

# **ERIE TOWNSHIP ZONING ORDINANCE**

**ERIE TOWNSHIP  
Monroe County, Michigan**



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Effective: August 5, 2016**

**As Amended :**

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## **PREAMBLE**

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

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# **ARTICLE 1 - TITLE AND PURPOSE**

## **1.01 Title**

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

## **1.02 Purpose**

It is the purpose of this Zoning Ordinance is to provide for the regulation of land development and the establishment of districts which regulate the use of land and structures to meet the needs of citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety, and welfare. The purpose of this Zoning Ordinance is also to provide for the regulation of land development and the establishment of districts which apply only to land areas and activities involved in a special program to achieve specific land management objectives and avert or solve specific land use problems, including the regulation of land development and the establishment of districts in areas subject to damage from flooding or beach erosion. This Zoning Ordinance is also intended to regulate the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles.

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## **ARTICLE 2 - INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL & EFFECTIVE DATE**

### **2.01 Interpretation**

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

### **2.02 Severance Clause**

Sections of this Ordinance shall be deemed to be severable and should any Section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use building or structure not specifically included in said ruling.

### **2.03 Vested Right**

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 therein; and, they are hereby 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.

### **2.04 Repeal**

All ordinances and amendments thereto enacted and/or adopted by the Township by virtue of Act 184 of the Public Acts of 1943, as amended, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

### **2.05 Effective Date**

This Ordinance shall take effect following adoption and upon publication of a notice of adoption in accordance with the provisions and procedures of the Michigan Zoning Enabling Act, P.A. 110 of 2006 as amended. This Ordinance was adopted on May 13, 2014, and became effective June 1, 2014.

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## **ARTICLE 3 - ADMINISTRATION, ENFORCEMENT AND PENALTIES**

### **3.01 Purpose**

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

### **3.02 Responsibility for Administration**

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

### **3.03 Duties of the Zoning Administrator**

Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in doing so shall perform, at a minimum, the following:

- (A) **Issue Permits:** All applications for Zoning Permits, including permits for special uses, temporary uses and temporary dwellings; variances; appeals; requests for Ordinance interpretation; and requests for changes to a nonconforming use shall be submitted to the Zoning Administrator who may issue such permits when all applicable provisions of this Ordinance have been met and approval has been granted by the proper body or official.
- (B) **File of Applications:** The Zoning Administrator shall maintain files of all permit applications, and shall keep a record of all permits issued; these shall be filed in the office of the Zoning Administrator and shall be open for public inspection.
- (C) **Inspections:** The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to carry out the enforcement of this Ordinance. No person shall molest, hinder, or interfere with the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator shall seek a search warrant through the Township Attorney any time a property owner refuses access to a property in order to make an inspection to determine compliance with this Ordinance.
- (D) **Record of Complaints:** The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint; such records shall be open for public inspection.
- (E) **Reports:** The Zoning Administrator shall report to the Planning Commission and Township Board periodically, as requested by such bodies, on activities pertaining to the issuance of Zoning Permits and complaints of violation and actions taken on such complaints.

### **3.04 General Permit Procedures and Regulations**

- (A) **Zoning Permit Application Required for Use of Land or Construction:** No excavation shall be

initiated, and no building shall be erected, altered, moved or structurally altered (including, but not limited to, accessory structures, fences, porches, decks, patios or terraces) until a Zoning Permit has been issued by the Zoning Administrator. Further, no use of land or building may be changed from one use to another unless a Zoning Permit has been issued by the Building Inspector. A Zoning Permit may be issued only when such change of use, excavation, construction, addition or alteration conforms to all requirements within this Ordinance, except upon written order of the Zoning Board of Appeals. An application for a Zoning Permit shall be available from the Zoning Administrator.

Exception: A Zoning Permit and Site or Plot Plan shall not be required for Accessory Storage Sheds and Farm Market Stands of 100 Square feet, or less, provided the installation or use conforms to all of the requirements of this Ordinance.

- (B) **Plot Plan / Site Plan:** An application for a Zoning Permit shall include the submittal of a Plot Plan or Site Plan. The preparation and review of such submittal shall comply with the provisions of Article 4. Upon approval of the plot plan or site plan, a Zoning Permit shall be issued except as may be provided otherwise in this Ordinance.
- (C) **Special Land Use:** In addition to meeting the site plan requirements of Article 4 (Plot Plan and Site Plan Review Procedures), a Zoning Permit application for a use classified as a "special land use" within the subject zoning district shall be processed according to the provisions of Article 5.
- (D) **Application Fees:** Fees for review of development proposals, inspections and the issuance of permits or certificates required under this Ordinance shall be deposited with the Zoning Administrator in advance of processing any application or issuance of any permit. No application for approval for which a fee is requested will be processed until the fee is deposited with the Zoning Administrator. The amount of such fees shall be established by the Township Board by resolution and shall cover the cost of inspection and administration resulting from the enforcement of this Ordinance. Such fees may include but are not limited to all costs associated with conducting a public hearing or inspection, including the newspaper notice, postage, photocopying, staff time, Planning Commission and/or Zoning Board of Appeals time, mileage, and any costs associated with reviews by qualified professionals including professional planners and/or engineers.
  - 1. **Professional Review and Fee:** For any application for a Zoning Permit, variance, or other use or activity requiring a permit under this Ordinance, a reviewing or approving body may require the payment of a professional review fee when professional input is desired, before a decision is made, due to the complexity of the proposal or concern over the potential impacts of the project. The applicant is entitled to a refund of any unused professional review fee at the time a permit is either issued or denied in response to the applicant's request. If actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to receipt of any Zoning Permit or other permit issued by the Township in response to the applicant's request.
  - 2. **Professional Review Report:** A professional review shall result in a report to the Township providing information pertinent to the extent of the project's conformance or nonconformance with this Ordinance and to identify any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review contracted for by the Township and a copy of the statement of expenses for the professional services rendered.
- (E) **Zoning Permit Issuance, Withholding, Expiration, and Revocation.**
  - 1. **Issuance:** Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue the appropriate permit after being directed to do so by the designated approving body or official. A performance guarantee may be required as

a condition to the issuance of any Zoning Permit in order to insure conformance with the requirements of this Ordinance (see Section 3.07). In any case where a permit is refused, the reasons shall be stated in writing to the applicant.

2. **Withholding Permit:** The Zoning Administrator may withhold any Zoning Permit pending verification that an applicant has received required county, state or federal permits including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetlands permits; flood plain and culvert permits; or driveway permits. Likewise, wherever this Ordinance authorizes permit approval by the Planning Commission or Township Board, the Planning Commission or Township Board may condition final approval of the requested development activity upon the receipt of any of the above mentioned county, state or federal approvals and/or direct the Zoning Administrator not to issue a Zoning Permit until said permits from other agencies have been obtained.
  3. **Expiration of Permit:** A permit shall become null and void after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection by the Building Inspector. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least thirty (30) days before such voidance is effective, provided however, that the body which approved such permit may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. Upon expiration, the permit shall be renewable only upon reapplication and upon payment of the original fee, subject to the provisions of all ordinances in effect at the time of renewal.
  4. **Revocation:** The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. The owner or his agent shall be notified of such revocation in writing. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit. Failure to terminate the use for which the permit was revoked, other than for the purpose of correcting the violation is declared to be a nuisance per se and a violation of this Ordinance. Revocation of a permit issued for a special land use or variance shall not occur until a hearing has been held by the body which granted the permit.
- (F) **Occupancy Permit:** No structure or use shall be occupied without first receiving a certificate of occupancy permit from the Building Inspector.

### 3.05 Violations

- (A) **Violations are Nuisances Per Se:** Violations of any provisions of this Ordinance are declared to be nuisances per se.
- (B) **Notice of Violation:** The Zoning Administrator shall inspect each alleged or apparent violation. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, the Zoning Administrator shall issue a Notice of Violation, in writing, that specifies all circumstances found to be in violation. A Notice of Violation or stop order posted by the Zoning Administrator on a structure shall not be removed without written authorization from the Zoning Administrator.
- (C) **Service of Notice:** Such notice shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records.
- (D) **Violation Correction Period:** All violations shall be corrected within the time period specified on the Notice of Violation, as deemed appropriate in the reasonable discretion of the Zoning

Administrator, but not less than 5 days or more than 6 months.

- (E) **Legal Action:** If the owner or party in interest fails to correct the violation within the time period specified by the Township Board, the Township Board shall direct the Township Attorney to take appropriate legal action. The Township Attorney may then initiate prosecution proceedings. If the threat to public health and or safety necessitates immediate action, this procedure may be circumscribed and the Township Board may initiate injunctive action in Circuit Court or any such other remedy provided by Law (see Section 3.06).

### 3.06 Penalties and Remedies

- (A) **Violations as Misdemeanors:** Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances, approved site plans, zoning permits, or other authorizations under this Ordinance, shall constitute a civil infraction as authorized by and in accordance with Ordinance 105, as amended, or a misdemeanor as follows: Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500) or imprisoned for not more than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. The owner of record or tenant of any building, structure, premises, or part thereof, and any architect, building contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- (B) **Remedies:** The Township Board may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.

### 3.07 Performance Guarantee for Compliance

- (A) **Purpose:** In authorizing any Zoning Permit, Variance, Site Plan Approval, or Special Use Approval, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished. Such performance guarantee or bond shall protect public interests with respect to any or all of the following:
  1. Compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance.
  2. Discontinuance of a temporary use by a stipulated time.
  3. Removal of any structure that becomes unlawful, by virtue of the fact that a principal structure was not (See Section 20.06).
- (B) **Requirements of Guarantee:** The performance guarantee shall provide sufficient resources for the Township to complete required improvements or demolition, or otherwise of satisfy other conditions in the event the permit holder does not.
  1. **Improvements Covered:** Improvements that may be covered by the performance guarantee include, but are not necessarily limited to: streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage, sidewalk installation, pond construction and demolition.
  2. **Form:** The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Zoning Administrator, which names the property owner as the obliger and the Township as the obligee. If appropriate, based on the type of performance guarantee submitted, the Township shall

deposit the funds in an account in a financial institution with which the Township regularly conducts business.

3. **Amount and Time Required:** The amount of the performance guarantee or bond should be sufficient to cover one hundred fifty percent (150%) of the estimated cost of the improvements or conditions, according to a detailed cost estimate submitted by the applicant and approved by the requiring body or official. After approval of the detailed cost estimate by the requiring body or official, the performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project.

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

1. **Request for Payment:** As required improvements are completed, or when all of the required improvements have been completed, the applicant shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the Township Board indicating approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.
2. **Approval of Payment:** The Township Board shall either approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Township Board within forty-five (45) days after receipt of the notice from the obligor of the completion of the improvements. Where approval or partial approval is granted, the Township Board shall notify the Township Clerk of such approval and the Township Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition. The Township Board shall withhold thirty percent (30%) of the performance guarantee to be rebated until such time that the applicant submits an accurate set of "as-built" drawings upon project completion. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.
3. **Lack of Full Completion:** Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any balance remaining shall be returned to the applicant.

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

(E) **Record of Performance Guarantees:** A record of authorized performance guarantees shall be maintained by the individual or body designated by the Township Board.

### 3.08 Timely Action of Applications

All approvals applied for under this Ordinance shall be acted upon in a timely manner. However, in no case shall the matter of a timely decision undermine the intent of this Ordinance that all requested

approvals undergo the necessary and adequate review to assure all standards have been met and the public health, safety and welfare is preserved.

- (A) If an application has not been received by the Zoning Administrator at least forty-five (45) days prior to the next regularly scheduled meeting when the designated body would normally begin deliberation on such application, the designated body may delay initiating deliberations until the next regularly scheduled or special meeting.
- (B) A decision by the designated approving body for an application shall be made within ninety (90) days of the body's determination such application is complete unless, in the opinion of the approving body, an extension of time is necessary to adequately collect and review information pertinent to a decision.
- (C) Where action on an application requires a public hearing, such hearing shall be scheduled within sixty (60) days of the designated body's determination such application is complete except where the body's upcoming meeting agendas prohibit such hearing due to work load. Where action on an application requires a public hearing, action on the application shall be made within ninety (90) days following such hearing unless, in the opinion of the approving body, an extension is necessary to adequately collect and review information pertinent to a decision.

### **3.09 Public Hearings and Notices**

Except as otherwise required by the Michigan Zoning Enabling Act, or this Ordinance, whenever a public hearing is required, Erie Township shall publish notice of the hearing in a newspaper of general circulation in not less than 15 days before the date of the hearing. Notice of such hearing shall also be provided to the owners of property that is the subject of the request. Notice shall also be given to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, 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. Notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

The notice provided under this Section shall:

1. Describe the nature of the request.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the request will be considered.
4. Indicate when and where written comments will be received concerning the request.

## **ARTICLE 4 - PROCEDURES FOR PLOT PLAN AND SITE PLAN REVIEW**

### **4.01 Purpose**

It is the purpose of this Article to specify standards, application and data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this Ordinance. These procedures are incorporated into the Zoning Permit application process to ensure that the Zoning Administrator, Planning Commission, and Township Board is afforded an opportunity to review and evaluate proposed uses of sites with regard to such considerations as parking and vehicular circulation, drainage, screening, impacts on abutting and nearby properties, and conformance with all applicable provisions and standards of this Ordinance.

### **4.02 Approval of Site Plan or Plot Plan Required**

**(A) Township Planning Commission Approval for Site Plans:** Except as provided by (C) below, site plan approval is required by the Township Planning Commission, prior to the issuance of a Zoning Permit, for the following land uses:

1. All uses permitted by right within any commercial or industrial zoning district (regardless of whether a permanent building is involved).
2. All special land uses as specified in each zoning district, including planned unit developments.
3. All uses for which this Ordinance requires four (4) or more off street parking spaces (regardless of whether a permanent building is involved).
4. All subdivisions subject to the platting requirements of P.A. 591 of 1996, the Land Division Act, as amended.
5. All condominium subdivisions subject to P.A. 59 of 1978, the Condominium Act, as amended.
6. All other uses as required elsewhere in this Ordinance.
7. Artificial Ponds of greater than one hundred (100) square feet or greater than two feet deep.

**(B) Zoning Administrator Approval for Plot Plans:** Plot plan approval is required by the Zoning Administrator, prior to the issuance of a Zoning Permit, for all other uses not listed in Section 4.02 (A) above, including single family and two-family dwellings.

**(C) Additions:** Except in the case of a special land use, the Zoning Administrator may take action on a site plan where an addition is proposed to an existing building or parking area and the addition does not exceed one thousand (1,000) square feet in area or twenty percent (20%) of the building or parking area, whichever is less. The Zoning Administrator may defer action to the Township Planning Commission where the Zoning Administrator finds the complexity of the addition warrants Township Planning Commission action.

### **4.03 Plot Plan Review Procedures**

**(A) Data Required:** An accurate, readable, scale drawing showing the following shall be submitted with applications for Zoning Permits for uses requiring plot plan review.

1. Name, address and telephone number of the applicant (and owner if different).
2. Lot area and dimensions, legal description including angles, and an arrow pointing north.
3. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.

4. Dimensions of yards, parking lots and space dimensions, and the number of spaces.
  5. A description of proposed use(s) of the building(s), land and structures.
  6. The proposed number of sleeping rooms and dwelling units, as applicable.
  7. Configuration of the driveway and parking areas.
  8. Existing public right-of-ways or easements.
  9. Any other information deemed necessary by the Zoning Administrator to determine zoning ordinance compliance and provide for the enforcement of this Ordinance.
- (B) **Review:** The Zoning Administrator shall review the application materials for completeness and compliance with the standards of this Ordinance. If such materials are not complete pursuant to Section 4.03(A) or do not adequately portray proposed construction and use of the property, the materials shall be returned to the applicant with a written notice identifying the inadequacies. Upon receipt of completed and adequate application materials, the Zoning Administrator shall review the application materials and determine their conformity with the applicable provisions of this Ordinance.
- (C) **Action:** After conducting a review, the Zoning Administrator shall reject, approve, or conditionally approve the plot plan as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the Zoning Administrator shall be stated in writing and shown on the plot plan, together with the reasons, and delivered to the applicant. The decision by the Zoning Administrator shall be made within thirty (30) days of the receipt of complete and adequate application materials. A plot plan shall be approved if it contains the information required by law, and is in compliance with this Ordinance.
- (D) **Approved Plot Plans:** At least three (3) copies of an approved plot plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. For identification of the approved plans, each copy shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the plot plan and delivered to the applicant for information and direction.

#### 4.04 Site Plan Review Procedures

- (A) **Preliminary Site Plan Application:** Prior to preparing a detailed final site plan and seeking approval of such site plan, the applicant may seek approval of a preliminary site plan for the purpose of receiving input and comments regarding the general design and layout of the project before more costly engineering work is completed. A preliminary site plan may be submitted as part of a Zoning Permit application for all uses listed in Section 4.02(A).
- (B) **Preliminary Site Plan Submittal, Distribution and Data:** Applications for preliminary site plan approval shall be submitted to the Zoning Administrator on a form for that purpose. Upon receipt of the plans and zoning permit application forms, the Zoning Administrator shall record the date of their receipt and may transmit copies to the Planning Commission and other agencies or individuals selected to review such plans. The applicant may also request that such preliminary site plan be reviewed by the Planning Commission to obtain feedback regarding the general design and layout of the project. The preliminary site plan application shall include the following, except where the Zoning Administrator determines that certain specific data is not necessary in rendering a sound and informed decision:
1. Fifteen (15) copies of a completed application form supplied by the Zoning Administrator.
  2. Fifteen (15) copies of the preliminary site plan at a scale not less than one (1) inch equals two hundred (200) feet. The preliminary site plan shall be provided on a professional quality drawing and all information depicted shall be designed by a professional engineer, land surveyor or landscape architect licensed in Michigan, and the seal of such designer shall be affixed. The plan shall provide the following minimum information:

- a. Name, address and telephone number of the applicant (and owner if different).
- b. A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
- c. Existing natural features such as woodlands, streams, flood plains, county drains, lakes or ponds, general topography.
- d. Existing public rights-of-way, private easements of record, and deed restrictions.
- e. Project description, including the approximate location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the property; the total number of structures, units, bedrooms, and offices; the square feet associated with each building and use including total and usable floor area; carports and garages; employees by shift; amount of recreational and open space and the type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
- f. Proposed roads and alleys.
- g. Approximate location and dimensions of proposed accessory structures, including trash receptacles.
- h. Approximate location, shape and size of proposed free stranding signs.
- i. A conceptual landscape plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting.
- j. A conceptual plan addressing how storm water is to be collected and discharged, including general location of any retention and/or detention areas and approximate points of discharge for all drains.
- k. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).
- l. Conceptual elevation drawings of all buildings and structures.
- m. Such other information as is necessary to enable the Planning Commission to determine whether the proposed site plan will conform to the provisions of this Ordinance.

**(C) Planning Commission Review and Action on Preliminary Site Plan:** The Planning Commission shall review the preliminary site plan and shall approve, approve with conditions, or require that the preliminary site plan be resubmitted with specific changes, based on compliance with the standards of Section 4.05. The Planning Commission shall cite reasons for its action.

1. Approval of the preliminary site plan is valid for a period of one (1) year. If a complete final site plan for the development, or any phase of the development, has not been submitted during that period, the approval of the preliminary site plan shall be null and void. This time limit may be extended by the Planning Commission upon its finding that no substantial changes have occurred to abutting properties that suggest revisions to the layout and/or design of the development. Preliminary site plans whose approval has expired shall be required to resubmit and be processed for approval according to this Section.
2. The Township Planning Commission shall have the authority to approve a preliminary site plan as a final site plan if it finds that the preliminary plan includes all necessary data and portrays such data in sufficient detail and accuracy to verify that such plans are in compliance with all standards of the Ordinance.

**(D) Final Site Plan Submittal, Distribution and Data:** Applications for final site plan approval shall be submitted to the Zoning Administrator on a form for that purpose. Upon receipt of plans and zoning permit application forms which are found to be complete, the Zoning Administrator shall record the date of their receipt and transmit copies to the Planning Commission, and other agencies or individuals selected to review such plans. Formal review of such complete plans will occur only if provided ten (10) or more calendar days before a meeting of the Planning Commission. The final site plan application shall include the following, except where the Planning Commission or Zoning Administrator determines that certain specific data is not necessary in rendering a sound and educated decision on the specific site plan before it:

1. Fifteen (15) copies of a completed application form supplied by the Zoning Administrator.
2. Fifteen (15) copies of the final site plan at a scale of not less than one (1) inch equals two-hundred (200) feet. The final site plan shall be provided on a professional quality drawing and, except in the case of artificial ponds where the Planning Commission determines that such pond does not raise public health, safety and welfare concerns, all information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and the seal of such designer shall be affixed. The plan shall provide the following minimum information:
  - a. Name, address and telephone number of the applicant (and owner if different).
  - b. A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
  - c. Existing natural features such as woodlands, streams, flood plains, county drains, lakes or ponds, and topography (at two-foot intervals on-site and within one hundred fifty (150) feet of the site).
  - d. Existing public right-of-way, private easements of record, and deed restrictions, and existing improvements on the site including but not limited to roads, driveways, structures, and buildings.
  - e. Project description, including the location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the property; the total number of structures, units, bedrooms, and offices; the square feet associated with each building and use including total and usable floor area; carports and garages; employees by shift; amount of recreational and open space and the type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
  - f. Proposed roads and alleys, (including cross-sections), acceleration, deceleration or right turn lanes, driveways, parking spaces, sidewalks, with indication of direction of travel, the inside radii of all curves including driveway curb returns. The width of streets, driveways and sidewalks, the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles. Proposed traffic control measures (including signs) and proposed street or road names shall also be indicated.
  - g. Proposed location and dimensions of accessory structures, including trash receptacles.
  - h. Proposed location of free standing and wall signs, including construction details of such signs.
  - i. A landscaping plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting in compliance with the requirements of Article 17, Landscaping and Screening. Also, proposed locations of common open spaces, if applicable.
  - j. A stormwater management plan addressing how storm water is to be collected and discharged, including location of any retention and/or detention areas and points of discharge for all drains, and engineering specifications. The point of discharge for all drains and pipes shall also be specified on the site plan.
  - k. Location and specifications of facilities designed to provide, collect, store, dispose of, and/or transport potable water, waste water and sewage, including pipes, drains, sumps, holding tanks, and easements that exist or are proposed to be established for installation, repair and maintenance of such utilities.
  - l. Location of other utilities not otherwise addressed in (k) above, and any easements that exist or are proposed to be established for installation, repair and maintenance of utilities.
  - m. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
  - n. A statement from the applicant identifying all federal, state, county, and local permits required, if any.
  - o. Preliminary elevation drawings of all buildings and structures
  - p. A vicinity sketch showing the location of the site in relation to the surrounding street system

and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).

- q. Such other information as is necessary to enable the Township Board to determine whether the proposed site plan will conform to the provisions of this Ordinance.

- (E) **Final Site Plan Recommendation by Planning Commission:** The Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 4.05. After conducting a review, the Planning Commission shall deny, approve, conditionally approve, or require that final site plan be resubmitted with specific changes, based on compliance with the standards of Section 4.05. A site plan shall be approved by the Township Planning Commission if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions defined by the Planning Commission for approval or resubmittal shall be stated in writing, together with the reasons and delivered to the applicant.
- (F) **Approved Site Plans:** Three (3) copies of the approved site plan, with any conditions contained within shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Township Zoning Administrator, for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.
- (G) **As-Built Drawings:** The applicant shall submit three (3) copies of as-built drawings upon completion of construction activities, but no later than sixty (60) days from the issuance of a Certificate of Occupancy. Such drawings shall identify all improvements made upon the site including utility services.

#### **4.05 Plot Plan and Site Plan Approval Standards**

- (A) **Plot Plan:** Each plot plan shall conform with all applicable provisions of this Ordinance including requirements pertaining to lot area, setbacks, lot width, and permitted uses, and the applicable provisions of:
  - 1. Article 15, Signs
  - 2. Article 16, Off-Street Parking and Loading
  - 3. Article 17, Landscaping and Screening
  - 5. Article 18, Environmental Protection
  - 6. Article 19, Private Roads and Shared Driveways
  - 7. Article 20, General Provisions
- (B) **Site Plan:** Each site plan shall conform with the applicable provisions of this Ordinance including requirements pertaining to lot area, setbacks, lot width, and permitted uses, and the standards listed below:
  - 1. Applicable provisions of:
    - a. Article 15, Signs
    - b. Article 16, Off-Street Parking and Loading
    - c. Article 17, Landscaping and Screening
    - d. Article 18, Environmental Protection
    - e. Article 19, Private Roads and Shared Driveways
    - f. Article 20, General Provisions

2. Provisions are made so that the proposed development will not be harmful to the existing and future uses in the immediate area and the vicinity, including that all elements of the Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
3. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which are in keeping with the general appearance of adjacent and surrounding uses and development.
4. The removal of storm waters shall not increase off-site sedimentation or otherwise adversely affect neighboring properties due to flooding.
5. All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.
6. Every structure or dwelling unit shall have access to a public or private road, walkway, or other area dedicated to common use.
7. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
8. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards of the County Road Commission.
9. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.
10. Development shall not include unnecessary curb cuts and shall use shared drives and/or service drives unless precluded by substantial practical difficulties.
11. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.
12. Site plans shall conform to all applicable requirements of state and federal statutes.
13. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
  - a. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan ground water discharge permit.
  - b. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

#### **4.06 Conformity to Approved Site Plan and Plot Plan**

Property which is the subject of plot plan or site plan approval must be developed in strict compliance with the approved plan and any approved changes thereto. If construction and development does not conform with such approved plans, the approved Zoning Permit shall be revoked by the Zoning Administrator pursuant to Section 3.04(E)(4). Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

#### **4.07 Changes to Approved Site Plan and Plot Plan**

- (A) **Site Plan Changes:** No changes shall be made to an approved site plan prior to, during, or after construction except according to the following procedures;
1. **Major Changes:** Major changes to an approved site plan shall include changes in excess of five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces or an increase of more than four (4) parking spaces; an increase in the gross floor area or heights of buildings or number of dwelling units; a reduction in open space; and similar changes. Major changes shall require approval in the same manner as the original site plan application was submitted, reviewed, and approved and subject to the finding of all of the following:
    - a. Such changes will not adversely affect the initial basis for granting approval;
    - b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and
    - c. Such changes shall not result in the reduction of open space area as required herein.
  2. **Minor Changes:** Minor changes to an approved site plan shall include changes not otherwise included as a major change in (A) (1) above and may be approved by the Zoning Administrator. Approved changes shall be clearly specified in writing and signed by the Zoning Administrator. The Zoning Administrator shall keep accurate records of approved changes. The Zoning Administrator may defer action to the Planning Commission.
- (B) **Plot Plan Changes:** The Zoning Administrator shall review proposed changes to an approved Plot Plan in the same manner as the original plot plan application was submitted, reviewed, and approved.

#### **4.08 Pre-Existing Site Plans and Plot Plans Under Review**

All development shall comply with the regulations and standards of this Ordinance except in the case where a development plan has received preliminary site plan approval by the Township Board prior to the effective date of this Ordinance, in which case the final site plan shall be reviewed using the procedures and substantive standards under the ordinance in effect at the time of the preliminary plan approval, provided the final site plan is filed with the Zoning Administrator within one year of the approval of the preliminary plan and contains all information required and accompanied by all required fees.

#### **4.09 Time Limits for Final Plot Plan and Site Plan**

- (A) **Final Plot Plan and Site Plan Approval Time Limit:** If, within one year after the final plot plan approval by the Zoning Administrator or site plan approval by the Township Planning Commission, a building permit has not been obtained and paid for, or in the alternative if no building permit is required, and no use permit has been obtained, the final plot plan or site plan shall be null and void unless the Zoning Administrator or Township Planning Commission has extended the effective time period for the final plot plan or site plan approval.
- (B) **Seasonal/Temporary Plot Plan Approval Time Limit:** The Zoning Administrator, Planning Commission, or Township Board may require a lesser period of time for a building permit or a use permit to be obtained for a site plan or a plot plan for a temporary use, seasonal use or other special purposes.



## ARTICLE 5 - PROCEDURES FOR SPECIAL LAND USES

### 5.01 Purpose

It is the purpose of this Article to provide a set of procedures and standards for uses of land or structures that will allow, on one hand, practical latitude for the landowner or developer, but that will, at the same time, promote the intent and purpose of this Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide control and reasonable flexibility, this Article delineates procedures for the detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land uses and structures possessing these characteristics may be authorized within certain zoning districts by the issuance of a Zoning Permit for a Special Land Use.

### 5.02 Procedures for Special Land Uses

An application for a Zoning Permit for any special land use or structure identified as such in a particular zoning district shall be submitted and processed under the following procedures:

- (A) **Submission and Distribution of Application:** Any person owning or having an ownership interest in the subject property may file an application for one or more Zoning Permits for a special land use as provided for in this Ordinance. At least fifteen (15) copies of an application shall be submitted to the Zoning Administrator's office on a special form for that purpose and each application copy shall be accompanied by a site plan prepared pursuant to Section 4.03. Applications shall be accompanied by the payment of a fee as established by the Township Board to cover costs of processing the application. The Zoning Administrator's office shall record the date of receipt and shall transmit all copies of the application to the Planning Commission.
- (B) **Planning Commission Action:** The Planning Commission shall review the application forms and plans for completeness and if such materials are not complete according to Section 4.03, the materials shall be returned to the applicant with a written notice identifying the inadequacies. Upon receipt of completed forms and plans, the Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 4.05, and shall forward one (1) copy to the Fire Department, and the remaining copies shall be retained by the Zoning Administrator. The Planning Commission may also submit one (1) copy of the site plan to each of the following agencies considered to be impacted or affected by the application for the special land use.
  - 1. County Road Commission.
  - 2. County Health Department.
  - 3. County Drain Commissioner.
  - 4. Fire Department.
  - 5. Other agencies as relevant.
- (C) **Public Hearing:** Upon certification that the application materials are complete, the Planning Commission shall schedule a public hearing and publish a notice in accordance with Section 3.09.
- (D) **Planning Commission Action and Basis for Action:** Upon review of the special land use application, all supporting materials, and public hearing comments, the Township Planning Commission shall deny, approve, or approve with conditions the application for special land use approval. This decision shall include a statement of findings and conclusions relative to the special

land use which specifies the basis for the decision and any conditions imposed. Its decision shall be incorporated in a statement of conclusions relative to the special land use under consideration, and shall specify the basis for the decision and any conditions imposed. In arriving at its decision, the Planning Commission shall refer to and be guided by the site plan standards set forth in Section 4.05, the general special land use standards set forth in Section 5.06, and the specific special land use standards set forth in Article 11. A request for approval of a land use or activity which is in compliance with those standards, other applicable ordinances, and state and federal statutes shall be approved. The Township Planning Commission may require that a performance guarantee, in accordance with Section 3.07 of this Ordinance, be deposited with the Township to insure completion of improvements.

### **5.03 Appeal to Circuit Court**

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

### **5.04 Reapplication**

No application for a Zoning Permit for a special land use which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions that the Township Planning Commission finds has direct bearing upon the basis for the final action taken on the original application, and only then pursuant to the provisions of Section 5.02.

### **5.05 Changes**

- (A) **Site Plan:** The site plan, as approved, shall become part of the record of approval, and subsequent actions shall be consistent with the approved site plan. Amendments to the approved Site Plan shall comply with the application and review procedures of Section 4.07.
- (B) **Use or Activity:** A change in the character of the use or activity from what the originally approved Zoning Permit for special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of this Article and all other applicable sections of this Ordinance. Changes requiring a new application and review procedure include, but shall not be limited to:
  - 1. The addition of land to the legal description of the original special land use permit;
  - 2. The establishment of another special land use;
  - 3. The addition of more sales or service area, or the addition of dwelling units; and
  - 4. An expansion or increase in intensity of use.

### **5.06 Approval Standards**

- (A) Each application for a special land use shall be reviewed for the purpose of determining that the land use or activity which may be authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. An application for a special land use shall be denied except upon a finding that all of the following standards have been met by the application:
  - 1. The project will be harmonious with and in accordance with the Master Plan of the Township.
  - 2. The project will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.

3. The project will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:
  - a. The bulk, placement, scale, materials and design of all proposed structures. Such considerations include the mixture of exterior materials used, roof pitches, building fenestration, numbers of wall planes, entry features, landscape treatments, signage design and exterior lighting.
  - b. Pedestrian and vehicular circulation on the site.
  - c. The location and design of vehicular use or parking areas.
4. The project will not be hazardous to any person or property, or detrimental or disturbing to the public welfare or to existing or reasonably anticipated future uses in the same general vicinity.
5. The project will be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties
6. The project will not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
7. The project will not create excessive additional requirements at public cost for public facilities and services.
8. The project shall be in compliance with the site plan approval standards of Section 4.05.
9. The project shall be in compliance with all applicable and use-specific development requirements of Article 11 (Standards for Specific Special Land Uses).

### **5.07 Time Limits for Special Land Uses**

- (A) **Special Land Use Time Limit:** If, within one year after the special land use and final site plan approval by the Township, a building permit has not been obtained and paid for, or in the alternative if no building permit is required, and no use permit has been obtained, the special land use and final site plan shall be null and void unless the Township Planning Commission has extended the effective time period for the special land use and final site plan approval.
- (B) **Seasonal/Temporary Special Land Use Approval Time Limit:** The Township Board or Planning Commission may require a lesser period of time for a building permit or a use permit to be obtained for special land use for a temporary use, seasonal use or other special purposes to be determined by the Township.
- (C) **Time Limit for Non-Use of Site:** Pursuant to special land use approval granted by the Township, and for a building permit or use permit granted in connection therewith, where the special land use ceases to exist for a six month consecutive period or for a total of 18 months during a three year period, the special land use approval may be revoked by the Township Board.



## ARTICLE 6 - ZONING BOARD OF APPEALS

### 6.01 Purpose

The purpose of this Article is to assure adequate means for the competent interpretation of this Ordinance, appeals of administrative decisions, and flexibility in the strict application of this Ordinance where such flexibility is considered appropriate, to assure that the spirit of the Ordinance be observed, public safety secured, and substantial justice done through the duties of the Zoning Board of Appeals.

### 6.02 Creation and Membership

- (A) **Establishment and Appointment of Regular Members:** The Zoning Board of Appeals is established by this Zoning Ordinance of 1996, and in accordance with P.A. 110 of 2006 as amended, the "Michigan Zoning Enabling Act"; as amended, and shall consist of five regular members: a member of the Planning Commission; and the remaining members appointed by the Township Board by majority vote from the electors residing in the Township outside of incorporated cities and villages. The members selected shall be representative of the population distribution and the various interests present in Erie Township. One regular or alternative member of the Zoning Board of Appeals may be a member of the Township Board, but shall not serve as the Chairperson. The Zoning Administrator or other employee or contractor of the Township Board may not serve on the Zoning Board of Appeals.
- (B) **Alternate Members:** The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. The alternate members shall be called on a rotating basis, to sit as regular members of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- (C) **Terms of Office:** Members shall be appointed for three (3) year terms except in the case of the Planning Commission and Township Board members, whose terms on the Zoning Board of Appeals shall be limited to the time they are members of the Planning Commission or Township Board. 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 in the same manner as the original appointment. Members may be reappointed.
- (D) **Conflict of Interest:** A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

### 6.03 Organization

- (A) **Rules of Procedure and Officers:** The Zoning Board of Appeals may adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The Board shall annually elect a chairperson, a vice-chairperson, and a secretary.

- (B) **Meetings and Quorum:** Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Board in its Rules of Procedure may specify. A majority of the total membership of the Board shall comprise a quorum. The Board shall not conduct official business unless it has a quorum. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act.
- (C) **Oaths and Witnesses:** The chairperson may administer oaths and compel the attendance of any witness in order to insure a fair and proper hearing.
- (D) **Records:** The minutes of all meetings shall contain the grounds for every determination made by the Board including all evidence and data considered, all findings of fact and conclusions drawn by the Board for every case, along with the vote of each member and the final ruling on each case. The Zoning Board of Appeals shall file its minutes in the office of the Zoning Administrator.
- (E) **Legal Counsel:** An attorney for the Township shall act as legal counsel for the Zoning Board of Appeals pursuant to procedures established by the Township Board.

#### **6.04 Jurisdiction**

The Zoning Board of Appeals shall act upon questions as they arise in the administration of this Ordinance and take other actions as specified in this Ordinance. The Board shall perform its duties and exercise its powers as provided in P.A. 110 of 2006 as amended, the "Michigan Zoning Enabling Act". The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters so specified in this Ordinance including appeals regarding an administrative review, interpretation, and variance. Within this capacity the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator, Planning Commission, or any official administering or enforcing the provisions of this Ordinance as set forth in Section 6.05. The Zoning Board of Appeals shall have all the powers of the officer or body from whom the appeal is taken.

#### **6.05 Authorized Appeals and Standards**

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

- (A) **Administrative Review:** The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other body or official in administering or enforcing the provisions of this Ordinance. The Zoning Board of Appeals shall reverse or otherwise modify the decision of such body or official only if it finds that the action or decision appealed:
  1. Was arbitrary or capricious, or
  2. Was based upon an erroneous finding of a material fact, or
  3. Constituted an abuse of discretion, or
  4. Was based upon erroneous interpretation of the Zoning Ordinance or zoning law, or
  5. Did not follow required procedures.

In hearing and deciding appeals under this sub-section, The Zoning Board of Appeal's review shall be based upon the record of the administrative decision being appealed, and the Zoning Board of Appeals shall not consider new information which had not been presented to the administrative official, board, or commission from whom the appeal is taken.

- (B) **Interpretation of the Ordinance:** The Zoning Board of Appeals shall hear and decide upon requests to:
  1. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not

clear or that they could have more than one meaning. In deciding upon such request the Zoning Board of Appeals shall insure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.

2. Determine the precise location of the boundary lines between zoning districts (see Section 10.04).
3. Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the Zoning Board of Appeals shall so declare, the effect being that use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it.
4. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Article 21, Off Street Parking and Loading, by an analysis of the specific needs. If no comparable use is found, the Zoning Board of Appeals shall so inform the petitioner and indicate that the parking space requirements will have to be established by amendment of the Ordinance.

Prior to deciding a request for an interpretation, the Zoning Board of Appeals may confer with Township staff and consultants to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the Ordinance.

**(C) Variances:** The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, setback regulations, off-street parking and loading space requirements, and sign requirements of this Ordinance. The Zoning Board of Appeals is not authorized to grant a variance that permits the establishment of any use which is not a principal permitted use within the subject zoning district.

1. **Required Findings:** The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.
  - a. That there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
  - b. That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.
  - c. That the special conditions or circumstances do not result from actions of the applicant.
  - d. That the variance will relate only to property under control of the applicant.
  - e. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
  - f. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
  - g. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.
2. **Evidence:** In all variance proceedings, it shall be the responsibility of the applicant to provide

information, plans, testimony and/or evidence from which the Zoning Board of Appeals may make the required findings. Administrative officials and other persons may, but shall not be required to, provide information, testimony, and/or evidence on a variance request.

## 6.06 Appeal Procedures

### (A) Notice of Appeal

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

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

(C) **Appeal Hearing:** Upon receipt of a Notice of Appeal, the chairperson of the Zoning Board of Appeals shall fix a reasonable time and date for a public hearing, taking into account adequate time for members of the Zoning Board of Appeals to review the application prior to such hearing. Notice of the hearing shall be provided in accordance with Section 3.09. Upon the hearing, any party may appear in person or by agent or attorney.

(D) **Decision:** The decision of the Zoning Board of Appeals shall be in the form of a motion containing a full record of the findings and determination of the Zoning Board of Appeals. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to grant a variance, to make an interpretation of the Ordinance, to reverse and order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant on any matter which they are required to pass under to effect any variation in this Ordinance. The Zoning Board of Appeals shall state the grounds for each decision. A member of the zoning board of appeals who is also a member of the zoning commission, the planning commission, or the legislative body shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the zoning commission, the planning commission, or the legislative body. However, the member may consider and vote on other unrelated matters involving the same property.

(E) **Conditions:** In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance (See Section 20.12). Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

(F) **Variance Authorization Period:** Each variance granted under the provisions of this Ordinance shall become null and void unless the construction or other actions authorized by such variance have commenced within one hundred eighty (180) days of the granting of such variance. The Zoning Administrator may grant an extension for good cause shown for a period not to exceed six (6) months.

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

### **6.07 Stay**

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

### **6.08 Review by Circuit Court**

Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the circuit court for the county in which the property is located. The circuit court shall review the record and decision to ensure that the decision meets all of the following requirements:

1. Complies with the constitution and laws of the state.
2. Is based upon proper procedure.
3. Is supported by competent, material, and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by law to the zoning board of appeals.

If the court finds the record inadequate to make the review required by this Section or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The zoning board of appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.

An appeal from a decision of a zoning board of appeals shall be filed within whichever of the following deadlines comes first - thirty days after the zoning board of appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson, or twenty-one days after the zoning board of appeals approves the minutes of its decision.

The court may affirm, reverse, or modify the decision of the zoning board of appeals. The court may make other orders as justice requires.

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## **ARTICLE 7 - PROCEDURES FOR AMENDMENTS**

### **7.01 Purpose**

The purpose of this Article is to establish the procedures for amending this Ordinance, including application requirements and the review of such applications. The purpose of this Ordinance is for establishing and maintaining sound, stable and desirable development within the territorial limits of the Township. It is not intended that this Ordinance be amended except to correct an error in the Ordinance, to address changed or changing conditions in a particular area in the Township, to conform with the planned future land use pattern for the Township and changes to other ordinances of the Township, to meet public need for new or additional land uses in areas so contemplated by the Township, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Township.

### **7.02 Initiation of Amendments**

Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment. Only the Township Board may amend this Ordinance.

### **7.03 Filing Fee**

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

### **7.04 Procedures**

**(A) Application:** A petitioner shall submit fifteen (15) copies of a completed application for ordinance amendment to the Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment including the name and address of the applicant and the desired change(s) and reason(s) for such change(s).

1. When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall also submit the following information:
  - a. A legal description of the property.
  - b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
  - c. The applicant's name and address and interest in the property, and if the applicant is not the owner, the name and address of the owner.
  - d. The desired change and reasons for such change.
  - e. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

The Zoning Administrator shall forward the applications to the Planning Commission.

**(B) Planning Commission Action**

1. Review for Completeness: The Planning Commission shall review the application form and supporting materials at its next regularly scheduled meeting to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant.
2. Public Hearing: Upon finding that the application is complete, the Planning Commission shall establish a date for at least one (1) public hearing on the application and hold such hearing. The Planning Commission shall give notice of the public hearing in accordance with Section 3.09.
3. Planning Commission Review: In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application. Findings of fact shall be gathered and shall be made a part of the public records of the meetings of the Planning Commission.
  - a. If the petition involves an amendment to the official zoning map, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
    - 1) What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
    - 2) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
    - 3) What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
    - 4) Would approval adversely affect environmental conditions?
    - 5) Would approval adversely affect the value of the surrounding property?
    - 6) Is the site's physical, geological, hydrological and other environmental features compatible with the host of uses permitted in the proposed district?
    - 7) Is the subject property able to be put to a reasonable economic use in the zoning district in which it is presently located?
    - 8) Does the petition generally comply with the planning goals of the Township?
    - 9) Is the proposed rezoning consistent with the zoning classification of surrounding land?
    - 10) Can all requirements in the proposed zoning classification be complied with on the subject parcel?
  - b. If the petition involves an amendment to the text of the Ordinance, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
    - 1) Is the proposed amendment supported by documentation, such as from the Zoning Board of Appeals, that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
    - 2) Is the proposed amendment supported by reference materials, planning and zoning publications, information gained at seminars or experiences of other communities to more effectively deal with certain zoning issues?
    - 3) Is the proposed amendment supported by significant case law?
  - c. In determining the above mentioned findings of fact, the Planning Commission may solicit information and testimony from, but not limited to, the County Health Department, County Road Commission, County Drain Commission, County Sheriff Department, any school district affected, and the County Planning Commission.

4. **Planning Commission Recommendation:** The Planning Commission shall transmit its findings of fact, recommendations for disposition of the application, and a summary of comments received at the public hearing to the Township Board. The Planning Commission shall simultaneously transmit its recommendations for disposition of the application to the County Planning Commission. The County Planning Commission will have waived its right for review and recommendation of an ordinance if a recommendation has not been received by the Erie Township within 30 days from the date the proposed ordinance is received by the county.

**(C) Township Board Actions**

1. After receiving and reviewing the findings and recommendations of the Township Planning Commission, and the recommendations of the County Planning Commission, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the Township Board. The Township Board may hold additional public hearings if the Township Board considers it necessary. Notice of a public hearing held by the Township Board shall be provided in accordance with Section 3.09. Township Board shall also grant a hearing on a proposed ordinance provision to an interested property owner who requests a hearing by certified mail, addressed to the Township Clerk. A hearing under this sub-section is not subject to the requirements of Section 309, except that notice of the hearing shall be given to the interested property owner in the manner required therein.
2. The Township Board may refer any proposed amendments back to the Planning Commission for further consideration and comment within a time period specified by the Township Board. Such a referral shall identify concerns or areas where additional investigation and deliberation are needed.

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

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

**7.05 Resubmittal**

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

**7.06 Comprehensive Review of Zoning Ordinance**

The Planning Commission shall, from time to time, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

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**ARTICLE 8 - RESERVED**

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## **ARTICLE 9 - NONCONFORMING LOTS, USES OF LAND, AND STRUCTURES**

### **9.01 Purpose**

It is recognized that there exists lots, structures and uses of land and structures within the districts established by this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance. It is the purpose of this Article to permit legal nonconforming lots, structures and uses to continue until they are removed, but not to encourage their survival.

### **9.02 Nonconforming Lots**

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot recorded with the Register of Deeds at or before the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions, setbacks and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located, unless a yard requirement variance is obtained through approval of the Zoning Board of Appeals. If two 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 (one lot) for the purposes of this Ordinance, and no portion of said parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

### **9.03 Nonconforming Uses of Land**

- (A) Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Article as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
1. No such 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 of this Ordinance.
  2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
  3. A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use.
  4. Irrespective of other requirements of this Article, if no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use of less nonconformance, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Article. Where a nonconforming use, structure, or use and structure in combination is hereafter changed to a less nonconforming character, it shall not thereafter be

- changed to a greater nonconforming character.
5. If a nonconforming use of a parcel or lot ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, the subsequent use of such parcel or lot shall conform to the regulations and provisions of this Ordinance for the district in which such lot or parcel is located.

#### **9.04 Nonconforming Structures**

- (A) Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance or subsequent amendment by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such structure may be enlarged or altered in any way which increases its nonconformity, but the use of a structure and/or the structure itself may be changed to a use permitted in the district in which it is located, provided that all changes are also in conformance with the requirements of the district in which it is located. Furthermore, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Article, but no such use shall be extended to occupy land outside such building.
  2. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the site development standards for the District in which it is located.
  3. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
  4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
  5. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land, and all subsequent uses and structures on the land shall conform to the applicable district regulations.

#### **9.05 Repairs and Maintenance to Buildings Devoted to Nonconforming Uses**

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding ten percent (10%) percent of the nonconforming structure's, or nonconforming portion of said structure's, replacement value, exclusive of foundations, provided that the cubic content of the building as it existed at the time of passage or amendment of this Article shall not be increased. No structural alterations shall be made, except that nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### **9.06 District Changes**

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this Article shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

**9.07 Hardship Cases**

Nonconforming buildings or structures may be structurally changed, altered or enlarged with the approval of the Zoning Board of Appeals when the Zoning Board of Appeals finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alteration or enlargement may be granted only with a finding by the Zoning Board of Appeals that approval will not have an adverse effect on surrounding property and that it will be the minimum necessary to relieve the hardship.

**9.08 Illegal Nonconforming Uses**

Nonconforming uses of structures or land existing at the effective date of this Ordinance that were established without approval of zoning compliance or without a valid building permit, or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance, shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses.

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## **ARTICLE 10 - ZONING DISTRICTS, REGULATIONS, AND MAP**

### **10.01 Establishment of Districts**

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names, and shall have boundaries as delineated on the Official Zoning Map.

AP	Agricultural Preservation District
AC	Agricultural Conservation District
BC	Bay Conservation District
A-RB	Agricultural Rural Business District
R-1	Low Density Residential District
R-2	Medium Density Residential District
R-3	High Density Residential District
R-4	Multiple Family Residential District
R-5	Manufactured Housing Community District
C-1	Local Commercial District
C-2	General Commercial District
C-W	Commercial Waterfront District
C-TC	Commercial Town Center District
I-1	Light Industrial District
I-2	Heavy Industrial District
OSC	Open Space Communities Overlay District (See Article 12)
PUD	Planned Unit Development District (See Article 13)

### **10.02 Purposes of Zoning Districts**

See Table 10-1.

### **10.03 Zoning District Map**

- (A) The boundaries of the respective Districts enumerated in Section 10.01 are defined and established as depicted on the Official Zoning Map entitled ERIE TOWNSHIP ZONING MAP which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.
- (B) This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is the Official Zoning Map of the Erie Township Zoning Ordinance adopted on the 13<sup>th</sup> day of May, 2014.* If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map.
- (C) The Official Zoning Map shall be held by the Township Clerk and shall be the final authority with regard to the current zoning status of all land in the Township, along with supporting minutes of Township Board meetings regarding zoning district changes, regardless of the existence of copies of the Official Zoning Map which may be made and published from time to time.
- (D) In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by

Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the following words: *This is to certify that this is the Official Zoning Map of the Erie Township Zoning Ordinance adopted on the 13th day of May, 2014, and replaces and supersedes the Official Zoning Map which was adopted on the 16th October, 2014, and any amendments made thereon.* Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

#### **10.04 Interpretation of District Boundaries**

Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals. The Zoning Board of Appeals, in arriving at a decision on such matters, shall apply the following standards:

- (A) Boundaries indicated as approximately following roads or highways shall be construed as following the right-of-way center lines of said roads or highways.
- (B) Boundaries indicated as approximately following section lines, quarter section lines, quarter-quarter section lines, or lot lines shall be construed as following such lines.
- (C) Boundaries indicated as approximately following Township boundary lines shall be construed as following such boundary lines.
- (D) Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- (E) Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning Map.
- (F) Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads.
- (G) Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern.

#### **10.05 Permitted Uses in Zoning Districts**

- (A) **Compliance with Zoning Regulations:** Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent.
- (B) **Uses Permitted in Each Zoning District:** Table 10-2 identifies the principal land uses permitted in each of the zoning districts enumerated in Section 10.01. No land use shall be established on a lot or parcel except in conformance with Table 10-2. In order to insure all possible benefits and protection for the zoning districts in this Ordinance, the Table delineates whether a land use permitted in a particular Zoning District is a "Use Permitted by Right" or a "Special Land Use."

1. **Uses Permitted by Right:** Uses permitted by right are the primary uses and structures specified for which the District has been established.
  2. **Special Land Uses:** Special land uses are uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the District, but could present potential injurious effects upon the primary uses and structures within the District or are otherwise unique in character, and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. All such proposed uses shall be subject to a public hearing. See Article 5.
- (C) **Accessory Uses:** Accessory Uses: Unless otherwise specified in this Ordinance, accessory uses which are clearly incidental to, and customarily associated with the principal use of the property, are permitted in all Districts and shall conform to all applicable standards of this Ordinance, including Section 20.02 (Keeping of Animals), Section 20.06 (Accessory Uses, Buildings, and Structures), Section 20-11 (Home Occupations), and Table 10-4 (Accessory Building Requirements for Conservation Districts).
- (D) **Prohibited Uses:** Any use of land not specifically permitted is prohibited. The Zoning Board of Appeals shall have the power to classify a use which is not specifically identified, according to a comparable permitted or prohibited use, for the purpose of clarifying the use regulations in any District, if so petitioned and in accord with the requirements of Sections 6.05(B)(3) and 6.06. If the Zoning Board of Appeals finds no comparable uses based on an examination of the characteristics of the proposed use, it shall so state and the Planning Commission may be petitioned to initiate an amendment to the text of the Ordinance to establish the appropriate district(s) and/or type of use (use permitted by right or special land use), and criteria that will apply for that use. If the Ordinance is amended to include the new regulations, then an application can be processed to establish that use. See also Section 20.23 regarding temporary zoning permits.

## 10.06 Site Development Requirements of Zoning Districts

- (A) All land uses shall comply with the site development requirements in Table 10-3, unless otherwise specified by Article 11 – Standards for Specific Special Land Uses, or Article 20 – General Provisions. In addition, all uses shall comply with all other applicable site development provisions of this Ordinance, including, but not limited to, the following Articles:
- Article 15: Signs  
 Article 16: Off-Street Parking and Loading  
 Article 17: Landscaping and Screening  
 Article 18: Environmental Standards
- (B) Variances from required site development standards may be granted by the Zoning Board of Appeals according to Section 6.05(C). Owners of nonconforming lots of record, structures, or uses should refer to Article 9.
- (C) No part of a setback area, yard, or other open space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, yard, or other open space similarly required for any other use, building or structure.
- (D) No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein, including lot size and lot width.
- (E) No portion of one lot, once established and/or improved with a building or structure, shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform to all of the requirements established herein.
- (F) Wherever any provision of the Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or

ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

### **10.07 Special District Provisions**

The following provisions shall apply to the respective Districts as identified below in addition to all other applicable provisions of this Ordinance:

**(A) R-4: Multiple Family District**

1. The distance between any two (2) residential structures which occupy the same lot shall be not less than thirty (30) feet if both of the walls facing each other contain windows or other openings, and not less than twenty (20) feet for all other situations.
2. Maximum building heights shall not exceed thirty-five (35) feet, except that maximum building heights shall not exceed twenty-five (25) feet where such buildings exceed two-hundred (200) feet in length.
3. All developments shall provide for underground installation of all utilities where feasible.
4. There shall be provided easily accessible and usable open space in the development in an amount of ten percent (10%) or more of the site area or five hundred (500) square feet per four dwelling units, whichever is greater, but in no case shall less than ten thousand (10,000) square feet be provided.
5. All group off-street parking facilities shall be adequately lighted during hours of darkness.
6. All access drives shall have a minimum pavement width of thirteen (13) feet for one-way streets, and twenty-four (24) feet for two-way streets. Driveways shall have a minimum paved width of ten (10) feet.
7. Accessory buildings, structures, and uses that are clearly customary and incidental to the functioning of the development are permitted, including an office for conducting the business of the development, utility areas for laundry facilities and auxiliary storage for tenants, recreation areas such as community buildings, playgrounds, and open space for tenants, and administrative offices.

**(B) R-5: Manufactured Housing Community District**

1. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Michigan Mobile Home Commission Act, a preliminary plan shall be submitted to the Township for review by the Township Board. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Township Board shall generally follow the procedures and requirements in Article 4 of this Ordinance, where applicable, except where said procedures and requirements are superseded by the requirements in P.A. 96 of 1987, as amended, or the Mobile Home Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Township Board shall take action on the preliminary plan within sixty (60) days after the Township receives the preliminary plan.
2. All manufactured housing communities shall be constructed and maintained in accordance with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission pursuant to the authority vested in the Mobile Home Commission by such Act. The construction of a mobile home park shall not be initiated, nor shall a mobile home park be inhabited or operated until all necessary permits have been acquired from state agencies and all other agencies pursuant to the Mobile Home Commission Act.
3. In addition to complying with the provisions of P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission, the following standards and provisions shall apply:

- a. Minimum Parcel Size: The minimum parcel size for a manufactured housing community shall be ten (10) acres.
- b. Minimum Site Size: The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. This 5,500 square foot standard for any one site may be reduced by twenty (20) percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941, Rules 941 and 944 of the Michigan Mobile Home Commission General Rules.

**TABLE 10-1 PURPOSES OF ZONING DISTRICTS**

DISTRICT TYPE	DISTRICT	PURPOSE
<b>ALL DISTRICTS</b>	<b>All Districts</b>	It is the purpose of all Districts to protect environmental resources that may be part of a development site, and that all uses be adequately served by facilities and services including sewage disposal, potable water, fire protection, and streets, and recognize natural constraints presented where public sewer and water is not present. In addition, it is the purpose of all Residential Districts that development assures a stable and sound residential environment with suitable open spaces associated with dwellings. It is further the purpose of all Commercial and Industrial Districts that uses within be designed to avoid negatively impacting adjacent uses and in recognition of the Township's overall rural character, including complimentary landscaping, screening, signage and related development features. In addition to the above, more specific purposes of each District are delineated below:
<b>CONSERVATION DISTRICTS</b>	<b>AP</b>	The purpose of the AP (Agricultural Preservation) District to encourage and provide opportunities for large-scale agriculture and very low density rural development. These areas provide rural residential lifestyles and support Erie Township's rural character. The District boundaries include land areas which typically support larger farming operations and may include the traditional smells, noises, pesticide applications, and other generally recognized agricultural activities associated with responsible farming.
	<b>AC</b>	It is the purpose of the AC (Agricultural Conservation) District to encourage and provide opportunities for agriculture and retention of land areas in Erie Township which are well suited for production of food and fiber, while also providing opportunities for comparatively low density rural residential lifestyles and development patterns that encourage the preservation of open spaces, agricultural and other natural resources, and the Township's rural character. The District boundaries include land areas which support farming operations due to, in part, soil and topographic conditions, the extent of and proximity of nonfarm development, and/or typical parcel sizes. Persons considering residing within this district should be aware that the traditional smells, noises, pesticide applications, and other generally recognized agricultural activities associated with responsible farming will continue on a long term basis in this District. This District also includes certain land areas that have been divided so as to preclude farm operations, but support opportunities for rural residential development and lifestyles.
	<b>BC</b>	It is the purpose of the BC (Bay Conservation) District to protect the special natural and sensitive environmental resources of North Maumee Bay. North Maumee Bay is a unique environmental resource and includes shoreline, wetland and open water areas. The enjoyment and long-term protection of these resources is of great public interest and importance to the Township, the State of Michigan, and other public entities. These resources are important in providing for wildlife habitats, water purification, flood control, and recreational and tourism opportunities, and support the desired rural character of the Township. It is the purpose of this District to carefully review and limit the introduction of uses that could undermine the recreation, economic or environmental benefits derived from such resources.

DISTRICT TYPE	DISTRICT	PURPOSE
	<b>A-RB</b>	The purpose of the Agricultural Rural Business District (A-RB) is to provide appropriate areas in Erie Township for very limited-scale business uses that relate to, or are similar to, agricultural operations. For the most part, such businesses include excavation-related businesses, farm equipment sales/service/repair and agricultural service establishments. This zoning district is intended to apply only to relatively small parcels of land (generally under 2 acres) associated with small local family businesses. Areas zoned A-RB are deemed to be compatible with rural the Rural Agricultural Areas defined in the Master Plan and compatible with low density residential lifestyles and rural development patterns in Erie Township.
<b>RESIDENTIAL DISTRICTS</b>	<b>R-1</b>	It is the purpose of the R-1 (Low Density Residential) District to provide opportunities for comparatively low density single family residential development patterns often associated with rural and suburban lifestyles.
	<b>R-2</b>	It is the purpose of the R-2 (Medium Density Residential) District to provide opportunities for residential development patterns and lifestyles of somewhat greater densities than the R-1 District, and often associated with suburban lifestyles.
	<b>R-3</b>	It is the purpose of the R-3 (High Density Residential) District to provide opportunities for residential development patterns and lifestyles of a more urban character than the R-2 District. In light of the comparatively small lot sizes authorized in this District, this District is not intended to be established except where public sewer is present or expected to be extended to in the near future, or to recognize such land division patterns already in existence.
	<b>R-4</b>	It is the purpose of the R-4 (Multiple Family Residential) District to provide alternative urban housing opportunities in the form of multiple family dwellings. In light of the development densities associated with multiple family developments authorized by this District, this District is not intended to be established except where public sewer is present or expected to be extended to in the near future, or to recognize such development already in existence.
<b>COMMERCIAL DISTRICTS</b>	<b>C-1</b>	The C-1 (Local Commercial District) is intended to provide opportunities for business establishments that primarily address the local day-to-day retail and service needs of Township residents and visitors. It is the intent of this District that the buildings and uses within this District be of comparatively small size and bulk in light of the local market such buildings and uses are intended to serve and the desired small-town character and scale of such Districts. This District is intended to accommodate commercial uses of such size, scale and type that support the desired character of the Erie Town Center central business area and similar commercial nodes. This District is not intended to accommodate regional or highway retail and service uses, or other uses or site development characteristics that may undermine the intended function and character of this District.
	<b>C-2</b>	The C-2 (General Commercial District) is intended to provide opportunities for business establishments that primarily address the retail and service needs of both local and regional populations, including uses that draw from a regional market. This District is intended to provide opportunities for more intensive commercial development in a manner consistent with available public services, and the overall rural character of the Township.
	<b>C-W</b>	The C-W (Commercial Waterfront) District is intended to accommodate commercial uses which uniquely benefit from being situated along or in close proximity to the North Maumee Bay shoreline due to the water-based character of such uses, including tourist lodging, marinas and other land uses which encourage a healthy water-based tourist economy. Development in this District is intended to recognize the sensitive environmental character of the District and nearby lands and all development is intended to be designed to preserve the environmental integrity of the Bay and associated ecosystems. It is the intent of this District that the buildings and uses in this District be of comparatively small size and bulk to minimize their physical and visual impact upon the natural Bay environments and the overall rural character of the community.

DISTRICT TYPE	DISTRICT	PURPOSE
	C- TC	The Commercial Town Center District (C-TC) is intended to support retail, commercial, and office uses in a more intimate setting than is available along major arterials, in Local Commercial District or General Commercial District settings. This District is intended to support higher density, pedestrian-oriented, more walkable commercial districts than are available elsewhere in the Township or in C-1 Districts.
INDUSTRIAL DISTRICTS	I-1	The I-1 (Light Industrial) District is intended to provide for a variety of manufacturing, wholesaling, warehousing and distribution activities that occur within enclosed buildings, along with similar industrial uses that can be generally characterized as being of low intensity, including the absence of objectionable external affects such as noise, fumes, traffic patterns. Manufacturing uses are intended to be generally limited to those operations primarily involved in the making of products from previously prepared materials, rather than reliance on raw materials.
	I-2	The I-2 (Heavy Industrial) District is intended to provide for a variety of manufacturing and other industrial uses which are typically characterized by activities and operations that have a heightened potential to negatively impact surrounding land uses and the natural environment. Such uses can include storage and work-related activities that occur outside of enclosed buildings, require increased environmental protection measures, and may rely upon manufacturing operations utilizing extensive amounts of raw materials.
OTHER DISTRICTS	OSC	See Section 12.01, OSC (Open Space Communities) Overlay District.
	PUD	See Section 13.01, PUD (Planned Unit Development) District.

<b>TABLE 10-2 PERMITTED PRINCIPAL USES IN ALL DISTRICTS</b>																
<b>PRINCIPAL USES</b>	<b>ZONING DISTRICTS &amp; USES PERMITTED <sup>1</sup></b> <b>“BR” = Use Permitted by Right</b> <b>“S” = Special Land Use</b> <b>“-” = Prohibited Use</b>															
	<b>AP</b>	<b>AC</b>	<b>BC</b>	<b>A-RB</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>C-1</b>	<b>C-2</b>	<b>C-W</b>	<b>C-TC</b>	<b>I-1</b>	<b>I-2</b>	
<b>Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource –based Character</b>																
Agricultural service establishment.	S	S	-	BR	-	-	-	-	-	S	S	S	-	-	-	
Commercial stables, hunt clubs, outdoor or indoor shooting ranges, and campgrounds.	S	S	S	S	-	-	-	-	-	-	S	-	-	-	-	
Concentrated livestock operations.	S	S	-	S	-	-	-	-	-	-	-	-	-	-	-	
Extraction Operations	S	S	S	S	-	-	-	-	-	-	-	-	-	S	S	
Farm equipment sales, service, and repair.	S	S	S	BR	-	-	-	-	-	-	BR	S	-	BR	BR	
Farms and Farm Operations (Meeting applicable GAAMPSs)	BR	BR	BR	BR	-	-	-	-	-	BR	BR	BR	-	BR	BR	
Accessory Farm operations (Meeting applicable GAAMPS)	BR	BR	BR	BR	-	-	-	-	-	BR	BR	BR	-	BR	BR	
Golf courses, country clubs and driving ranges	S	S	S	S	-	-	-	-	-	S	S	S	-	-	-	
Public or private conservation areas, areas set aside for the protection of wildlife and natural resources, wildlife management areas, nature preserves, game refuges, and similar uses.	BR	BR	BR	BR	-	-	-	-	-	-	-	-	-	-	-	
Retail sales of ornamental trees, shrubs, and nursery stock that is grown on the premise.	BR	BR	S	BR	-	-	-	-	-	BR	BR	BR	-	-	-	
Retail sales of ornamental trees, shrubs, and nursery stock that is not grown on the premise.	S	S	S	BR	-	-	-	-	-	BR	BR	BR	-	-	-	
Retreat Center	S	S	S	S	-	-	-	-	-	S	BR	BR	-	-	-	

**TABLE 10-2 PERMITTED PRINCIPAL USES IN ALL DISTRICTS**

PRINCIPAL USES	ZONING DISTRICTS & USES PERMITTED <sup>1</sup> “BR” = Use Permitted by Right “S” = Special Land Use “-” = Prohibited Use															
	AP	AC	BC	A-RB	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-W	C-TC	I-1	I-2	
Sales and Processing of Farm Products (where less than 50% of such products are harvested elsewhere and where such operation meets applicable GAAMPs).	BR	BR	BR	BR	-	-	-	-	-	BR	BR	BR	-	BR	BR	
Sales and Processing of Farm Products (where 50% or more of such products are harvested elsewhere)	S	S	S	BR	-	-	-	-	-	S	BR	S	-	BR	BR	
<b>Uses of a Primarily Residential Character</b>																
Assisted Living	-	-	-	-	-	-	-	BR	-	-	BR	-	-	-	-	
Day care, family home.	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	-	-	
Day care, group home.	S	S	S	S	S	S	S	S	S	S	S	S	S	-	-	
Foster care facility, family home.	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	-	-	
Foster care facility, group home.	S	S	S	S	S	S	S	S	S	S	S	S	S	-	-	
Manufactured Housing Community	-	-	-	-	-	-	-	-	BR	-	-	-	-	-	-	
Multiple family dwelling.	-	-	-	-	-	-	-	BR	-	-	-	-	BR	-	-	
Nursing home.	-	-	-	-	-	-	S	BR	-	S	BR	-	-	-	-	
Single family dwellings (attached)	-	-	-	-	-	BR	BR	BR	-	-	-	-	-	-	-	
Single family dwellings (detached)	BR	BR	BR	BR	BR	BR	BR	-	-	-	-	-	-	-	-	
Single family dwellings above first-story businesses provided such dwellings are wholly above such businesses, except for access stairways, and comply with all applicable building codes.	-	-	-	-	-	-	-	-	-	BR	S	BR	BR	-	-	
Two family dwellings.	-	-	-	-	-	BR	BR	BR	-	-	-	-	-	-	-	
<b>Uses of a Primarily Commercial or Business Character <sup>1</sup></b>																

**TABLE 10-2 PERMITTED PRINCIPAL USES IN ALL DISTRICTS**

PRINCIPAL USES	ZONING DISTRICTS & USES PERMITTED <sup>1</sup> “BR” = Use Permitted by Right “S” = Special Land Use “-” = Prohibited Use															
	AP	AC	BC	A-RB	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-W	C-TC	I-1	I-2	
Adult entertainment businesses	-	-	-	-	-	-	-	-	-	-	S	-	-	-	S	
Bed and breakfast establishments	S	S	S	S	S	S	S	S	-	BR	BR	BR	S	-	-	
Boat and RV storage only (indoor or outdoor)	-	-	-	-	-	-	-	-	-	S	S	BR	-	BR	BR	
Boat sales, boat repair and storage (indoor or outdoor)	-	-	-	-	-	-	-	-	-	S	S	BR	-	-	-	
Business support services, such as copying and reproduction services and parcel delivery/pick-up facilities	-	-	-	-	-	-	-	-	-	BR	BR	-	BR	BR	BR	
Business/Trade school	-	-	-	-	-	-	-	-	-	S	BR	-	S	BR	BR	
Car Wash or Detailing	-	-	-	-	-	-	-	-	-	S	BR	-	S	-	-	
Check Cashing or Pay Day Loan Service	-	-	-	-	-	-	-	-	-	S	BR	-	BR	-	-	
Clinics	-	-	-	-	S	S	S	S	-	BR	BR	S	BR	-	-	
Commercial stables	BR	S	-	BR	-	-	-	-	-	S	BR	S	S	BR	BR	
Communication towers, Class 1	S	S	S	S	-	-	-	-	-	S	S	S	-	BR	BR	
Communication towers, Class 2	BR	BR	BR	BR	-	-	-	-	-	BR	BR	BR	BR	BR	BR	
Day care center	-	S	-	-	S	S	S	S	S	S	S	S	S	-	-	
Dirt bike, motocross tracks, or any type of vehicular racing facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	
Food processing, smoking, curing, and canning for small scale, principally on-premises retail sale of created merchandise	-	-	-	S	-	-	-	-	-	S	BR	S	BR	-	-	
Funeral homes and mortuaries	S	S	-	S	S	S	S	S	S	BR	BR	BR	BR	-	-	
Hospitals	-	-	-	-	S	S	S	S	-	-	BR	-	-	-	-	
Hotels	-	-	-	-	-	-	-	-	-	S	BR	-	S	-	-	

<b>TABLE 10-2 PERMITTED PRINCIPAL USES IN ALL DISTRICTS</b>																
<b>PRINCIPAL USES</b>	<b>ZONING DISTRICTS &amp; USES PERMITTED <sup>1</sup></b> <b>“BR” = Use Permitted by Right</b> <b>“S” = Special Land Use</b> <b>“-” = Prohibited Use</b>															
	<b>AP</b>	<b>AC</b>	<b>BC</b>	<b>A-RB</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>C-1</b>	<b>C-2</b>	<b>C-W</b>	<b>C-TC</b>	<b>I-1</b>	<b>I-2</b>	
Indoor commercial recreation such as indoor theaters, bowling alleys, skating rinks, arcades (6 or more machines) and banquet halls	-	-	-	-	-	-	-	-	-	S	BR	S	S	S	S	
Kennels	S	S	-	S	-	-	-	-	-	-	S	S	-	BR	BR	
Manufacture of pottery, tile, and glass products as artistic pieces and merchandise for small scale, principally on-premises retail sale	-	-	-	-	-	-	-	-	-	BR	BR	-	BR	-	-	
Marinas, with or without boat sales, repair or storage (indoor or outdoor)	-	-	-	-	-	-	-	-	-	-	S	BR	-	-	-	
Mini-storage (warehouse) facilities	-	S	-	-	-	-	-	-	-	S	BR	S	-	-	-	
Motels	-	-	-	-	-	-	-	-	-	S	BR	-	-	-	-	
Office establishments which perform services on the premises including but not limited to; financial services, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, lawyers, engineers, and architects, and similar office uses	-	-	-	-	-	-	-	S	S	BR	BR	S	BR	BR	BR	
Offices and showrooms of plumbers, electricians, decorator, or similar trades that include no more than forty (40%) percent of the floor area of the building or part of the building used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise	-	-	-	-	-	-	-	-	-	BR	BR	S	BR	BR	BR	

TABLE 10-2 PERMITTED PRINCIPAL USES IN ALL DISTRICTS																
PRINCIPAL USES	ZONING DISTRICTS & USES PERMITTED <sup>1</sup> “BR” = Use Permitted by Right “S” = Special Land Use “-” = Prohibited Use															
	AP	AC	BC	A-RB	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-W	C-TC	I-1	I-2	
Offices and showrooms of plumbers, electricians, decorator, or similar trades with any amount of floor area used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise	-	-	-	-	-	-	-	-	-	-	-	-	-	BR	BR	
Offices and truck and equipment storage areas associated with excavation services	-	S	-	S	-	-	-	-	-	S	BR	S	-	BR	BR	
Outdoor commercial recreation such as mini-golf, go carts and batting cages. Outdoor commercial recreation does not include dirt bike or motocross tracks, or any type of vehicular racing facility.	-	-	-	-	-	-	-	-	-	S	BR	S	-	S	S	
Offices for employees ancillary to uses and business activity otherwise permitted in a Zoning District	-	-	-	-	-	-	-	-	-	BR	BR	BR	BR	BR	BR	
Personal service establishments which perform services on the premises within a completely enclosed building, such as shoe repair shops, barber and beauty shops, photographic studios, and dry cleaners, <u>without</u> drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle service	-	-	-	-	-	-	-	-	-	BR	BR	S	BR	-	-	

**TABLE 10-2 PERMITTED PRINCIPAL USES IN ALL DISTRICTS**

PRINCIPAL USES	ZONING DISTRICTS & USES PERMITTED <sup>1</sup> “BR” = Use Permitted by Right “S” = Special Land Use “-” = Prohibited Use															
	AP	AC	BC	A-RB	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-W	C-TC	I-1	I-2	
Personal service establishments which perform services on the premises within a completely enclosed building, such shoe repair shops, barber and beauty shops, photographic studios, and dry cleaners <u>with</u> drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle service	-	-	-	-	-	-	-	-	-	BR	BR	S	S	-	-	
Repair and sale of small electrical components, such as personal computers, computer accessories, precision instruments, household electronics, personal communications equipment, medical devices, photographic equipment and business machines	-	-	-	-	-	-	-	-	-	BR	BR	-	BR	BR	-	
Restaurants and other establishments which provide food or drink for consumption by persons seated within a building, and may serve alcohol and/or provide entertainment – but without drive in or drive through service	-	-	-	-	-	-	-	-	-	BR	BR	BR	BR	-	-	
Restaurants and other establishments which provide food or drink for consumption by persons seated within a building, and may serve alcohol and/or provide entertainment, and include outdoor seating areas	-	-	-	-	-	-	-	-	-	S	BR	BR	S	-	-	

TABLE 10-2 PERMITTED PRINCIPAL USES IN ALL DISTRICTS																
PRINCIPAL USES	ZONING DISTRICTS & USES PERMITTED <sup>1</sup> “BR” = Use Permitted by Right “S” = Special Land Use “-” = Prohibited Use															
	AP	AC	BC	A-RB	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-W	C-TC	I-1	I-2	
Restaurants and other establishments which provide food or drink for consumption by persons seated within a building, and may serve alcohol and/or provide entertainment, and may include drive in or drive through service	-	-	-	-	-	-	-	-	-	-	BR	S	S	-	-	
Retail business or mercantile establishment which sells goods for household use or consumption on the premises and within a completely enclosed building such as foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware, <u>without</u> drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle service	-	-	-	-	-	-	-	-	-	BR	BR	S	BR	-	-	
Retail business or mercantile establishment which sells goods for household use or consumption on the premises and within a completely enclosed building such as foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware, <u>with</u> drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle service	-	-	-	-	-	-	-	-	-	BR	BR	S	S	-	-	

<b>TABLE 10-2 PERMITTED PRINCIPAL USES IN ALL DISTRICTS</b>																
<b>PRINCIPAL USES</b>	<b>ZONING DISTRICTS &amp; USES PERMITTED <sup>1</sup></b> <b>“BR” = Use Permitted by Right</b> <b>“S” = Special Land Use</b> <b>“-” = Prohibited Use</b>															
	<b>AP</b>	<b>AC</b>	<b>BC</b>	<b>A-RB</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>C-1</b>	<b>C-2</b>	<b>C-W</b>	<b>C-TC</b>	<b>I-1</b>	<b>I-2</b>	
Sale of new or used cars and other vehicles and equipment, including service and repair of such vehicles and equipment provided such service and repair is an accessory use	-	-	-	-	-	-	-	-	-	S	BR	-	S	-	-	
Sale of new or used farm machinery and equipment, and the service and repair of such machinery and equipment provided such service and repair is an accessory use	-	-	-	BR	-	-	-	-	-	S	BR	S	S	BR	BR	
Sale of new or used cars, farm machinery, boats, RV's and other vehicles and equipment, including items intended for tow, and the service and repair of such vehicles and equipment provided such service and repair is an accessory use	-	-	-	-	-	-	-	-	-	S	BR	S	S	BR	BR	
Sales of fishing bait, tackle, and other fishing accessories	-	-	S	S	-	-	-	-	-	BR	BR	BR	-	-	-	
Service station, multiple use	-	-	-	-	-	-	-	-	-	S	S	-	S	-	-	
Service station, standard	-	-	-	-	-	-	-	-	-	BR	BR	-	-	-	-	
Storage and/or parking of excavator equipment, dump trucks, stone material, fill dirt and related landscaping materials	-	-	-	S	-	-	-	-	-	S	BR	-	-	BR	BR	
Towing Service & Impoundment lot	-	-	-	-	-	-	-	-	-	S	S	-	-	S	S	
Automobile or Motorcycle repair shop.	-	-	-	-	-	-	-	-	-	S	BR	S	S	BR	BR	
Truck storage and repair, including semi-trailers, flatbed trucks, car haulers and tanker trucks	-	-	-	-	-	-	-	-	-	-	S	-	-	BR	BR	

<b>TABLE 10-2 PERMITTED PRINCIPAL USES IN ALL DISTRICTS</b>																
<b>PRINCIPAL USES</b>	<b>ZONING DISTRICTS &amp; USES PERMITTED <sup>1</sup></b> <b>“BR” = Use Permitted by Right</b> <b>“S” = Special Land Use</b> <b>“-” = Prohibited Use</b>															
	<b>AP</b>	<b>AC</b>	<b>BC</b>	<b>A-RB</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>C-1</b>	<b>C-2</b>	<b>C-W</b>	<b>C-TC</b>	<b>I-1</b>	<b>I-2</b>	
Trucking or logistics operations, including cross-docks and limited warehousing	-	-	-	-	-	-	-	-	-	-	S	-	-	BR	BR	
Veterinarian clinics.	S	S	-	S	-	-	-	-	-	S	S	S	S	BR	BR	
<b>Uses of a Primarily Industrial Character <sup>1</sup></b>																
Building material sales yard, including retail lumber yards and incidental millwork; storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment; storage and transfer establishments; distribution plants; and parcel delivery service	-	-	-	-	-	-	-	-	-	-	S	-	-	S	BR	
Container storage facilities, freight terminals and intermodal terminals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	BR	
Design and development of computer software, data communications, information technology, data processing, and other computer-related services	-	-	-	-	-	-	-	-	-	BR	BR	-	BR	BR	BR	
Hazardous materials disposal, storage or incineration of any material	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	
Heavy equipment sales/rental (51 hp or more)	-	-	-	-	-	-	-	-	-	-	S	-	-	S	BR	
Junkyards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	
Life science technology and medical laboratories, including but not limited to biomedical engineering, materials engineering, biotechnology and genomics	-	-	-	-	-	-	-	-	-	S	BR	-	S	BR	BR	
Light equipment sales/rental (50hp or less)	-	-	-	-	-	-	-	-	-	S	BR	-	-	BR	BR	

TABLE 10-2 PERMITTED PRINCIPAL USES IN ALL DISTRICTS																
PRINCIPAL USES	ZONING DISTRICTS & USES PERMITTED <sup>1</sup> “BR” = Use Permitted by Right “S” = Special Land Use “-” = Prohibited Use															
	AP	AC	BC	A-RB	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-W	C-TC	I-1	I-2	
Manufacturing or production of goods or commodities from raw materials, previously prepared materials or finished parts, including processing, fabrication, assembly, treatment, and packaging of such products, along with incidental storage, sales, and distribution of such products for final consumer use or consumption, or subsequent processing or assembly. All manufacturing activities <u>are confined</u> within a building, and manufacturing, assembly, fabrication, packaging or processing of products <u>does not</u> have the potential to produce noise (above ambient levels), dust, glare, odors or vibration beyond its property line. Outdoor storage of raw materials, partially finished goods, or finished goods does not exceed 5% of the lot.	-	-	-	-	-	-	-	-	-	-	S	-	-	BR	BR	

**TABLE 10-2 PERMITTED PRINCIPAL USES IN ALL DISTRICTS**

PRINCIPAL USES	ZONING DISTRICTS & USES PERMITTED <sup>1</sup> “BR” = Use Permitted by Right “S” = Special Land Use “_” = Prohibited Use															
	AP	AC	BC	A-RB	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-W	C-TC	I-1	I-2	
Manufacturing or production of goods or commodities from raw material previously prepared materials or finished parts, including processing, fabrication, assembly, treatment, and packaging of such products, along with incidental storage, sales, and distribution of such products for final consumer use or consumption, or subsequent processing or assembly. Certain manufacturing activities <u>may not be confined</u> within a building, and/or the manufacturing, assembly, fabrication, packaging or processing of products, <u>may</u> have the potential to produce noise (above ambient levels), dust, glare, odors or vibration beyond its property line. Outdoor storage of raw materials, partially finished goods, or finished goods equals or exceeds 5% of the lot.	-	-	-	-	-	-	-	-	-	-	-	-	-	S	BR	
Outdoor storage of basic or raw materials as a principal use	-	-	-	-	-	-	-	-	-	-	-	-	-	-	BR	
Recycling facilities and/or transfer stations (with outdoor storage of materials or equipment)	-	-	-	-	-	-	-	-	-	-	-	-	-	S	BR	
Recycling facilities and/or transfer stations (without outdoor storage of materials or equipment)	-	-	-	-	-	-	-	-	-	-	S	-	-	BR	BR	

<b>TABLE 10-2 PERMITTED PRINCIPAL USES IN ALL DISTRICTS</b>																
<b>PRINCIPAL USES</b>	<b>ZONING DISTRICTS &amp; USES PERMITTED <sup>1</sup></b>															
	<b>“BR” = Use Permitted by Right</b> <b>“S” = Special Land Use</b> <b>“-” = Prohibited Use</b>															
	AP	AC	BC	A-RB	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-W	C-TC	I-1	I-2	
Research, design, engineering, testing, diagnostics and pilot or experimental product development, including but not limited to medical device and alternative energy technologies	-	-	-	-	-	-	-	-	-	S	S	-	S	BR	BR	
Sanitary landfills	-	-	-	-	-	-	-	-	-	-	-	-	-	-	BR	
Warehousing and distribution centers establishments	-	-	-	-	-	-	-	-	-	-	-	-	-	BR	BR	
Commercial Airports	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	
<b>Other Principal and Accessory Uses</b>																
Solar Power Plant	S	S	-	-	-	-	-	-	-	-	-	-	-	BR	BR	
Commercial Wind Energy System	S	S	-	-	-	-	-	-	-	-	-	-	-	S	BR	
Accessory Wind Energy System	BR	BR	BR	S	S	S	S	S	S	S	S	S	S	BR	BR	
Freestanding Accessory Solar Energy	BR	BR	BR	S	S	S	S	S	S	S	S	S	S	BR	BR	
Artificial Ponds	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Clubs, lodges & similar social organizations	-	S	S	-	-	-	-	-	-	BR	BR	S	S	-	-	
Home Occupations, Class 1	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	-	-	-	-	-	
Home Occupations, Class 2	S	S	S	S	S	S	S	S	S	-	-	-	-	-	-	
Public assembly facilities such as, but not limited to, cemeteries, parks, schools, libraries, religious facilities, and museums	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Public facilities not otherwise included in (1) above such as, but not limited to, fire stations, police stations, substations, jails, and public parking lots	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Private Landing Strips	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	

**TABLE 10-3 SITE DEVELOPMENT REQUIREMENTS<sup>1</sup>**

Zoning District	Minimum Lot Area	Minimum Lot Width & Frontage <sup>2</sup>	Maximum Structure Height	Minimum Floor Area per Dwelling	Maximum Lot Coverage	Minimum Yard Setback			Maximum Front Yard Setback
						Front <sup>3</sup>	Side	Rear	
AP	87,120 sq. ft. <sup>4</sup>	300 ft. <sup>5</sup>	35 ft. <sup>6</sup>	1,200 sq. ft.	25%	60 ft.	25 ft. each	50 ft.	NA
AC	43,560 sq. ft. <sup>4</sup>	200 ft. <sup>5</sup>	35 ft. <sup>6</sup>	1,200 sq. ft.	25%	60 ft.	25 ft. each	50 ft.	NA
BC	20 acres <sup>4</sup>	500 ft.	35 ft. <sup>6</sup>	NA	5%	60 ft.	50 ft. each	50 ft.	NA
R-1	32,625 sq. ft.	125 ft. <sup>5</sup>	35 ft.	1,200 sq. ft.	25%	40 ft.	15 ft. each	40 ft.	NA
R-2	21,760 sq. ft.	80 ft. <sup>5</sup>	35 ft.	1,200 sq. ft.	30%	20 ft.	10 ft. one yard, 6 ft. the other	25 ft.	NA
R-3	10,800 sq. ft.	60 ft. <sup>5</sup>	35 ft.	900 sq. ft.	35%	20 ft.	10 ft. one yard, 6 ft. the other	25 ft.	NA
Zoning District	Minimum Lot Area	Minimum Lot Width & Frontage <sup>2</sup>	Maximum Structure Height	Minimum Floor Area per Dwelling	Maximum Lot Coverage	Minimum Yard Setback			Maximum Front Yard Setback
R-4	No more than 8 dwelling units per acre.	80 ft. <sup>5</sup>	35 ft.	Footnote <sup>7</sup>	30%	30 ft.	15 ft. <sup>8</sup>	50 ft.	NA
R-5	10 ac.	See Section 10.07							NA
C-1	NA	NA	35 ft.	See Footnote <sup>7</sup>	50%	40 ft.	20 ft. <sup>9</sup>	20 ft. <sup>9</sup>	NA
C-2	NA	NA	35 ft.	See Footnote <sup>7</sup>	50%	40 ft.	20 ft. <sup>9</sup>	20 ft. <sup>9</sup>	NA
C-W	NA	NA	35 ft.	See Footnote <sup>7</sup>	30%	40 ft.	20 ft. <sup>9</sup>	20 ft. <sup>9</sup>	NA
C-TC	NA	NA	35 ft.	See Footnote <sup>7</sup>	70%	0 ft.	0	20 ft. <sup>9</sup>	10 ft
I-1	NA	NA	80 ft. <sup>11</sup>	NA	70%	50 ft.	20 ft. <sup>10</sup>	20 ft. <sup>10</sup>	NA
I-2	NA	NA	80 ft. <sup>11</sup>	NA	70%	50 ft.	20 ft. <sup>10</sup>	20 ft. <sup>10</sup>	NA

### Footnotes for Table 10-3

1. All uses shall comply with the site development requirements in Table 10-4, unless otherwise specified by Article 11 – Standards for Specific Special Land Uses, or Article 20 – General Provisions, or otherwise authorized pursuant to Article 12 – Open Space Communities Overlay District, or Article 13 – Planned Unit Development District. In addition, all uses shall comply with all other applicable site development provisions of this Ordinance, including, but not limited to, the following Articles: Article 15 - Signs; Article 16 - Off-Street Parking and Loading; Article 17 - Landscaping and Screening; and Article 18 - Environmental Standards.
2. The depth of a lot shall not exceed 4 times its width. A lot served by a shared driveway shall have frontage on such shared driveway for a distance equal to (or greater than) the minimum required frontage in the applicable zoning district.
3. Front yard setback shall be measured from the road right-of-way. A front yard setback shall be maintained on a corner lot on both sides of the lot that abuts a public road.
4. The minimum lot or parcel area is as shown. Any lot or parcel created or resulting from a land division or combination is subject to the same minimum area requirement. The number of divisions and/or the manner of dividing or combining lots or parcels is subject to the Land Division Act, which is Act 288 of the Public Acts of 1967, as amended by Act 591 of the Public Acts of 1996, and as may otherwise be amended or replaced, and the Erie Township Land Division Ordinance which is Ordinance No. 98, as may be amended or replaced.
  - a. Nothing in this footnote shall prohibit the dividing of any parcel of twenty (20) acres or less in area, existing on the effective date of this Ordinance, into a total of four (4) parcels provided such parcels are equal to, or greater than, the required minimum lot size in the applicable zoning district, or any other applicable provisions of this Ordinance.
  - b. The creation of parcels according to this Footnote shall not preclude the development of an Open Space Community (Article 12) on any parcel created from the parcel existing on the effective date of this Ordinance, provided all other provisions of this Ordinance are met.
5. The minimum lot width and frontage shall be increased twenty percent (20%) for any lot that gains direct access to U.S. 24 or M-125.
6. The maximum height of farm buildings and structures shall be eighty (80) feet. All farm buildings and structures over eighty (80) feet shall be set back from a lot line a distance at least equal to one half the height of the building.
7. The minimum floor area of dwelling units within a multiple family dwelling, or mixed use structure, shall comply with the following:

Efficiencies:	300 sq. ft.
One bedroom units:	600 sq. ft.
Two bedroom units:	750 sq. ft.
Three bedroom units:	950 sq. ft.
Four or more bedroom units:	1,250 sq. ft.
8. The minimum fifteen (15) foot side yard required for a multiple family dwelling shall be increased beyond fifteen (15) feet at a rate of five (5) feet for each ten (10) feet or part thereof by which the length of the multiple family building exceeds forty (40) feet in overall dimension, where such building generally parallels or follows the side lot line.
9. Minimum setback to be increased to 40 feet where the yard abuts a Conservation or Residential District.
10. Minimum setback to be increased to 60 feet where the yard abuts Conservation or Residential District, or a distance equal to or greater than the height of the wall most parallel to the side lot line that abuts a Conservation or Residential District.
11. The Planning Commission may allow for greater structural height, but may also require greater setbacks from any lot line to help mitigate the impacts on adjoining property.

**TABLE 10-4 ACCESSORY BUILDING REQUIREMENTS FOR CONSERVATION DISTRICTS**

Zoning District	Lot Area	Maximum Building Height	Maximum Floor Area	Maximum Lot Coverage of All Buildings	Minimum Yard and Setbacks		
					From Side Lot Line	From Rear Lot Line	From Dwelling
AC / AP / A-RB	0-1.99	Sec. 20.6	Sec. 20.06	25%	Sec. 20.06	Sec. 20.6	10 ft.
AC / AP / A-RB	2.0 – 4.99	30 ft.	5,000 sq. ft.	25%	25 ft.	50 ft.	50 ft.
AC / AP / A-RB	5.0 + ac.	35 ft.	10,000 sq. ft.	25%	25 ft.	50 ft.	50 ft.
BC	20 ac. +	Table 10-4	10,000 sq. ft.	5%	25 ft.	50 ft.	50 ft.

# **ARTICLE 11 - STANDARDS FOR SPECIFIC SPECIAL LAND USES**

## **11.01 Purpose**

The purpose of this Article is to establish special site development standards and requirements for specific and special land uses to assure such uses, if approved, are erected and operated in a manner that will minimize negative impacts upon abutting and nearby land uses. The following standards and requirements apply to the special land uses permitted by special approval in the zoning districts of this Ordinance. A special land use shall be approved only where such application complies with the general standards of Section 5.06(A) and those standards contained in this Article for specific special land uses as applicable. The regulations and standards contained in this Article shall be applied in addition to any other applicable standard or regulation contained elsewhere in this Ordinance unless specifically noted otherwise. See Article 5: Procedures for Special Land Uses.

## **11.02 Adult Entertainment Business**

The purpose of this Section is to clearly define what constitutes an adult entertainment business and regulate the location and concentration of such businesses, but not exclude such businesses. These regulations are created with the understanding that Erie Township acknowledges that there are some uses which, because of their very nature, have serious secondary impacts upon adjacent residential and commercial use areas, and certain specific land uses such as schools, parks, child care facilities, public building and churches. The Township recognizes that regulation of adult entertainment businesses is necessary to insure that adverse secondary impacts will not contribute to the blighting or downgrading of surrounding residential neighborhoods and retail areas. Erie Township has reviewed available literature on the subject of the secondary effects of adult businesses from sources which are on file in the Erie Township Offices.

**(A)** The following site and developmental requirements shall apply:

1. No adult entertainment business shall be established on any premises where there exists another adult entertainment business within one thousand (1,000) feet, measured as a straight line distance between the closest property lines. For the purposes of this Section, this measurement shall ignore political boundaries and account for facilities in all neighboring jurisdictions.
2. The property on which an adult entertainment business is located shall be situated at least twelve-hundred (1,200) feet from a state licensed child care facility, religious institution, public school, public building, public park, or any Residential District or any individual residential use, measured as a straight line distance between the closest property lines. For the purposes of this Section, this measurement shall ignore political boundaries and account for facilities in neighboring jurisdictions.

**(B) Special Performance Standards**

1. Signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner which include "specified anatomical areas" or "specified sexual activities."
2. Adult entertainment businesses shall not be located within, or otherwise be attached to, a building in which one (1) or more dwelling units or sleeping quarters are located, or on the same lot where one (1) or more dwelling units or sleeping quarters are located.
3. Operational hours are permitted between 11:00 a.m. and 2:00 a.m. only.
4. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.

5. The applicant shall submit a diagram of the premises showing a plan thereof and specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and illumination intensity of each. A manager's station shall not exceed thirty (30) square feet of floor area.
6. The premises shall be so configured and designed to provide an unobstructed view of each area of the premises to which any person is permitted access for any purpose from at least one (1) of the manager's stations.
7. Activities conducted within buildings housing the aforementioned uses shall be shielded in such a manner that no person outside the building can see said activities, provided however that such shielding shall not consist of a curtain alone, shall not obstruct the exit sign or directional or instructional signs regarding emergency egress, nor be constructed in such a way as to block an exit.
8. All changing of attire by employees or performers shall be within a completely enclosed room into which access by patrons is prohibited.

### **11.03 Bed and Breakfast**

(A) The following site and developmental requirements shall apply:

1. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

(B) **Special Performance Standards:**

1. The bed and breakfast facility shall be a single family dwelling which is operated and occupied by the owner of the dwelling.
2. Meals may be served to overnight guests only. No separate or additional kitchen facilities shall be provided for the guests.
3. The number of bedrooms available for use by guests shall not exceed six (6).
4. No receptions, private parties or activities for which a fee is paid shall be permitted.
5. Rooms utilized for sleeping must be part of the primary residential structure.
6. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
7. Lavatories and bathing facilities shall be available to all persons using the premises.
8. The exterior appearance of the structure shall not be altered from its single family character.
9. All other adopted building codes and ordinances shall be met.

### **11.04 Cemeteries**

(A) The following site and developmental requirements shall apply:

1. Minimum parcel size shall be one (1) acre.
2. No more than five percent (5%) of the site area may be occupied by buildings.
3. All burial plots and all structures shall be set back no less than fifty (50) feet from any lot line or road right-of-way
4. Parking areas and driveways shall be provided on the site, and at least fifty (50) feet from any lot line.

(B) **Special Performance Standards:**

1. A screen shall be established along all lot lines which abut a property zoned or used for residential uses.

### **11.05 Commercial Stables**

(A) The following site and developmental requirements shall apply:

1. A commercial stable shall not be established on any lot less than ten (10) acres in area.
2. Commercial stables shall provide off-street parking at a minimum of one parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stable.
3. Commercial stables shall not be located in platted subdivisions or condominium subdivisions unless specifically designed as an equestrian community.
4. Stables and buildings housing horses shall be set back a minimum of fifty (50) feet from any lot line.
5. A vegetative strip of at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water or well head. In areas with slopes of over five percent (5%), the Township Board may increase setbacks in order to minimize runoff, prevent erosion, and promote nutrient absorption.

(B) **Special Performance Standards:**

1. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
2. Manure shall be removed and/or applied in accordance with the Michigan Commission on Agriculture's Generally Accepted Agricultural management Practices and County Health Department regulations.
3. No special events such as shows, exhibitions, and contests shall be permitted within one hundred (100) feet of a residentially used or residentially zoned property, including the parking of cars and viewing areas.

### **11.06 Shooting Ranges and Hunt Clubs**

(A) Site, Development and Performance Standards for Shooting Ranges and Hunt Clubs.

1. All indoor and outdoor activities, including the shooting of projectiles and storage of projectiles, shall comply with the most current published standards and guidelines of the National Rifle Association.

### **11.07 Day Care Facility, Group Home**

(A) The following site and developmental requirements shall apply:

1. A group home day care facility shall not be located closer than fifteen-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 group home day care facility licensed by the State of Michigan.
  - b. A adult foster care group home licensed by the State of Michigan.
  - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which 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.

**(B) Special Performance Standards:**

1. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
2. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor shall the front yard be the location of play equipment.
3. One identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the facility and an address.
4. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.
5. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.

**11.08 Foster Care Facility, Group Home**

**(A)** The following special performance standards shall apply:

1. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. The driveway may not be used for this purpose.
2. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
3. Adult foster care large group homes shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility, and provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.

**11.09 Golf Courses, Country Clubs, and Driving Ranges**

**(A)** The following site and developmental requirements shall apply:

1. The minimum front, side and rear yard setbacks for principal and accessory structures shall be seventy-five (75) feet, except that no temporary sanitary facility or trash receptacle, or spectator seating facility or area, shall be located within one hundred (100) feet of a lot in a Residential District.

**(B) Special Performance standards:**

1. Total lot area covered by principal and accessory buildings shall not exceed fifteen percent (15%).
2. Major accessory uses such as a standard restaurant and bar shall be housed in the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
3. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties. In the consideration of golf driving ranges additional buffering conditions necessary to minimize the impact of possible safety threats from projectiles upon adjacent land uses may be imposed by the Township Board.

4. Water quality protective measures are required as follows:
  - a. Maintenance of erosion control barriers during construction.
  - b. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge.
  - c. All chemical applications associated with herbicides, insecticides, fungicides or rodenticides must be by a Michigan Department of Agriculture Licensed Applicator. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.
5. A fifty (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses and wetlands shall be maintained as part of a golf course. The buffer zone must contain natural vegetation and shall not be chemically treated. Selective pruning and removal of dead plant material is permitted within the buffer area.
6. A driving range shall be of sufficient area or otherwise be designed to prohibit any ball from leaving the confines of the parcel.

## **11.10 Junkyards**

(A) The following site and developmental requirements shall apply:

1. The minimum lot size shall be ten (10) acres.
2. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around all sides of the area used to store junk. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously.
3. No portion of the enclosed area shall be located within 1,000 feet of a school, day care facility, church, hospital, convalescent or nursing home, or Residential District.
4. All enclosed areas shall be set back at least fifty (50) feet from any lot line. A landscaped buffer strip at least one hundred (100) feet in width shall be provided.
5. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.

(B) **Special Performance Standards:**

1. All activities shall be confined to within the enclosed area including any: storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all equipment and inoperative vehicles. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height.
2. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
3. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
4. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles.
5. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environmental Quality.
6. No inoperable vehicle shall be maintained on the site for more than forty-eight (48) hours except where all fluids in such vehicle, including but not limited to fuels, oils, and coolants, are fully drained. Such fluids shall be disposed of in accordance with all local, county, state and federal regulations.

### **11.11 Kennels**

(A) The following site and developmental requirements shall apply:

1. The lot shall be at least two (2) acres in size.
2. Kennels shall not be located in a subdivision plat or condominium subdivision.
3. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one-hundred fifty feet (150) to any adjacent lot line in a Residential district or any lot used for residential purposes. Runs and exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.

(B) **Special Performance Standards:**

1. All kennels shall be operated in conformance with all applicable county, state and federal regulations.
2. All animals must be licensed and maintained in a healthful and careful manner.
3. The kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
5. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
6. During the hours of 7:00 a.m. until 10:00 p.m. animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
7. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.

### **11.12 Mini Storage Facilities**

(A) The following site and developmental requirements shall apply:

1. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee.
2. There shall be a minimum of thirty-five (35) feet (forty-five (45) feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty five (25) feet. Traffic direction and parking shall be designated by signaling or painting.

(B) **Special Performance Standards:**

1. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
2. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high obscuring wall or fence. A chain link fence may only be permitted along property lines which do not abut a Residential District or residentially used property.
3. Storage spaces shall not contain more than 400 square feet each.
4. All storage shall be within the enclosed building area unless specifically provided for otherwise as part of an approved site plan, as in the case of the storage of recreational vehicles. No outdoor storage shall occur within fifty (50) feet from any right-of-way.
5. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting roads.
6. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

### **11.13 Motels and Hotels**

**(A) The following site and developmental requirements shall apply:**

1. No buildings shall be located within seventy-five (75) feet of a Residential District.

**(B) Special Performance Standards:**

1. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development and shall be designed to minimize congestion and interference with normal traffic flow.
2. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
3. Motels and hotels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

### **11.14 Campgrounds**

**(A) Site, Development and Performance Standards for Camping Facilities**

1. Each campsite shall be set back from any right-of-way or lot line at least one hundred fifty (150) feet and all principal and accessory buildings shall be setback a minimum distance of two hundred (200) feet from all right-of-way and lot lines.
2. A common use area shall be provided on the parcel at a rate of five hundred (500) square feet per campsite, except that a minimum of ten thousand (10,000) square feet shall be provided.
3. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless located within a defined area and specifically permitted
4. At least one public telephone shall be provided in the facility.
5. No more than one permanent dwelling shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.
6. Each campsite shall have a picnic table and designated place for fires.
7. All campgrounds shall be licensed by the Michigan Department of Public Health.
8. All provisions for water, laundry, sanitary facilities, fire protection, and electrical services shall be installed and maintained in accordance to all applicable township, county and state laws and ordinances.
9. No commercial enterprises shall be permitted to operate on the campground parcel, except that a convenience goods shopping building may be provided on a lot containing more than forty (40) camp sites.
10. Each campsite made available as a travel trailer space shall contain at least 2,000 square feet. Each space shall be clearly defined on the ground by stakes or markers, and no parking space shall be closer than thirty (30) feet to another space.
11. All entrances and exit lanes within a campground shall be lighted.

### **11.15 Nursing Homes**

**(B) Special Performance standards:**

1. A nursing home shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every bed used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas and driveways shall not be counted as required open space.
2. All facilities shall be licensed by the State of Michigan and shall conform to applicable state and federal laws.

### **11.16 Open Air Businesses (Sales of Vehicles, Landscape Supplies and Similar Outdoor Activities)**

(A) The following site and developmental requirements shall apply:

1. All buildings and loading/unloading areas shall be set back a minimum of fifty (50) feet from any lot line.
2. Storage yards associated with home and garden centers, lumber yards and nurseries shall be completely obscured from view from public streets.

(B) **Special Performance standards:**

1. In the case of vehicle sales:
  - a. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.
  - b. Outside storage areas for vehicles shall be screened on all sides except the side facing the principal road from which access to the property is gained.
  - c. No more than thirty-five percent (35%) of the lot shall be used for the storage or display of outdoor vehicles, and all storage and display areas shall be a minimum fifty (50) feet from all side and rear lot lines, and seventy-five (75) feet from a road right-of-way.
2. Storage or display of goods and materials shall not occur in any required setback area.
3. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect on adjacent properties, water bodies, wetlands and drainage ways.
4. Outdoor broadcasting of voice or music shall be prohibited.

### **11.17 Public Facilities and Public Assembly Facilities**

(A) The following site and developmental requirements shall apply:

1. No more than sixty percent (60%) of the site shall be covered by impervious surface
2. No building, driveway, or parking area shall be closer than fifty (50) feet from any lot line.
3. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional one (1) foot for each one (1) foot of additional height above the district height limitation, excluding a spire.

### **11.18 Vehicle / Car Wash Establishment**

(A) The following site and developmental requirements shall apply:

1. All washing activities shall be carried on within an enclosed building, or under a covered structure with side walls separating individual washing bays.
2. Vacuuming activities shall be set back a minimum of seventy-five (75) feet from property zoned or used for residential purposes.
3. All maneuvering lanes and stacking lanes shall be located on the site and shall provide sufficient room to avoid waiting cars encroaching into a road right-of-way.

(B) **Special Performance Standards:**

1. Each bay shall be graded and drained to collect run-off originating in the bay.

2. Trash containers shall be provided and emptied as necessary to minimize the accumulation of litter.

### **11.19 Vehicle Repair Shops and Service Stations**

(A) The following site and developmental requirements shall apply:

1. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between exterior lot lines.
2. All underground storage tanks shall be three hundred (300) feet from any residential well and two thousand (2,000) feet from any public water well.
3. No more than two (2) driveways onto a roadway shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.
4. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line or within thirty (30) feet from the street right-of-way and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.
5. All buildings shall be set back a minimum of forty (40) feet from all lot lines.
6. The entire area used for vehicle service shall be paved and adequately drained.

(B) **Special Performance Standards:**

1. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
2. Vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall not be maintained on the property for more than thirty (30) days. Such vehicles shall not be parked or stored in a front or side yard, and shall be screened.
3. A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.
4. Vehicle renting or leasing in association with a repair facility may exist only as an accessory use to the principal repair activities, and only upon approval of a site plan delineating such rental/lease area and the type and maximum number of vehicles to be stored on the site for such purpose.
5. The application materials shall identify the extent, quantities, and types of explosive, flammable, or otherwise hazardous materials that may be used or created, and the measures to be used for proper handling, storage, and disposal of such materials.
6. All provisions for the storing and disposing of fuels, oils, and waste products, including daily generated garbage, shall meet county, state, and federal regulations. The applicant shall document the availability and capacity of sewage facilities to handle the anticipated volume of wastes.

### **11.20 Veterinary Clinics**

(A) **Special Performance Standards:**

1. Uses permitted include medical treatment and boarding for animals receiving treatment. Retail sales are permitted only as a clearly incidental and accessory use to the principal clinic use.
2. All principal use activities shall be conducted within a totally enclosed main building.
3. There shall be no storage or boarding of animals outside of the fully enclosed building.
4. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

## **11.21 Marinas**

- (A) The following performance standards shall apply:
1. Marinas shall meet all applicable standards and regulations of the Department of Natural Resources, Department of Environmental Quality, U.S. Army Corps of Engineers, and all other county, state, and federal agencies having regulatory authority over the use of, or construction upon, the affected surface waters and bottomlands.
  2. All provisions for the storing and disposing of fuels, oils, and waste products, including daily generated garbage, shall meet county, state, and federal standards. The applicant shall document the availability and capacity of sewage facilities to handle the anticipated volume of wastes.
  3. Marinas shall be designed to minimize negative impacts upon neighboring properties including lighting, glare, and unsightliness. Considerations to minimize negative impacts shall include, but not be limited to: height, type, and hours of operation of lighting fixtures, including night-sky protection measures; location of parking areas, boat ramps, and access roads and drives; location of storage buildings and restroom facilities; location of heavy pedestrian traffic areas; and landscaping and screening.
  4. The applicant shall submit, as part of the site plan application, minimum operating rules for the management of the marina which shall effectively assure that the marina will be operated in a manner compatible with surrounding land uses, including rules regarding noise and hours of operation.
  5. Special measures shall be taken to preserve vegetation around shoreline areas to prevent soil erosion.
  6. All applicants shall provide documentation, in the form of a written spill contingency plan, of their capability to respond as rapidly and effectively as possible to contain any spills of petroleum or other hazardous materials. Such plan shall include a list of clean-up equipment and its location, fuel pump operation and emergency shut-down procedures, spill containment and removal procedures, and the training of marina staff.

## **11.22 Home Occupation, Class 2**

- (A) The following site and developmental requirements shall apply:
1. Minimum lot size shall be one-half (1/2) acre, except that the minimum lot size for a home occupation located in a detached garage or other detached accessory structure shall be two (2) acres
  2. Accessory buildings housing home occupations shall not exceed the total floor area of the first floor area of the dwelling on the lot (except in the case of a Caregiver Home Occupation as described in Section C below).
- (B) The following special performance standards shall apply to all Class 2 Home Occupations:
1. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
  2. The home occupation shall not employ more than two (2) persons not residing in the home.
  3. No article shall be sold or offered for sale on the premises except such as is produced within the accessory building, or is provided as an incidental activity associated with the principal service offered by the home occupation.
  4. A special land use application for a Class 2 home occupation shall specify, at a minimum, the

following information in addition to that required by Section 4.03(A).

- a. The type and frequency of vehicular traffic to be generated by the home occupation and the location of all outdoor parking and storage areas, if proposed.
- b. Proposed landscaping and screening measures in association with any parking and/or outdoor storage areas.
- c. The extent, quantities, and types of explosive, flammable, or otherwise hazardous materials that may be used or created by the home occupation activities, and the measures to be used for proper handling, storage, and disposal of such materials.

(C) Caregivers provided for in the Michigan Medical Marijuana Act are considered to be Class 2 Home Occupations and shall comply with the following additional special performance standards.

1. Caregiver home occupations are only permitted in detached single family dwellings and are not permitted in multi-family or apartment buildings.
2. If the Caregiver is not the property owner, the property owner must consent, in writing, to the Home Occupation.
3. Caregiver home occupations may not be located within 1,000 feet of any school or library, as defined by the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7410, to insure community compliance with federal "Drug-Free School Zone" requirements and outside a 500 foot radius of any church or township park. This distance shall be measured from property line to property line. Only one (1) Caregiver Home Occupation may be permitted per parcel and must be operated only by a member or members of the immediate family residing on the premises.
4. No Caregiver can devote more than 25 percent of his or her home or accessory structure to growing and dispensing medical marijuana. This space must be located within the single family dwelling (including basement), attached garage or accessory building, as long as all residential Building Code and State requirements are met.
5. If the room in which plants are grown contains a window(s), and lighting in that room exceeds typical residential levels to support plant growth, the window(s) shall be shielded with shades, blinds or other devices to reduce light spillover to levels commonly associated with residential areas.
6. The premises must be open for inspection upon request from the Building/Zoning Official, Fire Department and Police Department.
7. The Caregiver must comply at all times with applicable laws and regulations in Michigan, and must be registered with, and possess, a valid State of Michigan Caregiver Registry Identification Card.
8. All Medical Marijuana must be contained within an enclosed, locked facility inside a primary or accessory structure and the Home Occupation shall not be visible from the street nor change the outside appearance of the structures nor alter the residential character of the premises.
9. A valid Zoning Permit shall be readily available for inspection at all times and such permit may be revoked, at any time, for any Home Occupation not in complete compliance with this section and/or the Special Use as approved.
10. Zoning permits for a Caregiver Home Occupation shall be valid for no more than Two (2) years from date of issue, permits may be renewed on a bi-annual basis, by the Zoning Official, after an application is filed and provided the Home Occupation remains to conform to the original approval and the requirements of this section. Any Caregiver Home Occupation that has expired, been revoked or has found to not be in compliance with this section and/or original approval, shall be considered a new use and require application and review as such.

### **11.23 Communication Towers, Class 1**

(A) The following site and developmental requirements shall apply:

1. The maximum height of a communication tower shall not exceed one hundred fifty (150) feet.

The Township Board may waive this standard upon the applicant successfully demonstrating that a greater height is necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). Applicants shall present an evaluation of alternative designs which might result in lower heights. Accessory buildings shall be limited to the maximum height for accessory structures within the respective District.

2. The setback of the support structure from any adjacent property shall be no less than the height of the highest point of any structure on the premises, or the minimum distance necessary so that if it were to fall or collapse, it would remain within the confines of the parcel.
3. The base of the tower shall be fenced with a minimum eight (8) foot chain-link fence.
4. 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 a statement 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.
5. All structures shall be located at least two hundred (200) feet from any dwelling and one-thousand feet from a Residential District.
6. Communication towers shall be constructed no closer than two (2) miles apart.

**(B) Special Performance Standards:**

1. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes, including wind load standards, and those of the Federal Aviation Administration and the Federal Communications Commission.
2. Towers shall not be artificially lighted unless required by the Federal Aviation Administration or other public agency.
3. The Township Board shall, in its discretion, review and approve the support structure and all accessory buildings with respect to the design and appearance so as to minimize distraction, reduce visibility, maximize aesthetic appearance, including landscaping, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the communication facility in a neat and orderly condition.
4. Collocation
  - a. Statement of Policy: It is the policy of the Township to minimize the overall number of newly established locations for communication towers within the community, and encourage the use of existing structures or towers while promoting the public health, safety, and welfare and minimizing negative impacts of such sites. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, contrary to the Township's policy for collocation. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.
  - b. Feasibility of Collocation: Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:
    - 1) The communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
    - 2) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
    - 3) The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
    - 4) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township Board, taking into consideration the standards contained in this Section.

- c. Requirements for Collocation:
  - 1) A permit for the construction and use of a Class 1 communication tower shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
  - 2) All new communication towers shall be designed and constructed so as to accommodate collocation.
  - 3) If a party who owns or otherwise controls a communication tower shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new communication tower, the party failing or refusing to permit a feasible collocation 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 new communication towers within the Township for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek 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 year prohibition would unreasonably discriminate among providers of functionally equivalent communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

5. Removal

- a. A condition of every approval of a communication tower 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:
  - 1) When the facility has not been used for 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.
  - 2) Six months after new technology is available at reasonable cost as determined by the Township, which permits the operation of the communication system without the requirement of the support structure, or with a support structure which is lower and/or less incompatible with the area.
- b. 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.
- c. Upon the occurrence of one or more of the events requiring removal, specified in paragraph (a) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Township Board.
- d. 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, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
- e. The person who had used the facility shall immediately notify the Township Clerk in writing if and as soon as use of a facility ceases.

**(C) Special Application Requirements**

- 1 The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
2. The application shall include a map showing existing and known proposed communication tower facilities within the Township, and further showing existing and known proposed communication facilities within four (4) miles from the borders of the Township, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility.

**11.24 Artificial Ponds**

**(A)** The following site and developmental requirements shall apply:

1. An artificial pond shall be set back a minimum of fifty (50) feet from any existing right-of-way and fifty (50) feet from any other lot line.
2. No artificial pond shall be less than two (2) feet deep except along its banks, which shall be at a minimum grade of 1:10 but no greater than 1:4, to a depth of five (5) feet.
3. No artificial pond shall be created within fifty (50) feet of ecologically sensitive sites, including wetlands and streams, unless all applicable county, state and federal permits are obtained.
4. No artificial pond shall cover more than twenty percent (20%) of the area of a lot.

**(B) Special Performance Standards:**

1. Erosion control must be provided for all filled or disturbed surface areas including the water body margin. These areas must be covered or treated during all phases of construction to prevent material from being windblown onto neighboring properties or eroded by runoff. The applicant must meet all requirements of the most currently published standards and specifications for soil erosion control promulgated by the Monroe County Soil Conservation District and Monroe County Drain Commissioner.
2. All excavated material shall be deposited on the property and suitably landscaped to assure the appearance of natural landforms, unless the Township board specifically permits the removal of excavated material from the site. However, Special Use Approval (Article 5) for an extraction operation shall be required in conjunction with an artificial pond application where a proposed artificial pond provides for the removal of more than two thousand five hundred (2,500) cubic feet of excavated material and such material is to be placed at a location other than the lot or parcel on which the proposed artificial pond is to be placed.
3. All surface areas disturbed by excavation and filling activities, which are intended to be above the water level of the pond, shall be provided with a minimum three (3) inch layer of arable topsoil. The area shall be landscaped with grass or other live material and maintained as such.
4. The application for an artificial pond shall include a plan for the reclamation of the pond site and surrounding disturbed areas should the excavation of the pond not be fully completed or should the pond area be subsequently abandoned or discontinued as a feature on the site. The reclamation plan shall provide for the filling of excavated areas to return said areas to their surface elevations prior to any pond excavation activities taking place. The reclamation plan shall provide for the continued landscaping of the area previously proposed as the pond, or otherwise disturbed by excavation activities, consisting of live groundcover.
5. The approving body may require screening around the pond, in the form of plant material or fencing, if it finds that such screening or transition strip, because of the pond's location and character in relation to surrounding land uses or circulation systems, is beneficial to assure compatibility between land uses or otherwise protect the public health, safety, or welfare.

6. Artificial ponds shall be so located and designed so as to reduce the potential of pollution from nearby sources such as septic tanks, site drainage, and the like, and farm operations when the artificial pond is not intended for agricultural use.
7. The construction and maintenance of an artificial pond shall not adversely impact neighboring uses by changes in surface drainage or underwater aquifers.
8. A sealed engineering report must be submitted addressing the requirements of this section and the following minimum information:
  - a. A water body profile with elevations and changes in slope illustrated at two (2) foot intervals.
  - b. Soil evaluation for the site with any necessary soil modifications due to seepage or other concerns.
  - c. Specifications for spillway or drain, foundation preparation, and fill placement.
  - d. A detailed plan for stormwater runoff and erosion control provisions.
9. As a condition precedent to the issuance of the permit, the applicant shall indemnify and hold harmless Erie Township, its officials, agents, and employees, from all manner of liability, whatsoever, that may arise as a result of such pond construction.
10. The applicant shall have the responsibility and obligation to stop work and immediately notify the Township or the proper utility, at any time during such pond construction, when an underground electrical line or conduit is uncovered and shall continue such work stoppage until an inspection of same can be made by said personnel.

## **11.25 Extraction Operations**

**(A) Additional Materials to be submitted for Special Use Review:** In addition to the data requirements of Section 4.04, each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:

1. Location, size and legal description of the total site area to be excavated.
2. Location, width and grade of all easements or rights-of-way on or abutting the area subject to extraction.
3. A statement from the applicant identifying all federal, state, county and local permits required, if any.
4. Provisions for landscaping and screening.
5. A master plan for the extraction of minerals on the site, including:
  - a. The area and amount of material to be excavated in cubic yards.
  - b. Proposed side slopes and depths for all portions of the excavated area.
  - c. Proposed drainage system, settling ponds and retention ponds, as appropriate.
  - d. The time, duration, phasing and proposed work schedule of the total project.
  - e. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
  - f. Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.
6. The proposed location of access points to the site and proposed haul routes for transport of excavated material.
7. Proposed plans for fencing, and signs.
8. Depth to groundwater.
9. Vertical aerial photography, enlarged to a scale equal to one inch (1") equals two hundred (200) feet, which identifies site boundaries and proposed locations of all extraction activities and phases.
10. A detailed erosion and sedimentation plan showing measures to be taken to control soil

erosion and sedimentation cause by extraction activities, in conformance with the most current rules and standards of the Monroe County Drain Commissioner, and any other applicable county, state or federal agency. Such measures shall address sediment trapping, seeding or other treatment of stockpiles and bare earth, channeling of water through and/or around extraction areas, stabilization of sloped areas, and temporary and final stabilization measures.

11. A detailed reclamation plan that identifies, at a minimum, the following:
  - a. Physical descriptions of the location of each principal phase, number of acres included in each phase, and estimated length of time to complete each phase in extraction.
  - b. Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
  - c. Landscape plan for the portion of the property disturbed by extraction and associated activities, including an inventory of plant/tree species to be used.
  - d. Description of the intended reclamation use of the site upon completion of extraction activities and the spatial arrangement of proposed reclamation uses.
  - e. The restoration of vegetation upon the site, including appropriate seeding of grasses, or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion.
  - f. The restoration of the site topography so that no gradients in disturbed earth are steeper than a slope of 4:1 (horizontal-vertical).
  - g. The placement of a three inch (3") layer of arable topsoil over the excavated area, except exposed rock surfaces or areas lying below natural water level, in accordance with the proposed reclamation use.
  - h. No noxious, flammable or toxic backfill and grading materials shall be used.
  - i. Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.
  - j. All temporary structures shall be removed from the premises upon completion of the extraction activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.

**(B) The following site and developmental requirements shall apply:**

1. Minimum lot area shall be twenty (20) acres.
2. Notwithstanding any other minimum yard sizes required by this Ordinance, all extraction activities, including washing and stockpiling of materials, shall be set back the following minimum distance:
  - a. Removal of material/cut: 100 feet from the right-of-way of any public road, private road, or highway, and 300 feet from a Residential or Commercial District.
  - b. Fixed or portable equipment, machinery, or processing plants: 250 feet from the nearest property line and 500 feet from a Residential or Commercial District.
3. All permitted buildings, structures portable and stationary equipment associated with extraction activities shall be located a minimum of 150 feet from all lot lines.
4. There shall be not more than one (1) entrance-way from a public road to said lot for each one thousand (1,000) feet of frontage.
5. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be paved so as to limit on adjoining lots and public roads the nuisance caused by wind-borne dust.
6. No grades shall exceed a 4:1 (horizontal - vertical) slope, and such slope shall be extend below the surface of a water body to a minimum depth of five (5) feet.
7. Blasting or the use of any explosive device to loosen or gain access to material is prohibited.

**(C) Special Performance Standards:**

1. Any area of the site where excavation activities are occurring, including the location of equipment and buildings, shall be secured with a six (6) foot high fence with suitable gates. The gate shall be locked at all times when the site is not in use or when an attendant is not present. "KEEP OUT-DANGER" signs shall be posted at two hundred (200) foot intervals along the perimeter.
2. Where deemed necessary by the Township Board, a berm and/or suitable screen of a minimum of fifty (50) feet in width shall be established to screen residential uses within five hundred (500) feet of any lot line.
3. All extractive operations shall comply with the soil erosion and sedimentation control requirements of the Monroe County Drain Commissioner and Michigan Department of Environmental Quality.
4. All topsoil shall be stockpiled on the site so that the entire area may be recovered with a minimum of three inches (3") of top soil when extraction operations are completed. This provision shall not apply to areas of completed extraction that are characterized by exposed bedrock. However, in no case shall topsoil be removed from the extraction site except where expressly authorized according to an approved special land use application and site plan.
5. The extraction shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
6. Air pollution, noise and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.
7. Truck or heavy vehicle traffic related to extraction operations shall use major thoroughfares for access to the greatest extent feasible.
8. Public streets within 1000 feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site.
9. Reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the excavating activity will damage the reclaimed areas. No extraction work shall extend more than five (5) acres in area until reclamation of the previously excavated five (5) acre area is satisfactorily completed or underway, as authorized by the Township Board in writing. Extraction areas shall be reclaimed pursuant to the approved reclamation plan. If the reclamation plan involves a recreational or wildlife facility, reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the Michigan Department of Natural Resources.
10. The excavator may be required to post an acceptable performance bond pursuant to Section 3.07 of this Ordinance in the amount up to one hundred fifty percent (150%) of the estimated reclamation costs for each five (5) acres of land to be disturbed or excavated or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance bond or letter of credit has been posted for that area of the site.
11. Extraction processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface water-course, or body of water outside the lines of the lot on which such use shall be located.
12. Extraction, processing, and storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot such that earth materials are carried outside of the lines of said lot. Extraction shall not be conducted as to alter the drainage pattern of surface or sub-surface waters on adjacent property. In the event that such removal, processing, or storage shall cease to be conducted, it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
13. Each operator or permittee shall furnish a report to the Township Board for each project site at periods no greater than one (1) year following issuance of a zoning permit, documenting the extent of the previous twelve (12) months' activities and extent of extraction, and any revised future schedule of operations.

- (D) Other Conditions:** The conditions of any Zoning Permit issued under this Section apply not only to the owner but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in extraction.
1. Extraction operations authorized by the zoning permit shall be inspected with reasonable frequency to determine compliance with this Ordinance and permits issued pursuant to this Ordinance.
  2. When activities on or use of the area subjected to extraction, or any portion thereof, have ceased for more than one (1) year, the operation shall be considered abandoned and a new permit necessary before additional extraction activities can occur. Cessation may be determined by any of the following events:
    - a. The completion of the extraction.
    - b. The Township Board determines that no substantial work has occurred on the site for more than one (1) year.
    - c. The Township Board has received notification from the owner that operations are complete.
    - d. A zoning permit for the extraction has expired.
  3. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon reapplication, a redetermination by the Township Board, and a filing of a performance bond; said redetermination to be made in accordance with the requirements of this ordinance for the issuance of a special land use permit.
- (E) Existing Extraction Areas:** All extraction operations existing on the effective date of this Ordinance shall be subject to the regulations above for any extraction activities which are not permitted according to the originally issued permit for the extraction operation, including expansion into areas of the site not covered by a Township issued permit validly in place at the effective date of this Ordinance, and shall require special approval.

## **11.26 Commercial Airports**

- (A)** The following site and development requirements shall apply:
1. All commercial airports shall comply with the most current Published standards of the Federal Aviation Authority and the Michigan Aeronautics Commission.
  2. All clear zones required by the Federal Aviation Authority and the Michigan Aeronautics Commission shall be integral parts of and under same ownership as the balance of the airport facility.
  3. No portion of any landing strip or pad, runway or similar facility shall be located closer than five hundred (500) feet from any parcel of land that is zoned or used for residential purposes.
  4. The airport site shall be located on a paved road classified by the Monroe County Road Commission as "primary."
  5. A commercial landing strip shall be situated on a parcel of at least twenty (20) acres in size.
- (B)** Special Materials to be Submitted: In addition to the information required by Article 4 (Site Plan Review) and Article 5 (Special Land Uses), each application for a commercial airport shall be accompanied by the following additional materials:
1. Comment letters from utility companies operating in the area, including utilities operating communication towers.
  2. Documentation of approval or other review action by the Federal Aviation Authority and the Michigan Aeronautics Commission.

### 11.27 Private Landing Strips

- (A) **Private Landing Strips:** Private Landing Strips are defined in Article 21 and may include a hangar or similar building to house such personal aircraft and perform aircraft maintenance and repairs.
- (B) **Standard/Requirements:** In addition to compliance with the site plan approval standards of Article 4 and the special land use approval standards of Article 5, private landing strips may be approved only after receipt of evidence that such facility would be in compliance with applicable aviation regulatory authorities. Approval of a private landing strip as a special land use may occur only after full and appropriate consideration of potential impacts to adjacent property. Erie Township may require substantial separation distances between the landing strip and adjacent property, or other rigorous measures to reduce noise and any other negative impacts from low-flying aircraft on current and future land uses of the area.

### 11.28 Accessory Wind Energy Systems

- (A) **Standard Requirements:** An accessory wind energy system is a special use in certain Zoning Districts and is subject to the following standard requirements:
  - 1. **Lot Size:** Lots must be at least one acre in size.
  - 2. **Total Height.** For property sizes between one acre and two acres, the total height of any tower shall not exceed 30 feet. For property sizes between two and five acres, the total height shall not exceed 40 feet. For property sizes greater than five acres, the total height shall not exceed 50 feet. Total height means the distance measured from ground level to the blade extended at its highest point or to the top of the tower, whichever is the highest.
  - 3. **Location on a Lot:** Accessory wind energy systems shall be set back from the nearest property line, public road right-of-way and communication and electrical line a distance that is not less than 1.1 times its total height. Further, an accessory wind energy shall be set back from the nearest inhabited building a distance not less than 1.5 times its total height.
  - 4. **Design Standards:** The design of the accessory wind energy system or tower shall be of a monopole or freestanding design without guy wires.
  - 5. **Turbine Blade Height:** The minimum height of the lowest extent of a turbine blade shall be 15 feet above the ground or 30 feet above any structure or obstacle within 100 feet from the tower.
  - 6. **Climbing Apparatus:** No tower shall have a climbing apparatus within 15 feet of the ground. All access doors or access ways to towers and electrical equipment shall be able to be locked.
  - 7. **Finish:** Accessory wind energy system towers shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. No accessory wind energy system or tower shall be lighted unless required by the FAA. No flags, streamers, decorations, advertising signs of any kind or nature whatsoever shall be permitted on any accessory wind energy system and/or tower.
  - 8. **Connections:** All electrical interconnection or distribution lines shall be underground and comply with all applicable codes and public utility requirements.
  - 9. **Interference:** No accessory wind energy system or tower shall cause permanent and material interference with television or other communication signals.
  - 10. Every accessory wind energy system shall be equipped with both manual and automatic over-speed controls.
- (B) **Performance Standards:** Accessory wind energy systems shall meet the following requirements:
  - 1. No accessory wind energy system shall exceed 60 dBA as measured at the property line or 50 dBA as measured at the nearest neighboring inhabitable building.

2. Commercial wind energy systems shall be located in such a manner so as to not generate shadow flicker on any habitable building.

## 11.29 Commercial Wind Energy Systems

(A) **Standard Requirements:** A commercial wind energy system is a special use in certain zoning districts and is subject to the following standard requirements:

1. **Minimum Lot Size.** There is no minimum lot size, provided all required setbacks and other requirements are met.
2. **Setbacks from Occupied Buildings:** Each commercial wind energy system shall be setback from the nearest residence, school, hospital, church or public library, or any other occupied buildings a distance no less than the greater of (a) two (2) times its Hub Height, or (b) one thousand (1,000) feet, whichever is greater.
3. **Setbacks from Lot Lines:** Commercial wind energy systems shall not be located within 1.5 times the Hub Height of a property line associated with land owned by an individual or entity that is not related to commercial wind energy system facility.
4. **Setbacks from Public Roads:** Commercial wind energy systems shall be set back from the nearest public road a distance no less than 400 feet or 1.5 times its Hub Height, whichever is greater.
5. **Setbacks from Railroads:** Each commercial wind energy system shall be set back from the nearest Railroad no less than 400 feet or 1.5 times its Hub Height, whichever is greater.
6. **Location on a Lot:** Commercial wind energy systems may be located anywhere on a lot provided all setback requirements are met.
7. **Total Height.** Commercial wind energy systems shall demonstrate compliance with the Michigan Tall Structure Act (MCL 259.481 and following), FAA guidelines, and any related regulations as part of the approval process.
8. **Surfaces:** Tubular towers associated with commercial wind energy systems shall be painted with a non-reflective and subdued color. The appearance of the commercial wind energy system, equipment and related buildings shall be maintained throughout the life of the wind energy facility (i.e., condition of paint, signs, landscaping, etc.). Commercial wind energy systems shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. Commercial wind energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. The electrical collection system shall be placed underground at a depth designed to accommodate the existing agricultural land use to the maximum extent practicable.

(B) **Performance Standards:** Commercial wind energy systems shall meet the following requirements:

1. **Noise:** Commercial wind energy systems shall not exceed 55 db(A) at the habitable structure closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
2. **Shadow Flicker:** Commercial wind energy systems shall be located in such a manner so as to not generate shadow flicker on any habitable building.
3. **Placement:** The Planning Commission shall review the placement of all commercial wind energy systems in terms of mitigating off-site noise and visual impacts to surrounding property. Commercial wind energy systems and associated access roads shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal property lines.

### 11.30 Solar Power Plants

1. **Standard Requirements:** A Solar Power Plant is a special use certain zoning districts and is subject to the following standard requirements:
  1. **Maximum Height:** The maximum height for all structures associated with a Solar Power Plant is equal to the maximum permitted height of principal structures in the district it is located in.
  2. **Setbacks:** Solar power plant structures shall be set back from all property lines and public road rights-of-way at least thirty feet, or one and one-half times the height of the structure, whichever is greater. In addition, solar power plant structures must be located at least one hundred feet from all residentially zoned lots and existing residences. Additional setbacks may be required to mitigate noise and glare impacts, or to provide for designated road or utility corridors, as identified through the Special Use Review process.
  3. **Safety/Access:** An appropriate security fence (height and material to be established through the site plan review process) shall be placed around the perimeter of the solar power plant. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
2. **Performance Standards:** Solar power plants shall meet the following requirements:
  1. **Noise:** No operating solar power plant shall produce noise that exceeds more than 5 dB(A) above ambient sound pressure levels. Adequate setbacks shall be provided to comply with these limitations.
  2. **Visual Appearance:** Solar power plant buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment. Appropriate landscaping and/or screening materials may be required to help screen the solar power plant and accessory structures from major roads and neighboring residences. No solar power plant tower or other tall structure associated with a solar power plant shall be lighted unless required by the Federal Aviation Administration (FAA). When lighting is required by FAA, it shall be the red, intermittent, glowing-style, rather than the white, strobe-style, unless disclosed and justified through the application review process. Aircraft sensor systems to turn the lights on only when low-flying aircraft are in the area may be required.
  3. **Lighting:** Lighting of the solar power plant and accessory structures shall be limited to the minimum necessary and full cut-off lighting may be required when determined necessary to mitigate visual impacts.
  4. **Glare:** No solar power plant shall produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling neighboring roads.
  5. **Electrical Interconnections.** All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g. wetlands, cliffs, hard bedrock), and except for power lines that leave the project or are within the substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.

### 11.31 Freestanding Accessory Solar Energy Systems

- (A) **Standard Requirements:** A Freestanding Accessory Solar Energy System is a special use in certain zoning districts and is subject to the following standard requirements

1. **Association with Principal Use:** Freestanding Accessory Solar Energy Systems must be associated with a habited or non-habited building which is the principal use of the subject property.
2. **Setbacks:** Freestanding accessory solar energy systems may not be located between the front lot line and the principal building on the lot, and must meet all applicable setbacks associated the principal building on the lot, or shall be able to demonstrate that systems will blend the facility into the existing environment. Appropriate landscaping and/or screening materials may be required to help screen equipment from public roads and neighboring property.
3. **Height:** Freestanding accessory solar energy systems may not exceed the height permitted in Section 14.06(C), or shall be able to demonstrate that systems will blend the facility into the existing environment. Appropriate landscaping and/or screening materials may be required to help screen equipment from public roads and neighboring property. The height shall be measured from the grade at system base to the highest peak, including the highest position of any adjustable system or associated apparatus.
4. **Size of Freestanding Accessory Solar Energy System:** Systems shall be included in, and not exceed the maximum permitted lot coverage for all structures (table 10-3) if the property is zoned for residential purposes, or when property is zoned for non-residential purposes, systems may not occupy more than five percent of the parcel upon which it is located, or one-half (1/2) of the footprint of the principal building served, whichever is greater, or shall be able to demonstrate that systems will blend the facility into the existing environment. Appropriate landscaping and/or screening materials may be required to help screen equipment from public roads and neighboring property.

(B) **Performance Standards:** A Freestanding Accessory Solar Energy System is subject to the following performance standards:

1. **Blending with the existing environment:** Freestanding Accessory Solar Energy Systems shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment. Appropriate landscaping and/or screening materials may be required to help screen equipment from public roads and neighboring property.
2. **Noise:** No Freestanding Accessory Solar Energy System shall produce noise that exceeds more than 5 dB(A) above ambient sound pressure levels. Adequate setbacks shall be provided to comply with these limitations.
3. **Glare:** No Freestanding Accessory Solar Energy System shall produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling neighboring roads.

### 11.32 Trucking or Logistic Operations

(A) The following site and developmental requirements shall apply:

1. The site shall provide sufficient space, in appropriate locations, to protect abutting residential districts.
2. Proposed buildings, parking areas and any other area designated for active use shall not be less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution or existing residence. Measurement shall be from the closest distance between buildings or parking areas to identified places, institutions or residences.
3. All fuel storage tanks on the site, if any, shall be more than three hundred (300) feet from any residential district or water well.
4. All buildings shall be set back a minimum of sixty (60) feet from all lot lines.

5. The driveway, entrance, parking area and the entire area regularly used by vehicles or the service there-of shall be paved and adequately drained.
6. Incidental warehousing of goods is limited to no more than ten percent (10%) of the total floor area of structures on the premises. No outside storage of materials involved in the trucking/logistics operation is allowed.

(B) The following site and developmental requirements shall apply:

1. Hydraulic hoists, service areas, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure(s).
2. Vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall not be maintained on the property for more than thirty (30) days. Such vehicles shall not be parked or stored in a front or side yard, and shall be screened.
3. A truck wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.
4. The goods and materials involved in the trucking/logistics operation do not have attributes that pose an obvious and unacceptable threat to the character of the surrounding area in terms of hazardous materials or explosive substances.
5. All provisions for the storing and disposing of fuels, oils, and waste products, including daily generated garbage, shall meet county, state, and federal regulations. The applicant shall document the availability and capacity of sewage facilities to handle the anticipated volume of wastes.
6. Trucking and logistics operations shall be designed and situated to have minimal impact on surrounding uses. Additional landscaping, screening and buffering may be required to minimize noise and other impacts from such a facility with respect to adjacent property.

### **11.33 Manufacturing of goods from previously prepared materials or finished parts when outdoor storage exceeds 5% of the lot**

(A) The following site and developmental requirements shall apply:

1. The site shall provide sufficient space, to buffer any adjacent non-industrial areas or districts. Buffering shall screen outdoor storage of material from lines of sight from adjacent property and may include a mounding, plant material or natural or manmade landscape treatments. Buffering may be required to achieve up to 100% opacity at the time of installation if adjacencies include residential areas.
2. All storage tanks containing substances posing a threat to groundwater shall be at least three hundred (300) feet from any water well.
3. The storage of any soil, fertilizer, or other loosely packaged materials shall be sufficiently contained to prevent any adverse effect on adjacent properties, water bodies, wetlands and drainage ways.

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# ARTICLE 12 - OPEN SPACE COMMUNITIES (OSC) OVERLAY DISTRICT

## 12.01 Purpose

It is the purpose of this Article to provide opportunities for residential development which, because of the more flexible standards available to "Open Space Communities" (OSC) under this Article, more effectively encourage the preservation of the Township's natural resources, sensitive environmental areas, open spaces, and rural character. The regulations of this Article propose to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the zoning district within which the OSC is proposed to be located, so that the remainder of the site can be largely undisturbed or available for agricultural use.

## 12.02 Overlay District

The OSC District is established as an overlay district. The District exists as an overlay on top of the AC, BC, R-1, R-2, R-3, and R-4 Districts. Land located within such Districts may be developed according to the more traditional provisions of the base zoning district, such as the AC (Agricultural Conservation) District, or according to the more flexible open space community overlay provisions of this Article. A rezoning for an open space community is not necessary as it is already available within the AC, BC, R-1, R-2, R-3 and R-4 Districts by the presence of the OSC Overlay District.

## 12.03 Procedures for Open Space Communities

- (A) Applications for an OSC shall not be considered an application for a special land use. However, the process for application, review, and action on a OSC request shall follow the same procedures and requirements for special land uses under Article 5 except as provided below:
1. **Conventional Plan:** At the time the applicant submits a preliminary site plan for the OSC, the applicant shall also submit a conventional plan which shall illustrate a practical and reasonable manner for developing the project parcel according to the underlying zoning district provisions. This plan shall identify the total number of lots and dwellings reasonably attainable. The Planning Commission shall review the conventional plan and determine the approximate number of dwellings and lots attainable by conventional design. This information shall be used when comparing development densities between the conventional and OSC plans, and determining appropriate bonus densities for an OSC proposal.
  2. **Recording of Approval Action and Permit Issuance:** The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved OSC plan unless a change is approved by the Township Board. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Township Clerk. Upon receipt of the recorded documents, the Township Clerk shall direct the Zoning Administrator to issue a Zoning Permit for the OSC.
  3. **Public Hearing:** A public hearing is not required for a proposed OSC, whether the proposed OSC is to be a subdivision plat, condominium subdivision, or other form of development, if all of the following conditions can be met:
    - a. No dwellings other than single-family detached dwellings are proposed.
    - b. The resulting number of lots would not require compliance with the platting requirements

of the Land Division Act, Public Act 591 of 1996, as amended, but rather would be in compliance with the Act's allocation of divisions for the project parcel. For the purposes of this provision, each proposed single-family dwelling site shall be considered a lot whether the project is developed as a platted or condominium subdivision, or other form of development.

## 12.04 Approval Standards

(A) **Minimum Eligibility:** To be considered as an OSC project, the proposed development project must be consistent with Section 12.01 and comply with the following provisions.

1. **Permitted Principal Uses:** The following principal uses shall be permitted within an OSC:
  - a. Dwellings, as authorized by the base District's requirements.
2. **Unified Control:** The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
3. **Dedicated Open Space:** The OSC shall include permanently dedicated open space consisting of a minimum of fifty percent (50%) of the OSC parcel.

(B) **Design and Compatibility Standards:** An application for an OSC shall comply with the following:

Section 4.05, Site Plan Approval Standards.  
Section 5.06(A), General Standards for Special Land Uses.  
Section 12.05, OSC Design Standards.

## 12.05 OSC Design Standards:

A proposed OSC shall comply with the following design standards:

- (A) **Regulatory Flexibility:** To encourage flexibility and creativity consistent with the OSC concept, departures from the regulations of the base zoning district may be permitted, subject to review and approval by the Township Board. For example, such departures may include but are not limited to modifications to lot dimensional standards, setback requirements, and building height standards. Such modifications may be permitted only if the proposed OSC shall result in a higher quality of development than would be possible without the modifications, and that the proposed OSC shall be a recognizable and substantial benefit to the ultimate users of the project and to the community. Such benefit must otherwise be unfeasible or unlikely under the regulations of the underlying district alone. All proposed modifications shall be specified in the OSC application materials. Density standards may not be modified more than the maximum permitted under the bonus provisions of Section 12.05(B) below.
- (B) **Residential Density Bonus:** Recognizing that individual sites lend themselves to different design solutions with different space utilization requirements and that the OSC process provides that the Township Board may exercise discretionary powers, an increase in the number of dwelling units in excess of those attainable according to the conventional plan may be permitted, provided that all other requirements of this Article are met. No increase in dwelling units shall be permitted unless a determination is made by the Township Board that the increase will not adversely affect public services including, but not limited to, water and sewer services, storm water drainage, road conditions and capacity, traffic, parks and recreation, fire and police services, schools, and any

planned public and private improvements in the area. An increase in the number of dwelling units may be authorized on the basis of the amount of dedicated open space and superior design qualities.

1. **Additional Dwelling Units for Dedicated Open Space:** The percent increase in the number of dwelling units in excess of those attainable under the Conventional Plan based upon the portion of the project site placed in dedicated open space, shall be as specified in Table 12-1 below. For example purposes only, an 80-acre AC parcel developed with 8 dwellings under a Conventional Plan could be alternatively developed with 50% more dwellings, resulting in a total of 12 dwellings, provided a minimum of 70% of the parcel is set aside in dedicated open space.

Percent of Parcel in Dedicated Open Space*	Permissible Percent Increase in Dwelling Units, by District*	
	AP, AC and BC	R-1, R-2, R-3, and R-4
20%	10%	5%
21 - 30%	20%	10%
31 - 40%	30%	15%
41 - 50%	40%	20%
51 - 60%	50%	25%
61 - 70%	60%	30%

\* Percent of Parcel in Dedicated Open Space and increases in Dwelling Units Are to be rounded up or down to the nearest whole number.

2. **Additional Dwelling Units for Superior Design:** The Township Board may grant additional dwelling units above and beyond that available under (1) above for land development proposals that exhibit superior design character. A five percent (5%) density increase in the R-1, R-2, R-3 and R-4 Districts, and a ten percent (10%) density increase in the AP, AC and BC Districts, shall be authorized when at least three of the following attributes are found to exist in the proposed development design. This determination shall be made by the Township Board following consideration of a recommendation made by the Planning Commission. Superior design characteristics include the following elements:

- a. Preservation of sensitive natural resources, topography, vegetation, and stream corridors.
- b. The dedication of usable open space to a public entity or nonprofit land or nature conservancy that has the effect of increasing or enhancing the public use and enjoyment of scenic areas, waterfronts, natural areas, or other significant environmental areas; and/or the dedication of usable open space for other public use that clearly addresses a need in the community.
- c. Effective preservation of rural character along the public road frontages that the OSC abuts, either through building setbacks, retention of existing vegetation and topography, proposed native plantings, strategic placement of dedicated open space, and/or other means.
- d. Strategic placement of dedicated open space in relation to abutting OSC projects to support continuous networks of important environmental resource systems including, but not limited to, wetlands, woodlands, stream corridors, and wildlife corridors and habitats.
- e. Strategic placement of dwellings and dedicated open space in relation to adjacent agricultural operations to minimize conflicts between ongoing farming activities and

residents in the OSC.

- f. In the AP, AC and BC District, easement provisions for the allowance of farming operations within the dedicated open space.
- g. Storm water management program that relies upon natural systems to the greatest extent possible and preserves the quality and integrity of such systems, rather than systems that encourage unnecessary topographic alternations, erosion, heightened impurities directed to surface and ground water systems, and similar negative impacts.
- h. Establishment of a traditional village setting in or near Erie Town Center, including comparatively narrow streets and setbacks, sidewalks, street trees, and or/other traditional village design features, provided public sewer is available.

**(C) Guarantee of Open Space:** An OSC shall include permanently dedicated open space. The dedicated open space shall forever remain open space, subject only to uses approved by the Township Board on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation, or agricultural uses or preservation in an undeveloped state, except for easements for utilities and septic systems, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Township that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space development.

- 1. A minimum of fifty percent (50%) of the OSC parcel shall be designated as permanent open space, to be maintained in an undeveloped state. "Undeveloped state" shall mean a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public. Dedicated open space may include flood plain areas, but dedicated open space established to meet minimum density bonus requirements shall not include required yard setback areas, roads and road rights-of-way, public rights-of-way, and wetlands (as defined by the Michigan Department of Environmental Quality) and year round submerged lands where such wetlands and/or submerged lands exceed thirty percent (30%) of the required dedicated open space.
  - a. An OSC need not place a minimum of fifty (50) percent of the project site in dedicated open space where the land is zoned at a density equivalent to more than two (2) dwelling units per acre or, if the land is served by a public sewer system, more than three (3) dwelling units per acre.
- 2. All land within a development that is not devoted to a building, dwelling unit, required yard, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state. This provision shall not prohibit the inclusion of non-residential buildings, required yards, accessory uses, vehicle access, vehicle parking, a roadway, or other approved land improvement in the designated common land.
- 3. The dedicated open space shall be set aside by the owner through an irrevocable conveyance that is found acceptable to the Township Attorney, such as recorded deed restrictions, covenants that run perpetually with the land, transfer to a nonprofit land trust, or a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended. Such conveyance shall assure that the open space will be protected from all forms of development, except as specifically delineated on an approved site plan. All subsequent use and improvements to the dedicated open space shall comply with the approved site plan. Changes to the authorized uses or improvements to the open space are prohibited except where the Township Board approves

a revised site plan upon finding that the applicant's proposed changes shall not alter the essential character of the open space or undermine the purpose and spirit of the OSC concept as presented in this Article. Such conveyance shall:

- a. Indicate the proposed allowable use(s) of the dedicated open space.
  - b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
  - c. Provide standards for scheduled maintenance of the open space.
  - d. Provide for maintenance to be undertaken by the Township of Erie in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
4. Any structure(s) or building(s) accessory to a recreation, conservation, or agricultural use or area preserved in an undeveloped state, may be erected within the dedicated open space, subject to the approved site plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the total dedicated open space area in the AC and BC Districts and twenty percent (20%) in the R-1, R-2, and R-3 Districts.

**(D) Utilities:**

1. The OSC shall provide for underground installation of all utilities.
2. An OSC permit shall not be issued unless public water and sanitary sewer service is provided to the development if such service is available.
3. Provisions shall be made for appropriate storm water management, including the construction of necessary storm water facilities. The storm water system may include the establishment of detention or retention basins, and associated infrastructure.
4. Fire protection measures shall be provided in all OSCs which provide public water, and in OSCs which are generally characterized by lots of approximately one half (1/2) acre or less in size where such lots are clustered or otherwise generally adjacent to one another. Fire protection measures shall include an adequate on-site source of water for use by the local fire department and associated infrastructure to enable the local fire department to effectively respond to a fire emergency.

**(E) Access and Circulation:**

1. Access: The nearest edge of any entrance or exit drive for a OSC shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line). All dwellings shall gain access from an interior road within the OSC.
2. Pedestrian Circulation: A pedestrian circulation system may be required along one side of, or all of, the internal roads of the OSC. The exact location and alignment of the pedestrian ways shall be jointly agreed upon by the applicant and the approving body, and shall be coordinated with existing or planned pedestrian ways and roads in the area. Pedestrian circulation network shall assure ease of access from residences to the designated open space areas.

**(F) Natural Features:** The development shall be designed to promote the preservation of natural features such as mature woodlands, wetlands, floodplains, stream corridors, and special plant and animal habitats.

**(G) Scheduled Phasing:**

1. Scheduled Phasing: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of

- the users of the open space development and the residents of the surrounding area.
2. Timing of Phases: Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved final site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted following review of a formal request for extension by the owner and approval of same by the Township Board. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the case of fraud or violation of the terms of the original approval.

## **12.06 Waiver of Standards**

- (A) The Township Board may waive any of the Section 12.05 standards for an OSC, except Section 12.05(B) and (C), where the following findings are documented along with the rationale for the decision:
  1. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
  2. The spirit and intent of the open space development provisions will still be achieved.
  3. No nuisance will be created.

# ARTICLE 13 - PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

## 13.01 Purpose

The provisions of this Article provide enabling authority and standards for the submission, review and approval of applications for planned unit developments (PUD). It is the intent of the Article to authorize PUD's to permit flexibility in the regulation of land development, encourage innovation in land use and variety in design, layout, and type of structures constructed, achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities, encourage useful open space, and provide better housing, employment and shopping opportunities, pursuant to Section 503 of Public Act 110. The provisions of this Article are not intended as a device for ignoring this Ordinance or the planning upon which it is based. To that end, the provisions of this Article are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Article to insure appropriate, fair, and consistent decision making.

## 13.02 PUD is a Separate District

A PUD is permitted as a separate zoning district only when determined to be in compliance with the regulations of this Article. The approval of a PUD shall require an amendment of the Zoning Map constituting a part of this Ordinance so as to designate the property "PUD" and subject of the approved application for PUD.

## 13.03 Minimum Eligibility Criteria

(B) The following minimum eligibility criteria shall be met in order for PUD approval:

1. **Recognizable and Substantial Benefit:** The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved. Such benefit must otherwise be unfeasible or unlikely under the regulations of the underlying or any other zoning district.
2. **Availability and Capacity of Public Services:** The proposed type and intensity of use shall not result in an unreasonable burden in the use of existing public services, facilities, and utilities.
3. **Compatibility with the Land Use Plan:** The proposed development shall be in accordance with the goals and policies of the Erie Township Land Use Plan.
4. **Compatibility with the PUD Intent:** The proposed development shall be consistent with the intent and spirit of these regulations, as stated in Section 13.01.
5. **Economic Impact:** The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the existing zoning district within which the PUD is proposed.
6. **Unified Control of Property:** The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance and the specifications of the PUD approval. This provision shall not prohibit a transfer of ownership or control, upon due notice to the Zoning Administrator.

### 13.04 Project Design Standards

PUDs shall comply with the following project design standards:

- (A) **General Site Development Requirements and Waivers:** The site development standards for all proposed individual land uses and facilities in a PUD shall conform to this Ordinance, including such standards pertaining to authorized uses, lot area and dimensions, density, lot coverage, setbacks, parking, loading, landscaping and screening, road widths, and similar requirements, except that the Township Board may waive standards of the underlying zoning district for any, or all, of the specific uses and facilities proposed to be part of the PUD where such modifications will result in a higher quality of development than would be possible without the modifications.
1. Except where a waiver is granted, mixed uses shall comply with the regulations applicable for each individual use. If regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply.
  2. The waiving of development standards may be authorized only upon a finding by the Township Board that there are adequate features or planning mechanisms designed into the project to achieve the objectives intended to be accomplished with respect to each of the standards from which a departure is sought.
- (B) **Permitted Uses and Mix of Uses:** Any land use authorized in this Ordinance is permitted in a PUD as a principal or accessory use, irrespective of the underlying district, provided that public health, safety, and welfare are not impaired and the essential character of the proposed PUD meets the general intent of the underlying district. Where the existing underlying zoning district is residential, commercial and other nonresidential uses may be permitted as part of a PUD which also contains a residential component, provided that the applicant demonstrates that the residential uses will be predominant. The Township Board shall determine predominance of use after taking into account the following criteria as they apply to each of the proposed uses: extent to which it serves residents in the PUD compared to others who travel to the site; amount of traffic generated; hours of operation or use; noise, odors, and overall impact on adjoining uses; land area allocated to each use; and building area allocated to each use.

### 13.05 Approval Standards

- (A) Each application and site plan for a PUD shall conform to all applicable provisions of this Ordinance and the following:

Site Plan Approval Standards, Section 4.05.

General Approval Standards for Special Land Uses: Section 5.06.

### 13.06 Procedure for Review and Approval

An application for PUD shall be made on forms provided by the Zoning Administrator. The application shall be submitted by the owner of an interest in land for which PUD approval is sought, or by the owner's authorized agent. The applicant or a designated representative should be present at all scheduled review meetings or consideration or the proposal may be tabled. PUD applications shall be submitted in accordance with the following procedures and requirements.

- (A) **Optional Preapplication Conference:** Prior to the submission of a preliminary site plan for PUD approval, the applicant may request a meeting with the Chairperson of the Planning Commission and the Township Supervisor, together with such consultants and local officials and staff as either the Township or the applicant deem appropriate. The purpose of the meeting is to inform township officials of the general theme for the proposed development and to provide the potential applicant

with information regarding land development policies, procedures, standards and requirements of the Township in terms of the proposed development. Statements made in the course of a pre-application conference shall not be legally binding commitments. At the pre-application conference (or conferences), the applicant may present a general sketch plan of the proposed PUD which provides an overview of the proposed project.

**(B) Preliminary Plan: Application, Public Hearing, and Action:**

1. The applicant shall submit to the Zoning Administrator twenty (20) copies of a preliminary plan and an application form supplied by the Zoning Administrator. The Zoning Administrator shall review the plans to determine whether the plans appear complete and, if so, forward copies to the Planning Commission. The Preliminary Plan shall comply with the requirements of Section 4.04(B) and include a detailed text description of the proposed development and all Ordinance standards that the applicant is seeking a waiver for.
2. Following review of the preliminary plan submittal, the Planning Commission shall act on the preliminary plan as if it were an application for rezoning, and in doing so, shall follow the provisions of Section 7.04.
3. Following the public hearing, with notifications provided in accordance with Section 3.09, and any fact finding and additional studies, the Planning Commission shall prepare written findings regarding the preliminary plan's conformance with the applicable requirements of this Article and Ordinance, including the approval standards of Sections 4.05 and 5.06.
4. The Planning Commission shall review the preliminary plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the preliminary plan. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its decision, and any recommended conditions relating to an affirmative decision.
5. The Township Board shall take final action to approve, deny, or approve with conditions the preliminary plan. In reviewing the preliminary plan, the Township Board shall consider the applicable requirements of this Article and Ordinance, including Sections 4.05 and 5.06. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any recommended conditions relating to an affirmative decision. The effect of Township Board approval of the preliminary plan shall be:
  - a. To authorize the fundamental PUD character and layout embodied in the preliminary plan, including any conditions applied to the approval, prior to the preparation of a final site plan.
  - b. To authorize a change on the Zoning Map to classify the subject property as PUD.

**(C) Final Plan and Permit Issuance**

1. Within twenty-four (24) months following receipt of preliminary plan approval, the applicant shall submit to the Zoning Administrator twenty (20) copies of a final plan, or phase one of a final plan, including a final site plan conforming with Section 4.04(E) and including a detailed text description of the proposed development and all Ordinance standards that the applicant is seeking a waiver for. If the final plan has not been submitted within such period, the preliminary plan approval shall become null and void unless the Planning Commission extends the time for submission of the final plan upon a showing by the applicant that no material change of circumstances has occurred.
2. The Zoning Administrator shall review the plans to determine whether the plans appear complete and, if so, forward copies to the Planning Commission and any other public agency or private consultant for the purposes of determining compliance of the submitted plan with the standards and regulations of this Article and Ordinance and the approved preliminary plan.
3. The Planning Commission shall review the final plan and shall be entitled to make reasonable

inquiries of and receive answers from the applicant. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the final plan. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its decision, and any recommended conditions relating to an affirmative decision.

4. The Township Board shall take final action to approve, deny, or approve with conditions the final plan. In reviewing the final plan, the Township Board shall consider the applicable requirements of this Article and Ordinance, including Sections 4.05 and 5.06. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any recommended conditions relating to an affirmative decision.
5. If and when the final site plan is approved, all improvements and use of the property shall be in conformity with the final site plan and any conditions imposed. The applicant shall record an affidavit with the Register of Deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved PUD unless a site plan amendment is approved by the Township Board upon request or approval of the applicant or applicant's transferee and/or assignees. Upon receipt of the recorded documents, the Zoning Administrator shall issue a permit for that portion of the PUD project receiving final site plan approval.

### **13.07 Phasing**

- (A) Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the PUD and residents of the surrounding area.
- (B) In developments which include residential and nonresidential components, the phasing plan shall provide for completion of at least thirty-five percent (35%) of all proposed residential units concurrent with the first phase of any nonresidential construction; completion of at least seventy-five percent (75%) of all proposed residential construction, concurrent with the second phase of nonresidential construction; and completion of one hundred percent (100%) of all residential construction prior to the third phase of nonresidential construction. For purposes of carrying out this provision, the percentages shall be approximations as determined at the discretion of the Township Board. Such percentages may be modified should the Township Board determine that the applicant presented adequate assurance that the residential component or components of the project will be completed within the specified time period.

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# ARTICLE 14 - ALTERNATIVE ENERGY STRUCTURE REGULATIONS

## 14.01 Purpose

With volatile energy prices and increasing interest in environmental sustainability, a growing number of energy production systems are in demand and are evident in communities at various scales of production and use. The purpose of this Article is to provide basic and essential regulations to address various levels of local energy production in terms of both accessory uses and as principal uses. These regulations are focused principally on limiting off-site impacts to surrounding property and on preserving and protecting property values. These regulations shall also rely on standards and procedures required by Plot Plan and Site Plan review requirements (Article 4) and Special Land Use requirements in certain cases (Article 5).

## 14.02 Outdoor Furnaces

Outdoor furnaces are permitted in any district as an accessory use subject to the following requirements:

- (A) **Type of materials burned.** The following types of materials shall not be burned within an outdoor furnace: leaves, rubbish or garbage, waste oil or other oily wastes; asphalt and products containing asphalt, chemically-treated or painted wood, any plastic material, rubber and synthetic rubber-like products, or any material treated with petroleum products or chemicals.
- (B) **Performance.** An outdoor furnace shall be installed in accordance with the manufacturers recommendations and comply with all applicable federal, state and local standards governing air quality, emissions and fire safety.
- (C) **Placement.** An outdoor furnace shall not be placed between the principal structure and the road right of way, nor closer than 40 feet to the side or rear property line of the parcel on which it is located. An outdoor furnace shall also not be located closer than 50 feet from any outdoor propane tank, principal structure, outdoor shed, garage or any other structure on the lot.
- (D) **Locations of burnable stockpiles:** Stockpiles of burnable materials may be kept inside of a building or out of doors. If kept indoors, the building may not also house the outdoor furnace. If kept out of doors, the stockpiles may not be located between the principal structure and the road right of way, less than 25 feet to the side lot line, or less than 5 feet from a rear property line. If the burnable stockpiles includes corn, or other edible materials, stockpiles shall be stored in a vermin-proof container. In any Residential District, stockpiles of burnable material may not exceed more space than is required to contain 2 full cords of wood (a full cord of wood is defined as 4 feet wide, 4 feet high and 8 feet long), or an equal volume of other burnable material
- (E) **Venting stack heights:** The vents of outdoor furnaces shall be designed in accordance with the following table:

Distance to Closest Residence Not Served By An Outdoor Furnace	Minimum Height
50 feet or less	The height of the roof peak of the adjacent residence plus 2 feet.
More than 50 feet, but less than 100 feet	75 percent of the height of the roof peak of the adjacent residence plus 2 feet.
More than 100 feet but less than 150 feet	50 percent of the height of the roof peak of the adjacent residence plus 2 feet
More than 150 feet	25 percent of the height of the roof peak of the adjacent residence plus 2 feet

### **14.03 Accessory Wind Energy Systems – General Requirements.**

The requirements of this Article apply to accessory wind energy systems as defined in Article 21. Any system that has been installed, but not used for two consecutive years, may not be subsequently used without meeting the requirements of this Section. No pre-existing system shall be altered in any manner that would increase the degree of non-conformity with the requirements of this Chapter and no alterations shall be made to a non-conforming, pre-existing system during its life which exceeds 50 percent of its fair market value. If such system is destroyed or damaged to the extent of more than 50 percent of its fair market value at the time of destruction or damage, it shall not be reconstructed except in conformity with this Chapter.

### **14.04 Accessory Wind Energy Systems – Specific Requirements.**

- (A) **Permitted Location.** An accessory wind energy system is permitted in any Agricultural Zoning District (AP, AC, BC, AR-B), provided all other requirements listed hereunder are met. If one or more of the following specific requirements are not met, such accessory wind energy system is reclassified as a special use pursuant to Section 11.28.
- (B) **Minimum Lot Size.** No wind energy system shall be erected on any lot less than ten acres in size.
- (C) **Total Height.** For property sizes between one acre and two acres, the total height of any tower shall not exceed 30 feet. For property sizes between two and five acres, the total height shall not exceed 40 feet. For property sizes greater than five acres, the total height shall not exceed 50 feet. Total height means the distance measured from ground level to the blade extended at its highest point or to the top of the tower, whichever is the highest.
- (D) **Location on a Lot:** No accessory wind energy system shall be located within 300 feet of a property line in any front or side yard, and must be set back from the nearest property line, public road right-of-way and communication and electrical line a distance that is not less than 1.1 times its total height. Further, an accessory wind energy system shall be set back from the nearest inhabited building a distance not less than 1.5 times its total height.
- (E) **Design Standards:** The design of the accessory wind energy system or tower shall be of a monopole or freestanding design without guy wires.
- (F) **Turbine Blade:** The minimum height of the lowest extent of a turbine blade shall be 20 feet above the ground or 30 feet above any structure or obstacle within 100 feet from the tower.
- (G) **Climbing Apparatus:** No tower shall have a climbing apparatus within 15 feet of the ground. All access doors or access ways to towers and electrical equipment shall be able to be locked.
- (H) **Noise:** No accessory wind energy system shall exceed 60 dBA as measured at the property line or 50 dBA as measured at the nearest neighboring habitable building.
- (I) **Finish:** Accessory wind energy system towers shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. No accessory wind energy system or tower shall be lighted unless required by the FAA. No flags, streamers, decorations, advertising signs of any kind or nature whatsoever shall be permitted on any accessory wind energy system and/or tower.
- (J) **Electrical Connections:** All electrical interconnection or distribution lines shall be underground and comply with all applicable codes and public utility requirements.
- (K) **Interference:** No accessory wind energy system or tower shall cause permanent and material interference with television or other communication signals.
- (L) **Speed Controls:** Every accessory wind energy system shall be equipped with both manual and automatic over-speed controls.

### **14.05 Commercial Wind Energy Systems – General Requirements.**

Commercial wind energy systems, as defined in Article 21, is a permitted use in certain zoning districts subject to the requirements listed hereunder are met.

- (A) **Minimum Lot Size.** There is no minimum lot size, provided all required setbacks and other requirements are met.
- (B) **Setbacks from Occupied Buildings:** Each commercial wind energy system shall be set back from the nearest residence, school, hospital, church or public library, or any other occupied buildings a distance no less than the greater of (a) two (2) times its Hub Height, or (b) one thousand (1,000) feet, whichever is greater.
- (C) **Setbacks from Lot Lines:** Commercial wind energy systems shall not be located within 1.5 times the Hub Height of a property line associated with land owned by an individual or entity that is not related to commercial wind energy system facility.
- (D) **Setbacks from Public Roads:** Commercial wind energy systems shall be set back from the nearest public road a distance no less than 400 feet or 1.5 times its Hub Height, whichever is greater.
- (E) **Setbacks from Railroads:** Each commercial wind energy system shall be set back from the nearest Railroad no less than 400 feet or 1.5 times its Hub Height, whichever is greater.
- (F) **Location on a Lot:** Commercial wind energy systems may be located anywhere on a lot provided all setback requirements are met. The Planning Commission shall review the placement of all commercial wind energy systems in terms of mitigating off-site noise and visual impacts to surrounding property as part of the site plan review process. Commercial wind energy systems and associated access roads shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal property lines.
- (G) **Total Height.** Commercial wind energy systems shall demonstrate compliance with the Michigan Tall Structure Act (MCL 259.481 and following), FAA guidelines, and any related regulations as part of the approval process.
- (H) **Design Standards:** Tubular towers associated with commercial wind energy systems shall be painted with a non-reflective and subdued color. The appearance of the commercial wind energy system, equipment and related buildings shall be maintained throughout the life of the wind energy facility (i.e., condition of paint, signs, landscaping, etc). Commercial wind energy systems shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. Commercial wind energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. The electrical collection system shall be placed underground at a depth designed to accommodate the existing agricultural land use to the maximum extent practicable.
- (I) **Noise:** Commercial wind energy systems shall not exceed 50 db(A) at the habitable structure closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 50 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- (J) **Shadow Flicker:** Commercial wind energy systems shall be located in such a manner so as to not generate shadow flicker on any habitable building.

#### **14.06 Freestanding Accessory Solar Energy Systems**

The following standards shall apply to the Freestanding Accessory Solar Energy Systems which are allowed in any zoning district. To be considered to be an accessory solar energy systems it must be associated with a habited or non-habited building which represents a principal use of the subject property. All freestanding accessory solar energy systems shall be located on the same lot as the building being served. Where there is no principal building, an accessory solar energy system is not allowed.

- (A) **Location:** Freestanding accessory solar energy systems are permitted in certain zoning districts as shown in Table 10-2. If one or more of the following requirements are not met, such freestanding accessory solar energy systems are reclassified as a special use pursuant to Section 11.31.
- (B) **Setbacks:** Freestanding accessory solar energy systems may not be located between the front lot line and the principal building on the lot, and must meet all applicable setbacks associated the principal building on the lot.

- (C) **Height:** Freestanding accessory solar energy systems may not exceed 6 feet in height. The height may be increased by up to 50% when the setback is 25 feet or greater, and the height may be increased by up to 100% when the setback is 50 feet or greater. The height shall be measured from the grade at system base to the highest peak, including the highest position of any adjustable system or associated apparatus.
- (D) **Size of Freestanding Accessory Solar Energy System:** Systems shall be included in, and not exceed the maximum permitted lot coverage for all structures (table 10-3) if the property is zoned for residential purposes. When property is zoned for non-residential purposes, systems may not occupy more than five percent of the parcel upon which it is located, or one-half (1/2) of the footprint of the principal building served, whichever is greater.

#### **14.07 Attached Accessory Solar Energy Systems**

The following standards shall apply to the Attached Accessory Solar Energy Systems which are allowed in any zoning district. To be considered to be an accessory solar energy systems it must be associated with a habited or non-habited building which represents a principal use of the subject property. All accessory freestanding accessory solar energy systems shall be located on the same lot as the building being served. Where there is no principal building, an accessory solar energy system is not allowed.

- (A) **Wall Mounted:** In the case of wall mounting, no part of the system shall project more than five (5) feet from the building. No part of the system shall extend into any required side or rear setback, and no part of the system shall extend into any required front setback.
- (B) **Roof Attached Systems:** Roof attached systems may be mounted on principal and accessory building roofs provided they conform to the maximum height standards established in the zoning district. Systems shall be mounted parallel to the pitch of the roof and shall be no higher than 12 inches from the roof surface, if visible from the road right of way, or any residentially-zoned property. When roof attached systems are not visible from any residentially-zoned property, such systems may include racks and similar structural supports to tilt such solar panels to a desired angle for maximum solar gain. No part of the system shall project more than ten (10) feet from the roof, and no part of the system shall exceed the maximum height permitted for the accessory structure to which it is attached.
- (C) **Exemptions:** Attached Accessory Solar Energy Systems which have a total surface area of ten (10) square feet or less are exempt from zoning approvals.

#### **14.08 Solar Power Plant**

A Solar Power Plant is a utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity. Solar Power Plants are permitted, or special uses in zoning districts in accordance with Article 10, are subject to site plan review pursuant to Article 4 and must meet the following development requirements:

- (A) **Maximum Height:** The maximum height for all structures associated with a Solar Power Plant is equal to the maximum permitted height of principal structures in the district it is located in.
- (B) **Setbacks:** Solar power plant structures shall be set back from all property lines and public road rights-of-way at least thirty feet, or one and one-half times the height of the structure, whichever is greater. In addition, solar power plant structures must be located at least one hundred feet from all residentially zoned lots and existing residences. Additional setbacks may be required to mitigate noise and glare impacts, or to provide for designated road or utility corridors, as identified through the site plan review process.
- (C) **Safety/Access:** An appropriate security fence (height and material to be established through the site plan review process) shall be placed around the perimeter of the solar power plant. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
- (D) **Noise:** No operating solar power plant shall produce noise that exceeds 50 dBA, as measured at

the property line of any residentially-zoned lot (R-1, R-2, R-3, R-4, R-5), or 60 dBA as measured at any other property lines. Adequate setbacks shall be provided to comply with these limitations.

- (E) **Visual Appearance:** Solar power plant buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment. Appropriate landscaping and/or screening materials may be required to help screen the solar power plant and accessory structures from major roads and neighboring residences. No solar power plant tower or other tall structure associated with a solar power plant shall be lighted unless required by the Federal Aviation Administration (FAA). When lighting is required by FAA, it shall be the red, intermittent, glowing-style, rather than the white, strobe-style, unless disclosed and justified through the application review process. Aircraft sensor systems to turn the lights on only when low-flying aircraft are in the area may be required.
- (F) **Lighting:** Lighting of the solar power plant and accessory structures shall be limited to the minimum necessary and full cut-off lighting may be required when determined necessary to mitigate visual impacts.
- (G) **Glare:** No solar power plant shall produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling neighboring roads.
- (H) **Electrical Interconnections.** All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g. wetlands, cliffs, hard bedrock), and except for power lines that leave the project or are within the substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.

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## ARTICLE 15 - SIGNS

### 15.01 Purpose

The purpose of this Article is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives. It is a basic tenet of this Article that unrestricted signage does not support the existing character of the Township and does not benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers and visual blight. It is similarly the purpose of this Article to protect the character of residential neighborhoods by discouraging the encroachment of signage which undermines the intended character of such areas.

### 15.02 Definitions

- (A) **Abandoned Sign:** An abandoned sign is a sign which no longer identifies or advertises a bona fide business, lessor service, owner, product or activity, and/or for which no legal owner can be found.
- (B) **Air-Activated Graphic Sign:** A sign all or any part which is designed to be moved by action or forced air so as to make the sign appear to be animated or otherwise have motion.
- (C) **Balloon Sign:** A temporary sign composed of cloth, canvas, plastic fabric or similar lightweight non-rigid material that can be mounted to a structure with cord, rope, cable or a similar method or that may be supported by stakes in the ground.
- (D) **Bandit Sign:** Temporary, portable yard signs used for commercial and non-commercial messages for on-premise and off-premise activities and advertising.
- (E) **Blade Sign (a.k.a., Feather, Teardrop and Flag):** A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.
- (F) **Business Center:** A grouping of two or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise developed as a unified grouping of businesses. A business center shall be considered one use for the purposes of determination of the maximum number of free-standing signs.
- (G) **Business Sign:** A sign advertising the name, services, goods or any other aspect or feature of a commercial or industrial business.
- (H) **Changeable Copy Sign:** A sign designed so that the characters, letters, or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. May also be known as readerboards. See also the definition of "Electronic Message Center".
- (I) **Commercial Message Sign:** Any sign wording, logo or other representation that directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity
- (J) **Customary Farm and Crop Sign (a.k.a., Agricultural Sign):** A sign identifying the farm on which it is placed and advertising the produce, crops, animals or poultry raised or grown thereon.
- (K) **Electronic Message Center (EMC):** A sign designed so that the characters, letters, or illustrations can be changed or rearranged automatically on a lamp bank or through mechanical means (e.g. electronic or digital signs).
- (L) **Freestanding Sign:** A sign which is not attached to a principal or an accessory structure, including center pole signs, posts and panels, or monument signs, but excluding off-premises signs.
- (M) **Human Sign (a.k.a., Human Mascot, Sign Spinner and Person Sign):** A person attired or decorated with commercial insignia, images, costumes, masks, or other symbols that display commercial messages with the purpose of drawing attention to or advertising for an on-premise activity. Such person may or may not be holding a sign.

- (N) **Monument Sign:** A permanent freestanding sign other than a pole sign, not attached to a building that is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure.
- (O) **Mural/Mural Sign:** A large scale temporary or permanent sign/work of art/graphic illustration/advertising display that covers all or a major portion of a blank or unfinished wall, building or structure.
- (P) **Non-Commercial Sign:** Any sign wording, logo or other representation that is not defined as a commercial message. Such signs may include, but not be limited to showing location of restrooms, restrictions on smoking, or political and/or religious philosophies.
- (Q) **Off-Premises Advertising Sign (Billboards):** A sign which identifies goods, services, facilities, events, or attractions which are available or provided at a location other than the lot or parcel upon which such sign is located (commonly referred to as "billboards").
- (R) **Permanent Sign:** A sign located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.
- (S) **Portable Sign:** Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, including but not limited to "A-frame", "T-frame", or inverted "T-shaped" structures, including those signs mounted on wheeled trailers, hot-air and gas filled balloons, sandwich boards, banners, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-governmental flags and searchlights.
- (T) **Projected-Image Sign:** A sign which involves an image projected on the face of a wall, structure, sidewalk, or other surface, from a distant electronic device, such that the image does not originate from the plane of the wall, structure, sidewalk, or other surface.
- (U) **Projecting Sign:** A sign attached to and projecting out from a building face or wall, generally at right angles to the building. Projecting signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property.
- (V) **Roof Sign:** A sign mounted on the roof of a building or structure, lying either flat against the roof or upright at an angle to the roof pitch. This also includes any advertising on pitched roofs formed by using different color shingles or other roof coverings and/or signs painted on the roofing shingles or other roofing material.
- (W) **Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises.
- (X) **Sign Face:** The area or display surface used for the message.
- (Y) **Snipe Sign:** A temporary sign illegally tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.
- (Z) **Temporary Sign:** Any sign not intended or designed for permanent display or attachment to the ground or a structure and intended for a limited period of display. For the purposes of this zoning ordinance, temporary signs may include, but not be limited to construction signs, garage/estate sales, political signs, holiday and special events, and real estate signs (including the leasing or sale of rental units, commercial/industrial space and buildings and residential dwellings).
- (AA) **Vehicle Sign:** Any sign permanently or temporarily attached to or placed on a vehicle or trailer in any manner so that the sign is used primarily as a stationary identification or advertisement sign.
- (BB) **Wall Sign:** A sign which faces an adjacent parking area and/or public street and is attached directly to a building wall, or rigid or non-rigid fabric marquee or awning-type structure attached to a building, and is generally parallel to the building wall, including signs painted on any building wall, or extending from the wall in the case of a canopy, awning, or marquee-type structure.
- (CC) **Window Sign:** A sign located in or on a window which is intended to be viewed from the outside.

### 15.03 General Standards

- (A) **Sign Area:** The area of a sign shall be computed by calculating the square footage of a sign face

as measured by enclosing the most protruding points or edges of all sign faces of the sign within a single parallelogram, rectangle, triangle, or circle, including any framing. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where (2) such similarly shaped faces are placed back-to-back, parallel to one another and less than one (1) foot apart from one another, the area of the sign shall be the area of one (1) face. Sign area shall comply with the provisions of this Article except where otherwise regulated by Article 11, Standards for Specific Special Land Uses.

**(B) Sign Setbacks:** Unless otherwise specified, the following setback requirements shall apply:

1. All setbacks shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground, to the right-of-way or property line.
2. All freestanding signs shall be setback a minimum distance from all lot lines of at least one half (1/2) the minimum setback distances for buildings within the said District, except as provided below:
  - a. No freestanding sign shall be located closer than three hundred (300) feet from any railroad grade crossing.
  - b. No freestanding sign shall be located closer than two hundred (200) feet from any existing residence or Residential District.

**(C) Sign Height:** The height of a freestanding sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the ground elevation directly below the sign. Artificial means intended to increase the height of a sign by increasing the ground elevation below the sign is prohibited.

**(D) Illumination:** All signs, except as specifically stated in this chapter, may be illuminated by internal or reflected lights, provided that such illumination shall:

1. Be shielded from all adjacent residential buildings and all streets;
2. Not have an intensity or brightness to cause reasonable objection from pedestrians or vehicle drivers.
3. No illuminated signs that flash on or off in varying degrees of intensity causing a nuisance shall be permitted outside of buildings and or as window signs that are inside buildings but seen from the outside. This prohibition on flashing, moving, or intermittent lighting shall not apply to permitted Electronic Message Centers and Changeable Copy Signs.
4. Signs shall not be lighted so as to obstruct traffic control or other public information signs.
5. All sign lighting shall comply with the provisions of Section 18.04.
6. Signs may be illuminated to 0.3 foot candles above ambient light conditions when measured at the distances identified hereunder:

AREA OF SIGN sq. ft.	MEASUREMENT Distance (ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71

55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100

**(E) Construction Standards:**

1. Signs shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.
2. Signs shall be fabricated on and be of materials which are of good quality, of good durability and complementary to the building or site of which they become a part.
3. The construction, erection, safety and maintenance of signs shall comply with state and local codes.

**(F) Required Maintenance of Signs:** All signs shall be maintained and in good condition consistent with applicable property maintenance and building code provisions.

**(G) Standards for Temporary Signs:**

1. No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured by any permanent means to any building, permanent sign, other structure, or improvement, or to the ground upon which it is erected.
2. No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured so as to protrude above the roof of a structure.
3. Portable temporary signs are permitted provided they are anchored to prevent damage to other structures or property and are not located on a wheeled or other transport chassis.
4. No temporary sign shall be located in a right-of-way
5. Off-premise temporary signs permitted subject to approval from the off-premise property owner.

#### **15.04 Signs Permitted in All Districts**

**(A)** The following signs are permitted in any zoning district provided all standards of this Article and Ordinance are met and a zoning permit for such sign is issued where required. (See Section 15.10):

1. Decorative flags or flags with the insignia of a nation, state, community organization, college, university, or corporation.
2. Miscellaneous signs affixed to vending machines, gas pumps, and ice containers indicating the contents or announcing on-premises sales, provided each sign does not exceed two (2) square feet in area.
3. Customary farm and crop signs on active farms.
4. Temporary signs that meet the required regulations and as permitted by zoning district.
5. Permanent signs that meet applicable standards and as permitted by zoning district.
6. Warning signs such as no trespassing and warning of electrical current or animals, provided that such signs do not exceed six (6) square feet, or if more than one such sign is posted, each sign shall not exceed two (2) square feet and shall be spaced no closer than necessary to alert the public of the restriction.
7. Regulatory, direction, and street signs erected by a public agency.
8. Signs which assist motorists in determining or confirming a correct route, driveway, or parking area location, provided that such signs shall not exceed four (4) square feet in area or two (2) feet in height, and provided that any property identification or logo on such signs shall be included in the calculation of total permitted wall or freestanding sign area.
9. Home occupation signs, one sign permitted, two square feet in size for dwellings 15 feet or less from the public right-of-way or one sign, six square feet in size if more than 15 feet from the public right-of-way.
10. Residential subdivision/apartment complex entranceways (consisting of a platted subdivision, condominium subdivision, multiple family development, mobile home park, or other unified residential development consisting of at least five (5) dwelling units) is permitted one (1) sign per vehicle entrance, no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding eighteen (18) square feet and a height not exceeding six (6) feet.
11. Signs carved into stone, concrete, or similar material, or made of bronze, aluminum, or

other noncombustible material, which identify the name of a building, a building's date of erection, or monumental citations, provided such signs do not exceed ten (10) square feet in area and are an integral part of the structure.

12. Historical markers, plaques, or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding sixteen (16) square feet in area.
13. One bulletin board sign is permitted on a site in any district which is used for a church or other religious institution, school, museum, library, or other similar institution. Such sign shall have a maximum height of six (6) feet and shall not exceed forty-eight (48) square feet. Such sign shall be setback a minimum of ten (10) feet from any property line or street right-of-way.
14. Changeable Copy Signs and Electronic Message Centers subject to zoning district regulations and Planning Commission review.
15. Freestanding signs including pole and monument signs as permitted by zoning district.

### **15.05 Signs in Commercial and Industrial Districts**

In addition to the signs permitted pursuant to Section 15.04, the following business signs shall be permitted in Commercial and Industrial districts subject to the following restrictions, except where otherwise regulated by Article 11 (Standards for Specific Special Land Uses) or Article 20 (General Provisions).

**(A) Type and Usage:** Signs shall be wall signs and/or freestanding signs and shall pertain exclusively to the business or businesses located on the lot on which the sign is located.

**(B) Wall Signs:**

1. **Number:** There is no limitation on the number of wall signs placed upon a building provided all maximum sign area requirements are met.
2. **Area:** The maximum total sign area of all wall signs upon a building facade shall not exceed ten percent (10%) of the area of such façade, but in no case shall exceed one-hundred (100) square feet. In the case of a business center, any wall signs used to identify the business center and/or individual businesses shall be applied toward meeting this maximum standard of ten percent (10%) of the area of such façade.
  - a. The above referenced ten percent (10%) may be increased to twenty percent (20%) where no freestanding sign is located on the site, but in no case shall wall sign area exceed two-hundred (200) square feet.
  - b. **Window Signs:** Window signs shall constitute a wall sign and the area of such window signs shall be counted in the determination of the above referenced maximum wall sign area standards. However, in no case shall the area of a wall sign exceed ten percent (10%) of the window area on which it is attached or faces except that such sign shall not exceed fifty percent (50%) of the window area on which it is attached or faces in the case of the advertising of the grand opening of a business for a period not to exceed forty-five (45) days.
3. **Dimensions:** The maximum vertical dimension of any wall sign shall not exceed one third (1/3) of the building height, and shall not project above the roof line or cornice of the building to which it is attached. The maximum horizontal dimension of any wall sign shall not exceed two-thirds (2/3) of the building width.

**(C) Freestanding Signs:**

1. **Number:** No more than one (1) freestanding sign shall be permitted on a lot or parcel, unless such lot or parcel is located within the C-TC zoning district – in which case, freestanding signs are not permitted.

2. **Area:** The maximum total sign area of a freestanding sign shall not exceed one half (1/2) square feet for each foot in length of the building, but in no case shall exceed forty-eight (48) square feet except as provided below:
  - a. In the case of a business center, such sign shall not exceed forty-eight (48) square feet.
  - b. In the case where a sign is on a C-2 District lot or parcel within five-hundred (500) feet of the Interstate 75 right-of-way line, such sign shall not exceed seventy-two (72) square feet.
3. Height: Freestanding signs shall not exceed a height of 20 feet.

**(D) Changeable Copy Signs**

1. In commercial and industrial districts, the permitted manual changeable copy sign area is allowed to be an electronic message center such that:
  - a. Messages shall be static and can only change once every 8 seconds.
  - b. The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
  - c. The brightness level shall not increase by more than 0.3 foot candles (or 3.23 lumens per square meter or lux) (over ambient levels) as measured using a foot candle meter as a pre-set distance.
  - d. The procedure and distances for measurement of brightness shall be as established by the International Sign Association's Recommended Night-time Brightness Levels for On-Premise Electronic Message Centers.
  - e. The owners of such signs shall include a signed letter accompanying their zoning permit application, certifying that they will comply with the prescribed brightness limitations set by this code.
  - f. All electronic message centers shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
  - g. No electronic message center shall be located closer to a residential use than the distance of the side yard requirements in Article 10 Table 10-4.
  - h. Display messages may only include activities that occur on the premises and not advertise or promote off site businesses, products or services.

**(E) Temporary Signs**

Temporary signage is permitted in these districts as provided hereunder, but does not include snipe or bandit signs.

1. Freestanding temporary yard signs related to a temporary event or condition (property for sale, construction/remodeling activity, election, etc.) of limited duration are permitted subject to the following requirements. Such signs may not exceed thirty-six (36) square feet in size and six feet in height and must be located at least 10 feet from a property line or public right-of-way. Up to two freestanding temporary signs are permitted and must be removed within thirty (30) days after the temporary event or condition.
2. Temporary wall signs related to a temporary event or condition (property for sale, rent, construction/remodeling activity, election, etc.) of limited duration are permitted subject to the following requirements. Such signs may not exceed 10 percent of the wall surface facing the street, and no more than two temporary wall signs shall be permitted and must be removed within thirty (30) days after the temporary event or condition.
3. Freestanding temporary yard signs not related to a temporary event or condition are permitted in commercial and industrial districts subject to the following requirements. Such signs may not exceed 36 square feet in size and six feet in height and must be located at least 10 feet from a property line or public right-of-way. Up to two freestanding temporary signs not related to a temporary event or condition shall be permitted and must be removed after 30 days. Once removed freestanding temporary signs not related to a temporary event or condition may not reappear for 90 days.

4. Temporary wall signs not related to a temporary event or condition are permitted in such districts subject to the following requirements. Such signs may not exceed 10 percent of the wall surface facing the street and no more than two temporary wall signs may be permitted and must be removed after 30 days. Once removed the temporary wall signs not related to a temporary event or condition may not reappear for 90 days.

#### **15.06 Signs in Conservation and Residential Districts**

In addition to the signs permitted pursuant to Section 15.04, signs for institutions, public buildings, special land uses and businesses authorized in Conservation or Residential Districts shall be permitted in such Conservation and Residential Districts subject to the following restrictions, except where otherwise regulated by Article 11 (Standards for Specific Special Land Uses) or Article 20 (General Provisions).

**(A) Type and Usage:** Signs shall be wall signs and/or freestanding signs and shall pertain exclusively to the business or businesses located on the lot on which the sign is located.

**(B) Wall Signs:**

1. **Number:** There is no limitation on the number of wall signs placed upon a building provided all maximum sign area requirements are met.
2. **Area:** The maximum total sign area of all wall signs upon a building facade shall not exceed ten percent (10%) of the area of such façade, but in no case shall exceed forty-eight (48) square feet.
3. **Dimensions:** The maximum vertical dimension of any wall sign shall not exceed one third (1/3) of the building height, and shall not project above the roof line or cornice of the building to which it is attached. The maximum horizontal dimension of any wall sign shall not exceed one half (1/2) of the building width.

**(C) Freestanding Signs:**

1. **Number:** No more than one (1) freestanding sign shall be permitted on a lot or parc
2. **Area:** The maximum sign area of a freestanding sign shall be sixteen (16) square feet.
3. **Height:** Freestanding signs shall not exceed a height of six (6) feet.
4. **Monument:** Such signs shall not exceed 36 square feet in size with a maximum height of six feet and a maximum sign face of sixteen (16) square feet.

**(D) Changeable Copy Signs**

In conservation, agricultural rural business and residential districts, changeable copy signs and electronic message centers may be permitted subject to the following provisions:

1. Up to (16) square feet of a permitted monument sign may be an electronic message center such that:
  - a. Messages shall be static and can only change once every 8 seconds.
  - b. The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
  - c. The brightness level shall not increase by more than 0.3 foot candles (or 3.23 lumens per square meter or lux) (over ambient levels) as measured using a foot candle meter as a pre-set distance.
  - d. The procedure and distances for measurement of brightness shall be as established by the International Sign Association's Recommend Night-time Brightness Levels for On-Premise Electronic Message Centers.
  - e. The owners of such signs shall include a signed letter accompanying their zoning permit application, certifying that they will comply with the prescribed brightness limitations set by this code.

- f. All electronic message centers shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
- g. Such signs shall be accessory in use and the display messages shall only include activities that occur on the premises and not advertise or promote off site businesses, products or services.

#### **(E) Temporary Signs**

Temporary signage is permitted in conservation and residential districts as provided hereunder, but does not include snipe signs.

1. Freestanding temporary yard signs including off-premise temporary signs related to a temporary event or condition (property for sale, garage/estate sales, construction/remodeling activity, election, etc.) of limited duration are permitted subject to the following requirements. Such signs may not exceed 6 square feet in size, six feet in height, must be located 10 feet from the public right-of-way and for off-premise temporary signs must have property owner approval. Up to three freestanding temporary yard signs related to a temporary event or condition are permitted so long as the aggregate sign face of all signs does not exceed twelve (12) square feet. Such signs must be removed within thirty (30) days after the temporary event or condition.
2. Freestanding temporary yard signs not related to a temporary event or condition are permitted subject to the following requirements. Such signs may not exceed 12 square feet in size and six feet in height and must be located at least 10 feet from a property line or public right-of-way. Up to three freestanding temporary yard signs not related to a temporary event or condition are permitted so long as the aggregate sign face of all signs does not exceed twelve (12) square feet.

### **15.07 Signs Prohibited**

**(A)** The following signs are prohibited in all Districts:

1. Any sign not expressly permitted.
2. Signs that incorporate intense flashing, blinking or moving lights that cause a nuisance.
3. Signs affixed to a parked vehicle or truck trailer that is being used principally for advertising purposes, rather than for transportation purposes.
4. Roof signs including advertising on shingles or other roof coverings of pitched, hipped, mansard or gambrel roofs.
5. Any sign that obstructs free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
6. Snipe signs.

### **15.08 Off-Premises Signs**

**(A)** Off-premises signs are permitted provided such signs comply with all provisions of the Highway Advertising Act, P.A. 106 of 1972, as amended, and all rules promulgated pursuant to such Act, and the following provisions:

1. Outdoor advertising signs shall be permitted on parcels in Conservation, Commercial or Industrial Districts where such parcels abuts the M-125, U.S.-24, or Interstate 75 right-of-way. Additionally, Agricultural Parcels abutting the Interstate I-75 right-of-way may have outdoor advertising signs:

- a. The following setbacks shall apply: Except where otherwise required by this Section, outdoor advertising signs are required to have the same setback as other principal buildings in the District in which they are located, and shall be set back a minimum of one hundred (100) feet from all right-of-ways.
  - b. No off-premises sign shall be located within three hundred (300) feet of a park, school, church, hospital, cemetery, or government building, or within two hundred (200) feet of a Conservation or Residential District.
  - c. No off-premises sign shall be located within five hundred (500) feet of a federal highway interchange or at-grade intersection.
3. There shall be a minimum of one-thousand five-hundred (1,500) feet between any two off-premise advertising signs along the same side of the interstate.
  4. An outdoor advertising sign's total surface area shall not exceed three hundred (300) square feet, nor exceed a height of twenty (20) feet.

### **15.09 Nonconforming Signs**

It is the intent of this Section to permit the continuance of a lawful use of any sign or outdoor advertising structure existing at the effective date of adoption of this Section, although such sign or outdoor advertising structure may not conform to the provisions of this Section. It is also the intent that nonconforming signs and outdoor advertising structures shall not be enlarged upon, expanded or extended. Sign face changes of nonconforming signs, however, are permitted if the replacement is of equal size or less of the existing nonconforming sign and no structural or foundation work of the existing nonconforming sign is changed or altered. Nonconforming signs shall be maintained in good condition consistent with applicable property maintenance and building code provisions. Further, it is the intent that nonconforming signs and outdoor advertising structures shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs and outdoor advertising structures within the Township shall be subject to the conditions and requirements set forth herein.

**(A) Existing Nonconforming Signs:**

An existing nonconforming sign may be changed or modified subject to approval from the Zoning Board of Appeals. In reviewing such cases, the Zoning Board of Appeals must find that specific circumstances are consistent with Section 6.05 (C) (1) and that the proposed changes reduce the degree of nonconformity.

**(B) Damages:** Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its appraised replacement cost, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

### **15.10 Signs Requiring Permits**

- (A) All new permanent signs, wall signs or murals, changeable copy signs and electronic message centers shall require a zoning permit to include site plan approval prior to erection and/or placement. If site plan review is required for a proposed project that includes any of the aforementioned signs, the Planning Commission may review both as part of the site plan review procedure. If a new sign is proposed to be placed on an existing development for which site plan approval has already been granted, Planning Commission review and approval will be required.
- (B) Replacement of existing permanent signs, wall signs or murals, changeable copy signs and electronic message centers shall require a zoning permit to include a plot plan for review and approval by the Zoning Administrator.

**15.11 Non-Commercial Message or Graphics**

Noncommercial signs are allowed in all districts and may be substituted for any sign expressly allowed or regulated under these codified ordinances. Noncommercial signs are subject to the same requirements, restrictions on size and type, placement and other conditions and specifications as apply to the sign for which they are being substituted.

## ARTICLE 16 - OFF-STREET PARKING AND LOADING

### 16.01 Purpose

It is the purpose of this Article to establish standards and requirements to assure that parking spaces shall be adequately provided and maintained by each property owner in every zoning district for the off-street storage of motor vehicles as may be necessary, including in association with the receiving and distribution of goods by motor vehicle, to prevent undue interference and hazards with the public use of such parking areas, receiving and distribution areas, roads, and other vehicle access areas.

### 16.02 General Requirements

- (A) **Fractional Space:** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- (B) **Requirements for a Use Not Mentioned:** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Township Board shall make this determination during site plan review proceedings following a recommendation by the Planning Commission, and a record of the rationale applied shall be documented in a file established for that purpose.
- (C) **Use of Off-Street Parking Areas:** Off-street parking areas shall be reserved for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No commercial repair work, servicing or selling of any kind shall be conducted in an off-street parking area necessary to meet the minimum required number of parking spaces for the site unless specifically permitted through the issuance of a temporary zoning permit.
- (D) **Building Additions or Other Increases in Floor Area:** Whenever a use requiring off-street parking is increased in area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.
- (E) **Location and Joint Use of Parking Areas:** All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve. The joint use of parking facilities by two or more uses may be granted by the Township Board whenever such use is practical and satisfactory to each of the uses intended to be served, and when all site development requirements of Section 16.04 are met.
  - 1. **Computing Capacities:** In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
  - 2. **Record of Agreement:** A copy of a proposed agreement between joint users shall be filed with the application for a zoning permit and a copy shall be recorded with the Register of Deeds of the County upon approval of the application. The agreement shall include a guarantee for continued use of the parking facility by each party and a provision requiring written approval by all joint users and the Township Board for termination of such agreement.
- (F) **Queued Vehicles:** There must be a minimum of fifty (50) linear feet of on-site storage to accommodate queued vehicles waiting to park or exit the site without using any portion of a public street right-of-way or in any other way interfering with road traffic. The Township Board may

increase this length where it feels the minimum required fifty (50) foot distance will not adequately address public safety issues due to anticipated traffic patterns and/or types of vehicles. This subsection shall not apply to single family and two family dwellings.

- (G) **Decrease in Parking Areas:** No off-street parking area which exists at the time this Ordinance becomes effective, or which subsequent thereto is provided for the purpose of complying with this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient to meet the requirements of this Article and Section 4.07.
- (H) **Barrier-Free Parking Spaces:** Barrier-free parking spaces shall be provided in accordance with the most current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division. Such spaces shall be placed in the most convenient locations to facilitate access into a building. Such spaces shall be clearly identified by both adequate paint striping and wall or post signs.

### **16.03 Parking Space Requirements**

#### **(A) Compliance with Required Number of Parking Spaces:**

1. This Section identifies the number of required off-street parking spaces in all districts, by land use type. Such parking spaces shall be located on the lot or parcel upon which the land use is located unless joint use of parking areas is permitted according to Section 16.02(E). The Township Board may waive a portion or all of the parking space requirements provided, upon review, it makes a finding that all of the following conditions are true:
  - a. There are adequate public parking facilities nearby to accommodate the increased parking demand.
  - b.. The waiving of the additional parking spaces will not result in a visible increase in the use of nearby residential neighborhoods for off-street parking purposes.
  - c.. The waiving of the additional parking spaces will not result in a visible increase in traffic congestion or traffic hazards.
  - d. Significant practical limitations exist which effectively prohibit providing the required parking spaces.
2. In recognition that certain commercial uses generate significantly heightened demands for parking spaces during seasonal or holiday shopping periods, the Township Board may, upon request by the applicant, waive up to twenty-five percent (25%) of the required number of parking spaces as a reserved parking area for possible future use. However, the Township Board may subsequently require the applicant to construct such parking spaces upon a determination by the Township Board that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public safety and welfare is at risk. Upon such a determination by the Township Board, the applicant shall convert the reserve parking area into available parking spaces, meeting all requirements of this Article, within 6 months of such determination. The approved site plan shall clearly identify the location of this reserve parking area including parking spaces and aisles, and no buildings, structures, or similar improvements shall be established in the reserve parking area. This subsection shall apply only to commercial uses that are required to provide more than thirty (30) parking spaces.

#### **(B) Residential Uses:**

1. One and Two Family Dwellings: Two (2) spaces for each single family dwelling unit.
2. Multiple Dwellings: Two (2) spaces for each multiple family dwelling unit plus one space per five (5) units for guest parking, and one (1) additional parking space shall be provided for each employee of the largest work shift.
3. Mobile Home Park: Two (2) spaces for each mobile home site plus one (1) space per three

- (3) units for guest parking.
4. Group Homes (adult foster care): One (1) space for every three (3) residents of the home, and one (1) additional parking space shall be provided for each employee of the largest work shift.

**(C) Commercial Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. Athletic Clubs, Physical Exercise Establishments, Health Studios, Sauna Baths, Judo Clubs: One (1) parking space per three (3) patrons based on the occupancy load established by the State Fire Marshall.
2. Automobile or Machinery Sales and Service Garages: One (1) space for each 200 square feet of showroom floor area plus two (2) spaces for each service bay, provided at least ten (10) spaces are provided. Spaces used for storage of vehicles for sale shall not be used to meet parking requirements.
3. Banks and Financial Institutions: One (1) parking space for every 250 square feet of usable floor area plus sufficient area for eight (8) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
4. Barber Shops and Beauty Parlors: Two (2) spaces for each beauty and/or barber chair.
5. Bowling Alleys: Three (3) spaces for each alley.
6. Car Wash, Automatic: For those systems which do not operate as a continuous conveyor system accommodating multiple vehicles at a single time, reserve parking or storage for eighty (80) percent of the manufacture's hourly rated capacity for the system in use shall be required.
7. Car Wash, Self-Service: Reserve parking required to accommodate up to five (5) times the maximum number of vehicles able to be undergoing some phase of washing at the same time, determined by dividing the awaiting wash line(s) by twenty (20) feet.
8. Clinics: Two (2) spaces for each examination or treatment room.
9. Clothing, Furniture, Appliance, Hardware, Automobile, Machinery Sales, Shoe Repair, Personal Services (other than beauty and barber shops): One (1) space per four hundred (400) feet of gross floor area.
10. Commercial and Institutional Recreational Facilities: One (1) space per two (2) patrons based on the maximum capacity of the facility as determined by the State Fire Marshall.
11. Convalescent Homes, Convents or Similar Uses: One (1) space for each three (3) beds.
12. Service Stations: Two (2) spaces for each repair and service stall (a service stall is not considered a parking space).
13. Dance Halls, Roller Skating Rinks, Pool and Billiard Rooms: One (1) space for every three (3) persons allowed based on the maximum capacity of the facility as determined by the State Fire Marshall.
14. Day Care Centers, Child Care Center, Nursery School, School of Special Education: One (1) parking space for each 350 square feet of usable floor space or one (1) space for each seven children, whichever is greater.
15. Funeral Homes and Mortuaries: One (1) space for every fifty (50) square feet of floor area of chapels and assembly rooms.
16. Kennels: One (1) space for each five (5) animals of the facility's capacity.
17. Laundromat: One (1) space for every three (3) washing or drying machines.
18. Miniature or Par 3 Golf Courses: Three (3) spaces for each hole.
19. Motels, Hotels, Auto Courts, Tourist Homes: One (1) space for each sleeping unit, plus spaces for bars, restaurants, banquet rooms, and other associated facilities as determined by the Planning Commission.
20. Offices, Business and Professional: One (1) space for every two hundred (200) square feet of gross floor area.
21. Private Recreational Facilities: One (1) space for every six (6) potential members based on the capacity of the facility as determined by the State Fire Marshall.

22. Retail Stores, (except as otherwise specified herein): One (1) space for every three hundred (300) square feet of gross floor area.
23. Restaurant, Standard: One (1) space for every four (4) seats, plus an additional one (1) space for each 75 square feet of usable floor area.
24. Restaurant, Drive-Through: One (1) space for every four (4) seats, plus sufficient area for eight (8) stacking spaces for drive-in windows.
25. Restaurant, Drive Through (no indoor eating facilities): One (1) space for every 15 square feet of usable floor area except that a minimum of ten (10) spaces is provided.
26. Restaurant, Carry-Out (no indoor eating facilities): One (1) space for every fifteen (15) square feet of usable floor area, provided a minimum of five (5) spaces are provided.
27. Supermarket, Self-Service Food Store: One (1) space for every one-hundred (100) square feet of gross floor area, excluding walk-in refrigeration units.

**(D) Industrial Uses:**

1. Industrial or Manufacturing Establishments: One (1) space for every employee of industry's largest working shift.
2. Warehouses, Wholesale Stores: One (1) space for every eight-hundred (800) square feet of floor area.

**(E) Other Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. Church, Synagogue, Chapel, Temple: One (1) space for each three (3) seats or five (5) linear feet of pew or bench seating in the main unit of worship.
2. Auditorium, Theater, Assembly Hall: One (1) space for each three (3) seats or five (5) linear feet of bench seating, or one (1) space for each three (3) persons based on the occupancy load as established by the State Fire Marshall, whichever is greater. In the main unit of worship, whichever is greater.
3. Private Civic, Fraternal Club or Lodge: One (1) space for each three (3) members, based upon the load capacity as determined by the State Fire Marshall.
4. Elementary and Middle Schools: See requirements for auditoriums.
5. Public Golf Course: Four (4) spaces for each golf hole.
6. High Schools: One (1) space for each five (5) students (based on the capacity of the facility as determined by the Fire Marshall), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
7. Hospital, Sanitarium, Nursing Facility, Home for the Aged: One (1) space for each two (2) beds.
8. Libraries, Museums, Post Offices: One (1) space for every five hundred (500) square feet of floor area.
9. Outdoor Theaters and Other Outdoor Entertainment Facilities: One (1) space for every four fixed seats and one (1) additional space for every five hundred (500) square feet available to accommodate additional attendees not otherwise restricted to a fixed seating area.

**16.04 Site Development Requirements**

All off-street parking areas, except for single family and two family dwellings, shall be designed, constructed and maintained in accordance with the following standards and requirements.

- (A) Marking and Designation:** Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
- (B) Driveways:** Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. Two-way drives for ingress and egress to a parking area shall be

not less than twenty-five (25) feet wide and all turning radii shall comfortably accommodate vehicle turning patterns. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a residential district.

- (C) **Surface:** All required off-street parking areas shall be paved with concrete, bituminous asphalt or similar material, approved by the site plan approval body. The site plan approval body may waive this requirement for special land uses in Conservation and Residential Districts upon its determination that such paving is not in character with the surrounding and intended land use pattern, and the lack of paving will not cause a nuisance to current and future residents. All required off-street parking areas shall provide adequate surface drainage facilities to collect and properly dispose of storm water runoff.
- (D) **Location/Setback:** No off-street parking area shall be located within ten (10) feet of a front, side or rear lot line. The location of off-street parking areas is also subject to buffer requirements in Article 17 and subject to site plan review requirements in Article 4.
- (E) **Lighting:** All parking lot lighting shall comply with the applicable provisions of Section 18.04.
- (F) **Parking Spaces and Maneuvering Lanes:** Each parking space within an off-street parking area shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a public road right-of-way shall be prohibited. The layout of off-street parking areas shall be in accord with the following minimum standards:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0° (Parallel)	10 ft.	9 ft.	23 ft.
30° to 53°	13 ft.	9 ft.	20 ft.
54° to 74°	18 ft.	9 ft.	20 ft.
75° to 90°	22 ft.	9 ft.	18 ft.

1. All maneuvering lane widths shall permit one-way traffic movement only, except for ninety (90) degree and parallel parking patterns which may provide for two-way traffic movement.
2. Where a parking space is curbed, the vehicle overhang off the curb may be credited as two (2) feet if adjacent to landscaping, or adjoining a sidewalk at least seven (7) feet wide.

### 16.05 Loading and Unloading Space Requirements

- (A) **Additional Parking Space:** Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 16.03 and shall not be considered as supplying off-street parking space.
- (B) **Space Requirements:** There shall be provided an adequate space for standing, loading, and unloading service adjacent to the building opening for loading and unloading of not less than twelve (12) feet in width, fifty-five (55) feet in length, and fifteen (15) feet in height, open or enclosed, and shall be provided according to the following:

<u>Institutional, Commercial, and Office Uses</u>	<u>Spaces Required</u>
Up to 5,000 square feet of gross floor area:	1 space, if determined necessary during site plan review.
5,001 to 60,000 square feet of gross floor area:	1 space, plus 1 space per each 20,000 sq. ft.
60,001 square feet of gross floor area and over: additional	4 spaces, plus 1 space per each 20,000 square feet.

Industrial Uses

Up to 1,400 square feet of gross floor area:  
1,401 to 20,000 square feet of gross floor area:  
20,001 to 100,000 square feet of gross floor area:

Spaces Required

0 spaces.  
1 space.  
1 space, plus 1 space per each 20,000 sq. ft. of gross floor area in excess of 20,000 sq. ft.

- (C) **Access:** Access to a truck standing, loading, and unloading space shall be provided directly from a public road or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a road or alley.
- (D) **Screening:** All loading and unloading areas which are adjacent to another District or residential property, or face or are visible from residential properties or public thoroughfares, shall be screened.
- (E) **Location:** A loading-unloading area shall not be located within any front yard. A loading-unloading area may be located within a required side or rear yard setback where such yard adjoins a Commercial or Industrial District. However, in no case shall the loading-unloading area be located closer than fifty (50) feet to a residential lot line.

**16.06 Drive-in and Drive-Through Facilities**

The following site and developmental requirements shall apply to all uses that involve drive-in or drive-through facilities:

- (A) Access to, and egress from, a drive-in or drive-through establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing of vehicles on sidewalks or streets.
- (B) Ingress and egress driveways shall be located far from any corner when said property abuts an intersection of two streets.
- (C) Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of five (5) stacking spaces for the service ordering station shall be provided.
- (D) All requirements specified by the Monroe County Road Commission shall be met.

## ARTICLE 17 - LANDSCAPING AND SCREENING

### 17.01 Purpose

It is the purpose of this Article is to establish standards and requirements to assure adequate provisions are made for landscaping and screening so that land uses minimize noise, air, and visual pollution; improve the appearance of off-street parking and other vehicular use areas; assure adequate buffering between incompatible uses; support the desired community character along property adjoining public rights-of-way; prevent soil erosion and soil depletion; and protect and preserve the appearance, character, and value of the community as a whole and its residential and business areas.

### 17.02 Landscape Plan Required

A detailed landscape plan is required to be submitted as part of a site plan (see Article 4). The landscape plan shall be prepared at a minimum scale of 1" = 100' and shall identify all buffer areas (see Section 17.03) and parking lot landscaping (see Section 17.04). The landscape plan shall include, but not necessarily be limited to, the following items:

1. Proposed plant location, spacing, and size and descriptions for each plant type proposed for use to meet the requirements of this Article.
2. Identification of grass and other proposed ground cover and method of planting.
3. Existing and proposed contours on-site and 50 feet beyond the site at intervals not to exceed two (2) feet.
4. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
5. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
6. Identification of existing trees and vegetative cover to be preserved and those trees six (6) inches or larger in diameter, measured five (5) feet from ground surface, to be removed.

### 17.03 Buffer Areas

(A) **Side and Rear Yard Buffer Areas:** All uses in R-4, R-5, C-1, C-2, C-W, C-TC, I-1 or I-2, which abut land zoned R-1, R-2 or R-3, shall be screened by a buffer area along all adjoining side and rear yard boundaries. The buffer area shall not be used for storage purposes or used in any other manner except for the purposes of a buffer. These buffers shall meet the following requirements:

1. **Buffer Area Performance:** The buffer area shall be designed to achieve a level of performance such that visibility is limited to no more than 30 percent of adjacent property to a height of 6 feet. In other words, at least 60 percent of the space between existing grade and a height equal to 6 feet must be obscured by natural and man-made materials.
2. **Materials:** Buffers may be designed to include both natural and man-made materials. Natural materials include shrubs, trees and other plant material, along with decorative landscape boulders and earth beams. Man-made materials include decorative fences, trellises, and similar elements. No more than 25 percent of the material used to achieve the performance objective described above shall be man-made materials.
3. **Minimum Width:** In no case shall such buffer yard be less than ten (10) feet in width.
4. **Existing Plant Material:** In cases where existing plant material exists, such material should be incorporated into the design of the buffer.

5. **Native Plant Material:** To the maximum extent possible, new plant material selected shall should be native to Erie Township.
6. **Earthen Berms:** When an earthen berm is proposed to be included in the design of the buffer area, it shall be designed with a slope that ranges between 1 to 3 and 1 to 4 (1 foot vertical rise to 3 or 4 foot horizontal run). Additionally, the design of the berm shall undulate in horizontal and vertical directions to avoid a monotonous and uninteresting landform.
7. **Plant Material Location:** Plant material should be placed in groups and not spaced predictably across the full width of the buffer.
8. **Additional Screening:** During the review of the Landscape Plan, the Planning Commission and/or Township Board may determine that additional screening is necessary due to the mass of adjacent buildings and lines of sight.

#### **17.04 Parking Lot Landscaping and Screening**

Parking lots shall be landscaped and screened as follows:

1. Whenever an off-street parking lot includes twenty (20) or more parking spaces, at least one (1) deciduous tree of at least two and a half (2 1/2) inch caliper shall be provided for every ten (10) parking spaces (including the first 20). Such trees shall be located within parking islands or within five (5) feet of the edge of the parking lot. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the edge of curbing and pavement.
2. Whenever an off-street parking lot includes twenty (20) or more parking spaces, at least five (5) percent of the parking lot shall be landscaped and permeable. This requirement may be met by including landscaped islands internal to the parking lot, or by providing adjacent greenspaces that may also function as an element of the drainage management system.
3. When parking lot islands are proposed, such islands may not be less than 150 square feet in size.
4. Where a parking lot contains twenty (20) or more parking spaces and is within 60 feet of a public road right of way or adjoining property, a vegetated buffer shall be provided. This buffer shall be designed to obscure 50 percent of the views through an imaginary rectangle that runs the full width of the parking area (minus access drives) to a height of 3 feet above the final parking lot grade. Any berm constructed to meet this requirement must unguulate horizontally and vertically and shall have a sloped that ranges between 1 to 3 and 1 to 4 (1 foot vertical rise to 3 or 4 foot horizontal run). Buffers may be designed to include both natural and man-made materials. Natural materials include shrubs, trees and other plant material, along with decorative landscape boulders and earth beams. Man-made materials include decorative fences, trellises, and similar elements. No more than 25 percent of the material used to achieve the performance objective described above shall be man-made materials.

#### **17.05 Minimum Standards of Landscape Elements**

- (A) **Quality:** Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the climate, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections. Plant species which are generally considered undesirable due to limited disease tolerance, low wood strength, and/or high tendencies toward splitting of wood, such as boxelder, mulberry, and willows, are not permitted unless specifically authorized otherwise by the site plan approving body. All plant materials shall comply with the Erie Township Noxious Weed Ordinance, Ordinance #70, as amended.
- (B) **Composition:** A mixture of plant material, such as evergreen, deciduous trees and shrubs, shall be required as a protective measure against insect and disease infestation. A limited mixture of

native hardy species shall be required to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.

**(C) Existing Trees:**

1. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the site plan approval body, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material, shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the site plan approving body.
2. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the Planning Commission, the applicant shall replace them with trees which meet Ordinance requirements.

### **17.06 Installation, Maintenance and Completion**

- (A) All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or, where the applicant can demonstrate to the Township Board that seasonal conditions prohibit the installation of the plant material prior to desired occupancy, the plant material shall be installed within six months of receipt of such Certificate.
- (B) All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures.
- (C) The owner of property required to be landscaped by this Ordinance shall maintain such required landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

### **17.07 Fencing and Walls Construction**

All fencing and walls shall be constructed and maintained in a sound manner to assure long-term integrity and visual character. Site plans shall include all necessary construction details to illustrate compliance with this requirement. The finished side of fencing shall face abutting properties.

### **17.08 Dumpsters and Large Waste Receptacle Screening**

Dumpsters, including waste receptacles and compactors, shall be designed, constructed and maintained according to the following:

- (A) Dumpster location and details of construction shall be shown on site plans.
- (B) Dumpsters capable of holding 100 gallons or more are not allowed in single family residential zoning districts (R-1, R-2, and R-3) except on a temporary basis (30 days or less) and associated with a renovation/building project.
- (C) Dumpsters shall be associated to a single use, except in terms of multiple family housing units and commercial areas that share a common drive and parking area.
- (D) Dumpsters shall be located in the rear yard or non-required side yard, unless otherwise approved by the Planning Commission and shall be no less than, twenty (20) feet from any adjacent residential district, or existing residence.
- (E) Dumpsters shall be easily accessed by refuse vehicles without potential damage to automobiles parked in designated parking spaces.

- (F) Dumpsters shall have an enclosing lid or cover.
- (G) Dumpsters shall be located within an enclosure that meets the following design standards:
  1. The base of the enclosure shall be constructed of six (6) inches of reinforced concrete pavement that shall extend six (6) feet beyond the base or gate to support the axle of a refuse vehicle.
  2. The enclosure shall be a minimum of three (3) sides with a gate on the fourth side.
  3. The minimum height of the enclosure walls shall be six (6) feet.
  4. The enclosure shall be constructed of brick or concrete masonry units that complement the material and look of the principal structure. A wooden enclosure may also be used if it similarly complements the look and feel of the principal structure and it is treated to prevent decay or otherwise found to be durable and suitable for outdoor use.
  5. Landscape plantings may be required, where appropriate, along the wall of the enclosure to better screen the dumpster if visible from a public road, or adjacent residence or residential district.

### **17.09 Waivers and Modifications**

- (A) Any of the requirements of this Article may be modified through site plan review proceedings, provided the approving body first makes a written finding that specifically identifies characteristics of the site or site vicinity that would make required buffer areas, fencing, or screening unnecessary, inappropriate, or ineffective, or where it would impair vision at a driveway or street intersection.
- (B) The Zoning Board of Appeals may require or waive any fencing, screening, landscaping or buffering as may be provided for in this Article as a condition of a variance or other authorization in whatever manner necessary to achieve an identified public purpose. The Zoning Board of Appeals shall record the reason for the condition and clearly specify what is required in any approval granted.

## **ARTICLE 18 - ENVIRONMENTAL PROTECTION**

### **18.01 Purpose**

The purpose of this Article is to promote a healthy environment in Erie Township as it relates to the Township's natural resources; sensitive ecosystems; the integrity of the Township's land, water, and air; the quality of the Township's visual environment, including the management of outdoor lighting and its impact upon traffic safety, adjacent land uses and the night sky; and the provision of adequate sewage disposal and potable water. All provisions of this Article apply to all structures and uses unless otherwise noted.

### **18.02 Natural Resources**

**(A) Compliance with Local, County, State, and Federal Regulations:** All land uses and construction activities shall conform to the provisions of this Ordinance and all county, state and federal regulations including, but not limited to, the following:

1. Applicable fire safety and emergency vehicle access requirements of the State Building Code and State Fire Marshall.
2. Soil erosion and sedimentation requirements of the Monroe County Drain Commissioner.
3. Requirements of the Michigan Department of Consumer and Industry Services and the Monroe County Health Department.
4. Requirements of the Michigan Department of Environmental Quality including those applying to air and water quality protection, wetlands, stream crossings, fills in or near water bodies or in flood plains, and waste disposal.
5. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.
6. Applicable rules and regulations of the Federal Communications Commission.

**(B) Discharges**

1. No dust, fumes, or noxious, odorous matter shall be discernible at or beyond the property line. Any atmospheric discharge requiring a permit from the Michigan Department of Environmental Quality or federal government shall have said permit(s) as a condition of approval for any use in this district. The escape of or emission of any gas which is injurious or destructive or explosive is prohibited.
2. It shall be unlawful to discharge at any point any materials in such a way or of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the Michigan Department of Environmental Quality.

**(C) Sensitive Lands:**

1. Where a portion of a parcel is characterized by sensitive or fragile environmental features, including marshes, hydric soils, or flood plains, new development on the parcel shall only occur on those portions of the parcel void of such features where reasonably feasible.
2. Except where required to do so by state or federal law, the Township shall not approve any land use which requires a county, state, or federal permit until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits, or satisfactory evidence has been submitted to the approving body verifying the

- acquisition of such permit is not necessary.
3. The Township may require mitigation measures be taken to replace those resources disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.

**(D) Clearing, Grading, and Drainage:** In order to protect soil resources, adjacent properties, public roads, and public watercourses, and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring permits pursuant to this Ordinance.

1. **Removal of Topsoil:** Stripping and removal of topsoil from a site is prohibited prior to the completion of all approved site improvements and the seeding, sodding, and landscaping of all disturbed areas except where expressly authorized pursuant to an approved site plan. "Disturbed areas" shall be interpreted to mean any area of a lot which is altered by grading or other construction activities and which area is not proposed to be paved or otherwise built upon.
2. **Flow Restrictions:** The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface waters flow away from the building or structure and are managed in a manner which avoids increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse, or the creation of standing water over a private sewage disposal drainage field.
3. **Drainage:** All lots shall retain storm water runoff on-site, or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies above the existing pre-development runoff impact. No land uses shall be permitted which will increase the rate of runoff discharge from a lot or parcel or otherwise cause erosion or direct sedimentation upon adjacent properties including an adjacent street. No land uses shall be permitted which will reduce the level of service currently being provided by existing storm water management infrastructure or existing drainage patterns unless necessary improvements to such infrastructure or natural drainage pattern are first made.

### **18.03 Potable Water and Sewage Disposal**

Any structure intended for human occupancy and used for dwelling, businesses, industrial, recreational, institutional, or mercantile purposes shall not be erected, altered, used or moved upon any premises after the effective date of this Ordinance unless said structure shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of generated wastes. All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Monroe County Public Health Department as well as those of other applicable local, county, state, or federal agencies.

### **18.04 Lighting**

- (A)** No lighting shall in any way impair the safe movement of traffic on any road or highway.
- (B)** Lighting associated with a commercial, industrial, or other non-residential uses shall comply with the following:
  1. A wall, fence, or berm, at least five (5) feet in height shall be erected to prevent headlight glare from commercial or industrial land uses from shining onto adjacent residential property. No wall/fence shall in any way impair safe vertical or horizontal sight distance for any moving vehicles.
  2. Lighting shall be designed and constructed to insure that direct and reflected light is confined to the lot or parcel upon which the light source is located.
  3. Exterior lighting shall be so installed that the surface of the source of light shall be hooded or louvered to the greatest extent practical so that:

- a. the light source shall not be visible and shall be so arranged to reflect light away from adjacent properties.
  - b. in no case shall more than one foot candle power of light cross a lot line five (5) feet above the ground in a residential district.
4. No light source shall exceed the height of the tallest structure on the lot or parcel, and in no case shall a light source exceed a height of twenty-five feet, measured from the ground or pavement closest to the light source.
- (C) Outdoor lighting which need not comply with the standards of (B) above shall be limited to:
- 1. Outdoor recreation and amusement areas provided the lighting is designed with baffling and glare guards to assure that no more than one foot candle power of light shall cross a lot line five (5) feet above the ground in a residential district, and such lighting is turned off during hours the facility is closed to the public.
  - 2. Neon lighting and other bare-bulb lighting associated with an approved sign.

**18.05 Noise**

- (A) A person, industry, corporation, firm or business shall not emit, cause or allow to be emitted, sound from any source or combination of sources other than a motor vehicle registered for use on public highways, which when measured in accordance with the procedure described herein exceeds the sound level limits in Table 18-1 below. Measurement of sound level shall be made using a microphone set at a height of approximately four and one half (4 1/2) feet and at a horizontal distance of at least five (5) feet from a lot line or right-of-way line on any lot or right-of-way other than that on which the sound sources being measured is located. A violation shall not be deemed to exist unless the sound level measured with the sound source or sources of interest in operation is at least six (6) decibels higher than the sound level measured with the sound source or sources not in operation. Duration of sound shall be measured by observing the sound level meter and recording the sound level measured at intervals of time not to exceed five (5) minutes.
- (B) All measurements shall be made using a sound level meter which meets the requirements of the American National Standard S1.41984, "Type 2 or Type 1 Sound Level Meters," and which has been set for fast meter response and the A-weighting network.
- (C) This Section shall not apply to agricultural operations utilizing equipment with normal silencing devices, home lawn maintenance machines and snow blowers that meet their respective product requirements, the emission of sound for the purposes of alerting persons of an emergency or emergency vehicle, and the emission of sound in the performance of emergency work.

**TABLE 18.05  
A-WEIGHTED SOUND LEVEL LIMITS (DECIBELS)**

Duration, as a percentage of any one hour period.	Districts		Districts	
	Conservation and Residential 6:00 pm - 6:00 am	6:00 am - 6:00 pm	Commercial and Industrial 6:00 pm - 6:00 am	6:00 am - 6:00 pm
50% or greater:	45	50	55	65
More than 10% but less than 50%:	50	55	60	70
10% or less:	55	65	70	75
Maximum, any duration:	65	75	80	80

**18.06 Vibration**

Operating any devices that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation or moving objects.

**18.07 Glare and Heat**

Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an operation, it shall be so insulated as to not raise the temperature at any property line at any time.

## **ARTICLE 19 - PRIVATE ROADS AND SHARED DRIVEWAYS**

### **19.01 Purpose**

The purpose of this Article is to authorize private roads and shared driveways in Erie Township, as defined in this Ordinance, and establish requirements and procedures for their review and construction. The standards of this Article are intended to accommodate access ways in particular instances where public roads may not be appropriate or desired. The standards of this Article are intended to ensure that the design, construction and maintenance of private roads and shared driveways provide safe and effective access to lot owners, motorists and emergency vehicles.

### **19.02 Private Roads and Shared Driveways Permitted**

Private roads and shared driveways are permitted in Erie Township provided such roads and driveways comply with the regulations and standards of this Article.

### **19.03 Definitions**

For the purposes of this Article, the following terms and phrases shall have the meanings as prescribed:

1. Class 1 Private Road: A private road which serves and provides access to twenty-five (25) or more dwelling units, site condominium sites, or parcels, or nonresidential principal buildings.
2. Class 2 Private Road: A private road which serves and provides access to seven (7), but not more than twenty-four (24) dwelling units, site condominium units, or parcels, or nonresidential principal buildings.
3. Class 3 Private Road: A private road that serves no more than six (6) dwelling units, site condominium units, or parcels, or nonresidential principal buildings.
4. Turn-around: The end of a private road which is designed to permit a vehicle to turn around by either a continuous circular motion (cul-de-sac) or by a series of forward and reverse motions ("T"-head intersection).

See Article 21 for definitions of "private road" and "shared driveway".

### **19.04 Private Road Permits Required**

No private road, including a new private road or a private road existing on the effective date of this Ordinance, shall be constructed, extended, improved, or relocated after the effective date of this Ordinance unless a Private Road Construction Permit has been issued by the Township Zoning Administrator, in writing on a special form for such purpose, after approval of such permit by the Township Board. No dwelling shall be established which gains access from said private road until the Township Board finds that the constructed private road meets the standards and provisions of this Ordinance and the Township Zoning Administrator issues a Use of Private Road Permit, in writing on a special form for such purpose.

### **19.05 Private Road Construction Permit; Application, Review and Approval**

- (A) **Application:** The applicant shall submit twenty (20) copies of a private road construction permit application to the Planning Commission, including the following:

1. A general property development plan identifying the following:
  - a. A registered survey showing property dimensions and legal description, including angles, lot area and dimensions, scale, and an arrow pointing north. The scale shall be 1" = 100' or less.
  - b. Project description, in both narrative and map form, including the location of the proposed private road easement and approximate location of proposed land divisions to gain access from said private road.
  - c. The legal description of the proposed private road easement.
  - d. Construction plans and drawings illustrating the proposed design and construction features of the proposed private road and easement, in compliance with the standards of Section 19.06 of this Article, including existing and proposed elevation contours within all areas to be disturbed or altered by construction of the private road. Proposed traffic control measures (including signs) and proposed road names shall also be indicated.
  - e. Natural features within one-hundred fifty (150) feet of the location of the proposed private road easement such as woodlands, marsh and wetland areas, streams, flood plains, county drains, lakes or ponds, and topography (at two-foot intervals); any areas of the parcel to be disturbed by such road construction, and man-made features such as existing roads and structures, including indications as to which are to be retained and which are to be removed or altered.
  - f. Existing public right-of-ways and private easements of record on the subject parcel and within three hundred (300) feet of the subject parcel.
  - g. Deed restrictions upon the subject parcel.
  - h. A storm drainage and storm water management plan for all roads, identifying provisions for the collection and discharge of runoff and the use and location of any exterior drains, dry wells, catch basins, retention and/or detention areas. The point of discharge for all drains and pipes shall be specified on the plans.
  - i. The location of all public or private utilities to be located within the easement or within twenty (20) feet of said easement, including but not limited to telephone, gas, electricity, water, and sewer.
  - j. A statement from the applicant identifying all federal, state and other local permits required, if any, including but not limited to Road Commission, Drain Commission, Michigan Department of Transportation, and Michigan Department of Environmental Quality permits.
  - k. A vicinity map showing the location of the site in relation to the surrounding road system and other land uses within three hundred (300) feet in every direction of the parcel including land uses on the opposite side of any public or private road.
  - l. A signed statement by a civil engineer licensed in Michigan certifying that the plans and drawings for the private road, submitted for review, meet or exceed the provisions of the Erie Township Zoning Ordinance.
2. A statement both in letter form and on the development plan (see Section 19.05(A)(1)) specifying that the proposed development shall be subject to the establishment of a special assessment district by the Township Board, as provided by law, to assure continued and adequate maintenance of the road.
3. Road easement agreement signed by the applicant/owner(s) to be recorded with the Township Clerk and Monroe County Register of Deeds providing for:
  - a. Easements to the public for purposes of emergency and other public vehicles, and easements for utilities.
  - b. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.

- c. A provision that substantially conforms to the following: "This parcel of land has private road access across a permanent easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only. Neither Monroe County nor Erie Township has any responsibility for maintenance or upkeep of any improvement across this easement, except as may be provided by an established special assessment district. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Michigan P.A. 134 of 1972, as amended.)"
- 4. Any other information or materials which the Planning Commission or Township Board believes to be necessary for the adequate evaluation of the application due to the specific nature or character of the proposed road and/or subject property.

**(B) Private road Construction Permit Application; Review and Approval:**

- 1. The Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Section and Ordinance. After conducting a review, including consideration of comments offered by its legal counsel, Township Engineer, and/or other professionals, the Planning Commission shall recommend to the Township Board to deny, approve, or conditionally approve the application. Any conditions recommended by the Planning Commission for approval shall be stated in writing.
- 2. The Township Board shall review the application and plans and determine their conformity with the applicable provisions of this Article and Ordinance. After conducting a review, including consideration of comments offered by its legal counsel, Township Engineer, and/or other professionals, the Township Board shall deny, approve, or conditionally approve the application. Any conditions required by the Township Board for approval shall be stated in writing, together with the reasons, and delivered to the applicant.
- 3. A Private road Construction Permit shall be valid for a period of two years from the date of issuance, unless the applicant can demonstrate to the satisfaction of the Township Board unusual or unique circumstances that interfered with the completion of the improvements within the two year time limit, and the Township Board may extend the expiration date by six (6) months. Failure of the applicant to perform all required improvements within such time shall result in the automatic voidance of such Permit without further notice to the applicant, and all fees shall be forfeited to Erie Township. A wholly new application shall be required for reconsideration according to the provisions of this Section and subject to any changes made to applicable rules, standards and regulations of the Monroe County Road Commission, Michigan Department of Transportation, other public agencies, and the Township
- 4. The applicant shall post a performance bond for the project and no construction permit shall be issued prior to the applicant posting such bond. The Township Board shall require and administer the bond according to Section 3.07.

**19.06 Use of Private Road Permit**

- (A) Upon completion of the construction of a private road authorized by a Private Road Construction Permit, the Township Board shall grant final approval of a private road through the issuance of a Use of Private Road Permit when the following conditions have been met:
  - 1. The applicant's civil engineer shall certify to the Township Board, in writing, that the required improvements were made in accordance with this Article and Ordinance and all approved plans. The applicant's engineer shall be registered in the State of Michigan.
  - 2. The Township Board has received copies of the approved road easement agreement and road maintenance agreement recorded with the Monroe County Register of Deeds.

- (B) Zoning Permits for Uses, Structures and Buildings: No building or zoning permits shall be issued for any use, structure or building that relies upon a private road for access until such road has received final approval from the Township Board through the issuance of a Use of Private Road Permit.

### **19.07 Construction and Design Standards for Private Roads**

- (A) **Standards:** Private roads shall conform to the minimum standards of Table 19-1. Standards may be adjusted by the Township Board where the Township Board determines such adjustments will improve the merits of the proposed development and not undermine the public health, safety and welfare. The Township Board may consult with experts including the Fire Department, Township staff, Township consultants, Zoning Administrator and County Road Commission. In addition, the following regulations and standards shall apply:
  - (B) **Intersections:**
    1. Construction authorization from the County Road Commission is required for connection to a public road.
    2. All intersections shall be at a ninety degree (90) angle. Where constrained by environmental features, the Township Board may allow a reduced angle of intersection but in no case shall the angle be less than seventy (70) degrees.
    3. Proposed private roads shall align directly across from, or be offset at least two-hundred fifty (250) feet from public roads, measured from centerline to centerline. Private roads shall align directly across from other private roads or be offset at least one hundred fifty (150) feet, measured from centerline to centerline.
  - (C) **Ingress and Egress Grades:** Private roads shall be designed and so constructed to provide safe ingress, egress, and vehicular movement.
  - (D) **Limit on Length and Number of Dwelling Units:** No portion of a private road shall extend more than one thousand five hundred (1,500) feet from the public road from which it intersects or otherwise relies on for public road access, measured along road centerline.
  - (E) **Vertical Clearance:** A minimum of fourteen (14) feet of overhead clearance shall be maintained across the width of a private road to provide emergency access.
  - (F) **Road Names:** Road names shall be approved by the Monroe County Central Dispatch, Monroe County Road Commission, or other designated agency to assure proposed road names do not duplicate existing public or private road names within Monroe County.
  - (G) **Posting of Private Roads and Signs:**
    1. All private roads shall be clearly posted with a clearly readable road name sign which can be easily seen in an emergency, and shall include the designation "Private road" on such sign. The sign shall be paid for, posted, and thereafter maintained by the property owner's association or developer.
    2. Regulatory signs (stop, yield, etc.) shall be positioned and installed in accordance with the Michigan Manual of Uniform Traffic Control Devices on all private roads where such roads intersect public roads. All other signs within the road easement shall be identified on the development plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Township Board approves another type of design for consistency with the character of the development. Road signs shall be provided at all intersections.
  - (H) **Turnarounds:** Cul-de-sac turn-arounds shall be designed with a 75 foot radius easement and forty-five (45) foot road radius, except that a fifty-five (55) foot radius is required if a center landscaped island is included. A larger turn around may be required for commercial and industrial private roads. "T"-head turn-arounds shall be a minimum of 120 feet in length and the intersection

of the "T" head and leg shall permit a minimum 50 foot centerline radius curve to accommodate emergency vehicles.

**(I) Drainage:**

1. The private road easement and road shall be adequately drained so as to prevent flooding or erosion of the road. Road drainage shall be constructed so that the runoff shall not be discharged upon the land of another property owner unless the water is following established drainage patterns. The discharged water onto adjoining properties shall also not exceed the discharge rate existing prior to the construction of the private road.
2. Ditches, where necessary, shall be located within the private road easement. Connection to roadside ditches within public road rights-of-way shall be approved by the County Road Commission prior to the issuance of a permit. A permit from the Monroe County Drain Commissioner is required unless the Drain Commissioner states, in writing, that no permit is required for the proposed road and drainage provisions.
3. All private road side swales and ditches shall meet the requirements of the Monroe County Road Commission.
4. Underground cross-road drainage shall be provided where the proposed private road crosses a stream or other drainage course. Necessary culverts and erosion treatments shall be provided in accordance with the specifications of the County Road Commission and/or County Drain Commissioner.

**(J) Existing Nonconforming Private Roads**

The Township recognizes there exist private roads that were lawful prior to the adoption of this Ordinance which are inconsistent with the standards herein. Such roads are declared by this Section to be legal nonconforming roads. Such roads may continue as they existed on the effective date of this Ordinance, and undergo routine maintenance for safety purposes. However, the extension or alteration of such roads to provide access to additional dwelling units, site condominium units, or parcels, or nonresidential principal buildings, after the effective date of this Ordinance, shall be in conformance with the design and construction standards of this Article. In the event that the Township Board determines that an existing private road is not capable of safely accommodating additional traffic associated with a proposed extension of such road, the Township Board may approve such an extension on the condition that the existing private road, or a portion thereof, be improved to the satisfaction of the Township Engineer so as not to undermine the public health, safety, and welfare.

## **19.08 Shared Driveways**

**(A) Application and Review:**

1. Application: Shared driveways require approval, subject to an application. An application for a shared driveway shall include the following:
  - a. A plot plan drawn to a scale of not less than one inch equals 100 feet (1" = 100') delineating the proposed alignment of the driveway and the lots it is to serve, soil conditions, and existing and proposed grades.
  - b. Draft maintenance agreement signed by applicant/owner(s) to be recorded with the Township Clerk and County Register of Deeds providing for:
    - 1) A method of financing such shared driveway in order to keep the shared driveway up to the specifications of this Section.
    - 2) A workable method of apportioning the costs of maintenance and improvements to current and future lots along such shared driveway.
  - c. Draft easement agreement signed by the applicant/owner(s) to be recorded with the Township Zoning Administrator and County Register of Deeds providing for:

1) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.

2) A provision that the owners of any and all of the property using the shared driveway shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress, public utilities, and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitee, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the driveway.

2. **Review:** The approving body for an application for a shared driveway shall be the Zoning Administrator. The Zoning Administrator shall forward all relevant application materials for review and comment to the Fire Chief and Township Attorney and, where the Zoning Administrator considers necessary, to the Township Engineer.
3. **Action:** Upon a finding that the application materials conform to the requirements and standards of this Section and Ordinance, the Zoning Administrator shall approve, or approve with conditions, the application. No approval shall be granted until the Zoning Administrator has received copies of the approved shared driveway easement agreement and maintenance agreement recorded with the Monroe County Register of Deeds.

**(B) Standards:** Shared driveways shall comply with the following standards in addition to all other applicable standards of this Ordinance:

1. The shared driveway surface shall be a uniform minimum twelve (12) feet wide, measured edge to edge, with segments twenty (20) feet wide and forty (40) feet long, every three hundred (300) feet, to accommodate passing vehicles.
2. Shared driveways shall not exceed seven hundred (700) in length.
3. Shared driveway shall not serve more than three (3) dwelling units.
4. All addresses served by the shared driveway shall be clearly marked at its point of intersection with a road, and such addresses shall also be clearly marked at any location a private driveway splits from the shared driveway.
5. No shared driveway shall be posted with a name.

**TABLE 19-1  
STANDARDS FOR PRIVATE ROADS<sup>1</sup>**

Minimum Design and Construction Standards	Class 3 Private road (serves 4 to 6 lots)	Class 2 Private road (serves 7 to 24 lots)	Class 1 Private road (serves 25 or more lots)
Easement Width	40 feet	66 feet	66 feet
Surface and Base Width	15 feet <sup>2</sup>	22 feet	22 feet
Surface Material	6" of MDOT 22A or 23A processed road gravel in two equal compacted courses, below 2" MDOT 1100T asphalt surface.	8" of MDOT 22A or 23A processed road gravel in two equal compacted courses, below 2" MDOT 1100T asphalt surface.	8" of MDOT 22A or 23A processed road gravel in two equal compacted courses, below 2" MDOT 1100T asphalt surface.
Base Material	6 inches Class 2 sand.	6 inches Class 2 sand.	6 inches of Class 2 sand below 7 inches of crushed limestone, slag, or 6 inches of MDOT 21A processed road gravel, in two equal compacted courses.
Horizontal Roadway Grades	Minimum 0.5%, but not to exceed 18.0%	Minimum 0.5%, but not to exceed 10.0%	Minimum 0.5%, but not to exceed 10.0%
Vertical Roadway Curves	50 feet long for grade changes of 2.0% or more.	100 feet long for grade changes of 2.0% or more.	100 feet long for grade changes of 2.0% or more.
Horizontal Roadway Curves	75 foot centerline radius.	150 foot centerline radius.	230 foot centerline radius
Turn-Arounds	"T" – head or cul-de-sac turn-around required.	"T" – head or cul-de-sac turn-around required.	Cul-de-sac turn-around required.

<sup>1</sup> See Section 19.07 for other applicable standards.

<sup>2</sup> The width shall be a uniform minimum fifteen (15) feet wide, with segments twenty (20) feet wide and forty (40) feet long, every three hundred (300) feet, to accommodate passing vehicles.

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## ARTICLE 20 - GENERAL PROVISIONS

### 20.01 Purpose

The purpose of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the zoning district which they are permitted to be located. The following general provisions establish regulations which are applicable to all zoning districts unless otherwise indicated.

### 20.02 Keeping of Animals

- (A) **Vicious Animals:** No vicious animal shall be kept permanently or temporarily in any District in the Township. For the purposes of this Section, a "vicious animal" shall be defined as any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals
- (B) **Household pets:** The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted in any zoning district containing a residence, provided such activities do not constitute a kennel, and in accordance with the following provisions. No zoning permit is required for keeping household pets as authorized by this subsection.
1. In all residential districts, not more than two (2) dogs may be kept in or about the premises of a single family dwelling, a dwelling unit in a duplex, apartment, condominium, or other multi-family dwelling units.
  2. In all residential districts, dogs born to a female kept in compliance with the provisions of this section may be kept on the premises of said female dog for a period of not more the sixty (60) days following said dogs birth, even if the total number of dogs exceeds two (2) for a period of time.
  3. In all residential districts, small farm animals such as chickens, rabbits, goats, ducks and geese, may be kept on property as a source of food, or as pets, provided the total combined live body weight does not exceed thirty (30) pounds. An additional amount of small farm animals may be kept on property in residential districts after Special Use Approval in accordance with Article 5.
  4. All free-standing structures designed to house household pets shall be place at least ten (10) feet from property lines.
- (C) **Non-Farm Stables and Livestock Raising:** The non-commercial raising and keeping of livestock or other animals generally not regarded as household pets, and which do not meet the definition for "vicious animal" herein, for personal enjoyment and/or food may be conducted on a lot according to the following conditions. This subsection applies only to the keeping of livestock, horses, or other animals as an accessory use to the principal residential use of a lot and does not apply to farms and farm operations engaged in commercial production as defined herein.
1. Animals shall be owned and managed by the occupants of the residence on the lot.
  2. Non-farm stables and livestock raising shall be permitted only in Conservation Districts (AC, BC, AP), and in no case shall occur in platted or condominium subdivisions unless specifically designed to incorporate an equestrian center.
  3. All raising and keeping or killing and dressing of poultry and animals processed upon the

- premises shall be for the use or consumption by the occupants of the premises.
4. The occupants of the premises shall keep the odor, sounds and movement of the animals from becoming a nuisance to adjacent properties.
  5. The following setbacks apply:
    - a. No outdoor animal not regarded as household pets shall be permitted to approach closer than twenty-five (25) feet to a front, side or rear lot line. In no case shall the keeping of swine occur in a front yard.
    - b. Any building housing a horse or other livestock shall be set back a minimum distance of fifty (50) feet from all lot lines, but in no case shall such building be located in a front yard or be closer than one hundred (100) feet from the existing residences on adjacent and nearby properties.
    - c. Any building housing a horse or other livestock that exceeds three thousand (3,000) square feet in area shall be set back a minimum distance of one hundred (100) feet from the front lot line but in no case shall such building be located in a front yard.
    - d. No storage of manure, odor or dust producing materials shall be permitted within one hundred (100) feet of any lot line.
  6. The minimum lot area and maximum animal density shall be as follows:
    - a. A minimum lot area of one (1) acre is necessary for the keeping of small livestock, including rabbits, chickens, turkeys, and geese but excluding swine, and the maximum animal density shall not exceed one (1) animal per one eighth (1/8) acre.
    - b. A minimum lot area of ten (10) acres is necessary for the keeping of swine, and the maximum animal density shall not exceed one (1) animal per one (1) acre.
    - c. A minimum lot area of three (3) acres is necessary for the keeping of medium-size livestock, including sheep, goats, llamas, ostriches and similar sized animals, and the maximum animal density shall not exceed one (1) animal per one (1) acre of lot area.
    - d. A minimum lot area of three (3) acres is necessary for the keeping of large size livestock, including cows, steers, horses and similar size animals and the maximum animal density shall not exceed one (1) animal per one (1) acre of lot area.
  7. Notwithstanding the above maximum animal density requirements, newly born horses, cows, donkeys, mules and similar large animals may be maintained on said parcel for up to one (1) year. Smaller newly born animals, such as pigs and sheep, may not be kept on said parcel for more than sixty (60) days.
  8. All animal facilities shall be constructed and maintained so that dust and drainage from the facilities shall not create a nuisance or hazard to adjoining property or uses.
  9. No zoning permit is required for private stables and livestock raising authorized by this subsection (C).
  10. When a proposed private stable or livestock raising does not meet one or more of the requirements of this subsection, approval may be granted as a Special Use in accordance with Article 5.

**(D) Compliance with Regulations:** The keeping, maintaining, and/or raising of animals shall comply with all County, State, and Federal regulations.

### **20.03 Essential Services**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance, except that essential services do not include administrative buildings, communication towers, public utility storage yards, and similar above-ground structures and uses.

## 20.04 Permitted Yard Encroachments for Principal Buildings

- (A) Certain architectural features such as cornices, eaves, gutters, chimneys, pilasters and similar features may project three (3) feet into the required front setback areas, five (5) feet into required rear yard setback areas, and two (2) feet into the required side yard setback areas. Fire escapes and outside stairways, if of open construction, may project into a required yard to a maximum of three (3) feet.
- (B) An unenclosed porch, deck, balcony or awning may project from a principal building into the required rear yard setback area for a distance not to exceed fifteen (15) feet. It may also project into a required front yard setback area for a distance not to exceed eight (8) feet; and into a required side setback area for a distance not to exceed three (3) feet, or 50% of the required side yard setback, whichever is greater. However, in no case shall a deck, balcony, porch, or awning be placed closer than three (3) feet to any lot line. Physical structures relating to barrier free access, such as ramps, shall not be required to comply with setback requirements.

## 20.05 Temporary Dwellings

- (A) **Emergency Housing and New Home under Construction:** The Zoning Administrator shall have the authority to approve a temporary zoning permit to use a mobile home or recreational vehicle as a temporary dwelling. Said permit shall be in effect for six (6) months and the Zoning Administrator may grant a single six (6) month extension upon a finding that, in the case of (1) and (2) below, the applicant has made a good faith effort to initiate and complete construction. Such permit shall be issued only on the following basis:
  - 1. **Emergency Housing:** When a dwelling is destroyed by fire, collapse, explosion, Acts of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined by the Building Official, a temporary zoning permit may be issued to allow a mobile home or recreational vehicle to be placed on the property upon the request of the owner.
  - 2. **New Home Under Construction:** When a new dwelling is being constructed on a vacant lot, a temporary zoning permit may be issued to allow a mobile home or recreational vehicle on the same lot.
- (B) **Medical Reasons:** The Township Board shall have the authority to approve a temporary zoning permit for a temporary mobile home or recreational vehicle as an accessory use to the principal dwelling if a medical condition exists such that the intended occupant requires continued supervision. Such medical condition shall be attested to by a licensed physician, stating the nature of the disorder and specifying the level and type of continued care needed by the patient. A temporary housing permit shall be granted following a public hearing, with notifications provided in accordance with Section 3.09, if the Township Board finds adequate evidence of the need for supervision. Such permit issued to the party with the medical condition is for the applicant's use only and not transferable to any other owner or occupant. Said permit shall be in effect for six (6) months.
- (C) A temporary zoning permit shall not be granted in (A) above, for any reason, unless the Zoning Administrator finds:
  - 1. The mobile home or recreational vehicle complies with all setback requirements of the District for a principal building and does not interfere with emergency access to the principal dwelling.
  - 2. Evidence that the proposed location of the temporary dwelling will not be detrimental to property within three-hundred (300) feet of the parcel intended to be the location of the temporary dwelling.
  - 3. Adequate measures are available for potable water and sewage disposal.

4. A performance guarantee in the amount established by the Township Board is made available from the property owner prior to placing the temporary dwelling, to ensure removal of the temporary dwelling at termination of the permit.

**20.06 Accessory Uses, Buildings, and Structures**

Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.

- (A) **Permit Required:** A Zoning Permit shall be required and the following provisions shall apply to accessory structures, except that a Zoning Permit shall not be required when a storage shed meets the following requirements:
  1. Has a ground floor area of 100 square feet or less.
  2. Does not exceed 10 feet in building height. See Article 21 for definition of "Building Height.
  3. Is constructed and installed in accordance with the requirements of the Michigan Building Code.
  4. Conform to all other requirements of this Section.
- (B) **Attached:** An accessory building, including carports which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.
- (C) **Placement:** Accessory buildings or structures, including roof overhangs, shall only be located in side or rear yards in accordance with the following table:

Size of Accessory Structure	Setback from Side Lot Line	Setback from Rear Lot Line	Setback from House	Maximum Height
600 sq. ft. or less	3	3	10	10
Between 601 sq. ft. and 1200 sq. ft.	5	5	10	18
1201 sq. ft. or more.	10	10	10	18

In Agricultural Districts (AP and AC) an accessory building may not be located in the required front yard. In addition, an accessory building may not be located anywhere between the road right-of-way and the principal structure without prior approval by the Planning Commission. Decorative structures such as gazebos, trellises, pergolas, playhouses, and other decorative landscape structures less than 200 square feet in size may be located between the road right-of-way and the principal structure, but not within the required front yard except with prior approval by the Zoning Board of Appeals.

- (D) **Height:** No detached accessory structures shall exceed the height specified in ( C )above, except that detached accessory structures in Commercial or Industrial Districts may be constructed to equal the permitted maximum height of principal structures in said Districts. See Article 21 for definition of "Building Height."
- (E) **Lot Coverage:** All accessory residential buildings and structures shall not occupy more than a total of twenty-five (25%) percent of the lot area. In no case shall the total ground floor area of such accessory residential buildings or structures exceed the ground floor area of the dwelling.
- (F) **Habitation of Accessory Structures:** No accessory building or structure shall be used or occupied as a dwelling.
- (G) **Prior to a Principal Structure:** Accessory buildings and structures may be erected on a lot or parcel prior to the establishment of a principal structure only where one or more of the following conditions have been met:

1. A zoning permit has been issued for the construction of a principal building on said lot, in conformance with all applicable standards of this Ordinance.
  2. The accessory structure is to be a residential garage serving an abutting lot, or serving a lot directly opposite and across the right-of-way providing access to both lots, and the Zoning Board of Appeals finds that all of the following conditions exist:
    - a. The lot to be used for dwelling purposes existed prior to the effective date of this Ordinance.
    - b. The lot to be used for dwelling purposes does not reasonably afford adequate area for a garage.
    - c. The use of the non-dwelling lot for garage purposes would be in keeping with similar occurrences in the same general area.
    - d. The applicant has submitted a planting plan that the Zoning Board of Appeals finds will minimize potential negative impacts of such garage and protect the surrounding residential character.
- (H) **Storage:** The use of a mobile home, trailer, truck, metal container, or vehicle for storage is not permitted as an accessory use or structure, nor shall such mobile home, trailer, truck, metal container or vehicle be considered a permitted accessory structure or building. These provisions shall not apply in the case of storage of materials for construction activities on the same parcel and for which a zoning permit has been issued. Use of temporary steel storage containers (commonly called "PODS" or "Pack-Rats") and used for moving are permitted for up to 30 days without an active and related zoning permit. Such temporary steel storage containers may not exceed 8 feet high, 8 feet wide and 16 feet long. Extensions of time beyond 30 days maybe be granted by the Zoning Administrator in instances where good cause is shown. Use of temporary tent-type, or membrane-type storage devices for temporary storage purposes is allowed for up to 30-days without a zoning permit. Extensions of time beyond 30 days maybe be granted by the Zoning Administrator in instances where good cause is shown.
- (I) **Temporary Event-related Tents:** Tents to be used for garage sales, estate sales or events such a family reunions, are permitted in any Agricultural or Residential District (AP, AC, BC, A-RB, R-1, R-2, R-3 or R-4) for up to 7 days. Extensions of time beyond 7 days maybe be granted by the Zoning Administrator in instances where good cause is shown. Tents may not be located closer than 5 feet to any lot line.
- (J) **Conservation Districts:** Notwithstanding what is stated above in paragraphs A through J, Table 10-4 in Article 10 of this Ordinance establishes accessory building requirements for conservation districts. The provisions of Table 10-4 shall apply, and shall be in addition to the requirements contained in paragraphs A through J above, which are not in conflict with the provisions contained in Table 10-4.
- (K) **Floors:** All permanent accessory buildings in Residential Zoning Districts (R-1, R-2 & R-3, R-4) shall have a permanent hard surface floor (concrete or other material which meets or exceeds building code requirements).

## **20.07 One Single-Family Dwelling to a Lot**

No more than one (1) single family dwelling may be permanently established on a lot or parcel, unless specifically provided for elsewhere in this Ordinance.

## **20.08 Moving Buildings**

No existing building or structure within or outside of the Township shall be relocated upon any parcel or lot within the Township unless the building or structure meets all applicable provisions of this Ordinance, including but not limited to required setbacks, and the building and all materials therein are approved by the Building Inspector.

## **20.09 Exception to Frontage Requirements**

The lot frontage of a lot may be reduced below the minimum lot frontage requirement of the District in which it is located where the front lot line of such lot abuts a curvilinear segment of a road, including a cul-de-sac, where without such reduction; such lots would be unnecessarily excessive in lot width or lot area. However, such frontage reduction shall result in a lot with a minimum of sixty-six (66) feet of frontage and such lot shall comply with the minimum lot width requirement of the District over at least seventy percent (70%) of the lot area.

## **20.10 Height Requirement Exceptions**

- (A) The following are exempted from height limit requirements, provided that no portion of the exempted structure may be used for human occupancy:
1. Those features that are purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and the resulting structure does not exceed a total height of seventy-five (75) feet.
  2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, wire transmission structures, cooling towers, or other structures where the manufacturing process requires a greater height but do not exceed seventy-five (75) feet in height.
  3. Public utility structures and communication towers, where so approved pursuant to Article 5, Procedures for Special Land Uses.

## **20.11 Home Occupations**

- (A) The regulation of home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities. Class 2 Home Occupations, as defined in Article 21 of this Ordinance, shall be permitted pursuant to Article 5, Procedures for Special Land Uses, and Section 11.22. Class 1 Home Occupations, as defined in Article 21, shall comply with the following conditions:
1. The home occupation shall be conducted entirely within the dwelling and shall not occupy more than twenty-five (25) percent of the total floor area of the dwelling, but in no case shall such occupation exceed five hundred (500) square feet in area.
  2. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
  3. The operation of the home occupation shall not involve the presence of more than one (1) person not residing in the home.
  4. All activities shall be carried on indoors. No outdoor storage or display shall be permitted.
  5. There shall be no change in the exterior appearance of the dwelling, or other visible evidence of the conduct of such home occupation other than a permitted sign.
  6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard, although motor vehicles may be parked in an existing driveway if it is of sufficient

- size. No additional off-street parking demand shall be created.
7. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling, or is provided as an incidental activity associated with the principal service offered by the home occupation.
  8. The home occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous waste.

## **20.12 Conditional Approvals**

- (A) **Conditions on Discretionary Decisions:** The Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, variance or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:
1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
  2. Protect the natural environment and conserve natural resources and energy.
  3. Insure compatibility with adjacent uses of land.
  4. Promote the use of land in a socially and economically desirable manner.
- (B) **Requirements for Valid Conditions:** Conditions imposed shall meet all of the following requirements:
1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- (C) **Record of Conditions and Changes:** Any conditions imposed shall be recorded in the record of the approval action. These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.
- (D) **Performance Guarantees:** Performance guarantees may be required to insure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.07.

## **20.13 Condominium Subdivisions**

The intent of this Section is to provide regulatory standards for condominium subdivisions similar to those required for projects developed under other forms of ownership. This Section is not intended to prohibit or treat a proposed or existing condominium project different than a project developed under another form of ownership.

- (A) **Applicability of District Regulations:** A condominium unit, including single family detached units, shall comply with all applicable site development standards of the district within which it is located, including setback, height, coverage and area requirements, and all other provisions of this

ordinance except as may be varied through a planned unit development. A condominium unit in a condominium subdivision is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the minimum lot area, width and yard setbacks of the District within which it is located, except as may be permitted by a planned unit development.

- (B) **Utilities:** The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.
- (C) **Roads:** All roads within a condominium subdivision shall be designed and constructed in conformance with adopted standards of the Monroe County Road Commission or, in the case of a private road, shall conform to the provisions and standards of the Erie Township Private Road Ordinance.
- (D) **Review and Approval Procedures:**
1. **Zoning Permit Required:** Construction of a condominium subdivision shall not be initiated prior to the issuance of a zoning permit.
  2. **Site Plan Approval Required:** The issuance of a zoning permit shall require the submittal and approval of a preliminary and final site plan pursuant to Article 4, Procedures for Plot Plan and Site Plan Review, and master deed and bylaw documents. The Township Board shall be the approving body. The site plan shall include:
    - a. all information required by Section 4.04.
    - b. information constituting a condominium subdivision plan, including the size, location, area, width, 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.
  3. **Master Deed/Bylaws Approval Required:** The applicant shall furnish the Planning Commission with fifteen (15) copies of the proposed master deed and bylaws and shall be reviewed for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform to Township, County, and state laws and regulations. The Mater Deed shall also include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.
  4. **Issuance of Zoning Permit:** Upon approval of the final site plan, by-laws and master deed, the applicant shall furnish the Township Clerk a copy of the final bylaws and master deed, and a copy of the approved site plan on a mylar sheet of at least twenty-four inches by thirty-six inches (24" x 36"). Upon the satisfactory submittal of these documents, the Clerk shall direct the Zoning Administrator to issue a zoning permit.
- (E) **Building Permit:** No building shall be erected prior to the issuance of a zoning permit by the Zoning Administrator, and a building permit by the Building Inspector.
- (F) **As-Built Plan and Occupancy:** Submission of an as-built plan of a condominium subdivision is

required. The Zoning Administrator may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee in the form of a cash deposit or letter of credit is submitted to the Township Clerk, sufficient in amount and type to provide for the installation of improvements. The amount of the financial guarantee shall be determined by the Township Board based on an estimate by the Township Engineer.

- (G) **Monuments:** All condominium units which are building sites shall be marked with monuments as if such units were lots within a platted subdivision, and such monuments shall comply with the requirements of the P.A. 591 of 1996, the Land Division Act, as amended.

#### **20.14 Earth Sheltered Homes**

The bottom edge of an earth berm abutting a wall or roof of a dwelling shall meet the height and setback requirements for the District in which it is located.

#### **20.15 Fences**

- (A) Except as otherwise provided in this Ordinance or during site plan review and approval proceedings, fences in all District shall be subject to the following provisions:
1. Fences within or along any rear or side yard shall not exceed six (6) feet in height as measured from the surface of the ground, except that no fence erected on a waterfront lot shall exceed four (4) feet in height when within one hundred (100) feet of the water body.
  2. Fences located within or along the required front yard shall not exceed four (4) feet in height as measured from the surface of the ground.
  3. The finished side of a fence shall face the adjoining lot.
  4. Fences along or in side and rear yards are not subject to setback requirements.
  5. No fence with barbs, spikes, nails, or other sharp or electrified devices shall be permitted in any District except for the purpose of confining farm animals, or otherwise approved during site plan review proceedings.
  6. In the case where a fence is to be located on a shared property line, the applicant must obtain a signed agreement from the adjacent landowner agreeing to the construction and location of the fence. If such a signed agreement cannot be obtained from the adjacent owner, the applicant must obtain a certified boundary survey of their parcel to ensure the location of the fence.
  7. A zoning permit is required to erect a fence.
  8. When a fence has only one side that is considered to be finished, such finished side shall face outward, toward adjoining property.

#### **20.16 Curb Cuts and Driveways**

- (A) All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises which shall be part of the plot plan or site plan pursuant to Article 4. Said plan shall be approved prior to the issuance of a zoning permit. No such plan shall be approved unless such driveway access is onto a public road or approved private road.
- (B) Driveways and curb cuts shall, at a minimum, meet the following standards:
1. Driveways shall be within ten (10) degrees of perpendicular to the existing street or road.
  2. No driveway shall serve more than one (1) single family dwelling or more than one (1) dwelling unit in a two family dwelling unless specifically approved pursuant to Section 19.09.
  3. Residential driveways shall be a minimum of ten (10) feet in clear unobstructed width, be

clear and obstructed to a minimum height of fifteen (15) feet, and have a surface designed and maintained to permit emergency access.

4. Non-residential driveway ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) public streets, or closer than one hundred (100) feet to an adjacent driveway within a Commercial or Industrial district.
5. No driveways providing access to non-residential uses or structures shall cross residentially-zoned property.

### 20.17 Lots to Have Access

Except in the case of lots or parcels served by a shared driveway approved pursuant to this Ordinance, all parcels or lots hereinafter created in the Township shall have frontage on a public road, or private road constructed and approved according to this Ordinance, and take their access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking.

### 20.18 Clear Vision Zone

No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be higher than three (3) feet above road grade on any corner lot or parcel within the triangular area formed by the intersection of any road right-of-way lines and a diagonal line connecting them at points thirty (30) feet from their intersection (See Figure 20.18-1). No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be higher than three (3) feet above road grade on any lot or parcel within the triangular area formed by the intersecting lines of a driveway edge and road right-of-way line and a diagonal line connecting them at points twenty (20) feet from their intersection (See Figure 20.18-2).

Figure 20.18-1

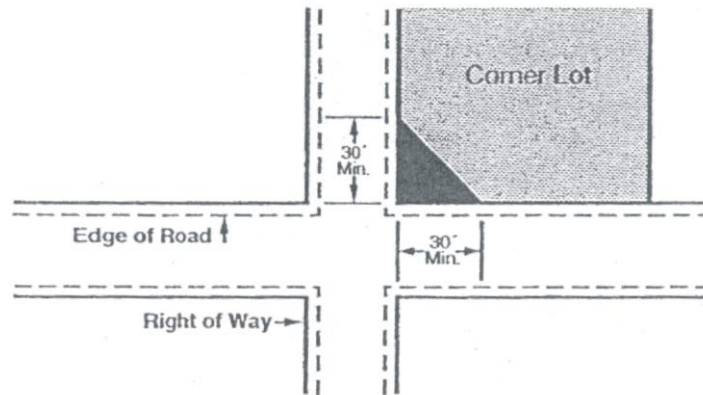
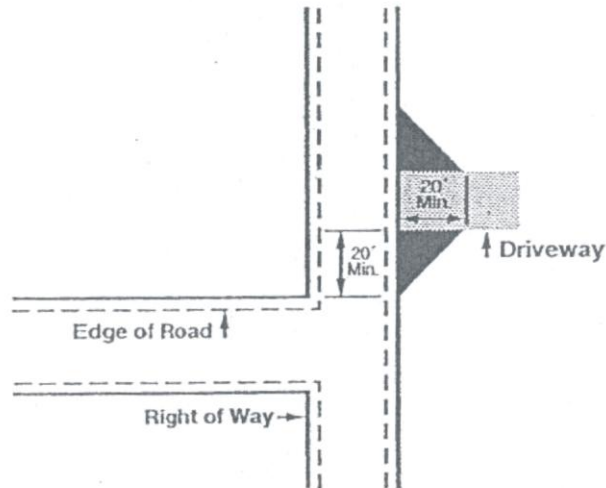


Figure 20.18 -2



### 20.19 Storage of Recreational Vehicles

Recreational vehicles, travel trailers, motor homes, boats, snow mobiles and similar items may be stored outdoors on a lot in Conservation and Residential Districts as an accessory use to a residential lot provided such storage is limited to a rear or side yard only, such storage shall comply with all applicable setbacks for such dwelling, and such items shall be licensed, insured, and in operating condition. In no case shall the total area occupied by such storage exceed fifty percent (50%) of the ground floor area of the dwelling. This Section shall not prohibit the temporary parking of such vehicles for a period not-to-exceed forth-eight (48) hours for loading and unloading purposes. Nothing in this Section shall be interpreted as authorizing any such vehicle to be used for temporary or permanent dwelling purposes on said lot.

### 20.20 Single Family Dwelling Standards

All single family dwellings shall comply with the following standards, provided that the foregoing standards shall not apply to temporary dwellings or mobile homes located in a licensed mobile home park, except to the extent required by State and Federal law.

- (A) Single family dwellings shall comply with the minimum floor area requirements of the District in which they are located, and shall have a minimum width across every section of twenty (20) feet and shall have a minimum 5:12 roof pitch over seventy-five percent (75%) of the roof area. Single family dwellings shall comply in all respects with the Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with a federal or state standards or regulations for construction (as in the case of mobile homes) and where such standards or regulations for construction are different than those imposed by the Building Code, then and in that event such federal or state standard or regulation shall apply.
- (B) All dwellings shall comply with all pertinent building and fire codes, and shall be firmly attached to a permanent foundation constructed on the site in accordance with the Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable Building Code for such dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from the perimeter wall of the dwelling to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply

with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards".

- (C) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- (D) All dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the County Health Department.
- (E) All dwellings shall be properly maintained against deterioration and/or damage from the elements or otherwise by prompt and approximate repairs, surface coating, and other appropriate protective measures.
- (F) All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six (6) inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling. The building shall include not less than two (2) exterior doors with one being in the front of the dwelling and the other being in either the rear or side of the dwelling, and contain steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

1. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character of residential development outside of mobile home parks within 1,000 feet of the subject dwelling where such lots and parcels are developed with dwellings to the extent of not less than twenty percent (20%) of the total number of such lots and parcels; or, where said area is not so developed, by the general character, design and appearance of residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- (G) No dwelling shall contain additions or rooms or other areas that are not of similar or better construction materials, visual appearance, and quality of workmanship as the original structure, including construction of a foundation as required herein and permanent attachment to the principal structure, excepting that a full perimeter foundation may be omitted for a one story sunroom addition provided:

1. The sunroom structure contains glazing in excess of 40% of the gross area of the structure's exterior walls.
2. The sunroom shall be thermally isolated from the dwelling as defined by the Michigan Energy Code.
3. The sunroom shall be otherwise supported in accordance with the Michigan Building Code.
4. An approved full perimeter and permanent skirting or wall shall completely enclose the supporting system.

- (H) A dwelling shall contain an area capable of storage in a basement located under the dwelling, a garage, or in a separate structure similar to or of better quality than that of the principal dwelling; the storage area shall be a minimum of ten percent (10%) of the total floor area of the dwelling.

## **20.21 Outdoor Merchandise Sales, Display and Storage**

- (A) No outdoor display and sales or the display and sales from temporary or non-permanent structures, of any merchandise shall be permitted, except where expressly authorized in this

section.

1. As an Accessory Use to and pursuant to an approved site plan for a business predominantly characterized by retail sales, and shall not extend into the District's required setbacks for principal buildings.
  2. The maximum permitted outdoor display or sales area shall be a total of ten percent (10%) of the use's indoor retail sales floor area but shall not extend more than thirty (30) feet from the principal building.
  3. Open Air Businesses such as the Sales of Vehicles, Landscape Supplies and Similar Outdoor Activities shall additionally conform to the Special Use requirements of Section 11.16
  4. Farm Markets, Roadside Stands and the Outdoor Sales of Agricultural Products shall be permitted only in the AP and AC Agricultural Districts provided no less than fifty percent (50%) of the products offered for sale are produced on the parcel or contiguous property. Additionally, such use shall follow the Michigan Department of Agriculture Generally Accepted Agricultural and Management Practices for Farm Markets.
- (B) Excepting as provided for in section A, and unless specifically noted otherwise elsewhere in this Ordinance, all storage of materials or products in Commercial and Industrial districts, including equipment, vehicles, lumber piles, crates, boxes, building materials and discarded materials, shall be completely enclosed or otherwise screened by an opaque fence or wall of not less than six (6) feet in height. The height of the wall or fence shall be increased to equal the height of any equipment, vehicles, or materials within the enclosed area.

## 20.22 Swimming Pools

- (A) **Application:** The application for a zoning permit to erect a swimming pool shall include the name of the owner, a plot plan and location of adjacent buildings, fencing, gates, and other detailed information affecting placement and safety measures. Upon a finding that the proposed pool complies with the requirements of this Section and Ordinance, the Zoning Administrator shall issue a zoning permit. Such zoning permit does not authorize pool construction until a Building Permit has been issued by the Building Inspector, verifying that such pool complies with all applicable provisions of the Building Code and any applicable county and state laws, including those pertaining to electrical wiring, plumbing, and sanitation.
- (B) **Fencing:** Pool areas are to be fenced to discourage unsupervised access. Such fencing is to be a minimum of four (4) feet high, and equipped with a self-closing and child proof self-latching gate. Latching devices are to be located at a minimum height of four (4) feet above the ground. Such fencing may be omitted where building walls abut the pool area, provided that the entire remaining perimeter of the pool area is fenced.
- (C) **Sanitation:** Sanitation standards as now or any time adopted by the State Department of Health or the County Health Department to protect the public health shall be conformed to.
- (D) **Placement:** No Swimming Pool shall be located in the Front Yard, No swimming pool shall be located in an easement, under any overhead wiring, or in the required setback area for principal buildings of said District, except that a pool may extend up to four (4) feet to a rear lot line.
- (E) Service drop conductors and any other overhead wiring shall not be installed above a swimming pool.

## 20.23 Temporary Uses and Non-Residential Buildings and Structures

Temporary uses and nonresidential buildings and structures may be established only under the following conditions as authorized by a temporary zoning permit issued by the Zoning Administrator:

- (A) Application, Permit, and Conditions

1. **Application:** An applicant shall submit a completed application for a temporary zoning permit to the Zoning Administrator on a form established for that purpose. A plot plan meeting the requirements of Section 4.03 and 4.04 shall be submitted with such application. The Zoning Administrator shall refer the application to the Township Board in instances where the proposed gathering is expected to exceed 100 people, and in other instances where the reasonable judgment of the Zoning Administrator suggests that the temporary use may represent a possible threat to the public health, safety and welfare due to the potential created by large gatherings and/or vehicles. The Township Board shall require the submittal of a site plan prepared according to Section 4.04(B) to adequately evaluate the merits of the request.
2. **Conditions of Approval:** No temporary use application shall be approved, or shall such use be permitted to continue, which does not comply with the following conditions
  - a. The nature and intensity of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
  - b. The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.
  - c. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.
  - d. Off-street parking areas are of adequate size for the particular temporary use or structure and properly located. The entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.
  - e. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.
  - f. The Zoning Administrator may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this Ordinance. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this Section and a permit issued thereunder.
  - e. Temporary restroom facilities may be required in instances where the proposed gathering is expected to exceed 100 people at a single time. Such a determination shall be made by the Zoning Administrator depending on local circumstances and the availability of restroom facilities in adjacent buildings.
3. **Permits:** A temporary zoning permit may be approved, modified, conditioned, or denied by the Zoning Administrator. A written temporary zoning permit will be issued for all approved temporary uses and shall contain the following information:
  - a. The applicant's name.
  - b. The location and effective dates of the temporary use.
  - c. Conditions specified by which the permit was issued, such as:
    - 1) use and placement of signs.
    - 2) provision for security and safety measures.
    - 3) control of nuisance factors.
    - 4) submission of performance guarantee.
4. **Performance Guarantee:** The Zoning Administrator may require a performance guarantee in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Township Treasurer, be deposited with the Township Clerk in an amount equal to the estimated cost of removing any temporary structure authorized under this Section should it not be removed by an applicant at the end of an authorized period. The applicant shall similarly sign an affidavit holding the Township harmless against any claim for damages if the Township were to subsequently use the performance guarantee to remove the temporary structure after its authorized period had expired. The performance guarantee shall be returned when all the terms and conditions of the temporary zoning permit have been

met and the temporary use or structure has been removed.

**(B) Permitted Temporary Buildings, Structures, and Uses**

**1. Construction Buildings and Structures:**

- a. **Fire Damage:** Temporary buildings and structures are permitted incidental to construction work during renovation of a permanent building damaged by fire or natural disaster. The temporary building or structure must be removed when repair of fire damage is complete, but in no case shall it be located on the lot or parcel for more than ninety (90) days.
- b. **New Construction:** Temporary buildings and structures are permitted incidental to construction work, except for the construction of single-family dwellings, and shall be removed within fifteen (15) days after construction is complete. In no case shall the building or structure be allowed more than twelve (12) months unless expressly authorized after petition to the Zoning Board of Appeals.

**2. Churches & Schools:** Temporary buildings incidental to a church or school are permitted provided that all wiring, plumbing, fire protection and exits are approved by the Fire Chief and Building Inspector, and by relevant state agencies.

**3. Garage Sales:** Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any Conservation or Residential district subject to the following conditions:

- a. A garage sale, rummage sale or similar activity shall be allowed without a zoning permit for a period not to exceed sixteen (16) days.
- b. In no instance shall more than four (4) garage sales, rummage sales or similar activity be held in any one location within any twelve (12) month period and the total number of days shall not exceed sixteen (16).
- c. All such sales shall be conducted a minimum of thirty (30) feet from the front lot line and fifteen (15) feet from a side lot line.
- d. No garage sale or similar activity shall be conducted before 8:00 a.m. or continue later than 9:00 p.m.
- e. Items purchased specifically for the sale are prohibited.
- f. All signs advertising a garage sale shall be removed within twenty-four (24) hours of the conclusion of said garage sale or similar activity.
- g. Any garage sale, rummage sale or similar activity proposing to exceed the requirements of this section may petition for approval, after a Site/Plot Plan review is conducted as required in Article 4 of this Ordinance, and a Zoning Permit is issued.

**4. Temporary Real Estate Offices:** Temporary real estate offices are permitted within approved development projects. No cooking or sleeping accommodations shall be maintained. The permit shall be valid for not more than one (1) year, but is renewable. The office shall be removed upon completion of the development of the project. A model home may be used as a temporary sales office.

**5. Auctions:** The public sale of property to the highest bidder shall be permitted on a parcel or lot for not more than five (5) days and no sales activity shall occur within thirty (30) feet of any street or road right-of-way.

**6. Firewood Sales:** Firewood sales shall be limited to firewood cut from that parcel or lot only, except in a Commercial District. Storage of firewood for sale and use by persons off the premises shall be restricted to the side and rear yards.

**7. Large Public Gatherings:** No large public gathering shall occur prior to the issuance of a temporary zoning permit after the Township Board has determined that the large gathering will be adequately served by potable water, sewage disposal, emergency services, and the conditions of this section, and that such large gathering shall not threaten the public health,

safety, and welfare. For the purposes of this subsection, a large public gathering shall be defined as a gathering of more than two-hundred (200) persons for the purposes of entertainment of an outdoor nature such as, but not limited to circuses, carnivals, theatrical exhibitions, public shows, displays, and musical festivals.

- A. **Site Plan Required:** The Township Board shall require the submittal of a site plan prepared according to Section 4.04(B) to adequately evaluate the merits of the request.
- B. **Conditions of Approval:** No temporary use application shall be approved, or shall such use be permitted to continue, which does not comply with the following conditions:
  - a. The nature and intensity of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
  - b. The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.
  - c. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.
  - d. The temporary use will not create hazardous vehicular or pedestrian traffic conditions, and the applicant shall provide the design and installation of all practicable temporary traffic control devices including signage to minimize traffic congestion, as may be required.
  - e. Off-street parking areas are of adequate size for the particular temporary use or structure and properly located. The entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.
  - f. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.
  - g. Temporary restroom facilities shall be required in instances where the proposed gathering is expected to exceed 100 people at a single time. Such a determination shall be made by the Zoning Administrator depending on local circumstances and the availability of restroom facilities in adjacent buildings.
  - h. Adequate sanitary facilities, utility, drainage, refuse management, emergency services and access, and similar necessary facilities and services will be available to serve employees, patrons or participants.
  - i. Where a tent or similar structure is to be used, such structure shall be directly related to or accessory to, the proposed use, and shall additionally comply with the requirements of subsection C.
  - j. Provide details on the proposed Signage related to the temporary use, demonstrated to be in general conformance with the sign regulations of this ordinance.
  - k. Applicant shall provide information on or what precautions that will be taken to lessen the impact of such use or structure, in the area, as to not threaten the public health, safety, and welfare.
  - l. The Zoning Administrator or Township Board may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this Ordinance. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this Section and a permit issued thereunder.
- C. **Tents and other Temporary Structures:** any temporary structure, including multiple structures, exceeding two hundred (200) square feet in total area shall additionally comply with the following conditions.
  - a. Comply with the requirements of the Township and State fire code.

- b. Demonstrate that the tent is flame resistant by providing a certificate of flame resistance or other assurance that the structure has been properly treated with flame retarder and has been maintained as such.
  - c. Shall obtain a Building Permit and comply with all requirements of the Michigan Building Code.
  - d. Provide the Township with a certificate of insurance to cover the liability of the applicant or sponsor.
- D. **Permits:** A temporary zoning permit may be approved, modified, conditioned, or denied by the Zoning Administrator. A written temporary zoning permit will be issued for all approved temporary uses and shall contain the following information:
- a. The applicant's name.
  - b. The location and effective dates of the temporary use.
  - c. Conditions specified by which the permit was issued, such as:
    - 1) use and placement of signs.
    - 2) provision for security and safety measures.
    - 3) control of nuisance factors.
    - 4) submission of performance guarantee.
- E. **Performance Guarantee:** The Zoning Administrator or Township Board may require a performance guarantee in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Township Treasurer, be deposited with the Township Clerk in an amount equal to the estimated cost of removing any temporary structure authorized under this Section should it not be removed by an applicant at the end of an authorized period. The applicant shall similarly sign an affidavit holding the Township harmless against any claim for damages if the Township were to subsequently use the performance guarantee to remove the temporary structure after its authorized period had expired. The performance guarantee shall be returned when all the terms and conditions of the temporary zoning permit have been met and the temporary use or structure has been removed.
- F. **Other Temporary Uses:** Other temporary uses may be permitted pursuant to subsection (A) above.

## **20.24 Development in Floodplains**

Any use of, or erection of, any structure or building located within a Special Flood Hazard Area, as identified by the Flood Insurance Rate Maps published for Erie Township by the Federal Emergency Management Agency, as part of the National Flood Insurance Program, shall comply with all state and federal regulations pertaining to construction within such Special Flood Hazard Area. Such regulations shall include, but shall not be limited to, the Michigan Construction Code. No such construction shall be initiated prior to the acquisition of a zoning permit and building permit from Erie Township, and the acquisition of any other necessary permits from county, state or federal agencies.

## **20.25 Artificial Ponds**

Artificial ponds, as defined in this Ordinance, are hereby classified as a special land use when proposed to be established as an accessory use on a residential lot or as the principal use on any lot, and shall be subject to the special land use review and approval provisions of Article 5 and Section 11.24. All other artificial ponds shall be subject to site plan review according to Article 4, and may be subject to a bonding requirement pursuant to Section 3.07.

**20.26 Limitations on Vehicle Storage & Parking in Conservation/Residential Districts**

- (A) Within platted or condominium subdivisions, no more than one (1) commercial vehicle may be stored outdoors on a lot in a Conservation or Residential District, and such commercial vehicle shall not have a length in excess of twenty-five (25) feet or a height in excess of eight (8) feet, except as provided below. For the purposes of this subsection, a “Commercial vehicle” shall be defined as a vehicle primarily designed to transport goods, materials, equipment, tools, or other items, where the cargo area exceeds the passenger area as measured in cubic feet.
- (B) Under no conditions are sand and gravel hauling trucks, bulldozers, graders, and similar earth moving equipment permitted to be stored outdoors in a Conservation or Residential District, unless upon a lot or parcel currently under construction and such construction requires the use of such vehicles, and no case shall such storage occur indoors on lots or a condominium or platted subdivision in a Conservation or Residential District.
- (C) Tow trucks, semi-tractors and semi-tractor trailer rigs may be parked and stored on any parcel of land (or contiguous parcels of land under singular ownership) that is greater than two acres in size in any Conservation or Residential District, provided:
  - 1. Such vehicles or trailers are owned or operated by individuals who reside at the subject property and such individuals are employed in a capacity that requires use of such vehicles and trailers.
  - 2. The vehicles and trailers are parked on a surface that is paved or otherwise improved with stone or gravel to create a hard surface.
  - 3. There is ample maneuvering room on the lot to enable the vehicles to turn around and access the public right-of-way traveling forward (not having to back out on to the road).
  - 4. Such vehicles or trailers are fully operable, maintain a current license and are in active commercial use.
  - 5. No more than one tow truck, semi-tractor or semi-tractor trailer rig may be stored on a single property.
- (D) This subsection shall not prohibit the parking or storing of agricultural vehicles and machinery on a lot or parcel devoted to agriculture for which the vehicles and/or machinery is used, nor shall this provision prohibit the storing of buses for school or church use on lots or parcels upon which the school or church is located.

**20.27 Communication Towers**

**A. Class 1**

- 1. Any newly established communication tower (or antenna) not otherwise meeting the definition of a Class 2 communication Tower
- 2. Site Plan review (per Article 4) or Special Use approval (per Article 5) shall be required as listed in Table 10-2 Permitted Principle Uses In All Districts.

**B. Class 2**

- 1. Collocation of any communication tower (or antenna) on an established communication tower shall require Zoning Administrator Approval for Plot or Site Plans.
- 2. Collocation of any communication tower (or antenna) on an existing structure, such as existing building, tower, water tank, utility pole, and the like, not located within the Public right-of-way (ROW) shall require Township Planning Commission Approval for Site Plans.
- 3. Collocation of any communication tower (or antenna) on an existing structure, such as a utility pole, and the like, and located within the Public right-of-way (ROW) and conforming to all of the requirements of this section, shall require shall require Zoning Administrator Approval for Plot or Site Plans:
  - a. The proposed combined existing structure and communication tower is either less than a total height of twenty (20) feet or does not extend the height of the existing structure by more than twenty percent (20%)

- b. Each antenna is located inside an enclosure or not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than 6 cubic feet.
- c. All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume.
- d. A Small Cell tower, antenna or facility shall not be located within a Residential Zoning District, a residential subdivision, or with 100 feet of a property that contains a residential use.



## ARTICLE 21 - DEFINITIONS

### 21.01 Construction of Language

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

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

### 21.02 Definitions

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

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

**Adult Entertainment Business:** Any business, club or organization where one or more persons display "*specified anatomical areas*" or engage in "*specified sexual activities*", either in person or by photograph, motion picture, television or other type of image. This definition includes the following: "*adult book store,*" "*adult cabaret,*" "*adult motel,*" "*adult novelty shop,*" "*adult theater,*" "*massage parlor,*" "*public bath*" and "*taxi dance hall.*" Additional terms and definitions applicable to "adult entertainment business" shall be as

follows:

1. Adult Book Store: An establishment partly or wholly devoted to the display, sale or rental of books, magazines or other periodicals, video tapes, photographs or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "*specified sexual activities*" or "*specified anatomical areas*" as defined by this Section, where the floor area or shelf space devoted to such material and accessible to customers exceeds fifteen percent (15%) of the total floor area or shelf space accessible to customers, or where more than thirty percent (30%) of the total floor area is devoted to such material, irrespective of the public's ability to access all such floor area or shelf space.
2. Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
  - a. persons who appear in a state of semi-nudity or nudity; or
  - b. live performances which are characterized by the exposure of "specified sexual activities" or by "specified anatomical areas;" or
  - c. films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of "specified sexual activities" or by "specified anatomical areas;" or
  - d. persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
3. Adult Motel: A hotel, motel or similar commercial establishment which:
  - a. offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas", and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
  - b. offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
  - c. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twenty-four (24) hours.
4. Adult Novelty Shop: Any establishment where the floor area or shelf space devoted to the sale of devices which stimulate human genitals or devices designed for sexual stimulation accounts for more than fifteen percent (15%) of the total floor area or shelf space accessible to customers, or where more than thirty percent (30%) of the total floor area is devoted to such material, irrespective of the public's ability to access all such floor area or shelf space.
5. Adult Theater: Any establishment where, for any form of consideration:
  - a. films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" or
  - b. regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas".
6. Massage Parlor: An establishment in which a substantial or significant portion of the business conducted involves the administration of non-therapeutic massage, erotic touching, or fondling of such body areas as human genitals, pubic region, buttock, or breasts. The term "*massage parlor*" does not include medical or therapeutic massage services or any state licensed practitioners or medical or related services such as chiropractors or physical therapists.

7. Nudity or State of Nudity: The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernible turgid state even if completely and opaquely covered.
8. Public Bath: An establishment providing common bathing facilities or hot tubs for use for a fee. Shower facilities, swimming pools, saunas and similar facilities intended as accessory uses in a school, health club, motel, or similar facility are not "*public baths.*"
9. Semi-Nude: A state of dress in which clothing covers no more than the human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernible turgid state even if completely and opaquely covered.
10. Specified Anatomical Areas: Human genitals, pubic regions, buttock, or any portion of the female breast below a point immediately above the top of the areola when less than completely and opaquely covered, in addition to human genitals in a discernibly turgid state, even if completely and opaquely covered.
11. Specified Sexual Activities: Human genitals in a state of stimulation or arousal; acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy; fondling of or erotic touching of human genitals, pubic region, buttock or female breast; bestiality; fellatio or cunnilingus; sadomasochistic abuse; and human excretory functions.
12. Taxi Dance Hall: An establishment which provides dance partners for one or more dances as the direct or indirect result of payment of a fee.

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

**Agricultural Service Establishments**: Establishments which engage in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; veterinary services; and facilities used in the research and testing of farm products and techniques.

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

**ANSI**: American National Standards Institute.

**Arcade**: Any establishment which provides on its premises six (6) or more machines which may be operated or used as a game, contest or for amusement of any description, not including devises used solely for playing music.

**Artificial Pond**: A body of water created other than by natural environmental conditions as an accessory use of an agricultural or residential property, or as a part of an engineered storm water management system associated with a commercial or industrial property. The term "artificial pond" shall also include all land areas designed to be inundated by water as a result of the artificial or man-made alterations of drainage patterns. Artificial ponds are typically made by constructing a dam or excavating an area to be filled with water.

**Assisted Living**: A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily

living. An assisted living facility commonly has a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

**Awning:** A temporary hood or cover that projects from the wall of a building and that may include a type which can be retracted, folded, or collapsed against the face of a supporting building.

**Bed and Breakfast:** A private residence that offers sleeping accommodations to lodgers in 5 or fewer rooms for rent, in the innkeeper's (owner or operator) principal residence while renting rooms to lodgers, and serves breakfasts at no extra cost to its lodgers. For the purpose of this definition, a lodger means a person who rents a room in a bed-and-breakfast establishment for fewer than 30 consecutive days.

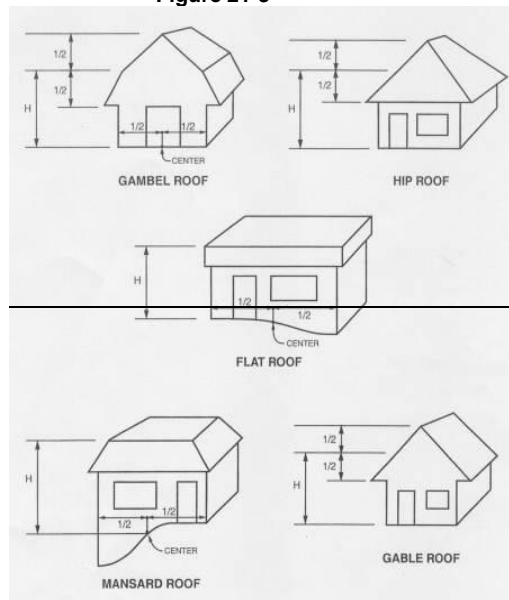
**Basement:** That portion of a building that is partially or wholly below grade but so located that the average vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling.

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

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

**Building Height:** In the case of a principal building, the vertical distance measured from the finished grade at the center of the building where the building abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 21-3 below).

Figure 21-3



**Building Inspector:** An individual or agency hired by to administer the Township's Building Code.

**Campground:** A parcel or tract of land under the control of a person, business, corporation or public body on which sites are offered for the use by the public, either free of charge or for a fee, for the establishment of temporary living quarters. Temporary living quarters means a tent, recreational vehicle, or any portable structure designed to be carried or towed by a vehicle and placed for temporary living quarters.

**Cemetery:** Property, including crematories, mausoleums, and/or columbiums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

**Caregiver:** A person who is at least 21 years old who possesses marihuana plants and assists with a patient's medical use of marihuana in accordance with all associated Michigan laws and regulations. A Caregiver possesses a Registry Identification Card issued by the State of Michigan and may assist not more than 5 qualifying patients with their medical use of marihuana.

**Certificate of Occupancy:** A document signed by the Building Inspector as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the county and state building codes.

**Change of Use:** A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the State Building Code, as amended.

**Church:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

**Clinic:** A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. The term "clinic" includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

**Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit nor open to the general public.

**Collocation:** The location by two or more communication providers on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the Township.

**Commercial Airport:** Any land-based or water-based facility designed or used for the landing or taking-off of aircraft which is available for use by the general public or for which fees, lease payments, or other forms of remuneration is part of the operation of the airport. "Commercial Airport" included hangars and other accessory buildings and uses necessary for the operation, maintenance and repair of aircraft.

**Communication Tower:** A relay structure, including both antenna and structural supports, attached directly to the ground or to another structure, used for the transmission or reception of radio, television, telephone, microwave, or any other form of telecommunications signals. Not included within this definition are: citizen band radio facilities; radio and television citizen band radio facilities; short wave receiving facilities; federally licensed amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

1. Class 1: A communication tower proposed to be newly established and not otherwise meeting the definition of a Class 2 communication tower.
2. Class 2: A communication tower meeting either of the following requirements:
  - a. A communication tower to be affixed to an existing structure, such as existing building, tower, water tank, utility pole, and the like, or Small Cell Facilities in accordance with Michigan Public Act 365 of 2018, where the proposed combined existing structure and communication tower is either less than a total height of twenty (20) feet or does not extend the height of the existing structure by more than twenty percent (20%) and additionally conforms to the requirements of Article 20.27.
  - b. A proposed collocation upon an existing communication tower which had been pre-approved for such collocation as part of an earlier approval by the Township.

**Concentrated Livestock Operation:** A farm operation which exceeds a total of one thousand (1,000) animal units for more than forty-five (45) days, continuously or intermittently, in any twelve (12) month period: The number of animal units shall be measured as follows

- |    |  |                             |
|----|--|-----------------------------|
| a. | horses:                                    | 2.0 animal unit per animal  |
| b. | cows, cattle, swine:                       | 1.0 animal unit per animal  |
| c. | ostrich, emews, and similar sized fowl:    | 0.5 animal units per animal |
| d. | sheep and goats:                           | 0.5 animal units per animal |
| e. | chickens, turkeys, and similar sized fowl: | 0.1 animal units per animal |

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

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

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

**Condominium Unit:** That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

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

1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
2. A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.

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

**Day Care, Group Home:** A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to more than six unrelated minor children for more than 4 weeks during a calendar year.

**db(A):** The sound pressure level in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

**Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity.

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

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

**Driveway:** A means of access for vehicles from a road or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, and complies with the provisions of this Ordinance.

**Driveway, Shared:** A driveway described by a recorded easement providing access to more than one (1) lot used for dwelling purposes, and complies with the provisions of this Ordinance.

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

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

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

**Dwelling, Single Family (Attached):** Two dwelling units located on individual lots joined along a single lot line, each of which is totally separated from the other by a solid wall extending from ground to roof.

**Dwelling, Single Family (Detached):** A dwelling unit designed for one family, located on an individual and not attached to any other dwelling unit by any means.

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

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

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

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

enclosures or shelters for service equipment, or maintenance depots. Communication towers shall not be interpreted as essential services.

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

**Extraction Operation:** The removal, extraction, or mining of sand, gravel, stone, or similar material for commercial gain or for use, or intended use, on another lot or parcel.

**FAA:** The Federal Aviation Administration.

**Family:**

1. An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than one (1) additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or
2. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

**Farm:** The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment and other appurtenances used in the commercial production of farm products.

**Farm Accessory Operations:** Accessory activities (farm sales stand, processing, etc.) related to “farm products” where not more than 50% of the sales and/or processing relates to products or goods produced off the premises.

**Farm Commercial Production:** Sustained and viable sale of farm products to customers and individuals who are not owners of the property.

**Farming Generally Accepted Agricultural Management Practices (GAAMPs):** Farm management practices updated annually by the Michigan Commission on Agriculture developed in association with the Michigan Right to Farm Act.

**Farm Product:** Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

**Farm Operation:** The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

1. Marketing produce at roadside stands or farm markets.
2. The generation of noise, odors, dust, fumes, and other associated conditions.
3. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles,

machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled laws.

4. Field preparation and ground and aerial seeding and spraying.
5. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
6. Use of alternative pest management techniques.
7. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
8. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
9. The conversion from a farm operation activity to other farm operation activities.
10. The employment and use of labor.

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

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

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

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

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

1. Family Home: A facility which provides foster care to six (6) or fewer persons.
2. Group Home: A facility which provides foster care to seven (7) or more persons.

**Frontage:** The total continuous length of the line separating said lot from the public or private right-of-way, and frequently identical to the front lot line. In the case of a lot that gains access from a shared driveway, the frontage shall be the line separating said lot from the shared driveway.

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

**Garage Sale:** The temporary sale or offering for sale to the general public of items of personal property on any portion of a residential lot, whether within or outside a residence.

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

**Habitable Structure:** Any structure usable for living or business purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof.

An area used only for storage incidental to a residential use, is not included in this definition.

**Home Occupation:** An occupation or profession conducted entirely within a dwelling or accessory building which is clearly incidental and secondary to the residential use of the lot, does not change the character of the dwelling, and meets all applicable provisions of this Ordinance.

Class 1 Home Occupation: An occupation or profession conducted entirely within a dwelling, excluding an attached garage.

Class 2 Home Occupation: Any Home Occupation meeting either of the following:

A. An occupation or profession conducted within an accessory building on the same lot as the dwelling in which the owner of such business or profession resides, including an attached or detached garage.

B. Such business, or any Home Occupation that has any potential to create; traffic nuisances or hazards from increased traffic, and/or, noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the parcel, or may cause fluctuations in line voltage off the premises. These characteristics may be exhibited by a high level of package pick-up or delivery, large numbers of customers coming to the site for goods or services, the processes or the operation of equipment (indoors or outdoors).

**Hospital:** An institution which is licensed by the Michigan Department of Public Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, and staff offices.

**Hotel:** An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars, and recreational facilities.

**Hub Height:** The distance measured from ground level to the center of the turbine hub. Hub height is defined as the height from the ground level at which the hub of the windmill or the hub of the propeller blades of the wind energy generator is situated.

**Hunt Club:** Any indoor or outdoor facility, whether operated for profit or not, and whether public or private, which is principally designed for the use of bow and arrow or firearms for animal hunting or the shooting of moving targets such as skeet.

**Junk Yard:** Any land or building used for: 1) the abandonment, storage, keeping, collecting, selling, exchanged or baling of junk including paper, rags, scrap metals, or other scrap or discarded materials; and/or 2) the abandonment, demolition, dismantling, storage, keeping, collecting, selling, exchanging or salvaging of machinery, automobiles, boats, or other vehicles not in normal running condition, or parts thereof. A junk yard shall be considered a special land use requiring special approval.

**Kennel:** A lot or premises on which three (3) or more dogs, or three (3) or more cats, or three (3) or more similar animals, six (6) months of age or older, are kept either permanently or temporarily for the purposes of breeding, boarding, leasing, training, sale, or transfer, for remuneration.

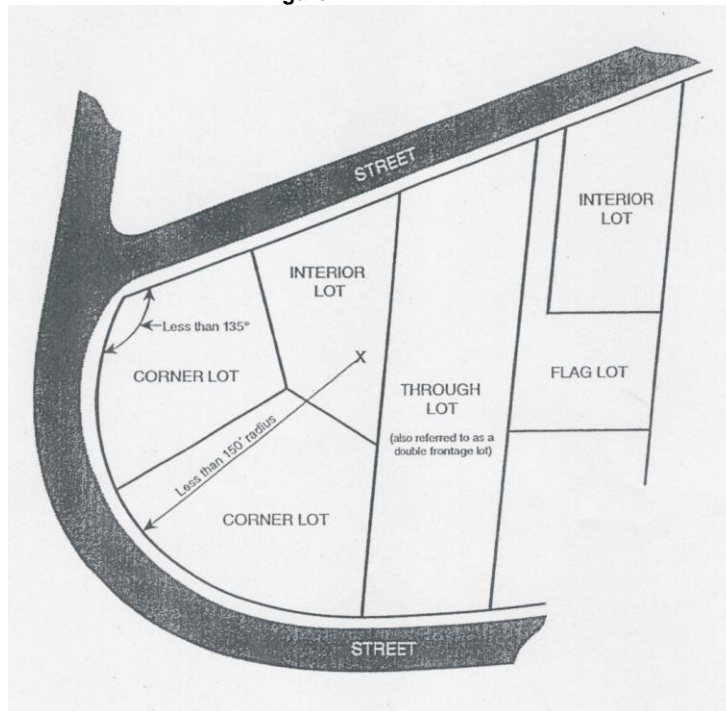
**Livestock:** Cattle, sheep, goats, swine, poultry, and other similar domestic animals or fowl normally kept or raised on a farm.

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

**Lot:** A tract of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings or utilized for the principal use and uses accessory thereto, together with such

yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. (see *Figure 21-1*).

**Figure 21-1**



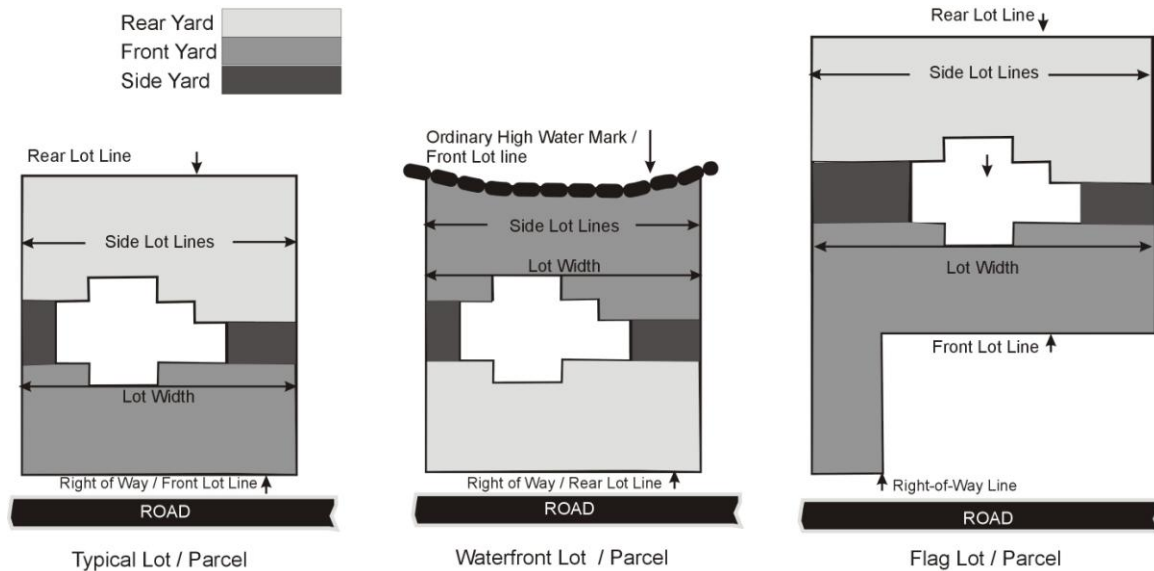
**Lot Area:** The area of the horizontal plane within the lot lines of a lot, exclusive of the area of a lake or any public or private road right-of-way adjoining any portion of the lot, except in the case of lots of ten (10) acres or more in size in which case the area of any public or private road right-of-way may be considered part of the lot area.

**Lot, Corner:** Any lot having at least two (2) contiguous sides adjoining upon one or more roads, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot adjoining a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. (see *Figure 21-1 at end of this Section*).

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

**Lot Depth:** The distance from the front lot line of the lot to its opposite rear line, measured midway between the side lot lines. (See *Figure 21-2*)

**Figure 21-2**



**Lot, Flag:** A lot whose access to a road is by a narrow, private right-of-way that is either a part of the lot or an easement across another property, including a shared driveway, and does not meet the frontage requirements of the district in which it is located. (see Figures 21-1 and 21-2)

**Lot Lines:** The lines bounding a lot or parcel (see Figure 21-2)

1. Lot Line, Front: (see Figure 21-2)
  - a. In the case of a lot not located on a corner, the line separating said lot from the public or private road right-of-way.
  - b. In the case of a corner lot or through lot, the front lot line shall be that line that separates said lot from the right-of-way for the road which is designated as the front on the plat, or on the plot plan or site plan review application, subject to approval.
  - c. In the case of a flag lot or lot that gains access from a shared driveway, the front lot line shall be the lot line most parallel to and nearest the road from which access is obtained. This application shall also apply in the case of a lot which gains access from a shared driveway and does not have frontage upon a public or private road.
  - d. In the case of a lot that gains access from a shared driveway, the front lot line shall be the lot line most parallel to and nearest the shared driveway.
  - e. In the case of a waterfront lot, the front lot line shall be the ordinary high water mark.
2. Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.
3. Lot Line, Side: Any lot line other than a front or rear lot line.

**Lot, Through:** A lot having frontage on two (2) roads other than a corner lot (see Figure 21-1)

**Lot Width:** The straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines (see Figure 21-2).

**Manufactured Housing Community (Mobile Home Park):** A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to

the occupancy of a mobile home.

**Marina:** A basin used for the mooring of recreational water craft, and which may offer support services, including storage, repair, fueling and supplies such as food, beverages, and other convenient items, and yacht club facilities, such as outdoor and indoor recreation facilities and meeting facilities, provided such support services and facilities are clearly accessory to and an integral part of the principal marina use. This definition shall not be interpreted to expressly prohibit uses in association with a marina that are not clearly accessory to the marina use if such uses are expressly permitted in the respective District as a “use by right” or “special land use”.

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

**Medical Clinic:** An establishment where human patients, not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

**Met Tower:** A meteorological tower used for the measurement of wind speed.

**Michigan Medical Marihuana Act:** PA 2008, Initiated Law 1, MCL 333.26421 et seq., as amended.

**Mini Storage (warehouse) Facilities:** A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are generally not used on a daily basis, including recreational vehicles and water craft.

**Mobile Home:** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, dwellings consisting of prefabricated units transported to a site on a removable undercarriage or flat-bed and assembled for permanent location on a lot (modular homes), recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

**Modular (Pre-Manufactured) Home:** A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

**Motel:** A building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door.

**Motor Home:** A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

**Nonconforming Building or Structure:** A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

**Nonconforming Lot (Substandard Lot):** A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

**Nonconforming Use:** A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.

**Nuisance:** Any offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

**Nursery:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for wholesale or retail sales including products used for gardening and landscaping. "Nursery" shall not be interpreted to mean any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.

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

**Ordinary High Water Mark:** The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil.

**Outdoor Furnace:** An outdoor furnace is an apparatus designed to burn solid or liquid combustible materials (e.g., corn, ear corn, wood, wood pellets, coal, fuel oil) to produce heat and/or heat hot water for a building on the same lot.

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

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

**Parking Space:** An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

**Photovoltaics:** Photovoltaics (PV) is a technology that converts light directly into electricity.

**Planned Unit Development:** A tract of land or lot, developed under single ownership or management as a separate neighborhood, community unit, or non-residential use, based on an approved site plan which allows flexibility of design not available under normal zoning district requirements.

**Plat:** A map of a subdivision of land recorded with the Register of Deeds pursuant to the Land Division Act, P.A. 571 of 1996, as amended, or a prior statute.

**Plot Plan:** A plan showing basic features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts less detailed information compared to a site plan.

**Principal Building:** The main building on a lot in which the principal use exists or is served by.

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

**Private Landing Strip:** An airstrip restricted, and intended for private use, except for aircraft emergencies, to use by the property owner and, on an infrequent and occasional basis, by invited guests.

Private landing strips are accessory to other permitted uses on the same property.

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

**Public Assembly Facility:** A public or semi-public facility or institution whose principal function involves the regular gathering of members of the general public, as opposed to gatherings associated with a restricted membership. Examples of public assembly facilities include, but are not limited to, theaters, places of religious worship, parks, and museums.

**Public Facility:** Land and associated structures and buildings used to carry out a governmental function(s) or provide a governmental service(s), such as a use or service owned or managed by a city, village, township, county, state, or public school board, and including commissions or other arms of such entities. Examples of such facilities include, but are not necessarily limited to, municipal parks and cemeteries, police and fire protection facilities, courts of justice, and government offices.

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

**Registry Identification Card:** A card issued by the State of Michigan pursuant to the Michigan Medical Marihuana Program within the Michigan Department of Licensing and Regulatory Affairs, that allows the medical use of marihuana by a visiting qualifying patient, or to allow a person to assist with a visiting qualifying patient's medical use of marihuana.

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

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

The term "restaurant" shall not be interpreted to include drive-in or drive-through facilities, unless specifically defined.

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

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

**Retreat Center:** A facility used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing and recreation for participants during the period of the retreat or program only, and provided all kitchen facilities are limited to a single centrally located building and not within individual sleeping quarters. This term shall not apply to facilities utilized by the general public for meals or overnight accommodations.

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

**Road:** A thoroughfare, classified as either a "public" or "private" road, which affords the principal means of access to adjoining property, and complies with the provisions of this Ordinance. The term "road" also includes the term "street."

**Road, Private:** Any private way or means of approach, not dedicated for general public use.

**Road, Public:** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Monroe County Road Commission or other public entity.

**Rotor:** An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

**Service Station, Standard:** A place used primarily for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Such places may also perform minor automobile repair, limited to engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight. Standard service stations may also include up to four hundred (400) square feet of floor area used for the sale of convenience items such as food products, magazines, and similar convenience items.

**Service Station, Multiple Use:** A standard service station as defined in this Ordinance, which also includes other accessory or principal uses and/or services such as, but need not be limited to, a restaurant, shower facilities, and/or convenience store. Such places may also perform minor automobile repair, limited to engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.

**Setback:** The distance between the centerline of the road right-of-way or the side or rear lot line and the nearest supporting member of a structure on the lot.

**Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window in a dwelling.

**Shooting Range:** Any indoor or outdoor facility, whether operated for profit or not, and whether public or private, which is principally designed for the use of bow and arrow or firearms which are aimed at non-living and non-moving targets.

**Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises. (*Refer to Article 15: Signs, for additional definitions pertaining to signs.*)

**Site Plan:** A plan showing all physical features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

**Solar Power Plant:** A utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.

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

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

Ordinance.

**Stable, Private:** An accessory structure and/or land use where no more than five (5) horses are bred, reared, trained, cared for, and/or boarded, irrespective of remuneration. A private stable may provide horse care and/or riding lessons but a private stable shall not be interpreted to include a facility providing horse shows, training exhibitions, or any other activity typically characterized by the gathering of spectators or observers.

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

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

**Swimming Pool:** Any structure or container intended for swimming or bathing, located either above or below grade, designed to hold water to a depth of greater than twenty-four (24) inches.

**Temporary Use:** A use of land which is authorized for a limited duration of time pursuant to Section 20.23.

**Towing Service:** A facility whose principal function is to provide for the transport and temporary storage of vehicles but does not include disposal, disassembly, salvage, repair or accessory storage of inoperable vehicles.

**Underground Storage Tank:** A tank or combination of tanks, including underground pipes connected to the tank or tanks or underground ancillary equipment containment systems, if any, which is, was, or may have been, used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected to the tank or tanks is 10% or more beneath the surface of the ground.

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

**Variance:** A modification of the literal provisions of the Zoning Ordinance authorized by the Zoning Board of Appeals according to the provisions of this Ordinance.

**Vehicle Repair Shop:** Buildings and premises for the purpose of engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender repair, and vehicle painting.

**Veterinary Clinic:** An establishment which is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include fully enclosed pens or cages for the overnight boarding of animals receiving medical treatment and such related facilities as laboratories, testing services, and offices.

**Wind Energy System:** A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment.

**Wind Energy System – Accessory:** A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which will be used primarily to reduce on-site consumption of utility power. A small wind energy system shall not exceed a rated capacity of 50 kWh.

**Wind Energy System – Commercial:** An electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to offsite customers. This includes systems designed and built to provide electricity to the electric utility grid.

**Yard:** An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein (see *Figure 21-2*)

1. **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 line of the principal building. There shall be maintained a front yard on each street side of a corner lot and through lot.
2. **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 line of the principal building. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner.
3. **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 of the side lot line to the nearest line of the principal building.

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

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