of credit, or other surety deemed acceptable by the Township Board in an amount equal to the Professional Engineer's estimated cost of decommissioning.
 - c. The Township shall have access to these financial resources for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within 180 calendar days of the end of project life or facility abandonment.
 - d. The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 - e. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from the property owner, WECS owner/operator or successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by the property owner, WECS owner/operator or successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not be so onerous as to make wind power projects unfeasible.

4. **Warnings.** A visible warning sign of high voltage may be required by the Township to be placed at the base of all Commercial WECS projects. Such signs shall be located a maximum of 300 feet apart and at all points of site ingress and egress.
5. **Annual safety inspection.** Commercial WECS units shall be inspected at least annually by an Authorized Factory Representative or Professional Engineer to certify that it is in good working condition and not a hazard to the public. Such records shall be submitted to the Zoning Administrator and considered a part of the continuing special use approval.

(Amended by Ord. 77, eff. July 29, 2010)

**ARTICLE 17.00
SITE PLAN REVIEW PROCEDURES**

Sec. 17.01 SCOPE.

Prior to the establishment of a use or the erection of any building in a zoning district, subject to the conditions listed below, a site plan shall be submitted for review and approval by the Township in accordance with the procedures of this Article and the development requirements of this and other applicable ordinances.

- a. All new uses, both permitted and special use, in any zoning district, except single-family dwellings or structures customarily accessory to single-family dwellings. A plot plan sufficient to meet building permit application requirements is required for single-family dwellings.
- b. Expansion or renovation of an existing use, other than a single-family dwelling, which increases the existing floor space more than twenty-five percent (25%).
- c. Change of use of an existing structure.
- d. Uses which require more than five (5) parking spaces.
- e. Special Use Permits.
- f. Planned Unit Developments.
- g. Condominium Developments.

Sec. 17.02 SITE PLAN DATA REQUIRED.

The site plan shall contain the following information:

- a. The date, north arrow and scale. The scale shall be not less than one (1) inch equals fifty (50) feet for property under three(3) acres, and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more.
- b. All lot and/or property lines are to be shown and dimensioned.
- c. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property.
- d. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, parking areas (show dimensions of a typical parking space), unloading areas and recreation areas.
- e. The location and the pavement and right-of-way width of all abutting roads, streets or alleys.

- f. The name, firm and address of the professional individual(s) responsible for the preparation of the site plan (including imprint of his professional seal).
- g. The name and address of the property owner or petitioner.
- h. The location of all rubbish receptacles and landscaping and the location, height and type of fences and walls.
- i. Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems.
- j. Location of all fire hydrants.
- k. A summary schedule should be affixed, if applicable, which gives the following data:
 - (1) The number of dwelling units proposed, to include the number, size and location of one-bedroom units, mobile home site, etc.
 - (2) The residential area of the site in acres and in square feet, including breakdowns for any subareas or staging areas (excluding all existing rights-of-way).
- l. Size and location of all surface drainage facilities.
- m. Existing and proposed contour shall be shown on all site plans two (2) foot intervals minimum) as may be required by the Township Engineer.
- n. For multiple-family development site plans, there shall be shown typical elevation views of the front and side of each type of building proposed, as well as typical dimensioned floor plans for each type of dwelling unit.

Sec. 17.03 SUBMITTAL.

Sixteen (16) copies of the site plan and all related information specified above shall be first presented for Planning Commission review not less than twenty-one (21) days prior to the Planning Commission meeting.

Sec. 17.04 APPROVAL.

- A. Site plans shall be forwarded to the Township Planning Commission for study, review, approval, approval with modifications to the site plan, or disapproval.
- B. In certain instances a site plan, or minor changes to a site plan, may be approved administratively by the Zoning Administrator at his discretion in lieu of a more formal review by the Planning Commission, as long as no variance or special use permit is required and the plan, or amended plan, otherwise complies with all applicable requirements of this ordinance and all other township ordinances,

state and federal laws. The Zoning Administrator may approve a site plan, or amended site plan in the following instances:

1. Reoccupancy of a building where the contemplated use is conducted within a completely enclosed building, reoccupancy does not require more than four additional parking spaces and reoccupancy does not substantially alter the character of the site;
 2. Minor changes to an approved site plan, which involve the relocation of any of the following items:
 - (a) Sidewalks
 - (b) Refuse containers
 - (c) Lighting
 - (d) Signs
 - (e) Public/private utilities
 - (f) Retention/detention ponds
 - (g) Drainage structures
 3. Minor changes to an approved site plan involving change of location or type of landscaping materials;
 4. Moving a proposed building, drive, or street on an approved site plan no more than 10 feet;
 5. Proposed increase or decrease in building/use size under five percent of building/use size or under 500 square feet, whichever is less; and
 6. Adding an antenna and related equipment to a co-location communications tower, which has been approved by the Planning Commission where the antenna does not increase the overall height of the tower.
- C. Every site plan submitted for review shall be in accordance with the requirements of this ordinance. Administrative review procedures are not intended to modify any ordinance, regulation, or development standard.

Sec. 17.05 STANDARDS FOR SITE PLAN REVIEW.

In reviewing the site plan, the Planning Commission shall consider and endeavor to assure the following:

- a. The location, design, width and adequacy of all driveways and sidewalks within the site and their relationships to connecting streets and sidewalks providing access to and egress from the site.

- b. On site circulation of both vehicular and pedestrian traffic will achieve both safety and convenience of persons and vehicles using, visiting or residing on the site.
- c. Landscaping, fencing and obscuring walls are of such a design and location that the proposed development is aesthetically pleasing and is harmonious with nearby existing or future developments.
- d. Utility service, including proposed water, sanitary and stormwater run-off systems are sufficient to fulfill the projected needs of the development and the recommendations of the Township Engineer. Approvals by the County department having jurisdiction, such as Health, Drain and Road Commissions, shall also be a prerequisite prior to approval by the Planning Commission.
- e. Notwithstanding any other provisions of this Ordinance, the Planning Commission may require landscaping, earth berming, fencing, construction of walls, marginal access drives, or other appurtenances that will achieve a lasting and desirable improvement to the community.

Sec. 17.06 MODIFICATIONS.

Any modification of the site plan desired by the Township shall be so stated in writing to the applicant. Site plan approval may be granted contingent upon the revision of said site plan by the petitioner to the satisfaction of the Planning Commission. Four (4) copies of the final approved site plan, with its modifications shall be filed by the petitioner and maintained on record in the office of the Township Building Inspector. Each copy shall have the signature of the Township Clerk.

Sec. 17.07 DISPOSITION.

If approval is granted by the Planning Commission, the following conditions shall apply:

- a. In those instances in which platting is required by law, the owner or owners shall thereafter submit preliminary and final plats for the proposed development for approval in compliance with the Michigan Land Division Act and with all ordinances and regulations pertaining to the procedures and requirements for the approval of plats.
- b. Such plats shall be in strict conformity with the approved site plan, the conditions attached thereto, and the provisions of this Ordinance.

Sec. 17.08 FEES.

Any application for site plan approval shall be accompanied by a fee as may be determined by the Township Board. Such fee may be utilized by the Township to obtain the services of one (1) or more expert consultants qualified to advise as to whether the proposed development will conform to the applicable Township ordinances, policies and standards, and for investigation and report of any objectionable elements.

Sec. 17.09 REVOCATION.

Any site plan approval shall be revoked when the construction of the development is not in conformance with the approved plans, in which case the Planning Commission shall give the applicant notice of intention to revoke such approved plans at least ten (10) days prior to review of the permit by the Planning Commission. After conclusion of such review, the Planning Commission shall revoke its approval of the development if the Commission finds that a violation in fact exists and has not been remedied prior to the hearing. The approval by the Planning Commission of any site plan under the provisions of this Ordinance shall expire and be considered automatically revoked one (1) year after the date of approval unless actual construction has commenced in accordance with the issuance of a valid building permit.

Sec. 17.10 REVIEW PROCEDURE MODIFICATION.

Any person may file at their option a request with the Township Planning Commission for review of a preliminary site plan drawn to scale showing site development concepts and objectives in sufficient detail to permit the Planning Commission to determine relationships of the site to nearby land; adequacy of landscaping, open space, vehicular drives, parking areas and proposed utilities; and application of Township development policies and standards. It is thus the intent of this section to allow the petitioner an opportunity to confer with Township officials and their expert consultants in order to minimize time, costs and interpretation of Township requirements.

Completion of the review by the Planning Commission shall constitute neither an approval nor a disapproval of the preliminary site plan nor shall either the petitioner or the Planning Commission be bound in any way by any review comments or suggestions in preparing for submittal or the reviewing of a site plan submitted under Section 17.02

**ARTICLE 18.00
OFF-STREET PARKING AND LOADING
AND UNLOADING REQUIREMENTS**

Sec. 18.01 OFF-STREET PARKING REQUIREMENTS.

In all zoning districts, off-street parking requirements for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings erected, altered or extended after the effective date of this Ordinance, shall be provided as prescribed. Such space shall be maintained and shall not be encroached upon by buildings, structures, open-air business or outdoor commercial recreation uses so long as the main building or structure remains, unless an equivalent number of spaces are provided elsewhere in conformance with this Ordinance.

- a. **Number of Spaces.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and fractions over one-half (1/2) shall require one (1) parking space.
- b. **Double Count.** Loading space as required elsewhere in this Ordinance dealing with off-street loading requirements shall not be construed as also supplying off-street parking space.
- c. **Parking Locations.**
 - (1) The off-street parking facilities required for residential dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, behind the front setback line; and shall consist of a parking strip, parking apron, and/or garage.
 - (2) The off-street parking facilities required for all other uses shall be located on the lot or other lots within five hundred (500) feet for industrial districts and three hundred (300) feet for all other districts. Such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.
- d. **General Condition.** In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is mentioned, and which use is similar, shall apply.
- e. **Parking Duration.** Except when land is used as storage space in direct connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail, and it shall be unlawful to permit the storage on any parking area in any district, of wrecked or junked cars.
- f. **Parking Restriction.** It shall be unlawful to park or store any motor vehicle on any private property without the expressed or implied consent of the owner, holder,

occupant, lessee, agent, or trustee of said private property. In a residential district, a commercial vehicle may be stored provided that it does not exceed one (1) ton in capacity and it remains garaged while not in use, and it is owned by someone residing on the premises.

- g. **Existing Parking Lots.** Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size less than that required under the terms of this Ordinance.
- h. **Joint Use.** Nothing in this section shall be construed to prevent collective provision of off-street parking facilities, for two (2) or more buildings or uses. Provided collectively such facilities shall not be less than seventy five percent (75%) of the sum of the requirements for the various individual uses computed separately in accordance with the table which follows. Joint use parking agreements shall be made in writing and a copy provided to the Township. These agreements shall be binding, recorded, and go with the land.
- i. **Reduction of Spaces/Land Banking.**
 - (1) For development in any zoning district, the Planning Commission may approve a total reduction of not more than thirty percent (30%) of the number of parking spaces required under Section 18.02, where the applicant has demonstrated by study that adequate parking would be provided for the proposed use and customary operation of the use.
 - (2) When such reduction is approved, an area of sufficient size to accommodate the number of minimum required parking spaces stated in Section 18.02 shall be designated on the site plan, and no structure or impervious surface shall be permitted within the designated area. The area shall not be included in any required buffer area and shall be reserved to accommodate additional parking if needed in the future.
- j. **Ceiling on the Number of Parking Spaces.** The number of parking spaces provided for any particular use shall not exceed a maximum of one hundred fifty percent (150%) of the required number of spaces as noted in Section 18.02. Where the applicant has demonstrated by study that additional parking is necessary for the operation of the use, the Planning Commission may approve not more than an additional fifty percent (50%) of the minimum parking requirement.

Sec. 18.02 TABLE OF PARKING REQUIREMENTS.

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

Required No. Of Parking Use Spaces		Per Each Unit Of Measure As Follows	
a.	Animal hospital and kennels	1 1	Four Hundred (400) square feet of usable floor area, plus two (2) employees
b.	Auditorium, theaters, and assembly halls	1 1	Three (3) seats based on maximum seating capacity in the main place of assembly herein, plus two (2) employees
c.	Auto repair garages, bump shops, service garages	2 1 1	Service stall, plus eight hundred (800 square feet of usable floor area, plus two (2) employees
d.	Auto salesrooms, wholesale stores, machinery sales, showrooms of a plumber, electrician, or other similar trade	1 1	One thousand (1,000) square feet of usable floor area, plus one (1) employee
e.	Banks and post offices	1 1	Two hundred (200) square feet of usable floor area, plus one (1) employee
f.	Barber shop	2	Barber
g.	Beauty parlor	3	Beauty shop operator
h.	Bowling alleys	6	Bowling lane
i.	Business and professional offices	1	Two hundred (200) square feet of gross floor area
j.	Carry-out restaurant	1	One hundred and twenty-five (125) square feet gross floor area with a minimum total of eight (8) parking spaces
k.	Child care center, day care centers, nursery schools	1 1	Four hundred (400) square feet of usable floor area, plus employee
l.	Churches	1	Three (3) seats or six (6) feet of pews, based on maximum seating capacity

Required No. Of Parking Use Spaces		Per Each Unit Of Measure As Follows	
m.	Dance halls, exhibition halls, pool halls, and billiard parlors, and assembly halls without fixed seats	1	Two (2) persons allowed within the maximum occupancy load as established by Local, County or State fire, health, or building codes or one hundred (100) square feet usable floor area (whichever is greater)
n.	Drive-in bank	4	Teller window
o.	Drive-in establishments (other than drive-in and carry-out restaurants)	1	Two (2) employees
p.	Elementary schools, junior high schools, trade schools	1	Teacher, employee and administrator in addition to the requirements of the auditorium or assembly hall. If no auditorium or assembly hall exists, then one (1) space per classroom is required in addition to that for each teacher, employee or administrator in the school.
q.	Establishments (other than drive-in and carry-out restaurants) for sale and consumption on the premises of beverages, food or refreshments (e.g., standard restaurants)	1	Seventy-five (75) square feet of gross floor area
r.	Fast-food, drive-in restaurants	1	Thirty-five (35) square feet gross floor area
s.	Filling station, automobile service station	2 1	Service stall, plus employee
t.	Furniture and appliance household equipment repair shops, hardware stores, and similar stores	1 1	Eight hundred (800) square feet of usable floor area, plus two (2) employees
u.	Golf course open to the public	5 1	Hole, plus employee, plus the amount required for accessory uses

Required No. Of Parking Use Spaces		Per Each Unit Of Measure As Follows	
v.	High schools	1 1 1	Teacher, plus employee or administrator, plus requirements of the auditorium or assembly hall therein, plus (10) students
w.	Hospitals	1 1 1 1	Two (2) beds, plus staff doctor, plus one thousand (1,000) square feet of patient surgery or treatment area, plus two (2) employees
x.	Industrial establishments, including manufacturing, research and testing laboratories, creameries bottling works, printing, plumbing or electrical workshops	1 1	One and one-half (1½) employees computed on the basis of the greatest no. of persons employed at any one period during the day or night, or five hundred and fifty (550) square feet of usable floor area (whichever is greater)
aa.	Laundromat, coin-operated dry-cleaning establishments	1	Washing and/or dry-cleaning machine
bb.	Libraries and museums	1	Five hundred (500) square feet gross floor area
cc.	Medical clinic or dental clinic	1	Two hundred (200) square feet of gross floor area
dd.	Miniature or Par 3 golf course	2	Hole, plus (1) employee
ee.	Mobile home site	2	Mobile home site
ff.	Mortuary establishments, funeral homes, and undertaking parlor	1	Fifty (50) square feet of floor area in the parlor area
gg.	Motels, hotels and tourist homes	1 1	Guest bedroom, plus one (1) employee, plus parking space as may be required for accessory uses
hh.	Motor vehicle wash establishments (self-service)	4	Wash stall

Required No. Of Parking Use Spaces		Per Each Unit Of Measure As Follows	
ii.	Motor vehicle wash establishments (other than self-service)	4 1	Maximum capacity as computed by dividing the linear dimension of the mechanical wash/dry operation by twenty (20) feet, plus one (1) employee
jj.	Multiple-family dwelling	2	Dwelling unit
kk.	Open-air business uses including mobile home sales and used car sales lot	1	Each eight hundred (800) square feet of gross lot area used for open-air sales or display plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores (item oo. below)
ll.	Personal service establishment, not otherwise provided for herein	1 1	Three hundred (300) square feet of usable floor area, plus two (2) employees
mm.	Private clubs, fraternities, dormitories	1	Three (3) members or lodgers allowed within the maximum occupancy load as established by Local, State or County fire, health, or building codes
nn.	Private tennis club, swim club, golf club, or similar use	1	Two (2) member families or individual members, plus the amount required for accessory use
oo.	Retail stores except as otherwise provided herein	1	One hundred and fifty (150) square feet of gross floor area, plus two (2) employees
pp.	Roadside stands	6	Establishment
qq.	Sanitariums, convents, homes for the aged, convalescent homes, and children's homes	1 1 1	Four (4) beds, plus Staff doctor, plus Two (2) employees
rr.	Single-or two-family dwelling	2	Dwelling Unit
ss.	Stadiums and sports arenas	1	Four (4) seats or eight (8) feet of benches (whichever is greater)

Required No. Of Parking Use Spaces	Per Each Unit Of Measure As Follows
tt. Warehouses and storage buildings	1 Two (2) employees computed on the basis of the greatest no. of persons employed at any one period during the day or night, or fifteen hundred (1,500) square feet of gross floor space (whichever is greater)

Sec. 18.03 OFF-STREET PARKING DEVELOPMENT REGULATIONS.

The construction of any parking lot shall be in accordance with the requirements of this section and such construction shall be approved by the Building Inspector before actual use of the property as a parking lot and before a certificate of occupancy issued for the building the parking is intended to serve. Plans for the development of any parking lot must be submitted to the Building Inspector, prepared at a scale of not less than fifty (50) feet equals one (1) inch and indicating existing and proposed grades, drainage, water mains and sewers, surfacing and base materials to be used and the layout of the proposed parking lot. The plans are to be prepared in a presentable form and shall reflect conformance with the following provisions.

- a. All off-street parking lots providing space for more than four (4) vehicles located in a business, commercial, industrial or multi-family districts shall comply with the following development regulations prior to the issuance of any certificate of occupancy, except as specifically stated otherwise herein:
 - (1) Plans for the development of any parking lot shall be submitted as part of the site plan to the Planning Commission and must be approved prior to the start of construction. The construction must also be in accordance with the requirements of the Township Engineer. The construction of the entire parking lot shall be completed to the satisfaction of the Building Inspector before a certificate of occupancy may be issued. In the event that owing to inclement or cold weather conditions the parking lot cannot be improved, a six (6) month temporary certificate of occupancy can be issued by the Building Inspector provided a cash deposit or bank letter of credit is deposited with the Township Treasurer equivalent to ten (10) percent of the cost of construction of the parking lot, as determined by the Building Inspector, which deposit or bond shall be mandatorily forfeited if the parking lot is not fully completed within the six (6) month period.
 - (2) Adequate points or means of ingress and egress shall be provided and shown in the plan submitted.
 - (3) Parking lots shall be hard-surfaced with concrete or plant-mixed bituminous material and maintained in a usable dust-proof condition, and shall be

graded and drained to dispose of surface water in accordance and conformance with the requirements of the Township Engineer. No surface water shall be allowed to drain onto adjoining private property.

- (4) Necessary curbs or other protection for the public and for the protection of adjoining properties, streets, and sidewalks shall be provided and maintained, as may be required by the Building Inspector or Township Engineer.
- (5) Whenever a parking lot adjoins residential property and/or a residential alley, a masonry wall six (6) feet in height, shall be erected and maintained.
- (6) Entrance to such areas shall be only from the principal use being served or adjoining street or alley right-of-way.
- (7) All illumination for or on such parking lots shall be deflected away from residential areas and shall be installed in such manner as to allow the reduction of the amount of light after normal parking hours each day.
- (8) In all cases where such parking lots abut public sidewalks, a curb at least six (6) inches high or steel posts twenty-four (24) to thirty (30) inches high and not more than five (5) feet apart, set three (3) feet in concrete shall be placed thereon, so that a motor vehicle cannot be driven or parked with any part thereof extending within two (2) feet of a public sidewalk. Wheel chocks shall be provided to prevent vehicle from extending over lot or setback lines.
- (9) Lot space requirements for the layout of the parking at various angles shall be in accordance with the following minimum regulations:

Parking Angle	Maneuvering Aisle Width	Parking Stall Width	Parking Stall Length	Total Width of Two Stalls of Parking Plus Maneuvering Aisle
0° (parallel parking)	12.0 ft.	8.5 ft.	24.0 ft.	29.0 ft. (one way) 32.0 ft. (two way)
Up to 53°	13.0 ft.	9.0 ft.	21.0 ft.	55.0 ft. (one way)
54° to 74°	18.0 ft.	9.0 ft.	22.0 ft.	62.0 ft. (one way)
75° to 90°	24.0 ft.	9.0 ft.	20.0 ft.	44.0 ft. (one way) 64.0 ft. (two way)

- (10) The minimum parking space dimension for any development not provided for in the preceding paragraph shall be: (1) 9.0 feet in width, (2) 20.0 feet in length, and (3) 180.0 square feet in area.

Sec. 18.04 OFF-STREET LOADING AND UNLOADING REQUIREMENTS.

On the same premises with every building, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interferences with public use of the streets, alleys, or any required access aisles for off-street parking areas.

Sec. 18.05 LOADING AREA REQUIREMENTS.

Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10) feet by fifty (50) feet, with fifteen (15) feet height clearance, having paving suitable for the zoning district wherein located, and shall be provided according to the following schedule:

Gross Floor Area In Square Feet	Loading and Unloading Spaces Required In Terms of Square Feet of Gross Floor Area
0 - 1,999	None
2,000 - 19,999	One space
20,000 - 99,999	One space plus one space for each 20,000 square feet in excess of 20,000 square feet
100,000 - 499,999	Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet
500,000 and Over	Fifteen spaces plus one space for each 80,000 square feet in excess of 500,000 square feet.

**ARTICLE 19.00
PERFORMANCE STANDARDS**

Sec. 19.01 SCOPE

After the effective date of this Ordinance, any use established or changed to, and any buildings, structure, or tract of land developed, constructed or used for, any permitted principal or accessory use shall comply with all of the performance standards for the district involved. If any existing use or building or other structure is extended, enlarged, moved, structurally altered or reconstructed, or any existing use of land is enlarged or moved, the performance standards for the district involved shall apply with respect to any extended, enlarged, moved, structurally altered or reconstructed building or other structure or portion thereof, and with respect to land use which is enlarged or moved.

Sec. 19.02 PROCEDURE FOR DETERMINATION OF COMPLIANCE.

The purpose of these procedures is to insure that an objective, unbiased determination is made in those cases where there may be substantial doubt as to whether an individual use or group of uses complies with the performance standards of this Ordinance, and to formulate practical ways for the alleviation of such non-compliance.

- a. Subsequent to a preliminary study of the performance characteristics of an existing or proposed use, the Zoning Administrator/Building Inspector shall make a determination as to whether there exist reasonable grounds to believe that the use in question may violate the performance standards set forth in this Article and may initiate an official investigation.

Following the initiation of an official investigation, the Zoning Administrator/Building Inspector is empowered to require the owner or operator of the use in question to submit data and evidence as may be deemed essential to making an objective determination. Failure to submit data required by the Zoning Administrator/Building Inspector shall constitute grounds for denying a permit for that use of land. The evidence may include, but is not limited to, the following items:

- (1) Plans of the existing or proposed construction and development.
 - (2) A description of the existing or proposed machinery, process and products.
 - (3) Specifications for the mechanisms and techniques used or proposed to be used in restricting the possible emission of any of the dangerous and objectionable elements as set forth in this Article.
 - (4) Measurements of the amount or rate of emission of objectionable elements.
- b. Where determinations can reasonably be made by the Zoning Administrator/Building Inspector or other Township official, using equipment and personnel normally available to the Township or obtainable without extraordinary expense, determinations shall be made before notice of violation is issued.

Where determination of a violation is made, the Zoning Administrator/Building Inspector shall take or cause to be taken lawful action as provided by this Ordinance to eliminate the violation. Failure to obey lawful orders concerning cessation of violation shall be punishable as provided in this Ordinance.

- c. Where determination of violation of performance standards will likely entail the use of highly skilled personnel and expensive or unusual instrumentation not ordinarily available to the Township and when, in the considered judgment of the Zoning Administrator/Building Inspector a violation exists, the procedure will be as follows:
- (1) **Notice.** The Zoning Administrator/Building Inspector shall give written notice, by certified mail (return receipt requested or other means insuring a signed receipt for the notice) to those owners or operators of subject use deemed responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator/Building Inspector believes there is a violation in fact, and shall require an answer or a correction of the alleged violation to his satisfaction within a reasonable time limit set by him. The notice shall state, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator/Building Inspector within the time limit set constitutes admission of violation. The notice shall further state that upon request of those to whom it is directed, technical determinations as described in the appropriate portions of this Ordinance will be made, and that if the violation as alleged is found to exist in fact, costs of the determinations will be charged against those responsible in addition to other penalties as may be appropriate. If it is determined that no substantive violation exists, then the costs of this determination will be paid by the Township.
 - (2) **Correction of violation within time limit.** If, within the time limit set, there is no reply but the alleged violation is corrected to the satisfaction of the Zoning Administrator/Building Inspector, he shall note "Violation Corrected" on his copy of the notice and shall retain it among his records, taking other action as may be warranted by the circumstances of the case.
 - (3) **No correction; no reply.** If there is no reply within the time limits set [thus establishing admission of violation as provided in "(1)" above], and the alleged violation is not corrected to the satisfaction of the Zoning Administrator/Building Inspector within the time limit set, shall take or cause to be taken action as warranted by continuation of an admitted violation after notice to cease.
 - (4) **Reply requesting extension of time.** If a reply is received within the time limit set indicating that an alleged violation will be corrected to the satisfaction of the Zoning Administrator/Building Inspector, but that more time is required than was granted by the original notice, the Zoning Administrator/Building Inspector may grant an extension of time, if he deems such extension is warranted in the circumstances in the case, and if the

extension will not, in his opinion, cause imminent peril to life, health, or property. In acting on requests for extension of time, he shall in writing state his reasons for granting or refusing to grant the extension and shall transmit it by certified mail (return receipt requested or other means insuring a signed receipt) as provided in subsection "(1)" above, to those to whom the original notice was sent.

- (5) **Reply requesting technical determination.** If a reply is received within the time limit set requesting technical determinations as described in the appropriate provisions of this Ordinance and if the alleged violations continue, the Zoning Administrator/Building Inspector may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards do in fact exist, the costs of the determinations shall be paid by the persons responsible for the violations, in addition to other penalties as may be appropriate under the terms of this Ordinance. If no substantive violation is found, costs of the determination shall be paid by the Township.

- d. If, after the conclusion of the time granted for compliance with the performance standards, the Zoning Administrator/Building Inspector finds the violation is still in existence, any permits previously issued shall be void, and the operator shall be required to cease operation until the violation is remedied.

Sec. 19.03 APPEALS.

The Zoning Administrator/Building Inspector's action with respect to the performance standards procedure may be appealed to the Zoning Board of Appeals within thirty (30) days following the action. In the absence of appeal, the Zoning Administrator/Building Inspector's determination shall be final.

Sec. 19.04 PERFORMANCE STANDARDS.

Any use established in a commercial or industrial district shall not be permitted to carry out any activity or operation or use of land, building or equipment that produces an irritant to the sensory perceptions greater than the standard measures for safeguarding human safety and welfare.

- a. **Noise.** No operation or activity shall be carried out in a commercial or industrial district which cause or create measurable noise levels exceeding the maximum sound pressure levels prescribed below, as measured on or beyond the property line of the operation or activity.

TABLE A				
MAXIMUM PERMITTED SOUND PRESSURE LEVELS IN DECIBELS				
(Pre-1960 Octave Bands -- American Standards Association, Z24)				
Octave Band	Commercial And Light Industrial Districts		General Industrial Districts	
	Day**	Night**	Day**	Night**
(Cycles Per Second)*				
00 to 74	76db	70db	84db	76db
75 to 149	70	62	78	70
150 to 299	64	56	72	64
300 to 599	57	49	65	57
600 to 1,199	51	44	59	51
1,200 to 2,399	45	39	53	45
2,400 to 4,799	38	33	46	38
4,800 and above	36	31	44	36
* Sound level meter set on the "C" or "flat" scale, slow response.				
** Day: 7:00 a.m. to 9:00 p.m. Night: Between 9:00 p.m. and 7:00 a.m.				

A sound level meter and an octave band analyzer shall be used to measure the level and frequency of the sound or noise during the day and/or the night. The measuring equipment and measurement procedures shall conform to the latest ANSI specifications on acoustics. The sound level meter and octave band analyzer shall be calibrated before and after the measurements. Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise analyzer; and the measurements so obtained may be permitted to exceed the maximum levels provided in Tables A or B by no more than five (5) decibels. For purposes of this Ordinance, impact noises shall be considered to be those noises whose peak values are more than seven (7) decibels higher than the values indicated on the sound level meter.

For some post-1960 manufactured instruments, the octave bands mentioned above have been converted to the new Preferred Frequencies as established by the American Standards Association. To accommodate the possible use of either type of instrumentation, the preceding table is repeated, below, again in decibels, with the conversion to Preferred Frequencies already accomplished. Care must be exercised to assure the proper correlation between instruments and tables used in measuring performance.

TABLE B				
MAXIMUM PERMITTED SOUND PRESSURE LEVELS IN DECIBELS				
(Post-1960 Preferred Frequencies)				
Center Frequency	Commercial And Light Industrial Districts		General Industrial Districts	
(Cycles Per Second)*	Day**	Night**	Day**	Night**
31.5	77db	72db	85db	77db
63	73	68	80	73
125	67	62	75	67
250	62	57	70	62
500	55	50	65	55
1,000	51	46	60	51
2,000	44	39	50	44
4,000	37	32	45	37
8,000	33	28	40	33
* Sound level meter set on the "C" or "flat" scale, slow response.				
** Day: 7:00 a.m. to 9:00 p.m. Night: Between 9:00 p.m. and 7:00 a.m.				

Where street traffic noises directly adjacent to the boundary line exceed these maximum permitted levels, the intensity levels permitted may then exceed those levels specified in the tables but may not exceed the level of the subject adjacent street traffic noises. For those areas in which the existing background noise levels exceed the maximum permitted levels, the noise levels at the boundary line may not exceed the background noise levels. In such cases, a study shall be made to determine the character of the background noise to include sources, levels and duration. Sounds of an intermittent nature or characterized by pure tones may be a source of complaints even if the measured level does not exceed that specified. In such cases, the complaints shall be investigated to determine the nature of and justification for the complaint and possible corrective action. If the complaints are not resolved within sixty (60) days, the Chief Building Official may then proceed to take steps to enforce the terms of the Zoning Ordinance in accordance with the remedies provided herein.

Application for variance from the sound level provisions may be submitted to the Board of Appeals. In such cases, the owner or operator of equipment on the property in the specific district shall submit a statement regarding the effects of noise from his equipment on the noise level in the surrounding area. This statement will include a

study of background noise levels, predicted levels at the boundary lines due to equipment operation and justification for the variance. The requests for variance will be reviewed by the Board of Appeals and granted where unnecessary hardship would otherwise be imposed upon the applicant and where no basic injury to the surrounding area will result. The Board of Appeals may impose conditions of operation in granting a variance.

- b. **Dust, Soot, Dirt, Fly Ash and Products of Wind Erosion.** The regulation of smoke, dust, soot, dirt, fly ash and products of wind erosion shall be subject in all respects to the State of Michigan Air Pollution Control Act.
- c. **Vibration.** Machines or operations which cause vibration shall be permitted, but no operation shall be permitted to produce ground transmitted oscillations which cause a displacement exceeding that specified in the following Tables C and/or D as measured at the property line. These vibrations shall be measured with a seismograph or accelerometer; preferably the former.

For purposes of this Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

Between the hours of 9:00 p.m. and 7:00 a.m. all of the above maximum vibration levels, as measured on or beyond the boundary line of residentially used areas adjacent to a commercial or industrial district, shall be reduced to one-half (1/2) the indicated permissible values.

TABLE C	
Maximum Permitted Steady State	
Vibration In Inches	
Frequency (Cycles Per Second)	
10 and below	0.001
10 to 19	0.0008
20 to 29	0.0005
30 to 39	0.0003
40 and above.....	0.0001

TABLE D	
Maximum Permitted Impact	
Vibration In Inches	
Frequency (Cycles Per Second)	
10 and below	0.002
10 to 19.....	0.0015
20 to 29.....	0.001
30 to 39.....	0.0005
40 and above	0.0002

d. **Odor.** The emission of noxious, odorous matter in quantities that are readily detectable at a point along any property line, when diluted in the ratio of one (1) volume of odorous air to four (4) or more volumes of clean air, which produce a public nuisance or hazard beyond lot lines is prohibited.

e. **Glare and Heat.** Any operation producing intense glare or heat shall be performed within an enclosure to completely obscure and shield the operation from direct view from any point along the lot lines, except during the period of construction of the facilities to be used and occupied.

Bare bulbs in signs in or near a residentially used area shall be no greater than ten (10) watts. Within five hundred (500) feet of a residentially used area, bare bulbs which are visible in the residential area may not exceed fifteen (15) watts.

f. **Fire and Safety Hazards.** The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all regulations of the Township and with all State rules and regulations, and regulations as established by the Fire Prevention Act, Act 207, Public Acts of 1941, as amended. Further, all storage tanks for flammable liquid materials above ground shall be located at least one hundred and fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes or other types of retaining wall which will contain the total capacity of all tanks so enclosed.

Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greater depth to the bottom of the buried tank.

g. **Sewage Wastes.** No industrial sewage wastes shall be discharged into sewers that will cause chemical reaction, either directly or indirectly, with the materials of such pipe or other structure construction to impair the strength or durability of sewer structures; cause mechanical action that will destroy or damage the sewer structures; cause restriction of the hydraulic capacity of sewer structures; cause placing of unusual demands on the sewage treatment equipment or process; cause

limitation of the effectiveness of the sewage treatment process; cause danger to public health and safety; or cause obnoxious conditions inimical to the public interest. Specific conditions controlling sewage wastes are as follows:

- (1) The acidity or alkalinity shall be neutralized within an average pH range of between five and one-half (5 1/2) to seven and one-half (7 1/2) as a daily average on a volumetric basis, with a permissible temporary variation in pH of 4.50 to 10.0.
 - (2) The wastes shall contain no cyanides. Wastes shall contain no chlorinated solvents in excess of 0.1 p.p.m.; no fluorides in excess of 10 p.p.m.; no more than 5 p.p.m. of hydrogen sulphide; and shall contain no more than 10 p.p.m. of chromates.
 - (3) The wastes shall not contain any insoluble substance in excess of 10,000 p.p.m.; exceed a daily average of 500 p.p.m.; fail to pass a No. 8 Standard Sieve; or have a dimension greater than one-half (1/2) inch.
 - (4) The wastes shall not have a chlorine demand greater than 15 p.p.m.
 - (5) The wastes shall not contain phenols in excess of 0.05p.p.m.
 - (6) The wastes shall not contain any grease or oil or any oily substance in excess of 100 p.p.m. or a daily average of 25 p.p.m.
 - (7) The discharge of mercury from any single source shall be prohibited.
- h. **Light.** Exterior lighting shall be installed so that the surface of the source of light shall not be visible from the nearest residential district boundary and it shall be arranged to reflect light away from any residential use. In no case shall more than one (1) footcandle power of light cross a lot line five (5) feet above the ground into a residential district.
- Illumination levels shall be measured with a footcandle meter or sensitive photometer and expressed footcandles.
- i. **Gases.** The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and maybe summarily caused to be abated. SO₂ gas, as measured at the property line at ground elevation, shall not exceed an average of 0.3 p.p.m., H₂S likewise shall not exceed 1 p.p.m., nitrous fumes shall not exceed 5 p.p.m., and carbon monoxide shall not exceed 15 p.p.m.; all as measured as the average intensity during any 2-hour sampling period.
- j. **Electromagnetic Radiation.** Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this Ordinance.
- k. **Drifted and Air-Borne Matter; General.** The drifting of air-borne transmission beyond the lot line of dust, particles or debris from any open stockpile shall be unlawful and shall be summarily caused to be abated.

**ARTICLE 20.00
SCHEDULE OF REGULATIONS**

Sec. 20.01 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.

The following regulations regarding lot sizes, yards, setbacks, and densities apply within the zoning district as indicated, including the regulations contained in Section 20.02 Footnotes to Schedule of Regulations. No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations established for the district in which the building is located. No portion of a lot used in complying with the provisions of this Ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

Zoning District	Minimum Lot Area Per Dwelling Unit		Maximum building Height		Min. Yard Setbacks Required				Minimum Floor Area and Width
	Area	Width	Stories	Feet	Front Yard	Side Yard		Rear Yard	Per Dwelling Unit d, m*
						At Least One	Two Total		
AG Agricultural □ with municipal sewer and water □ without municipal sewer and water	32,670 sq. ft. g* 43,560 sq. ft.	130 feet g*	3	35'	50'	25'	50'	50'	750 sq. ft.
RF Rural Small Farm □ with municipal sewer and water □ without municipal sewer and water	32,670 sq. ft. g* 43,560 sq. ft.	130 feet g*	3	35'	50'	25'	50'	50'	750 sq. ft.
R-1 Single-Family □ with municipal sewer and water □ without municipal sewer and water	20,000 sq. ft. g* 43,560 sq. ft.	100 feet g* 130 feet g*	2 p*	25' p*	40'	10'	25'	50'	750 sq. ft.
R-2 Single-Family f*	10,400	80 feet	2 p*	25' p*	30'	10'	20'	40'	750 sq. ft.
R-3 Single-Family f*	7,200	60 feet	2 p*	25' p*	25'	5'	15'	35'	750 sq. ft.
RT Two-Family f*	e*	--	2	25'	25'	h*	h*	35'	i*
RM Multiple Family f*	e*	--	2	25'	25'	h*	h*	50'	i*
RMH Mobile Home Park f*, n*	5,500 j*	--	1	20'	25' k*	10' k*	30' k*	10' k*	600 sq. ft.
C-1 Neighborhood Commercial	--	--	--	25'	45' o*	10'	20' l*	20'	750 sq. ft.
C-2 Community Commercial	--	--	--	35'	45' o*	10'	20' l*	20'	750 sq. ft.
C-3 General Commercial	--	--	--	35'	45' o*	10'	20' l*	20'	750 sq. ft.
LI Light Industrial	--	--	--	30'	30'	20'	40'	20'	--

NOTE: See a*, b*, c* etc. footnotes on following pages.

Sec. 20.02 FOOTNOTES TO SCHEDULE OF REGULATIONS.

- a. In all residential and industrial districts, the required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
- b. All yards abutting upon a public street shall be considered as front yard for setback purposes.
- c. Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwellings on more than sixty (60) percent of the lots of record on one side of the street in any one block in a Single-Family Residential District, the depth of front yard for any building thereafter erected or placed on any lot in such block need not be greater than the average depth of front yards of such existing building.
- d. The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches or attached garages.
- e. Minimum land area required for each dwelling unit in the RM District shall be:

Land Area In Square Feet	
Multiple Dwellings	Townhouses and Duplexes
Efficiency or one-bedroom unit.....3,000	4,200
Two-bedroom unit.....4,200	5,100
Three-bedroom unit.....5,100	5,700
Four or more bedroom units5,700	6,000

- f. Residential developments shall be served by public sanitary sewer and public water supply systems.
- g. Single-family lots in the AG, RF and R-1 District without municipal sanitary sewer and water shall be a minimum of 43,560 square feet in area, with a minimum of 130 feet of road frontage and a minimum of 180 feet of depth measured from the centerline of the roadway. Lots in the AG, RF and R-1 District served by both municipal sanitary sewer and water must be a minimum of 20,000 square feet in area, with a minimum of 100 feet of road frontage and a minimum of 180 feet of depth measured from the centerline of the roadway.

- h. Each side yard shall be a minimum of ten (10) feet and this space shall be increased beyond ten (10) feet by two (2) feet for each ten (10) feet or part thereof by which said dwelling structure exceeds forty (40) feet in overall dimension along the adjoining lot line. Maximum building length shall not exceed two hundred (200) feet.

Where two (2) or more multiple, row or townhouse dwelling structures are erected on the same lot or parcel, a minimum distance between any two (2) structures shall be thirty (30) feet plus two (2) feet for each ten (10) feet, or part thereof, by which the total length of that portion of the two structures lies opposite each other.

- i. The minimum required floor space per dwelling unit shall be:

- Efficiency 350 square feet
- One-bedroom apartment 600 square feet
- Two-bedroom apartment 800 square feet
- Three-bedroom apartment 1,000 square feet

plus an additional 80 square feet for each bedroom in excess of three bedrooms in any dwelling unit.

- j. Mobile home park developments are subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Act 96 of 1987 as amended.
- k. The setback requirements as provided in the Schedule of Regulations shall apply to detached dwellings or other permitted uses not located within a mobile home park as regulated by the State of Michigan.
- l. Side yards are not required at interior side lot lines if walls are of fireproof masonry construction, excepting that when such walls of buildings facing such interior side lot lines have windows or similar openings, side yards of at least ten (10) feet shall be provided. A side yard of twenty (20) feet is required on all corner lots and whenever adjacent to or across a street from a residential district.
- m. The minimum width of the main body of all single-family homes, except in the RMH, Mobile Home Park District, shall be twenty-four (24) feet.
- n. Mobile home parks shall be regulated per the requirements of Section 10.05
- o. Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of buildings on more than sixty (60) percent of the lots of record on one side of the street in any one block in a commercial district, the depth of the front yard for any building thereafter erected or placed on any lot in such block need not be greater than the average depth of front yards of such existing buildings.
- p. Where all side yard setbacks are maintained at not less than twenty-five (25) feet, the maximum height of the principal structure may be increased to three (3) stories and thirty-five (35) feet.

- q. Open space preservation. In the Ag, RF and R-1 zoned districts, residential development may take place, at the option of the landowner, with the same number of dwelling units on not more than 50% of the land than specified by minimum lot area per dwelling unit requirements that could otherwise be developed if not less than 50% of the land required will remain perpetually in an undeveloped state and the development does not depend upon the extension of a public water or sewer system, unless development of the land without the exercise of this option would also depend upon the extension.

**ARTICLE 21.00
NONCONFORMING USES AND BUILDINGS**

Sec. 21.01 NONCONFORMING USES.

Any lawful nonconforming use existing at the time of passage of this Ordinance or any prior ordinance may be continued, provided, however, that except in the case of dwellings, the building or the lot or land involved shall neither be structurally-altered, nor enlarged unless such revised structure shall conform to the provisions of this Ordinance for the district in which it is located. This section shall not prohibit structural alterations required by law.

Sec. 21.02 RECORD OF NONCONFORMING USES.

Within twelve (12) months after the effective date of this Ordinance, or any amendments thereto, the Zoning Administrator/Building Inspector shall prepare and maintain a record of all nonconforming uses and occupations of land, buildings and structures existing at the effective date which have come to his attention. The record shall contain the names and addresses of owners and occupants of premises in nonconforming use; the legal description of the land in the use; description of buildings, structures or vehicular units in the nonconforming use; and the specific nature of the nonconforming use. The Building Inspector shall prescribe the procedure for securing the record and making corrections and copies of the corrected record, which shall be filed in the office of the Township Clerk as part of the Township records.

Sec. 21.03 FORFEITURE OF RIGHT TO CONTINUE NONCONFORMING USE.

When nonconforming use of property is discontinued through vacancy, lack of operation, or other similar condition, for a period of twelve (12) months or more, no right shall exist to maintain on the property a nonconforming use unless the Zoning Board of Appeals, with approval of the Township Board, grants such privilege within six (6) months after the twelve (12) month period. No nonconforming use, if changed to a use permitted in the district in which it is located, shall be resumed or changed back to a nonconforming use.

When determining the intent of the property owner to abandon a nonconforming use and/or structure, the Zoning Administrator/Building Inspector shall consider all the following factors, where applicable:

- a. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
- b. Whether the property, buildings, and grounds have fallen into disrepair.
- c. Whether signs or other indications of the existence of the nonconforming use have been removed.
- d. Whether inventory, equipment or fixtures necessary for the operation of the nonconforming use have been removed.

- e. Other information or action that evidences an intention on the part of the property owner to abandon the nonconforming use and/or structure.

Sec. 21.04 RECONSTRUCTION OF DAMAGED NONCONFORMING BUILDINGS AND STRUCTURES.

Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the continued use of any nonconforming building or structure damaged by fire, collapse, explosion, Acts of God or acts of public enemy, subsequent to the effective date of this Ordinance, where the expense of the reconstruction does not exceed sixty (60) percent of the fair valuation of the entire building or structure at the time damage occurred; provided that the valuation shall be subject to the approval of the Building Inspector whose decision shall be reviewed by the Board of Appeals, and provided that restoration and resumption shall take place within six (6) months of the time of damage and that it be completed within one (1) year from time of damage, and provided further, that the use be identical with the nonconforming use permitted and in effect directly preceding the damage. Where pending insurance claims require an extension of time, the Building Inspector may grant a time extension provided that the property owner submits a certification from the insurance company attesting to the delay. Until the debris from the fire damage is fully removed, the premises shall be adequately fenced or screened from access by trespassers who may be attracted to the premises.

Sec. 21.05 NONCONFORMING LOTS OF RECORD.

In any district in which single-family dwellings are permitted, a single-family and customary accessory buildings may be erected on any single lot of record existing at the effective date of adoption or amendment of this Ordinance, may be utilized for single-residence purposes, provided the building site width is not less than forty (40) feet and the area is not less than four thousand eight hundred (4,800) square feet. The purpose of this provision is to permit utilization of recorded lots which lack adequate required width or depth as long as reasonable living standards can be provided. The lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall prevail even though the lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which the lot is located. An application for construction shall be submitted to the Building Inspector except for parcels to be served by sanitary sewers, including the results of soil percolation tests in three (3) copies, performed by a registered civil engineer at the exact location of proposed subsurface sewage disposal system facilities. The application must be approved by both the Building Inspector and the County Health Department prior to issuance of any permit.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of the parcel shall be used or sold in any manner which diminishes compliance with lot width and area requirements established by this Ordinance,

nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

Sec. 21.06 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restriction on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- b. Should a nonconforming structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- c. If any nonconforming structure ceases being used for any reason for a period of more than twelve (12) months, any subsequent use of the structure shall conform to the regulations specified by this Ordinance for the district in which the structure is located.

Sec. 21.07 NONCONFORMING USES OF LAND.

Where at the time of passage of this Ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where the use involves no individual structure with an assessed value exceeding Five Hundred (\$500) Dollars, the use may be continued so long as it remains otherwise lawful provided:

- a. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment to this Ordinance.
 - b. No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by the use at the effective date of adoption or amendment to this Ordinance.
 - c. If any nonconforming structures cease for any reason for a period of more than twelve (12) months, any subsequent use of the building shall conform to the regulations specified by this Ordinance for the district in which the structure is located.
- (2) No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with the nonconforming use of land.

Sec. 21.08 NONCONFORMING USES OF STRUCTURES.

If lawful use involving individual structures with an assessed value of Five Hundred (\$500) Dollars or more of structure and premises in combination, exists at the effective date of adoption of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for the use at the time of adoption or amendment of this Ordinance, but no use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not be changed to a nonconforming use.
- d. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the entire structure shall eliminate the nonconforming status of the land.

Sec. 21.09 REPAIRS AND MAINTENANCE.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty (20) percent of the current assessed value of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful to a lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not be restored, repaired, or rebuilt except in conformity with the regulation of the district in which it is located.

Sec. 21.10 DISTRICT BOUNDARY CHANGES.

Ordinarily, when district boundaries are changed, any nonconforming use may still be continued but subject to all other provisions of this Ordinance. However, if a property owner voluntarily petitions for rezoning of his property on which there exists a land use or structure

which would not be permitted in the proposed new zoning district for the property, then the nonconforming land use or structure shall not retain its legal nonconforming status and shall be removed or discontinued within six (6) months after the rezoning has become effective.

Sec. 21.11 JUNKYARD OR USED MATERIAL YARD IN NONCONFORMING USE.

Any junkyard or used material yard in existence on the effective date of this Ordinance, which is located in a district other than a industrial district, shall be listed as a "Valid Nonconforming Use" and may continue to operate subject to the provisions of this Ordinance governing nonconforming use; and it is further provided that continuance of operation of such yards shall depend upon the maintenance, of orderly appearance, the minimizing of noise, odors, smoke and absence of material, number of justified and proven complaints that such yard is a nuisance.

Sec. 21.12 NONCONFORMING USE OF MOBILE HOMES.

On the effective date of this Ordinance, any "Valid Nonconforming Use" mobile home shall cease to be valid and shall become illegal, and the mobile home or any other mobile home may not be moved onto or used upon the premises, in the event of any one (1) or more of the following conditions pertaining to the mobile home or premises occurs.

- a. If the mobile home is removed from the lot, parcel or tract of land on which it has been located.
- b. If the mobile home is not connected with fresh water supply and septic tank/drain field sewerage system prior to or on the effective date of this Ordinance.

Sec. 21.13 VALID NONCONFORMING USE OF MOBILE HOMES.

The use of any mobile home placed on a lot, parcel or tract of land in the Township prior to the effective date of this Ordinance, which use is prohibited by this Ordinance, shall be a "Valid Nonconforming Use" that may be continued, subject to the provisions pertaining to "Nonconforming Uses" contained in Section 21.12 .

**ARTICLE 22.00
ADMINISTRATION AND ENFORCEMENT**

Sec. 22.01 ENFORCEMENT.

The provisions of this Ordinance shall be administered by the Township Zoning Administrator/Building Inspector, who shall be appointed by the Township Board, subject to conditions and at rate of compensation as the Board determines. The Building Inspector may be assisted by any other Township employees and officials as he may delegate to enforce the provisions of this Ordinance. The duty of enforcement shall rest with administrative officials as are authorized by law, and administrative officials shall for the purpose of this Ordinance have the power of public officers.

If the Zoning Administrator/Building Inspector finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Sec. 22.02 BUILDING PERMITS.

- a. No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Building Inspector. No building permit shall be issued except in strict conformity with the provisions of this Ordinance, unless he receives a written order from the Zoning Board of Appeals.
- b. The Building Inspector shall have the power to issue permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or any permits for any excavation or construction until he has inspected the plans in detail and found them in conformity with this Ordinance.
- c. The Building Inspector shall require that every application for a permit for excavation, construction, moving, or alteration or change in type of use or the type of occupancy be filed in triplicate and accompanied by written statement and, as applicable, dimensioned plans or plats drawn to scale, and showing the following, to enable the Building Inspector to ascertain whether the proposed work or use is in conformance with this Ordinance.
 - (1) The actual shape, location, and dimensions of the lot.
 - (2) The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.

- (3) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
 - (4) The lines of the lots or parcels under separate ownership.
 - (5) The names and widths of abutting pavements and rights-of-way.
 - (6) The signature of the fee holder/owner of the premises concerned.
 - (7) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
- d. One copy of the application shall be returned to the applicant by the Building Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the application, similarly marked, shall be retained by the Building inspector, maintained on file and available to the public for inspection upon request during normal business hours. In all cases when the Building Inspector refuses to issue a building permit, he shall state the refusal in writing with the cause and reasons for refusal.

Sec. 22.03 EXPIRATION OF BUILDING PERMITS.

If the work described in any building permit has not begun within one hundred twenty (120) days from the date of issuance, the permit shall expire; it shall be canceled by the Building Inspector and written notice shall be given to the persons affected. If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance, the permit shall expire and be canceled by the Building Inspector, and written notice shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

Sec. 22.04 CONFORMANCE WITH APPROVED PLANS.

Building permits issued on the basis of plans and applications approved by the Building Inspector authorize only the use, arrangement, and construction set forth in the approved plans and applications, and no other use, arrangement, or construction. Use arrangement, or construction at variance with that authorized shall be deemed violation of this Ordinance, and punishable as provided by Section 24.03.

Sec. 22.05 CERTIFICATES OF OCCUPANCY.

It shall be unlawful to use or permit the use of any land, building, or structure for which a permit is required, and to use or permit to be used any building or structure altered, extended, erected, repaired, or moved, until the Building Inspector has issued a certificate of occupancy to the applicant for the building permit in effect stating that the provisions of this Ordinance have been complied with. The Building Inspector may withhold issuance of

an occupancy permit until all improvements shown in an approved site plan phase are completed, or a performance bond is posted.

- a. **Certificates for existing buildings.** Certificates of occupancy shall be issued for existing buildings, structures or parts thereof, or existing uses of land if after inspection it is found that the buildings, structures or parts thereof, or the use of land, are in conformity with the provisions of this Ordinance.
- b. **Temporary certificates.** Certificates of temporary occupancy may be issued for a part of a building or structure prior to the occupancy of the entire building or structure, provided that certificate of temporary occupancy shall not remain in force more than thirty (30) days, nor more than five (5) days after the building or structure is fully completed and ready for occupancy; and provided further, that portions of the building or structure are in conformity with the provisions of this Ordinance.
- c. **Records of certificates.** A record of all certificates of occupancy shall be kept in the office of the Building Inspector and copies of certificates of occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.
- d. **Certificates for accessory buildings to dwellings.** Accessory buildings or structures to dwellings shall not require a separate certificate of occupancy, but rather, may be included in the certificate of occupancy for the principal dwelling, building or structure on the same lot when the accessory buildings or structures are completed at the same time as the principal use.
- e. **Application for certificates.** Certificates of occupancy shall be applied for in writing to the Building Inspector coincidentally with application for building permits and shall be issued within five (5) days after notification of completion of the Building, if it is found that the building or structure, or part thereof, or the use of the land is in accordance with the provisions of this Ordinance. If the certificate is refused for cause, the applicant shall be notified of refusal and the cause within the five (5) day period.

Sec. 22.06 FINAL INSPECTION.

The recipient of any building permit for the erection, construction, alteration, repair or moving of any building, structure, or part thereof, shall notify the Building Inspector immediately upon the completion of the work authorized by the permit, for a final inspection.

Sec. 22.07 FEES.

To assist in defraying the costs of investigating, reviewing and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to Frankenlust Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees related to the following:

- a. Building and zoning permits.
- b. Sign permits.
- c. Special use permits.
- d. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
- e. Classification of unlisted property uses.
- f. Requests for variances from the Zoning Board of Appeals.
- g. Requests for rezoning of property by individual property owners. Rezoning of property initiated by the Township Board or the Planning Commission shall be subject to a zoning fee.
- h. Site plan reviews.
- i. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the

applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

**ARTICLE 23.00
ZONING BOARD OF APPEALS**

Sec. 23.01 BOARD ESTABLISHED.

There is established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by 2006 P.A. 110, as amended, in such way that the objectives of this Ordinance are observed, public safety, morals, and general welfare assured, and substantial justice done.

Sec. 23.02 BOARD MEMBERSHIP.

- a. The Zoning Board of Appeals shall consist of the following five (5) members:
 - (1) The first member of the Zoning Board of Appeals shall be a member of the Township Planning Commission.
 - (2) The remaining four (4) members shall be selected from the electors of the Township; provided, however, that one of these may be a member of the Township Board, but he may not serve as Chairman of the Zoning Board of Appeals. The members selected shall be representatives of the population distribution and of the various interests present in the Township.
 - (3) An employee or contractor of the Township may not serve as a member or an employee of the Township Zoning Board of Appeals.
- b. The total amount the Zoning Board of Appeals members receive in any one (1) year as per diems, or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which sum shall be appropriated annually in advance by the Township Board.
- c. The term of each member shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board where terms shall be limited to the time they are members of those bodies. When members are members first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
- d. The Zoning Board of Appeals shall not conduct business unless a majority of the members are present.
- e. Members of the Zoning Board of Appeals shall be removable by the Township Board for misfeasance, malfeasance, or nonfeasance of duty in office, upon written charges and after a public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute malfeasance in office.

Sec. 23.03 BOARD MEETINGS.

All special meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and regular meetings at such times as the Township Board may determine. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official action, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record.

Sec. 23.04 JURISDICTION AND APPEALS.

- a. The Zoning Board of Appeals shall hear and decide questions that arise in the administration of this zoning ordinance, including the interpretation of the zoning map. The Zoning Board of Appeals shall also hear and decide on matters referred to it or upon which it is required to pass under this ordinance. It shall hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with enforcement and of any provisions of this Ordinance. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative officials, or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to grant a variance in this Ordinance. An appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the Township, County or State.
- b. An appeal shall be taken within a time as shall be prescribed by the Zoning Board of Appeals by general rules, by the filing with the officer from whom the appeal is taken and with the Zoning Board of Appeals of a written notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit to the Board all the papers constituting the record upon which action appeal was taken.
- c. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Zoning Board of Appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Circuit Court on application, on notice to the Building Inspector and on due cause shown.
- d. Following receipt of a written request concerning a request for a variance, the Zoning Board of Appeals shall fix a reasonable time for a hearing of the request and give notice as provided in subsection e.
- e. Upon receipt of a written request seeking an interpretation of the zoning ordinance, an appeal of an administrative decision or a variance, 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 making the request not less than 15 days before the public hearing. In addition, if the request 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 request shall be sent by first-class mail or personal delivery 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.

- f. At the hearing, a party may appear in person or by agent or attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.
- g. If there are practical difficulties in the way of carrying out the strict letter of the zoning ordinance, the Zoning Board of Appeals may grant a nonuse variance in accordance with this subsection, so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done. The Zoning Board of Appeals may impose conditions as is otherwise allowed under applicable law.
- h. The Zoning Board of Appeals shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance, or to any other nonuse-related standard in this ordinance.
- i. The authority to alter or change the Zoning Ordinance or zoning map is reserved to the Township Board, as is provided by law.

Sec. 23.05 HEARING OPEN TO PUBLIC.

The Zoning Board of Appeals shall make no decision in any specific case until after it conducts a public hearing following notice as provided in Section 23.04, above.

Sec. 23.06 POWERS OF THE ZONING BOARD OF APPEALS.

The Zoning Board of Appeals is a body of limited powers.

- a. The purpose of the Zoning Board of Appeals is to hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision or determination made by Township officials in the enforcement of this Ordinance, and to hear and decide variances where there are practical difficulties in the way of carrying out the strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public health and safety secured, and substantial justice done.
- b. The Zoning Board of Appeals, by majority vote of its membership, may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

c. The Zoning Board of Appeals shall have the authority to grant variances as may be in harmony with the general purpose and intent of this Ordinance, so that public health, safety and welfare are secured, and substantial justice is done, including the following:

- (1) Interpret the provisions of this Ordinance in a way to carry out the intent and purpose of the plan, as shown upon the zoning map fixing the use districts, accompanying this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map.

In case of any question as to location of boundary line between zoning districts, the Zoning Board of Appeals shall interpret the zoning map after recommendation from the Planning Commission.

- (2) Permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any zoning district to a greater height or of a larger area than the district requirements and permit the location in any district of a public utility building or structure if the Zoning Board of Appeals shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.
- (3) Permit the modification of the off-street motor vehicle parking space or loading space requirements where, in the particular instance, modifications will be consistent with the purpose and intent of the requirements, after recommendation from the Planning Commission.
- (4) Permit modification of the height, lot area, yard setbacks, floor area and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of shape or size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without modification, provided that modification of lot area regulations shall be permitted only in instances where the nature of the soil and drainage is such that there is sufficient area for safe water supply and sanitary disposal of waste (unless public water distribution and/or sanitary sewage facilities are provided). Whenever the Zoning Board of Appeals determines that the same are necessary in order to render a decision, it may require the appellant to submit a topographical survey or the results of percolation tests certified by a Professional Engineer or Registered Land Surveyor.
- (5) Permit the modification of site plan review requirements, as may be established by the Township Planning Commission where practical difficulty and unusual circumstances peculiar to the property in question.
- (6) Permit temporary enclosures and/or uses, not provided for elsewhere in this Zoning Ordinance, for periods not to exceed two (2) years in undeveloped

sections of the Township and for periods not to exceed six (6) months in developed sections.

- (7) Permit, upon proper application, temporary enclosures and/or uses which are not otherwise permitted in any district which do not require the erection of any substantial capital improvement of a structural nature. The temporary permit shall initially be granted for a period not to exceed twelve (12) months, extensions being permissible after a public hearing for each extension.

The Zoning Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

- (a) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property where the temporary use is permitted.
- (b) The granting of the temporary use shall be in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of the temporary permit.
- (c) All setbacks, off-street parking, lighting, and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township shall be made at the discretion of the Zoning Board of Appeals.
- (d) In classifying uses as not requiring substantial capital improvement, the Zoning Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to: golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
- (e) The use shall be in harmony with the general character of the district.
- (f) No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held. Further, the Zoning Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.
- (g) In consideration of all appeals for variances, The Zoning Board of Appeals shall review each case individually as to its applicability to each of the following standards so that the results:

- (i) Will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.
- (ii) Will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to intersections, adequacy of sight distances, location and access of off street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian-vehicle contacts in residential districts.
- (iii) Will be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
- (iv) Will be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- (v) Will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
- (vi) Is necessary for the public convenience at that location; is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
- (vii) Will not cause injury to the value of other property in the neighborhood in which it is to be located.

Sec. 23.07 APPROVAL PERIODS.

No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, unless a building permit for such erection or alteration is obtained within that period, and erection or alteration is started and proceeds to completion in accordance with the terms of the permit. No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than six (6) months unless the use is established within the period; provided, however, that

the order shall continue in force and effect if a building permit for erection or alteration is started, and proceeds to completion in accordance with the permit.

ARTICLE 24.00
INTERPRETATION, SEVERABILITY, PENALTIES, AMENDMENTS, RIGHTS AND
REMEDIES, GENERAL RESPONSIBILITY, ENACTMENT AND EFFECTIVE DATE

Sec. 24.01 INTERPRETATION.

In the interpretation and application, the provisions of this Ordinance shall be held to a minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. Where this Ordinance imposes a greater restriction than is required by existing ordinances or by rules, regulations or permits, the provisions of this Ordinance shall control. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities; and, they are declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Sec. 24.02 SEVERABILITY.

This Ordinance and the various parts, sections, subsections, phrases and clauses are declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is provided that the remainder of this Ordinance shall not be affected. The Township Board declares that it would have passed this Ordinance, and each section, subsection, phrase, sentence and clause, irrespective of the fact that any one or more sections, subsections, phrases, sentences or clauses be declared invalid.

Sec. 24.03 VIOLATION; PENALTY.

Any person, firm or corporation, including, but not by way of limitation, builders and contractors who violate, neglect, or refuse to comply with or who resists the enforcement of any of the provisions of this Ordinance or conditions of the Planning Commission, Zoning Board of Appeals or Township Board, upon conviction, shall be punished by a fine not to exceed Five Hundred (\$500) Dollars and costs of prosecution, or by being imprisoned in the County Jail for not more than ninety (90) days, or both such fine and imprisonment at the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense.

The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Uses of land, and dwellings, buildings, or structures, including tents, trailer coaches and mobile homes, used, erected, altered, razed, or converted in violation of any provision of this Ordinance, are declared to be a nuisance per se. The Court may order the nuisance abated and the owner and/or agent in charge of the dwelling, building, structure, tent, trailer coach, mobile home, or land may be adjudged guilty of maintaining a nuisance per se, and same may be abated by order of any Court of competent jurisdiction.

Sec. 24.04 AMENDMENTS TO THIS ORDINANCE.

The Township Board may, upon recommendation from the Planning Commission, amend, supplement or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in 2006 P.A. 110, as amended. Whenever a petitioner requests a zoning district boundary amendment, he shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to his petition, and shall submit a petition for rezoning to the Township Clerk, or as delegated to the Zoning Administrator. Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit the required fee as established by the Township Board, which fee shall be paid over to the Township Clerk at the time the petition is filed to cover the administrative, publication and attendant miscellaneous costs involved with the petition, and same shall be deposited in the zoning fund of the Township. A twelve month interval between submittals of identical rezoning petitions is required.

Sec. 24.05 RIGHTS AND REMEDIES.

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Sec. 24.06 GENERAL RESPONSIBILITY.

The Township Board or its duly authorized representative is charged with the duty of enforcing this Ordinance and the Board is empowered to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court, or any other Court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate non-compliance or violation. And it is further provided that any person aggrieved or adversely affected by a noncompliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

Sec. 24.07 ENACTMENT AND EFFECTIVE DATE.

The foregoing Zoning Ordinance and Zoning Map were adopted at a regular meeting of the Frankenlust Township Board of Trustees, on November 10, 2009, following recommendation by the Frankenlust Township Planning Commission which held a public hearing on October 21, 2009. This ordinance was published in the *Bay City Democrat*, a newspaper having general circulation in Frankenlust Township on November 19, 2009. It became effective upon the expiration of seven days after the date of publication. The provisions in Article 15.00 creating a Planning Commission under 2008 P.A. 33 and governing its organization, administration, powers and duties under the authority of that became effective 63 days after the publication date.