



# Zoning Ordinance

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Leroy Township

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Ingham County, Michigan

# **ZONING ORDINANCE**

**Adopted September 1, 1998**

**Revised as of August, 2010**

**Leroy Township Planning Commission**

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**TITLE**

An Ordinance enacted under Act 110, Public Acts of 2006, as amended, governing the unincorporated portions of the Township of Leroy, Ingham County, Michigan, to provide for the establishment of Zoning Districts within which the proper use of land and natural resources may be encouraged and regulated; to provide for the location, the size of, and the type of uses that may be made of the minimum open spaces; to provide for sanitary, safety, light, and other protective measures; to provide for the maximum number of families that may be housed in dwellings, buildings and structures, including mobile homes; to provide for the administration and amendment of said ordinance; to provide for appeals and for the organization and procedures to be followed by the Board of Appeals; and to provide for penalties for the violations of said Ordinance.

**PREAMBLE**

Pursuant to the authority conferred by Act 110 of 2006 and Act 168 of 1959 of the Public Acts of the State of Michigan in such case, made and provided and for the purpose of Meeting the state's citizen's needs for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that the use of land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facility requirements; to promote public health safety, and welfare; and other public requirements, all in accordance with a comprehensive master plan, now therefore:

**ENACTING CLAUSE**

The Township of Leroy ordains:



# ARTICLE 1 SHORT TITLE AND PURPOSE

## Section 101 SHORT TITLE

This Ordinance shall be known as the "Leroy Township Zoning Ordinance".

## Section 102 PURPOSE

This Ordinance has been established for the purpose of:

- A. Promoting and protecting the public health, safety, and general welfare;
- B. Protecting the character and the stability of the agricultural, residential, and commercial areas within the unincorporated portions of Leroy Township and promoting the orderly and beneficial development of such areas;
- C. Providing adequate light, air, privacy and convenience of access to property;
- D. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
- E. Lessening and avoiding congestion in the public highways and roads;
- F. Providing for the needs of agriculture, residence, and commerce in future growth;
- G. Promoting healthful surroundings for family life in residential and rural areas;
- H. Protecting the public and adjacent uses from fire, explosion, noxious flames or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;
- I. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
- J. Enhancing social and economic stability in the Township;
- K. Conserving the taxable value of land, buildings and structures in the Township;
- L. Enhancing the aesthetic desirability of the environment throughout the Township; and
- M. Conserving the expenditure of funds for public improvements and services to conform with the most advantageous uses of land.
- N. Establishing controls over potential conflicting land uses and uses which may need special regulations as Special Land Uses to be compatible with surrounding development patterns and zoning.
- O. Balancing the Township's desire to have compatible and quality development consistent with the property owner's right to a reasonable rate of return on investment future

**Article 1 Short Title and Purpose**

**Section 103 CONFLICTING REGULATIONS**

- A. Where any provision of this Ordinance imposes either greater or lesser restrictions, limitations, conditions, standards or requirements upon the use of buildings, structures or land; the height of buildings or structures; lot coverage; lot areas; yards, wetlands, woodlands or other open spaces; or any other use or activity which is regulated by this Ordinance, the provision or standard which is more restrictive or limiting shall govern.
- B. Except as otherwise be provided in this section, 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 and every enlargement of, or addition to, an existing use, building or structure occurring after the effective date of this section shall be subject to all regulations of this section which are applicable in the zoning district in which such use, building or structure is located.
- C. No setback area or lot existing at the time of adoption of this section shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the section shall meet at least the minimum requirements established herein.
- D. This Ordinance shall not abrogate or annul any easement, bylaw, master deed, deed restriction, covenant or private agreement, except that the regulations or provisions of this Ordinance shall govern if determined by the Board of Zoning Appeals to be more restrictive or impose a higher standard.
- E. The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, any conflicting laws of a more restrictive nature shall supersede the appropriate provisions of this Ordinance.
- F. Leroy Township hereby repeals the previous Zoning Ordinance and all of its amendments.
- G. Uses, buildings and structures that were nonconforming under the previous zoning ordinance gain no new rights through the adoption of the standards of this Ordinance unless they become conforming or more conforming by the regulations of this Ordinance.

**Section 104 VALIDITY AND SEVERABILITY CLAUSE**

This Ordinance and the various components, articles, sections, subsections, sentences and phrases are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be unconstitutional or invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare unconstitutional or 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.

**Section 105 SPECIAL PROVISIONS FOR THE USE OF LAND WHERE AMENDMENTS TO THIS ORDINANCE IN 1995 CHANGE THE ZONING DISTRICT CLASSIFICATION**

- A. Changes from the previous Zoning Ordinance that impact use of the land are considered the minimum considered necessary to implement the recommendations of the Master Plan, incorporate provisions for special land uses as authorized by amendments to the Township Rural Zoning Act, permit altering the number and location of zoning districts to achieve the stated intent, providing new standards for site

development, incorporate standards from other existing township ordinances and achieve the goals and land use policies of the township.

- B. The Township recognizes the new regulations of extensive amendments to this Ordinance in 1995, including changes to the zoning district map, affect the use and site development standards for certain lots. Therefore, to minimize negative impacts on the investment-backed expectations of property owners, this Ordinance makes special provision to allow development of the permitted and permitted with special approval uses listed in the Zoning Ordinance in June, 1996, for a particular lot. This provision is contingent upon a complete site plan or subdivision plat being submitted to the Township within six (6) months of the adoption of the amendments by the Township Board, provided all such developments shall conform to the dimensional, landscaping, and other site design standards of this Ordinance. This special provision shall only apply to lands rezoned by the amendment to the entire zoning map and not future individual rezonings.

**Section 106 EFFECT ON PROJECTS WHERE SIGNIFICANT CONSTRUCTION HAS BEGUN, AND SITE PLANS OR PLANNED UNIT DEVELOPMENTS APPROVED PRIOR TO EFFECTIVE DATE**

- A. Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which significant construction was begun prior to the enactment of this Ordinance and its amendments, provided significant construction has lawfully begun, is being diligently carried on and shall be completed within one (1) year of the effective date of this Zoning Ordinance and its amendments. The Zoning Board of Appeals may permit an extension of up to one (1) year, with an additional one (1) year extension upon written request by the applicant, when it is shown that factors outside the control of the applicant have caused said delays.
- B. If a lot has an approved site plan within twelve (12) months prior to the effective date of this Zoning Ordinance, such site plan shall remain valid if construction is begun within one (1) year and completed within two (2) years of the effective date of this Zoning Ordinance.
- C. Planned Unit Developments approved under the former Zoning Ordinance shall remain valid if construction is begun within one (1) year and is being diligently carried on, provided that if the approved conceptual plan is altered significantly, as defined in the Planned Unit Development regulations of this Ordinance or if significant construction is ceased for more than six (6) months, the regulations and standards of this Ordinance shall apply.
- D. If the conditions of this section are not met, the standards and provisions of this Zoning Ordinance shall govern.

**Section 107 VESTED RIGHT**

Nothing in this Ordinance should be interpreted or construed to provide any permanent vested rights in the continuation of any particular use, district, zoning classification of any permissible activities therein, other than noted in Section 106; and such activities are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety and welfare.



# ARTICLE 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

## Section 201 CONSTRUCTION OF LANGUAGE

For the purpose of this Ordinance, certain terms are herewith defined. When not inconsistent with the context, the following rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive, with the decision made by the Planning Commission, Township Board, or Board of Appeals, as indicated.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- 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 that 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 phrase "such as" means "such as but not limited to" and the term "including" means "including but not limited to".
- J. Terms not herein defined shall have the meaning customarily assigned to them.

## Section 202 DEFINITIONS

For the purposes of this Ordinance, words pertaining to access, building, property, land use, building use, building measurement and enforcement shall have the following meaning.

## Article 2 Construction of Language and Definitions

Accessory structure: A structure customarily incidental and subordinate to the principal structure and located on the same zoning lot as the principal building.

Accessory use or accessory: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use. As accessory use includes, but it is not limited to use such as those that follow:

- A. Residential accommodations for servants and/or caretakers within the principal building.
- B. Swimming pools for the use of the occupants of a residence, or their guests.
- C. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- D. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- E. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- F. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- G. Uses clearly incidental to a principal use such as, but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- H. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
- I. Home Occupations, subject to the conditions of Section 429, Home Occupations.

Adult foster care facility: A facility for the care of adults over 18 years of age, as licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended, and rules promulgated by the Michigan Department of Social Services. Such facilities are classified as follows:

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

F. Adult day care: A facility which provides care for over twelve (12) adults for less than 24 hours.

Act: The term "Act" or "doing of an act" includes "omission to act" and for the purpose of this Ordinance does not include legislation.

Adult book or supply store: See Adult Regulated Uses.

Adult motion picture theater or arcade: See Adult Regulated Uses.

Adult regulated uses: As used in this Zoning Ordinance, the following definitions shall apply to adult regulated uses:

- A. adult physical culture establishment: Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included within the definition of an adult physical culture establishment:
1. establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
  2. electrolysis treatment by a licensed operator of electrolysis equipment;
  3. continuing instruction in martial or performing arts, or in organized athletic activities;
  4. hospitals, nursing homes, medical clinics, or medical offices;
  5. barber shops or beauty parlors and salons which offer massages to the scalp, the face, the neck or shoulders only; and
  6. adult photography studios whose principal business does not include the taking of photographs of specified human anatomical areas.
- B. adult book or supply store: An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.
- C. cabaret: An establishment where live entertainment is provided, presented, permitted or performed, which performances are distinguished or characterized by an emphasis on or relationship to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by or participation of patrons therein. Also, an establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.
- D. adult motion picture theater or adult live stage performing theater: An enclosed building with a capacity of 50 or more persons wherein still or motion pictures, video tapes or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- E. adult model studio: Any place where models who display "Specified Anatomical Areas" (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by

## Article 2 Construction of Language and Definitions

persons who pay some form of consideration or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

- F. adult motel: A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).
- G. adult motion picture arcade or mini motion picture theater: Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).
- H. adult, nude, partially nude dancing: A business having as its principal activity the live presentation of or display of nude, or partially nude, male or female impersonator(s), dancer(s), entertainers(s), waiter(s) or waitress(es), or employee(s) and which may or may not feature the service of food or beverage. For the purpose of this Ordinance, nude or partially nude shall mean having any or all of the "Specified Anatomical Areas" exposed (as defined herein).
- I. massage parlor or massage establishment: A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly-licensed hospitals, medical clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.
- J. adult personal service business: A business having as a principal activity a person of one sex, providing personal services for a person of the other sex, or same sex, on an individual basis in a closed room or a partitioned open space. It includes but is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.
- K. adult outdoor motion picture theater: A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- L. specified anatomical areas: Portions of the human body defined as follows:
  - 1. less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola; and
  - 2. human male genitals in a discernible turgid state, even if completely and opaquely covered.
- M. specified sexual activities: The explicit display of one or more of the following:
  - 1. human genitals in a state of sexual stimulation or arousal;
  - 2. acts of human masturbation, sexual intercourse, or sodomy;
  - 3. fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

Agriculture: Any land or building used for pasturage, floriculture, dairying, horticulture, viticulture and livestock and poultry husbandry.

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

Animal Equivalents: Animal equivalents, as used in the definition of INTENSIVE LIVESTOCK OPERATION and regulated in the RA, Residential Agricultural District, shall be calculated as follows:

- A. One (1) horse or cow is the equivalent of one (1) large animal.
- B. Two (2) pigs are the equivalent of one (1) large animal.
- C. Four (4) sheep are the equivalent of one (1) large animal.
- D. Five (5) hens, chickens or ducks are the equivalent of one (1) large animal.
- E. For those animals not identified, the Planning Commission will determine which animal equivalent they are similar to.

Animal, Exotic: Any animal of a species not indigenous to the State of Michigan and is not a domesticated animal, including any hybrid animal that is part exotic animal.

Animal, Domesticated: An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation nor cause death, maiming or illness to human beings, including by way of example: bird (caged), fish, rodent (bred, such as a gerbil, hamster, or guinea pig), cat (domestic), lizard (non-poisonous), and dog. Wild, vicious, or exotic animals shall not be considered domesticated.

Animal, Vicious: 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.

Animal, Wild: Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds.

Auto (automobile): Unless specifically indicated otherwise, "automobile" shall mean any motorized vehicle such as cars, trucks, vans, and motorcycles.

Automobile or vehicle dealership: A building or premises used primarily for the sale of new and used automobiles and other motor vehicles to include outside storage of vehicles.

Auto mall: A unified center containing a number of individual automobile repair shops such as muffler shops, glass replacement centers, car stereo shops and oil change, but not intense uses such as collisions shops or major auto repair activities as defined below. Non automobile related uses may comprise a minority of the floor area.

Auto repair, major: An automotive repair establishment which may conduct activities defined herein as "minor repairs" and one or more of the following: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles, major overhauling of engine requiring removal of cylinder-head or crank case pan, recapping or retreading of tires, steam cleaning and similar activities.

## Article 2 Construction of Language and Definitions

Automobile service center (minor maintenance and repair): A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment, balancing and undercoating; but excluding tire recapping or grooving or any major mechanical repairs, collision work, or painting. An automobile service center may also sell gasoline, but is distinct from an automobile service station (i.e. gas station without repair).

Automobile service (gasoline) station: An establishment which includes buildings and premises for the primary purpose of retail sales of gasoline. An auto service station may also include an area devoted to sales of automotive items and convenience goods primarily sold to patrons purchasing gasoline.

Automobile wash: Any building or structure or portion thereof containing facilities for washing motor vehicles using production line methods with a conveyor, blower, steam cleaning device or other mechanical washing devices; and shall also include coin and attendant operated drive-through, automatic self-serve, track mounted units and similar high volume washing establishments, but shall not include hand washing operations.

Average day: For purposes of traffic impact analyses, an average day shall be a Tuesday, Wednesday, or Thursday for most uses. The average day may be a Saturday for uses that have higher peak-hour traffic volumes on a Saturday rather than mid-week.

Basement: A portion of a building more than one half of which is below the average grade level. (See Figure 2A)

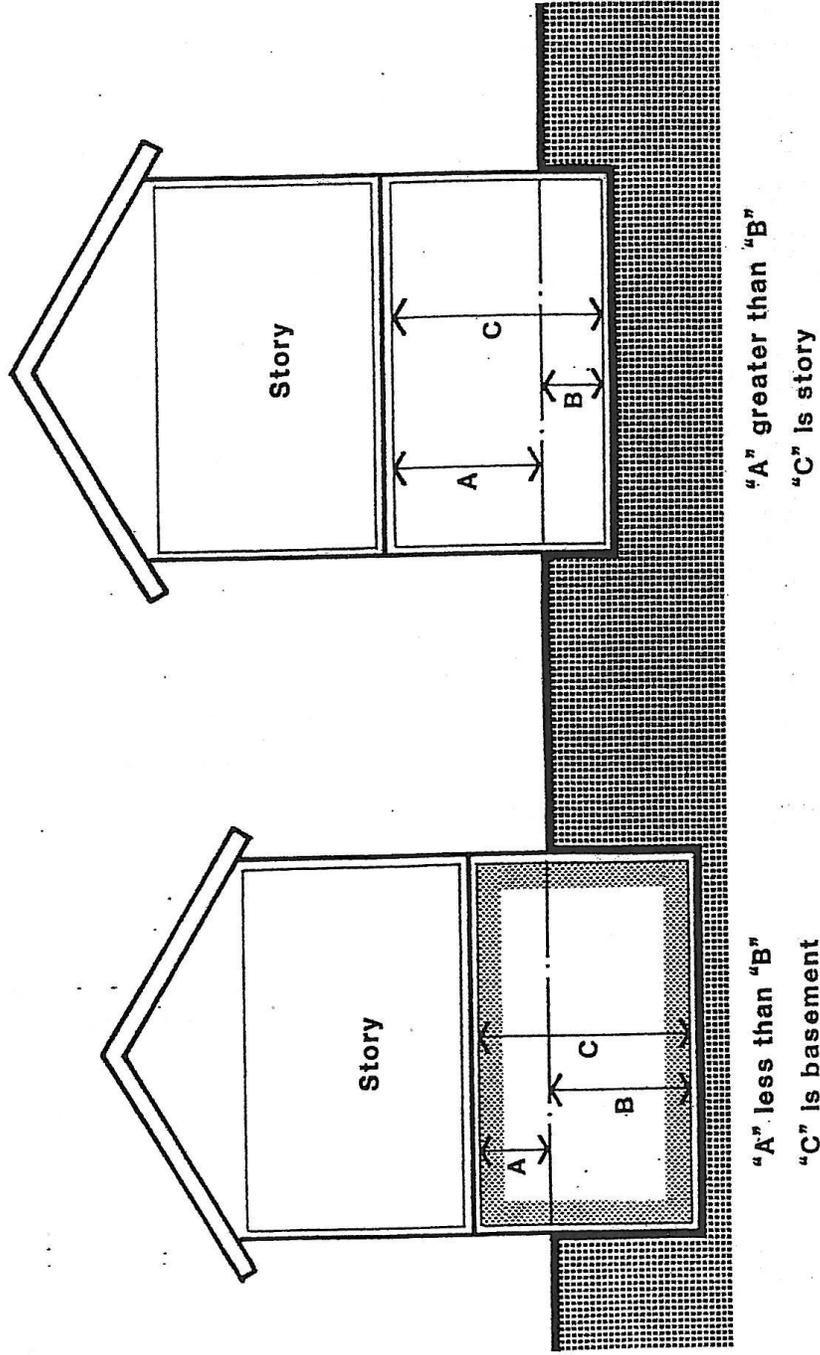
Bed and breakfast inn: Any dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provision for a morning meal only for the overnight guest. A bed and breakfast is distinguished from a motel in that a bed and breakfast establishment shall have only one set of kitchen facilities, employ only those living in the house or up to one additional employee, and have facade style consistent with surrounding homes.

Building: Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels. or property of any kind.

Building height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. (See Figure 2B)

Building line: A line parallel to the front lot line at the minimum required front setback line.

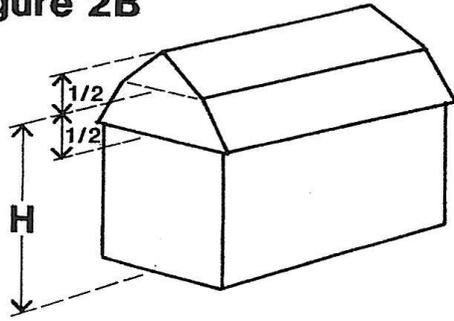
Figure 2A



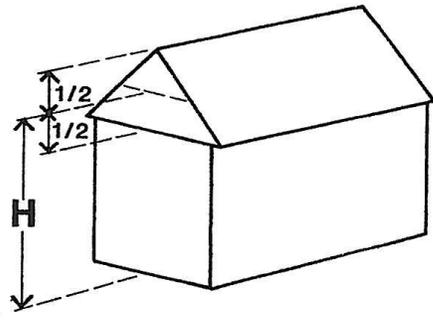
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RESEARCH AND STUDY

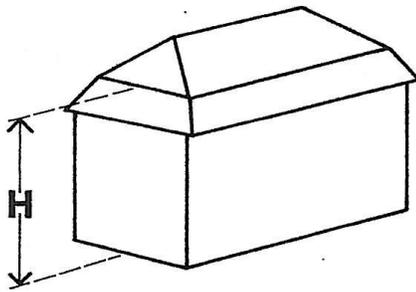
Figure 2B



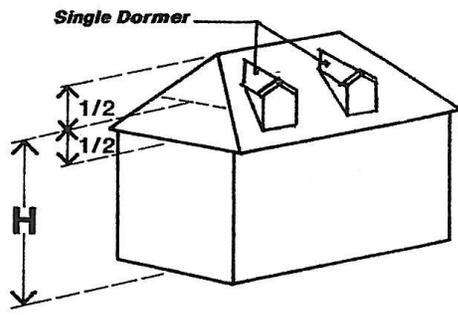
GAMBREL



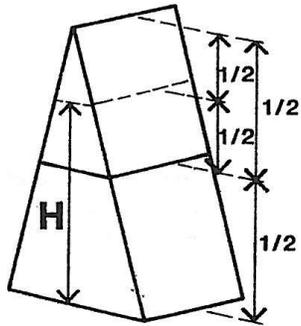
GABLE



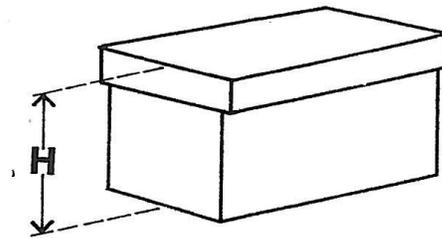
MANSARD



HIP



A-FRAME



FLAT

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## Building Height Requirements

Care organization: A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Definitions for various care organizations are listed below.

- A. child care center or day care center: A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child.

It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

- B. child caring institution: A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
- C. foster family home: A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- D. foster family group home: A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- E. family day care home: A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods 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. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.
- F. group day care home: A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

Certificate of zoning compliance: A certificate issued by the Township Zoning Officer to a party or parties intending to initiate any work or change any use of property in the Township.

Club: An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, and open only to members and not the general public.

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

## Article 2 Construction of Language and Definitions

Condominium act: Michigan Act 59 of 1978, as amended.

Condominium, contractible: A condominium project from which any portion of the submitted land or building may be withdrawn in pursuant to express provisions in the condominium documents and in accordance with the Leroy Township Code of Ordinances and the Condominium Act.

Condominium, conversion condominium: A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

Condominium, convertible area: A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.

Condominium, expandable condominium: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.

Condominium, general common element: The common elements other than the limited common elements intended for the common use of all co-owners.

Condominium, limited common element: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

Condominium, master deed: The condominium document recording the condominium project as approved by the township including attached exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

Condominium, site condominium project: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in these Zoning Regulations.

Condominium, subdivision plan: Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.

Condominium, unit site (i.e. site condominium lot): The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot", for purposes of determine compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio.

Condominium setbacks shall be measured as described below:

- A. Front yard setback: The distance between the public street right-of-way or private road easement line and the foundation of the unit site. Where there is not public right-of-way or access easement, the front yard setback required in the district shall be measured from fifteen (15) feet from the nearest pavement edge to the foundation of the unit.
- B. Side yard setback: The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two units shall be double the side yard setback required in the zoning district.

- C. Rear yard setback: The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development rear yards setbacks shall be measured as the distance between the rear building line and the rear site (lot) line, or where lot lines are not defined, the space between the rear building lines of two buildings shall be double the rear yard setback required in the zoning district.

Condominium unit: The portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

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.

Dwelling, single-family: A detached building, designed for or occupied exclusively by one family.

Dwelling, two-family: A detached building, designed for or occupied exclusively by two families living independently of each other.

Dwelling, multiple family: A building used or designed as a residence for three or more families living independently of each other.

Dwelling unit: Any building or portion thereof which is designed or used for one family exclusively for residential purposes and having cooking facilities.

Erected: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

Essential services: The erection, construction, alteration, or maintenance by public or quasi-public utilities or municipal departments or Township-certified cable television companies of underground, surface or overhead gas, steam, electrical, fuel or water systems for the purpose of transmission, distribution, collection, communication, supply or disposal; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Essential services shall not include storage yards, cellular telephone towers, commercial reception towers, air quality monitoring stations, school bus parking yards, sales or business offices, or commercial buildings or activities (see Section 414).

Family: Means either of the following:

- A. A domestic family which is one or more persons living together and related by the bonds of blood, marriage or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- B. The functional equivalent of the domestic family which is persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application for a special land use based upon the applicable standards in this Ordinance.

## Article 2 Construction of Language and Definitions

Farm: The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products. For the purposes of this Ordinance, farms shall not include establishments, for keeping or raising fur-bearing animals, private stables, commercial dog kennels, piggeries, greenhouses, or stockyards, unless such establishments are combined with other bona fide farm operations listed above which are located on the same continuous tract of land. Wild, vicious and exotic animals shall not be considered farm products.

A farm which is operated as a business for purposes of agricultural production is distinguished from a collection of farm buildings and animals that is operated for education, demonstration, or recreational purposes. Such quasi-farm operations may be known as "petting zoos" or "model farms" or "interpretative farms."

A farm permitted by this Ordinance is not intended nor implied to permit trucking, equipment and/or vehicle repairs(s) and/or sales, contractor's yards, stump removal and/or processing, snow removal businesses lawn maintenance businesses or any other activities other than those incidental to the bona fide farm.

Farm Buildings: Any building or structure other than a dwelling, which is constructed, maintained, and used on a farm, and which is essential and customarily used for the agricultural operations carried on that type of farm.

Feedlot: Any parcel of land or premises on which the principal use is the concentrated feeding of farm animals within a confined area. Farm animals include livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and fur-bearing animals (see definition of Intensive Livestock Operation).

Fence: An artificially constructed barrier of wood, metal, stone, or any other manufactured materials erected for the enclosure of yard areas.

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

Floor area, gross: Is the sum of all gross horizontal areas of the several floors of a building or buildings, measure from the outside dimensions of the structure.

Floor area, usable: For purposes of computing parking requirements, is 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 utilities or sanitary facilities, shall be excluded from this computation of "usable floor area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

Home occupation: An occupation or profession conducted in a residential or agricultural zoning district which is incidental and secondary to the primary use of the property as a place of residence.

Home occupation (legal nonconforming): A legal nonconforming home occupation is a home occupation that was lawfully established and maintained prior to the effective date of this Ordinance but is no longer allowed because of the application of a different set of requirements.

Intensive Livestock Operation: The concentrated feeding of two hundred (200) or more animal equivalents within a confined area for more than forty five (45) days, continuously or intermittently, in any twelve (12) month period (see definitions for FEEDLOT and ANIMAL EQUIVALENTS). An intensive livestock operation is sometimes referred to as a “feedlot”.

Junk: Any unused, stripped, or other vehicle not licensed for use upon the highways of the State of Michigan, including any vehicle, whether licensed or not which is inoperative; any machinery, implements and/or equipment or other personal property which is inoperative or which may no longer safely be used for the purposes which it was manufactured for a period of thirty (30) days or more; any parts of vehicles, machinery, unused stoves or other appliances, remnants of woods, metal, or other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.

Junk yard: Any land or confined used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in normal running conditions, machinery or parts thereof.

Kennel, Commercial: Any lot or premises used for the commercial sale, boarding, or training of four or more dogs, cats or other domestic pets.

Kennel, Non-Commercial: Any lot or premises where four or more dogs, cats, or other domestic pets are owned or kept for the personal enjoyment of the owner or occupants of the property, and not for commercial gain.

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

Lot: Land occupied or to be occupied by a building, structure, land use or group of buildings together with such open spaces or yards as are required under this Ordinance and having its principal frontage upon a public or approved private street.

Lot, area: The total horizontal area within the lot lines of the lot exclusive of any abutting public street right-of-way or private road easements, or the area of any lake. The net lot area shall be used in determining compliance with Minimum Lot Area standards.

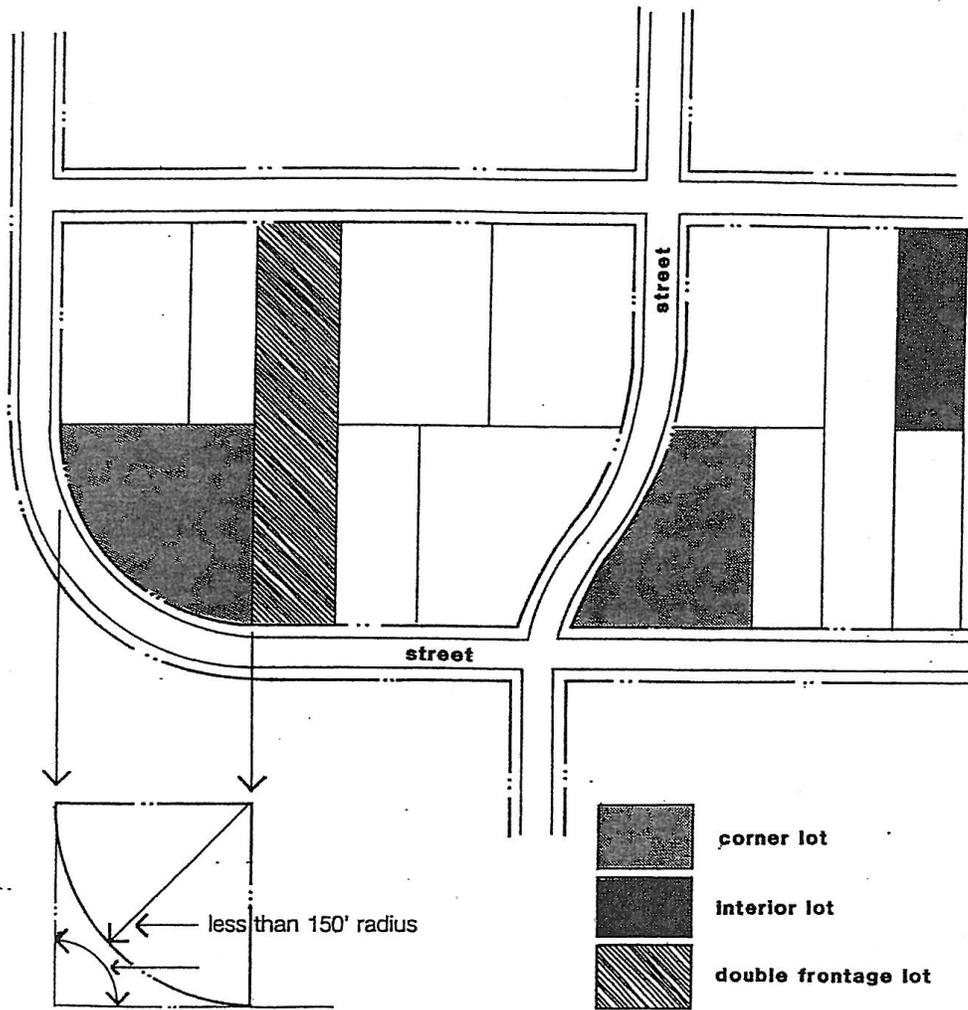
Lot, corner: A lot which has at least two continuous sides abutting upon a street for their full length. (See Figure 2C)

Lot, depth of: The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot, flag: A lot which is located behind other parcels or lots fronting on a public or approved private road, but which has a narrow extension to provide access to the rear.

Lot, interior: A lot other than a corner lot.

Figure 2C

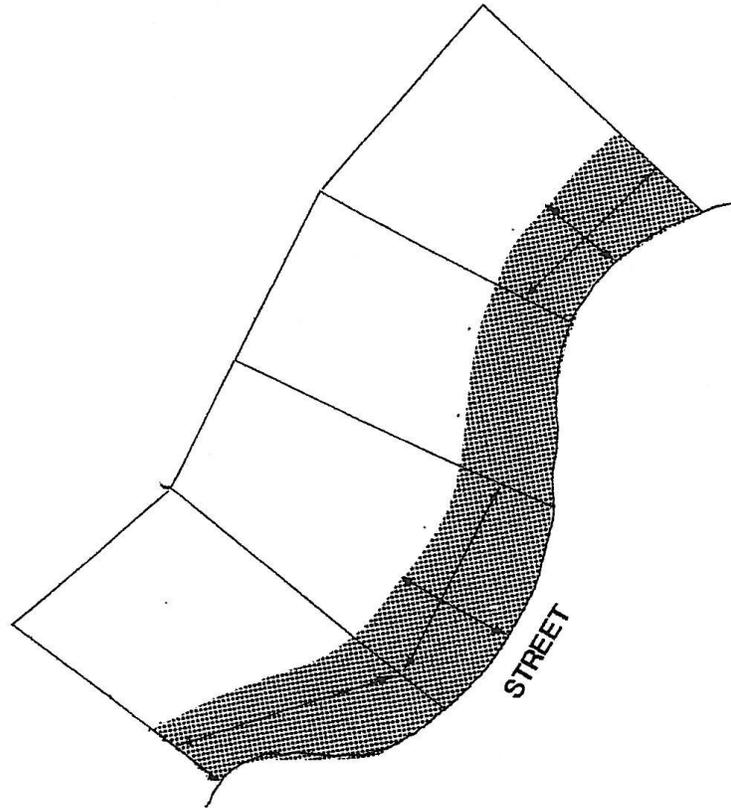


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Farmington Hills, Michigan

### Corner, Interior & Double Frontage Lots

# LOT WIDTH AND SETBACKS

Figure 2D



← → LOT WIDTH  
[Cross-hatched box] MINIMUM SETBACK



## Article 2 Construction of Language and Definitions

Lot line: Any of the lines bounding a lot as defined herein.

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

Lot, width of: The straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines (See Figure 2D).

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

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

Mobile home: A structure, transportable in one (1) 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.

Mobile home park: A parcel or tract of land under the control of a person, group or firm upon which two (2) homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of compensation, including any building, structure, enclosure, street, drive, equipment or facility used or intended for use incidental to the occupancy. Mobile home parks are licensed and regulated by the Michigan Mobile Home Commission.

Modular housing unit: A manufactured housing unit which consists of prefabricated units transported to the site on a removable undercarriage or flat-bed and assembled for permanent location on a foundation. Modular housing units use similar construction techniques to "stick-built" homes and likewise meet the requirements of the Township building code.

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

Nonconforming lot: A lot lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not conform to a dimensional standard for the district in which it is located.

Nonconforming use: A building, structure, or use of land lawfully in existence at the time of enactment of this Ordinance, or amendments thereto, and which does not conform with a regulation of the district or zone in which it is situated.

Nuisance: Is an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things such as (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of a congregation of people, particularly at night, (n) passing traffic, (o) invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

Open space: An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, lawns, decorative planting, walkways, gazebos, active and passive recreation areas, playgrounds, fountains, swimming pools, woodlands, wetlands and water courses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel, but may include a recreational clubhouse or recreation center.

Parking space: An area of not less than twenty (20) feet in length or ten (10) feet in width, exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for parking of permitted vehicles.

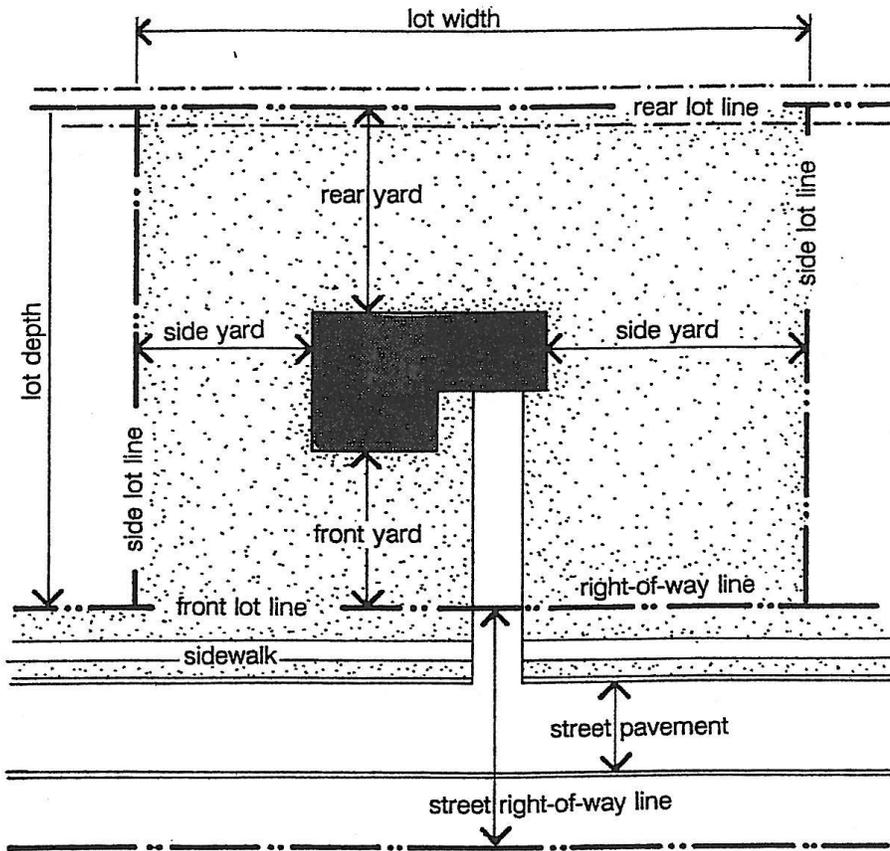
Person: An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Planned unit development: A planning or construction project involving the use of special zoning requirements and review procedures which are intended to provide design and regulatory flexibility, so as to encourage innovation in land use planning and design and thereby achieve a higher quality of development than might otherwise be possible.

Planning Commission: The Township Planning Commission of the Township of Leroy, Ingham County, Michigan.

Principal use: The main use to which the premises is devoted and the principal purpose for which the premises exists. In cases where there is more than one use, the use comprising the greatest floor area shall generally be considered the Principal Use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views and similar impacts. A lot may have more than one principal use if permitted by this Ordinance.

Figure 2E



MCKenna Associates, Incorporated  
Community Planning = Urban Design  
Farmington Hills, Michigan

## Open Space Terms

**Restaurant:** A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below.

- A. **Restaurant, carry-out:** A carry-out restaurant is a business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- B. **Restaurant, drive-in:** A drive-in restaurant is a business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in restaurant may also have interior seating.
- C. **Restaurant, drive-through:** A drive-through restaurant is a business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.
- D. **Restaurant, fast-food:** A fast-food restaurant is a business establishment whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
- E. **Restaurant, standard:** A standard restaurant is a business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- F. **Bar/lounge/tavern:** A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

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

**Road:** Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of roads are defined as follows:

- A. **Private road:** Any road which is to be privately maintained and has not been accepted for maintenance by the Township, Ingham County, the State of Michigan or the federal government, but which meets the requirements of this Ordinance or has been approved as a private road by the Township under any prior ordinance.
- B. **Public road:** Any road or portion of a road which has been dedicated to and accepted for maintenance by the Township, Ingham County, State of Michigan or the federal government.
- C. **Arterial road:** A road which carries high volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the Township. An arterial road may also be a major thoroughfare.
- D. **Collector road:** A road whose principal function is to carry traffic between minor, local, and subcollector roads and an arterial road but may also provide direct access to abutting properties.
- E. **Cul-de-sac:** A road that terminates in a vehicular turnaround.

## Article 2 Construction of Language and Definitions

- F. Major thoroughfare: An arterial road which is intended to service a large volume of traffic for both the immediate area and the region beyond, and may be designated as a thoroughfare, parkway, freeway, expressway or equivalent term to identify those roads comprising the basic structure of the roads plan. Any road with an existing or proposed right-of-way width of one hundred twenty (120) feet, and any road proposed as a major thoroughfare in the Master Plan shall be considered a major thoroughfare.
- G. Local or minor road: A road whose sole function is to provide access to abutting properties.
- H. Subcollector road: A road whose principal function is to provide access to abutting properties but is designed to be used or is used to connect minor and local roads with collector or arterial roads.

Setback: The distance required to obtain the minimum required distance between the front, side or rear lot lines and the building line or parking lot. Setbacks from a public street or private road shall be measured from the right-of-way line or easement. Front setbacks along curvilinear streets shall be established along a line connecting points along the side lot lines meeting the required front yard setbacks. Setbacks shall remain as open space as defined herein, unless otherwise provided for in this ordinance. (See also "Condominium Setbacks.")

Shopping center: A grouping of retail business businesses and service uses on a single site with common parking facilities.

Sign: A name, identification, description, display or illustration which is affixed to, painted or represented indirectly upon a building, structure, parcel or lot, and which directs attention to an object, place, product, activity, person, institution, organization or business.

Special land use: Special land uses are uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as a permitted use in a particular zoning district or districts.

Special use permit: A permit issued by the Building Inspector upon approval of a special land use application by the Planning Commission, including any conditions.

Stable, Private: The keeping of horses and all associated buildings and structures for the noncommercial use of the residents of the principal residential use on the site.

Stable, Public: The keeping, training, or exhibiting of horses, or holding equine events for remuneration, hire, or sale.

Street: See Road.

Structure: Anything constructed or erected, the use of which requires location on ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, signs, gas or liquid storage facility, mobile homes, access drives, street directional or street name signs, and landscape improvements. Essential public service utility poles, regulatory signs, necessary drives, sidewalks, bikepaths, permitted parking, permitted signs and landscaping are not considered structures within required setback open spaces.

Subdivision plat: The division of a tract of land for the purpose of sale or building development, in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended.

Swimming Pool: Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above ground, and on-ground swimming pools, hot tubs, and spas.

Variance: A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals.

Wetland: Pursuant to Public Act 203 of 1979 (Goemaere-Anderson Wetland Protection Act) as amended, land characterized by the presence of water at a frequency and duration sufficient to support (and that under normal circumstances does support) wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, fen, pond, wet meadow or marsh and which is any of the following:

- A. Contiguous to any lake, pond, river or stream.
- B. Not contiguous to any lake, pond, river or stream; and more than five (5) acres in size.
- C. Not contiguous to any lake, pond, river or stream; and five (5) acres or less in size if the Michigan Department of Natural Resources (MDNR) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDNR has so notified the owner.

Yards: (See Figure 2E)

- A. Yard, Front: A yard extending the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.
- B. Yard, Rear: An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.
- C. Yard Side: An open space between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard.

Zoning officer: The official of Leroy Township or his authorized representative charged by the Township Board of Trustees with the responsibility of administering this Ordinance.



# ARTICLE 3 ZONING DISTRICTS, MAP, AND SCHEDULE OF REGULATIONS

## Section 301 DISTRICTS ESTABLISHED

For the purposes of this Ordinance, the Township of Leroy is hereby divided into the following districts:

AG	Agricultural Enterprise District
RA	Residential Agricultural District
R-1	Low Density Residential District
RM-1	Low Density Multiple Family Residential District
MP	Mobile Home Park District
PUD	Planned Unit Development District
PO	Professional Office District
C-1	Neighborhood Commercial District
C-2	Commercial-Highway Interchange District
C-3	Light Manufacturing District

## Section 302 DISTRICT BOUNDARIES: OFFICIAL ZONING MAP

The Zoning Districts are bounded and defined as shown on a map entitled "Official Zoning map of the Township of Leroy", and said map, with all explanatory matter thereon, is hereby made a part of this Ordinance.

The official zoning map shall be identified by the signature of the Township Supervisor attested by the Township Clerk, under the following words: This is to certify that this is the Official Zoning Map referred to in Section 302 of the Zoning Ordinance of the Township of Leroy adopted (include date). If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after amendment has been approved by the Township Board together with an entry on the Official Zoning Map as-follows: On (date), by official action of the Township Board, the following change(s) were made: (brief description with reference number to Board proceedings).

One copy of the Official Zoning Map is to be maintained and kept up to date-by the Township Clerk, accessible to the public and shall be final authority, as to the current zoning status of properties in the Township.

## **Article 3 Zoning Districts, Map, and Schedule of Regulations**

### **Section 303 DISTRICT BOUNDARIES: INTERPRETED**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following platted lot lines shall be construed as following Township limits;
- D. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through F above, the Board of Appeals shall interpret the district boundaries.

### **Section 304 DISTRICT REQUIREMENTS**

All buildings and uses in any district shall be subject to the provisions of Article Four "General Provisions and Exceptions".

Section 305 SCHEDULE OF REGULATIONS FOR PRINCIPAL BUILDINGS

District	Minimum Lot		Maximum Building Height		Minimum Required Setback – Principal Structure			Max. Lot Coverage (All Buildings)	Minimum Floor Area/Unit (sq. ft.)
	Area	Width (ft.)	Stories	Feet	Front <sup>(a, b)</sup>	Each Side	Rear		
AG, Agriculture Enterprise	40 Acres <sup>(c)</sup>	165	2.5	35 <sup>(d)</sup>	75 <sup>(d)</sup>	32 <sup>(d)</sup>	75 <sup>(d)</sup>	20%	1,000
RA, Residential Agricultural	1 Acre	165	2	25 <sup>(d)</sup>	50 <sup>(d)</sup>	20 <sup>(d)</sup>	50 <sup>(d)</sup>	20%	1,000
R-1, Low Density Residential	1 Acre	165	2	25	50	16	32	20%	1,000
RM-1, Low Density Multiple Family Residential District	(e)	100	2.5	30	50	15	32	25%	--
PUD, Planned Unit Development (Residential)	5 Acres	See Article 10						35%	(f)
MP, Mobile Home Park	(g)	50 ft. per unit	1	14	See Section 311				
PO, Professional Office	1 acre	120	2	40	40	20	30	35%	--
C-1, Neighborhood Commercial	1 acre	100	2	40	40 <sup>(h)</sup>	10	40	--	--
C-2, Commercial Highway Interchange	1 acre	120	2	40	75	20	40	25%	--
C-3, Light Manufacturing	1 acre	120	2	40	75	20	40	30%	--

- a The minimum front yard setback is measured from the right-of-way line or easement. Refer to definitions and figures in Article 2.
- b On corner lots and through lots there shall be maintained a front yard along each street frontage.
- c Additional single-family structures are permitted at the rate of one (1) structure per 40 acre unit of land under single ownership. The original and principal farm dwelling is not included in said calculation.
- d The maximum height of permitted accessory farm buildings which are essential and customarily used in the operations associated with a bona-fide farm, as defined in Article 2 shall be forty-five (45) feet, except that the maximum height of silos shall be one hundred (100) feet, provided that all such accessory farm buildings shall be located at least one hundred fifty (150) feet from any residential dwelling other than the dwelling(s) on the lot where the accessory farms buildings are located
- e 8,000 square feet for the first unit + 2,000 square feet for each additional efficiency or one bedroom unit + 3,000 square feet for each additional two or more bedroom unit.
- f In a PUD, the minimum floor area per dwelling unit shall be the same as the underlying zoning district.
- g The minimum lot area is 5,500 square feet per dwelling unit.
- h The minimum front yard setback is 35 feet if no parking is located in the front yard.

**Article 3 Zoning Districts, Map, and Schedule of Regulations**

**Section 306 AG, AGRICULTURAL ENTERPRISE DISTRICT**

A. **Purpose:** It is the purpose of the Agricultural Enterprise District to preserve prime soils for agricultural use and to protect viable agricultural enterprises. It is to be applied to areas which have soils well suited to agricultural activities. The district is designed to preserve these areas by prohibiting the intrusion of non-agricultural and incompatible uses into the prime agricultural areas. The district is intended to create large continuous blocks of agricultural land, both by original designation and by future annexation of smaller holdings, to existing blocks. It is also the intent of this district to help maintain land values at levels which farm activities can support and to avoid property value increases through speculation for higher density uses, which force prime farm land into non-agricultural uses.

B. **Uses Permitted by Right:**

1. A single family residential dwelling, which serves as the principal residence for the owner, operator or employees of the farm.
2. Agricultural production including general and specialized farming and agricultural activities not limited to the raising or growing of crops; dairy and dairy products; livestock, poultry, bees and other farm animals; and the incidental sale of crops, produce and foodstuffs raised or grown on the premises.
3. Raising or growing of plants, trees, shrubs, and nursery stock, including greenhouses, but not including retail sale on premises.
4. Raising or keeping of livestock, whether for profit or pleasure, provided that pens or shelters are maintained in a sanitary condition and that such livestock are fenced or otherwise prevented from roaming at large.
5. Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forests and wildlife resources.
6. Open space preservation developments, in accordance with the requirements listed in Article 11.
7. Accessory uses or structures, customarily incidental to the operation of a farm, including:
  - a. Barns, silos, sheds, equipment storage and similar structures and uses customarily incidental to the permitted principal uses and structures.
  - b. Roadside stand for agricultural produce raised on the property.(see section 908 for specific standards)
  - c. Home occupation. (see section 404, Home Occupations for specific standards).
  - d. Swimming pool and other similar uses when used for non-commercial purpose.
  - e. Non-commercial kennels (subject to the standards in Section 908.Y).
    - a. Private stables (subject to the standards in Section 908.SS)
8. Family day care homes.
9. Foster family homes.
10. Adult foster care family homes.
11. Adult foster care small group home (with 6 or less adults).

C. **Uses Permitted By Special Use Permit:** The following uses are permitted in this district subject to obtaining a special use permit and complying with the general standards for all Special Land Uses (Section 903) and the specific standards of Section 908 for uses marked with an asterisk (\*).

1. Facilities used for the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.\*

**Article 3 Zoning Districts, Map, and Schedule of Regulations**

2. Bulk seed, feed and fertilizer outlets and distribution centers.\*
3. The sale and service of machinery used in agricultural production.
4. Facilities used in the research and testing of agricultural production.\*
5. The removal of soil, sand, gravel and other materials; and the installation of equipment to assist in the removal of said materials, or the production of asphalt mix.\*
6. Public and private parks, camps, golf courses, clubs, and public stables.\*
7. Airports.\*
8. Public utility structures and substations.\*
9. Veterinarians offices, commercial kennels, and animal clinics.\*
10. Public or private sanitary land fills or junk yards.\*
11. Adult foster care small group home (with 7-12 adults).\*
12. Group day care homes.\*
13. Bed and breakfast inns.\*
14. Child care centers and day care centers when operated as a principal use or when operated as an accessory use to an approved church or school.\*
15. Foster family group homes.
16. Public and private hospitals, schools, cemeteries, churches, and government buildings.

D. **Additional Site Development Standards:** All permitted and Special Land Uses shall comply with all applicable provisions of this zoning ordinance including those listed below as a reference guide.

Article 2	Definitions
Article 3	Schedule of Regulations
Article 4	General Provisions, including landscape standards
Article 5	Standards for Nonconforming Situations
Article 6	Parking and Loading-Unloading Standards
Article 7	Signs
Article 8	Site Plan Approval Standards
Article 9	Special Land Use Standards
Article 10	Planned Unit Development Overlay Option (PUD)
Article 12	Standards for Private Road and Access Easements
Article 13	Land Divisions and Combinations
Article 14	Floodplain Development Standards
Article 16	Board of Appeals

**Section 307 RA, RESIDENTIAL AGRICULTURAL DISTRICT**

- A. **Purpose:** It is the purpose of the Residential Agricultural District to preserve the rural, countryside atmosphere of Leroy Township; and to encourage the continuation of agricultural activities yet permitting residential uses without substantially changing the agricultural, character of these areas. Provision for such a transitional type of residential-agricultural district is expected to prevent scattered semi-urban development which cannot efficiently be served by public utilities. It is also intended that the creation of the residential Agricultural District will further reinforce and protect the intent of the Agricultural Enterprise District by clearly indicating that the AG District is not a land bank for future fringe development but rather a selective zoning district geared to the preservation of Leroy Township's agribusiness.
  
- B. **Uses Permitted by Right:**
  - 1. Single family residential dwellings, including non-conforming lots of record.
  - 2. General and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry, bees, and other farm animals, products and foodstuffs; and the incidental sale of crops, products and foodstuffs raised or grown on the premises.
  - 3. Open space preservation developments, in accordance with the requirements listed in Article 11.
  - 4. Accessory uses, buildings and structures including:
    - a. Barns, silos, sheds, equipment storage, and similar structures and uses customarily incidental to the permitted principal uses and structures.
    - b. Roadside stand for agricultural produce raised on the property.
    - c. Home occupation (see Section 429, Home Occupations for specific standards).
    - d. Swimming pool and other similar uses when used for non-commercial purpose.
    - e. Family child day care homes.
    - f. Foster family homes.
    - g. Foster family group homes.
    - h. Adult foster care family homes.
    - i. Adult foster care small group home (with 6 or less adults).
    - j. Non-commercial kennels (subject to the standards in Section 908.Y)
    - k. Private stables (subject to the standards in Section 908.SS)
  
- C. **Uses Permitted by Special Use Permit:** The following uses are permitted in this district subject to obtaining a special use permit and complying with the general standards for all Special Land Uses (Section 903) and the specific standards of Section 908 for uses marked with an asterisk (\*).
  - 1. The removal of soil, sand, gravel and other materials; and the installation of equipment to assist in the removal of said materials, or the production of asphalt mix.\*
  - 2. Public and private parks, camps, golf courses, clubs, and public stables.\*
  - 3. Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forests, and wildlife resources.
  - 4. Public and private hospitals, schools, cemeteries, churches, and government buildings.\*

**Article 3 Zoning Districts, Map, and Schedule of Regulations**

- 5. Public utility structures and substations.\*
- 6. Veterinarians offices, commercial kennels, and animal clinics.\*
- 7. Adult foster care small group home (with 7-12 adults).\*
- 8. Group child day care homes.\*
- 9. Bed and breakfast inns.\*
- 10. Child care centers and day care centers when operated as a principal use or when operated as an accessory use to an approved church or school.\*
- 11. Foster family group homes.\*
- 12. Raising or growing of plants, trees, shrubs, and nursery stock, including greenhouses, but not including retail sale on premises.

D. **Additional Site Development Standards:** All permitted and Special Land Uses shall comply with all applicable provisions of this zoning ordinance including those listed below as a reference guide.

Article 2	Definitions
Article 3	Schedule of Regulations
Article 4	General Provisions, including landscape standards
Article 5	Standards for Nonconforming Situations
Article 6	Parking and Loading-Unloading Standards
Article 7	Signs
Article 8	Site Plan Approval Standards
Article 9	Special Land Use Standards
Article 10	Planned Unit Development Overlay Option (PUD)
Article 12	Standards for Private Road and Access Easements
Article 13	Land Divisions and Combinations
Article 14	Floodplain Development Standards
Article 16	Board of Appeals

**Section 308 R-1, LOW DENSITY RESIDENTIAL DISTRICT**

- A. **Purpose:** It is the purpose of the R-1 District to provide for low density residential development in those portions of the Township generally adjacent to major thoroughfares, yet removed from public services, such as sanitary sewer. When considering the excessive cost of extending public water and sewer service to all areas of the Township, the establishment of a zoning district which requires spacious lots, makes it reasonably possible to insure a continuous supply of safe potable water on the immediate property and to treat sewage by septic fields on the same property.
  
- B. **Uses Permitted by Right:**
  - 1. Single family residential dwelling.
  - 2. Open space preservation developments, in accordance with the requirements listed in Article 11.
  - 3. Accessory uses, buildings and structures including:
    - a. Garage associated with residential structure.
    - b. Shed or storage building (see Section 416, Accessory Buildings for specific standards).
    - c. Swimming pool and other similar uses when used for non-commercial purpose.
    - d. Home occupation (see Section 430, Home Occupations for specific standards).
    - e. Family day care homes
    - f. Foster family homes.
    - g. Foster family group homes.
    - h. Adult foster care homes.
    - i. Adult foster care small group home (with 6 or less adults).
  
- C. **Uses Permitted by Special Use Permit:** The following uses are permitted in this District subject to obtaining a special use permit and complying with the general standards for all Special Land Uses (Section 903) and the specific standards of Section 908 for uses marked with an \*.
  - 1. Public and private parks, clubs, camps, and golf courses.\*
  - 2. Public and private hospital, schools, churches, and governmental buildings.\*
  - 3. Public utility structures and substations.\*
  - 4. Adult foster care small group home (with 7-12 adults).\*
  - 5. Group day care homes.\*
  - 6. Bed and breakfast inns.\*
  - 7. Child care centers and day care centers when operated as a principal use or when operated as an accessory use to an approved church or school.\*
  - 8. Foster family group homes.\*
  - 9. Non-Commercial Kennels.\*
  - 10. Private Stables.\*
  
- D. **Additional Site Development Standards:** All permitted and Special Land Uses shall comply with all applicable provisions of this zoning ordinance including those listed below as a reference guide.

### **Article 3 Zoning Districts, Map, and Schedule of Regulations**

Article 3	Schedule of Regulations
Article 4	General Provisions, including landscape standards
Article 5	Standards for Nonconforming Situations
Article 6	Parking and Loading-Unloading Standards
Article 7	Signs
Article 8	Site Plan Approval Standards
Article 9	Special Land Use Standards
Article 10	Planned Unit Development Overlay Option (PUD)
Article 12	Standards for Private Road and Access Easements
Article 13	Land Divisions and Combinations
Article 14	Floodplain Development Standards
Article 16	Board of Appeals

**Section 309 RM-1, LOW DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT**

A. **Purpose:** It is the purpose of the RM-1 District to accommodate a slightly higher population density than the R-2 District in portions of the Township located near major transportation lines and serviced by sanitary sewer and water. The principal uses of land may range from single family to low density multiple family apartments or a mixture of single and multiple family units on a planned basis. There is no intent to promote by these regulations a residential district of lower quality. Attractiveness, order and efficiency are encourage by providing for adequate light, air and usable open space for dwellings and related facilities and through consideration of the proper functional relationship to each use permitted in this District.

B. **Uses Permitted by Right:**

1. Single family residential dwelling.
2. Two-family residential dwelling (duplex).
3. Attached or clustered single family dwelling units provided no more than fifty percent (50%) of any wall may be a common party wall for adjacent units and at least twenty five percent (25%) of the units have a recessed garage (i.e. the garage is setback farther than the dwelling portion of the unit) or side entry garage.
4. Condominium projects meeting the dimensional standards listed in the Schedule of Regulations and shall comply with Article 8, Site Plan Review.
5. Townhouses not to exceed six (6) attached dwelling units per building.
6. Other types of multiple-family dwelling such as, but not limited to, apartments, senior apartments, elderly housing complexes, row houses, terrace homes and similar types of multiple family units, provided the maximum height is four (4) stories.
7. Home occupations.
8. Accessory uses, building and structures including:
  - a. Garage or carport.
  - b. Shed or storage buildings (see Section 415, Accessory Buildings for specific standards).
  - c. Community building.
  - d. Swimming pool, tennis court and other similar uses when used for noncommercial purpose.

C. **Uses Permitted by Special Use Permit:** The following uses are permitted in this district subject to obtaining a special use permit and complying with the general standards for all Special Land Uses (Sections 903) and the specific standards of Section 908 for uses marked with an \*.

1. Golf courses and country clubs provided no maintenance building or storage building are within two hundred (200) feet of a public right-of-way or residential district.\*
2. Public and private parks, and clubs.
3. Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forests, and wildlife resources.
4. Public and private hospitals, schools, cemeteries, churches, and government buildings.\*
5. Public utility structures and substations.\*
6. Adult foster care small group home (with 7-12 adults).\*
7. Group day care homes.\*

### Article 3 Zoning Districts, Map, and Schedule of Regulations

8. Bed and breakfast inns.\*
9. Child care centers and day care centers when operated as a principal use or when operated as an accessory use to an approved church or school.\*
10. Foster family group homes.\*

D. **Additional Site Development Standards:** All permitted and Special Land Uses shall comply with all applicable provisions of this zoning ordinance including those listed below as a reference guide.

Article 2	Definitions
Article 3	Schedule of Regulations
Article 4	General Provisions, including landscape standards
Article 5	Standards for Nonconforming Situations
Article 6	Parking and Loading-Unloading Standards
Article 7	Signs
Article 8	Site Plan Approval Standards
Article 9	Special Land Use Standards
Article 10	Planned Unit Development Overlay Option (PUD)
Article 12	Standards for Private Road and Access Easements
Article 13	Land Divisions and Combinations
Article 14	Floodplain Development Standards
Article 16	Board of Appeals

**Section 310 MP, MOBILE HOME PARK DISTRICT**

**A. Definitions:**

1. **Mobile Home:** A structure, transportable in one (1) 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.
2. **Mobile Home Park:** A parcel or tract of land under the control of a person, group or firm upon which three (3) homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of compensation, including any building, structure, enclosure, street, drive, equipment or facility used or intended for use incidental to the occupancy. Mobile home parks are licensed and regulated by the Michigan Mobile Home Commission.

**B. Statement of Purpose:** The purpose of the Mobile Home Park District is to provide an affordable housing alternative, where appropriate and consistent with the general character of the Township. The standards of this district are intended to be consistent with the standards for other types of housing at similar densities. The district accommodates Mobile Home Parks regulated by the Michigan Mobile Home Commission. In addition to the standards of this Ordinance, all mobile home park developments shall comply with Act No. 96 of Public Acts of the State of Michigan of 1987 as amended. However, some standards of this Ordinance are more stringent than the typical standards promoted by the Michigan Mobile Home Commission. These more stringent standards reflect the nature of Leroy Township and the requirements of other residential developments with similar densities in the Township; this is in contrast with some other areas of Michigan where the universal rules of the Mobile Home Commission may be appropriate.

**C. Permitted Uses:** In the Manufactured Housing Park District land, buildings and structures shall be used only for one or more of the following uses:

1. Mobile homes and mobile home parks approved by the Michigan mobile home Commission.
2. Community accessory uses, buildings and structures including one (1) management office building, utility/laundry buildings, auxiliary storage space for mobile home tenants, community buildings for use by the tenants of the park, recreation areas, playgrounds and recycling stations. All such accessory uses and structures shall meet the standards provided in this Article. Swimming pools shall have a fence which is setback at least twenty-five (25) feet from any mobile home or attached structure.
3. Accessory adult and child care facilities in a mobile home that are permitted in the single family zoning districts, subject to the approval of the park management.
4. Accessory structures on manufactured home sites including decks, private garages, carports and enclosed or screened storage areas when meeting the standards of this Article and the Rules of the Michigan Home Commission.
5. The business of selling new or used mobile homes as a commercial enterprise in connection with the operation of a mobile home park is prohibited. Existing homes in the park which are to remain on-site may be sold by the resident, owner or a licensed dealer or broker provided the mobile home park management permits the sale.
6. Uses not specifically noted above, are prohibited.

**D. Special Land Uses:** The following Special land Uses may be permitted upon review and approval in accordance with the general and specific standards of Article 9, Special Land Uses, and require a Special Use Permit.

### Article 3 Zoning Districts, Map, and Schedule of Regulations

1. Accessory adult and child care facilities that are listed as special land uses in the single family zoning districts, subject to the approval of park management.

E. **Dimensional Standards for Park Design, Units and Unit Placement:** No mobile home shall be permitted to occupy any mobile home park site if the home is either longer or wider than would permit compliance with the following requirements:

1. Minimum park area: Mobile home parks shall be at least fifteen (15) acres in area.
2. Access requirements: All mobile home parks shall have direct access to a major thoroughfare or county primary road at a location(s) that meets minimum sight distance requirements and access spacing standards of the appropriate road agency. This access shall have a right-of-way or easement at least eighty six (86) feet wide; All roads that provide access to the mobile home park shall be paved, except for an emergency only access with a base approved by the fire department.

All entrances to new or expanded mobile home parks that have 300 sites or more shall have a minimum pavement width of 30 feet. The entrance shall consist of an ingress lane, a left and right egress turning lane at the point of intersection between a public road and the park's internal road; a boulevard feature may be permitted. The entrance shall be constructed as follows:

- a. All turning lanes shall be a minimum of 10 feet in width and 60 feet in depth measured from the edge of the pavement of the public road into the park.
  - b. The turning lane system shall be tapered into the park road system commencing at a minimum depth of 60 feet.
  - c. All applicable State and County standards must be met.
3. Minimum setbacks, greenbelts and buffer zones along the park perimeter: Mobile homes shall be setback at least fifty (50) feet from any public street right-of-way line or thirty-two (32) feet to any mobile home park property line. Buffer zones shall be provided from adjacent zoning districts as follows:

A minimum of one deciduous tree shall be planted for every 40 lineal feet of required buffer strip length.

4. Common Sidewalks: Each site unit shall front on sidewalks at least three (3) feet in width, located parallel to the road. Sidewalks shall be constructed to meet the barrier-free requirements of the Uniform Federal Accessibility Standards (UFAS). The Planning Commission may waive this requirement when there are not connecting existing or planned sidewalks or bikepaths along public streets serving the manufactured housing park.
5. Street design: Two way circulation is preferred, with a minimum width of twenty-one (21) feet, measured from back of curb to back of curb where there is no on-street parking. Where parallel parking is provided on one side of the two-way street, roadway width shall be thirty-one (31) feet, measured from back of curb to back of curb. Where parallel parking is provided on both sides of the two-way street, roadway width shall be forty-one (41) feet, measured from back of curb to back of curb. One way streets are allowable only if at least 13 feet wide. All streets and drives shall be hard surfaced. Maximum cul-de-sac length shall be one thousand (1000) feet, provided no more than thirty five (35) units may be served by a single cul-de-sac. Each cul-de-sac shall terminate with a radius of fifty (50) feet or a hammer-head or "T" design acceptable to the fire department. Parking shall not be permitted within the turn-around area.
6. Street pavement: Street within a mobile home park shall be designed and constructed of materials suitable for subgrades and hard surface in accordance with the standards and specifications of the Mobile Home Commission based on the specifications of the American Association of State and Highway Transportation Officials (AASHTO). Streets within a manufactured housing subdivision shall be

constructed to the specifications of the Ingham County Road Commission. Curbing and gutters shall be optional.

7. Street names/signs: All roads shall be clearly marked with appropriate identification and traffic control signs. The name of all roads shall be approved by the Township.
8. Drainage: The manufactured home park must meet standards found in Part 4 of the MDEQ Mobile Home Park Standards
9. Other utilities: All utility connections shall be underground and shall comply with state and local codes.
10. Required recreation area: A recreation area, including recreational equipment such as playground equipment, shall be provided for each manufactured home park. The recreational area(s) can be located in open space areas specified in Mobile Home Commission Rules 930 through 940.
11. Required storage area: There shall be provided a separate area either fenced, screened or enclosed, within the park for the storage of tenants' camping trailers, boats, snowmobiles, inoperable vehicles, and other similar recreational equipment. Such items shall not be stored in any other area of the park.
12. Waste receptacles: Waste receptacle shall be provided within one hundred fifty (150) feet of each mobile home in a mobile home park, unless curb site pick-up is provided.

Waste receptacles and compactors shall be designed, constructed and maintained according to the standards of this section; location and details of construction shall be shown on site plans. A change in location or size shall require modification to the enclosure, as warranted by this section.

13. Recycling stations: A mobile home park shall provide a recycling station on-site for residents unless recycle pick-up service is available.
14. Minimum lot width and area per unit: The manufactured home park shall be developed with sites averaging no less than 5,500 square feet per mobile home unit. This 5,500 square foot per site average requirement may be reduced by 20 percent provided that no site be smaller than 4,400 square feet. For each square foot of land gained through the reduction of the site size average 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 R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code.
15. Maximum height: The maximum height of a manufactured home shall be one (1) story or fourteen (14) feet. Maximum height of accessory buildings and structures shall be twenty five (25) feet.
16. Space between units: There shall be open space of at least twenty (20) feet between the sides, ends or side and end of any two (2) mobile homes.
17. Minimum setbacks from drives: No mobile home shall be located closer than twenty (10) feet to any vehicle drive within the park.
18. Spacing from accessory buildings: The minimum setback between any manufactured home or attached structure and a detached accessory structure shall be ten (10) feet.
19. Mail boxes: Mail box clusters shall be located and designed to minimize interference with traffic operations near the park entrance.
20. Bikepaths: Bikepaths, where installed, shall be a minimum of eight (8) feet wide concrete or asphalt and constructed in accordance with the specifications of AASHTO.
21. Parking: All mobile home sites shall be provided with two (2) parking spaces per Mobile Home Commission Rules 925 and 926.
  - a. In addition, a minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking located convenient to the area served.

### Article 3 Zoning Districts, Map, and Schedule of Regulations

- b. No licensed or inoperable vehicle of any type shall be parked in this district at any time except within a covered building or enclosed storage area.
  - c. Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a mobile home park, but shall be limited to use only by residents of the mobile home park. The location of such storage area shall be located in any yard required on the perimeter of the mobile home park. Such storage area shall be screened from view from adjacent residential properties with an opaque six (6) foot wooden fence, six (6) foot masonry wall with landscaping, or landscaped greenbelt. If a landscaped greenbelt is used, it shall consist of closely-spaced evergreen plantings (i.e., no farther than fifteen (15) feet apart) which can be above ground level within three (3) years of planting.
  - d. Off-street parking shall meet the barrier-free requirements of the Americans with Disability Act (ADA).
22. Minimum setbacks from other park structures: A mobile home shall be in compliance with all of the following minimum distances.
- a. Fifty (50) feet from permanent park-owned structures, such as any of the following:
    - b. Community buildings.
    - c. Offices.
    - d. Maintenance and storage facilities.
    - e. Similar structures.
    - f. One hundred feet from a baseball or softball field.
    - g. Twenty-five feet from the fence of a swimming pool.
    - h. On-site detached storage sheds shall be a minimum of 3 unobstructed feet from the mobile home it serves, unless the wall adjacent to the mobile home is lined with class A fire-resistant material.
    - i. Attached or detached structures or accessories of a mobile home that are not used for living space shall be a minimum distance of 10 feet from an adjacent mobile home or its adjacent attached or detached structures.
    - j. Any part or structure, such as steps, porches, supported or unsupported awning, decks, carport or garages, or similar structures, that is part of a mobile home shall be set back the following minimum distances:
      - k. Ten feet from the edge of an internal road.
      - l. Seven feet from an off-site parking bay.
      - m. Seven feet from a common sidewalk.
      - n. Twenty-five feet from a natural or man-made lake or waterway.
      - o. Steps shall not encroach into parking areas.
      - p. Mobile homes, permanent buildings and facilities, and other structures shall not be located closer than ten (10) feet from the property boundary line of the mobile home park.
      - q. Forty (40) feet from the edge of any railroad right-of-way.
23. Signs: One permanent residential entranceway sign shall be permitted at each entrance to the mobile home park. Such signs shall not exceed six (6) feet in height and thirty-two (32) square feet in area. The proposed location must be shown on the site plan and shall be setback a minimum of ten (10) feet from any property or right-of-way line and shall not obscure sight distance.

Management offices in the Mobile Home Park District shall be permitted one (1) identification sign not to exceed six (6) square feet in area.

24. Required parking lot landscaping: Off-street parking areas containing 6 or more parking spaces shall be provided with landscaping in accordance with the following table. A minimum of one-third (1/3) of the trees shall be placed on the interior of the parking area, defined as the area within eighteen (18) feet surrounding the parking lot, as illustrated in Appendix A.

Minimum trees in the parking area:

10 through 100 spaces:	1 Canopy tree and 100 sq. ft. of landscaped area per 10 spaces.
101 through 200 spaces:	1 Canopy tree and 100 sq. ft. of landscaped area per 12 spaces.
201 spaces or more:	1 Canopy tree and 100 sq. ft. of landscaped area per 15 spaces.

Where off-street parking areas are located within the required front yard setback, a hedge row, three (3) foot tall masonry wall or berm shall be provided between the parking spaces and the road way. The hedge row shall be planted with two (2) foot tall evergreen or deciduous shrubs, 2-1/2 feet on center.

In no case shall any buffer zones or greenbelts required in Section 422 be calculated toward meeting the required parking area landscaping required in this Section.

Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.

Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement.

Landscaped areas shall be covered by grass or other living ground cover.

All landscaped areas shall be protected by a raised standard or rolled concrete curb.

Design of Islands: The minimum standard for landscaped islands are provided below:

Minimum size	One hundred (100) square feet
Minimum width	Ten (10) feet; at least half of the islands shall be twenty (20) feet wide in parking lots with over 200 spaces
Required depth	Two (2) feet shorter than adjacent parking space to improve maneuvering
Required radii	Minimum ten (10) feet at ends facing main aisles, fifteen (15) feet preferred. One (1) foot for radii not adjacent to main circulation aisles
Planting type	Canopy trees with a mature caliper not over five (5) inches, with a clear area between the ground and a height of four feet, six inches.
Tree location	Located so as not to be damaged by maneuvers or door swing of any surrounding vehicle.

25. Additional landscaping requirements:

**Article 3 Zoning Districts, Map, and Schedule of Regulations**

- a. *Minimum Plant Material Standards:* All plant material shall be hardy to Ingham County, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.
- b. *Minimum Sizes:* Minimum plant sizes at time of installation shall be according to the following:

Deciduous Canopy Tree:	2 ½" caliper
Deciduous Ornamental Tree:	2" caliper
Evergreen Tree:	6' height
Deciduous Shrub:	2' height
Upright Evergreen Shrub:	2' height
Spreading Evergreen Shrub:	18" - 24" spread

- c. *Mixing of Species:* The overall landscape plan shall not contain more than 33% of any one plant species. The use of trees native to the area, and mixture of trees from the same species association, is encouraged.
- d. *Prohibited Species:* The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

<u>COMMON NAME</u>	<u>HORTICULTURAL NAME</u>
Box Elder	Acer Negundo
Ginkgo Ginkgo	Biloba (female only)
Honey Locust	Gleditsia Triacanthos (with thorns)
Mulberry	Morus Species
Poplars	Populus Species
Black Locust	Robinia Species
Willows	Salix Species
American Elm	Ulmus Americana
Siberian Elm	Ulmus Pumila
Slippery Elm; Red Elm	Ulmus Rubra
Chinese Elm	Zulmus Parvifola

- e. *Installation and Maintenance Provisions:* All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be removed and replaced within six (6) months.
  - f. *Financial Guarantee:* The Planning Commission may require a financial guarantee of sufficient amount to insure the installation of all required landscaping.
26. Site: clearing of woodlands and earth changes prior to development: Any property owner or their representative proposing to clear more than twenty-five percent (25%) of the trees of eight (8) inch caliper on a site or to change the site elevation by more than three (3) feet or more, as determined by the Planning Commission, shall first notify the Township of the intent of such clearing and/or earth change and submit a proposed site plan for review and approval by the Planning Commission in accordance with the terms of this Ordinance. This section shall not prevent tree clearing for approved building envelopes, swimming pools, decks, utility lines or construction drives; nor shall this ordinance prohibit site changes for farming purposes. The Planning Commission may waive this section for select clearing of lower quality species including Box Elder, Elms, Poplars, Willows and Cottonwoods.
27. Water and sewer service: Public sewer system shall meet the requirements of the Ingham County Health Division and the Michigan Department of Health. Running water shall be piped to each mobile lot with a minimum available pressure of 20 pounds per square inch for each lot. The plumbing connections to each mobile home site shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.

28. Fuel oil and gas: Any fuel and gas storage shall be located in underground tanks, at a safe distance from all mobile home sites. All fuel lines leading to mobile home sites shall be underground and designed in conformance with the Mobile Home Commission Rules and other applicable local, county and state regulations.
  29. Television antennas: Pursuant to Mobile Home Park Rule 940(1), if central television antenna systems, cable television, or other such services are provided, the distribution systems shall be underground and shall be constructed and installed pursuant to state and local codes and ordinances.
- F. **Review Standards**: The Planning Commission shall consider the following when reviewing a site plan application for a mobile home.
1. Whether the proposed development meets the design standards of this Article and the Rules of the Michigan Mobile Home Commission.
  2. Whether the proposed development is adequately served by public infrastructure systems, if available, for sanitary sewer, and drinking water.
  3. Whether the access point(s) to the public street system can accommodate peak hour traffic patterns generated by the proposed project within acceptable level of service (that is level of service D or better). This standard may require the submission of a Traffic Impact Study for parks with over one hundred forty (140) dwellings.

## Article 3 Zoning Districts, Map, and Schedule of Regulations

### Section 311 PO, PROFESSIONAL OFFICE

- A. **Intent:** The PO, Professional Office Districts are intended to accommodate small office buildings which serve local residents. A major purpose of this district is to provide attractive settings to create office campus environments which are attractive and typically visible from the roadway.
- B. **Uses Permitted by Right:** The following uses are permitted in this district by right:
1. Professional offices of lawyers, engineers, architects, insurance and real estate agents, financial consultants and brokers, advertising firms, accounting and bookkeeping services, clerical and stenographic services, sales offices, other types of executive or administrative offices, and similar or allied professions.
  2. Professional offices of physicians, dentists, optometrists, chiropractors, psychiatrists, psychologists and similar or allied professions, including outpatient services but excluding inpatient services, urgent care centers, clinics and similar uses.
  3. Offices of non-profit professional, civic social, fraternal, political and religious organizations.
  4. Business services such as mailing, copying and data processing.
  5. Child care centers, preschool and day care centers provided (for each child cared for) there is allocated at least two hundred and fifty (250) square feet of indoor area and one hundred fifty (150) square feet of outdoor play area; with an overall minimum of at least one thousand (1000) square feet of outdoor play area. The outdoor play area shall be in the rear or side yard, fenced and screened from any adjacent residential district with landscaping (evergreen trees and shrubs).
  6. Funeral homes and mortuary establishments on a lot a minimum of one (1) acre with at least one hundred (100) feet of frontage, when adequate assembly area is provided off-street for vehicles to be used in a funeral procession in addition to required off-street parking and its related maneuvering area. Indoor storage shall be provided adequate in size to store all vehicles related to the funeral home. A caretaker's residence may be provided within the principal building.
  7. Essential services such as telephone exchange buildings and public utility offices, but not including storage yards, transformer stations, substations, or gas regulator stations, provided that the architecture is in keeping with surrounding uses, as determined by the Planning Commission.
  8. Public- and quasi-public buildings such as township/state/county offices, court buildings, post offices, public museums, libraries and community centers.
  9. Public or private parks and open space.
- C. **Uses Permitted by Special Use Permit:** The following uses are permitted in this district subject to obtaining a special use permit and complying with the general standards for all Special Land Uses (Sections 903) and the specific standards of Section 908 for uses marked with an asterisk (\*).
1. Churches, temples and other similar places of worship.\*
  2. Colleges, universities and institutions of higher education.\*
  3. Uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this zoning ordinance, as determined by the Planning Commission based on the standards of Section 309.
  4. Uses of the same nature or class as the majority of the uses listed in this district as either a Permitted Use or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Township Board, following a Planning Commission public hearing and recommendation. The determination shall be based on the standards of Section 413. Any use not listed and not found to be "similar" is prohibited.

5. Accessory uses, buildings and structures customarily incidental to an approved Special Land Use Permit; however, a separate Special Land Use Permit shall be required for any use or storage of hazardous materials and any fuel storage tanks.

D. **Additional Site Development Standards:** All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

Article 2	Definitions
Article 3	Schedule of Regulations
Article 4	General Provisions, including landscape standards
Article 5	Standards for Nonconforming Situations
Article 6	Parking and Loading-Unloading Standards
Article 7	Signs
Article 8	Site Plan Approval Standards
Article 9	Special Land Use Standards
Article 10	Planned Unit Development Overlay Option (PUD)
Article 12	Standards for Private Road and Access Easements
Article 13	Land Divisions and Combinations
Article 14	Floodplain Development Standards
Article 16	Board of Appeals

## Article 3 Zoning Districts, Map, and Schedule of Regulations

### Section 312 C-1, NEIGHBORHOOD COMMERCIAL

- A. **Purpose:** The C-1, Neighborhood Commercial District is established to accommodate retail business and services to serve the needs of nearby residential neighborhoods. It is intended further that all activities in the Neighborhood Commercial District shall be conducted entirely within wholly enclosed permanent buildings, except parking of employees' and customers' vehicles and the loading or unloading of commercial vehicles and that all goods produced on the premises shall be sold in the premises where produced.
- B. **Uses Permitted by Right:** The following uses are permitted in this District by right:
1. Retail establishments and shopping centers with up to 10,000 square feet gross floor area which provide goods such as: bakery goods, including bakery items produced on the premises; groceries; produce; meats, provided no slaughtering shall take place on the premises; seafood; dairy products; apparel; art galleries; drugs; home improvement items, hardware and garden supplies; sporting goods; rental and sales of videos; recorded music; bookstores; computer and software sales; flower shops, greeting card shops, and similar establishments not specifically addressed elsewhere.
  2. Personal and business service establishments, which perform services on the premises, including: photographic studios dry cleaning drop-off stations (without on site processing); fitness centers; copy centers; mailing centers, data processing centers, dressmakers and tailors; shoe repair shops; tanning salons; beauty parlors; barber shops, and similar establishments.
  3. Banks, savings and loan, credit unions and similar financial institutions with up to three (3) drive-through teller windows, including any automatic teller drive-through lane. All drive-through facilities must be located within the principal building or attached by a canopy.
  4. Restaurants, delicatessen and similar establishments serving food or beverages, excluding restaurants which provide any of the following: alcoholic beverages, outdoor seating, dancing, live entertainment, open front window service, drive-in service, and drive-through service.
  5. Professional offices of doctors, dentists, optometrists, chiropractors, psychiatrists, psychologists and similar or allied professions; excluding clinics and urgent care centers; within buildings up to 15,000 square feet of gross floor area.
  6. Professional offices of lawyers, architects, engineers, insurance agents, real estate agents, financial consultants, accountants and similar or allied professions within buildings up to 15,000 square feet of gross floor area.
  7. Churches, temples and similar places of worship and related facilities.
  8. Child care centers, preschool and commercial day care provided that for each child cared for, there shall be provided and maintained a minimum of two hundred and fifty (250) square feet of indoor play area and one hundred and fifty (150) square feet of outdoor play area with a minimum play area of one thousand (1,000) square feet. The required play area shall be fenced and screened from any abutting residential district. The Planning Commission may reduce the required play area in consideration of the number of infants which care is devoted.
  9. Bed and breakfast inns.
  10. Accessory uses, buildings and structures customarily incident to any of the above-permitted uses as defined in Article 4 and meeting the standards of Sections 416-421.
- C. **Uses Permitted by Special Use Permit:** The following uses are permitted in this District subject to obtaining a special use permit and complying with the general standards for all Special Land Uses (Sections 903) and the specific standards of Section 908 for uses marked with an asterisk (\*).
1. Automobile convenience/gasoline stations.\*
  2. Laundromats.

3. Open front restaurants (without drive-through window).\*
4. Automobile service (gasoline) station.\*
5. Studios of photographers and artists.
6. Uses of the same nature or class as the majority of the uses listed in this district as either a Permitted Use or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Township Board, following a Planning Commission public hearing and recommendation. The determination shall be based on the standards of Section 413. Any use not listed and not found to be "similar" is prohibited.
7. Accessory uses, buildings and structures customarily incidental to an approved Special Land Use Permit; however, a separate Special Land Use Permit shall be required for any use or storage of hazardous materials and any fuel storage tanks.

**D. Other Requirements:**

1. Unless specifically mentioned, all activities in this district shall be carried on in completely enclosed buildings.
2. Storage of finished or unfinished materials, or any equipment or machinery necessary to the operation, is permitted, but all storage areas shall be effectively screened with a solid, uniformly finished wall or fence with solid entrance and exit gates. Said wall or fence shall in no case be lower than the enclosed storage.

**E. Additional Site Development Standards:** All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

Article 2	Definitions
Article 3	Schedule of Regulations
Article 4	General Provisions, including landscape standards
Article 5	Standards for Nonconforming Situations
Article 6	Parking and Loading-Unloading Standards
Article 7	Signs
Article 8	Site Plan Approval Standards
Article 9	Special Land Use Standards
Article 10	Planned Unit Development Overlay Option (PUD)
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Article 13	Land Divisions and Combinations
Article 14	Floodplain Development Standards
Article 16	Board of Appeals

## Article 3 Zoning Districts, Map, and Schedule of Regulations

### Section 313 C-2, COMMERCIAL-HIGHWAY INTERCHANGE DISTRICT

- A. **Purpose:** The C-2, Commercial-Highway Interchange District is intended to permit a wider range of business and entertainment activities than those permitted in the Neighborhood Commercial District. The permitted uses are intended to provide businesses and services found in major shopping centers and central business districts at the intersection of a major highway. These uses generate large volumes of traffic, require substantial access for off-street parking and loading, and require detailed planning.
- B. **Uses Permitted by Right:** The following uses are permitted in this District by right:
1. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
  2. Service establishments which perform services on the premises, such as but not limited to: repair shops, beauty parlors or barber shops, dry cleaning, self-service laundries, and photographic studios.
  3. Retail establishments or retail centers up to sixty thousand (60,000) square feet.
  4. Wholesale and discount clubs, outlet stores and similar establishments.
  5. Convenience stores without gasoline sales.
  6. Banks, credit unions, savings and loans and similar financial institutions with up to three (3) drive-through teller windows, including any automatic teller drive-through lane. All drive-through facilities must be located within the principal building or attached by a canopy.
  7. Personal service establishments which perform services on the premises including dry cleaning drop-off stations (without on-site processing), self-service laundries, dressmakers and tailors, shoe repair shops, beauty/barber shops, tailors, photographic studios and similar establishments.
  8. Restaurants, delicatessens, bagel/donut shops, ice cream/frozen yogurt parlors and similar establishments serving food or beverages.
  9. Business services such as mailing, copying, data processing.
  10. Rental and sales of videos, compact discs, records and similar items.
  11. Urgent (emergency) care centers.
  12. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses and meeting the standards described in 401.1, General Provisions, except use and storage of hazardous materials which requires a Special Land Use Permit.
- C. **Uses Permitted by Special Use Permit:** The following uses are permitted in this district subject to obtaining a special use permit and complying with the general standards for all Special Land Uses (Sections 903) and the specific standards of Section 908 for uses marked with an asterisk (\*).
1. Auto service station with accessory auto wash or minor vehicle maintenance.\*
  2. Auto repair establishments and auto repair malls.\*
  3. Automobile sales (new) including accessory used auto sales, auto service, and auto body repair.
  4. Automobile sales (used) when located at least five hundred (500) feet from any single family residential district.
  5. Automobile wash, automatic or self serve when within a completely enclosed building.\*
  6. Banks, savings and loan, credit unions and similar financial institutions with more than three (3) drive through teller window and/or automatic teller windows.\*
  7. Bus passenger stations.
  8. Convenience stores with gasoline sales.\*

9. Carnivals, fairs, fairgrounds, commercial cider mills, amusement parks, golf driving ranges and outdoor assembly/entertainment.\*
10. Indoor movie theaters, cinemas, concert halls, and playhouses.
11. Outdoor and indoor commercial recreation such as miniature golf, go cart track, bowling alley, batting cages, tennis courts, soccer field.\*
12. Restaurant, bar or tavern with live entertainment or dancing.\*
13. Restaurant with drive-in or drive-through service.
14. Outdoor retail sale of fruits and vegetables as a principal use for over sixty (60) days.
15. Shopping centers and other stores of over 60,000 square feet of gross floor area.\*
16. Accessory uses, buildings and structures customarily incidental to any of the above uses, as defined in Article 2 Construction of Language and Definitions and the standards of Article 5, General Provisions, is permitted with the Special Land Use approval; except use or storage of hazardous materials and outdoor sales, display or storage, which require a separate Special Land Use Permit.
17. Similar uses of the same nature or class as those listed as either a Principal Use or Special Land Use in this district as determined by the Planning Commission based on the Standards of Section 412.

**D. Special Standards:**

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where produced.
2. All business, servicing or processing, except for off-street parking, loading and permitted open air uses subject to special conditions of this Ordinance, shall be conducted within completely enclosed buildings.
3. Minimum spacing between two commercial driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum spacings indicated below are measured from centerline to centerline.

Posted Speed Limit (MPH)	Minimum Driveway Spacing (In Feet)
25	125
30	155
35	185
40	225
45	300
50 and higher	330

4. To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways shall be offset a minimum of two- hundred-fifty (250) feet from those on the opposite side of the roadway. These standards may be reduced by the Planning Commission if approved by the Ingham County Road Commission, as appropriate. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.
5. The number of commercial driveways serving a property shall be the minimum number necessary to provide reasonable access and access for emergency vehicles, while preserving traffic operations and safety along the public roadway.
6. Access shall be provided for each separately owned parcel. This access may be an individual driveway, shared driveway or via a service drive. Additional driveways may be permitted for property only as follows:

### Article 3 Zoning Districts, Map, and Schedule of Regulations

- a. One (1) additional driveway may be allowed for properties with a continuous frontage of over three-hundred (300) feet, and one (1) additional driveway for each additional three-hundred (300) feet of frontage, if the Planning Commission determines there are no other reasonable access opportunities.
  - b. The Planning Commission determines additional access is justified without compromising traffic operations along the public street, based upon submission of a traffic impact study by a qualified traffic engineer.
  - c. Two one-way driveways may be permitted where the frontage is at least one-hundred-twenty-five (125) feet.
7. Where noted above, or where the Planning Commission determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, a shared commercial driveway, frontage road or rear service drive connecting two or more properties or uses may be required.
- E. **Additional Site Development Standards:** All permitted and Special Land Uses shall comply with all applicable provisions of this Zoning Ordinance including those listed below as a reference guide.

Article 2	Definitions
Article 3	Schedule of Regulations
Article 4	General Provisions, including landscape standards
Article 5	Standards for Nonconforming Situations
Article 6	Parking and Loading-Unloading Standards
Article 7	Signs
Article 8	Site Plan Approval Standards
Article 9	Special Land Use Standards
Article 10	Planned Unit Development Overlay Option (PUD)
Article 12	Standards for Private Road and Access Easements
Article 13	Land Divisions and Combinations
Article 14	Floodplain Development Standards
Article 16	Board of Appeals

## Section 314 C-3, LIGHT MANUFACTURING DISTRICT

- A. **Purpose:** It is the purpose of the C-3, Light Manufacturing District to provide for permitted light manufacturing, distribution warehousing, and specialty commercial uses. It is intended that the permitted activities and operations produce no external impacts that are detrimental in any way to other uses in the district or to properties in adjoining districts. Permitted uses shall be compatible with surrounding residential and commercial uses.
- B. **Uses Permitted by Right:** The following uses are permitted in this District by right:
1. Wholesale and warehousing: The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical machinery and equipment; tobacco and tobacco products; beer, wine and distilled alcoholic beverages; paper and paper products; furniture and home furnishings; and any commodity the manufacturer of which is permitted in this District. Also storage or transfer buildings, commercial laundries or cleaning establishments and frozen food lockers.
  2. Communication facilities with buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, communication and relay stations with outdoor storage.
  3. Tool and die shops; metal working machine shops involving the use of grinding or cutting tools, such as manufacturing tools, dies, jigs and fixtures; publishing, printing, or forming of box, carton, and cardboard products.
  4. Retail sales specifically incidental to contractors establishments which require a workshop and retail outlet or show room as accessory uses, including:
    - a. Plumbing and electrical contractors.
    - b. Building material suppliers and wholesalers such as lumber yards which include manufacturing,
    - c. Processing, planing or milling operations, and other similar uses.
    - d. Carpenter shops including door, sack or trim manufacturing.
    - e. Jobbing and repair machine shops.
    - f. Plastic products forming and molding.
    - g. Printing and publishing
    - h. Trade and industrial schools.
    - i. Air conditioning and heating dealers including incidental sheet metal work.
    - j. Furniture re-upholstering and refinishing establishments.
    - k. Sign painting establishments.
    - l. Establishments producing and selling monuments, cut stone, stone and similar products.
    - m. Other uses similar to and compatible with the above uses.
  5. Essential public service and utility buildings and facilities, stations structures, storage yards and other related uses, public utility plants, tanks, water supply and sewage disposal plants.
  6. Storage facilities for building materials, sand, gravel, stone and lumber.
  7. Veterinary offices and clinics (hospitals).\*
  8. Commercial kennels.

### Article 3 Zoning Districts, Map, and Schedule of Regulations

9. Lawn and garden centers, nurseries and greenhouses when storage and display areas meet all setback requirements and the storage of any soil, fertilizer, lumber or other loose, unprotected material shall be in the side or rear, covered and contained to prevent runoff onto adjacent properties.
  10. Leasing and rental of recreational, landscaping, or moving equipment, including, but not limited to boats, canoes, jet skis, tillers, trucks, vans, and trailers. Accessory propane sales require a Special Land Use permit.
  11. Greenhouses.
  12. Newspaper offices and accessory printing/distribution.
  13. Commercial mini-storage warehouses and storage buildings with no outdoor storage. Buildings shall be spaced not less than thirty (30) feet apart.
  14. Contractor's storage yards.
  15. Accessory uses, buildings and structures customarily incident to any of the above-permitted uses as defined in Article 4 and meeting the standards of Sections 416-421.
- C. **Uses Permitted by Special Use Permit:** The following uses are permitted in this District subject to obtaining a special use permit and complying with the general standards for all Special Land Uses (Sections 903) and the specific standards of Section 908 for uses marked with an asterisk (\*).
1. Adult regulated uses.\*
  2. Radio, television, microwave, and cellular phone towers and similar facilities.
  3. Automobile and truck service centers including major automobile repair.
  4. Recycling stations.
  5. Outdoor storage.
  6. Uses of the same nature or class as the majority of the uses listed in this district as either a Permitted Use or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Township Board, following a Planning Commission public hearing and recommendation. The determination shall be based on the standards of Section 413. Any use not listed and not found to be "similar" is prohibited.
  7. Accessory uses, buildings and structures customarily incidental to an approved Special Land Use Permit; however, a separate Special Land Use Permit shall be required for any use or storage of hazardous materials and any fuel storage tanks.
  8. Outdoor and indoor commercial recreation such as miniature golf, go-cart tracks, bowling alleys, golf driving ranges, batting cages, tennis courts, soccer fields, and other similar uses.\*
  9. Limited outdoor and indoor retail sales that are secondary to and located on the same site as any use permitted by right or by special land use approval in the C-3 district, subject to the following restrictions:
    - a. Retail operations, including display and sales areas and storage or stock areas shall occupy no more than 30% of the total floor area of the principal use on the site or 10,000 square feet, whichever is less.
    - b. The type and quantity of traffic generated by the secondary retail use shall be compatible with permitted light manufacturing uses permitted in the C-3 district.
    - c. Adequate parking shall be provided for the secondary retail operation as specified in Article 6.
    - d. All retail sales and display shall comply with any applicable specific requirements of Section 908.
    - e. The Planning Commission shall establish as a condition of approval that the special use permit for the secondary retail use shall become null and void if the primary use to which it is accessory

ceases to operate on the site for a period of 6 months or more. If a new primary use that is permitted by right or by special land use approval in the C-3 district is established on the site within 6 months of the cessation of the initial primary use on the site, the secondary retail use may continue to operate.

**D. Other Requirements:**

1. Unless specifically mentioned, all activities in this district shall be carried on in completely enclosed buildings.
2. Storage of finished or unfinished materials, or any equipment or machinery necessary to the operation, is permitted, but all storage areas shall be effectively screened with a solid, uniformly finished wall or fence with solid entrance and exit gates. Said wall or fence shall in no case be lower than the enclosed storage.
3. Minimum spacing between two commercial driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum spacings indicated below are measured from centerline to centerline.

<u>Posted Speed Limit (MPH)</u>	<u>Minimum Driveway Spacing (In Feet)</u>
25	125
30	155
35	185
40	225
45	300
50 and higher	330

4. To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways shall be offset a minimum of two-hundred-fifty (250) feet from those on the opposite side of the roadway. These standards may be reduced by the Planning Commission if approved by the Ingham County Road Commission, as appropriate. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.
5. The number of commercial driveways serving a property shall be the minimum number necessary to provide reasonable access and access for emergency vehicles, while preserving traffic operations and safety along the public roadway.
6. Access shall be provided for each separately owned parcel. This access may be an individual driveway, shared driveway or via a service drive. Additional driveways may be permitted for property only as follows:
  - a. One (1) additional driveway may be allowed for properties with a continuous frontage of over three-hundred (300) feet, and one (1) additional driveway for each additional three-hundred (300) feet of frontage, if the Planning Commission determines there are no other reasonable access opportunities.
  - b. The Planning Commission determines additional access is justified without compromising traffic operations along the public street, based upon submission of a traffic impact study by a qualified traffic engineer.
  - c. Two one-way driveways may be permitted where the frontage is at least one-hundred-twenty-five (125) feet.
7. Where noted above, or where the Planning Commission determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, a shared commercial driveway, frontage road or rear service drive connecting two or more properties or uses may be required.

### Article 3 Zoning Districts, Map, and Schedule of Regulations

- E. **Additional Site Development Standards:** All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

Article 2	Definitions
Article 3	Schedule of Regulations
Article 4	General Provisions, including landscape standards
Article 5	Standards for Nonconforming Situations
Article 6	Parking and Loading-Unloading Standards
Article 7	Signs
Article 8	Site Plan Approval Standards
Article 9	Special Land Use Standards
Article 10	Planned Unit Development Overlay Option (PUD)
Article 12	Standards for Private Road and Access Easements
Article 13	Land Divisions and Combinations
Article 14	Floodplain Development Standards
Article 16	Board of Appeals

# ARTICLE 4      **GENERAL PROVISIONS AND EXCEPTIONS**

## **Section 401      INTRODUCTION**

The standards and regulations listed in this Article shall apply to all uses, buildings and structures within all zoning districts unless otherwise addressed.

## **Section 402      WITHHOLDING OF APPROVAL**

The Planning Commission, Board of Zoning Appeals or Township Board may withhold granting of approval of any use, Special Land Use, site plan, Planned Unit Development Plan, variance or other approval required by this Ordinance pending approvals which may be required by state, county or federal agencies or departments.

## **Section 403      VOTING PLACE**

The provisions of this Zoning Ordinance shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a Township, school or other public election.

## **Section 404      PRINCIPAL BUILDING, STRUCTURE OR USE**

No zoning lot may contain more than one (1) principal building, structure or use except: groups of multiple family dwellings under the same ownership, condominium developments, manufactured housing parks, unified shopping centers, an auto dealership, an office complex or a Planned Unit Development.

## **Section 405      LOT AREA CAN BE ALLOCATED ONCE**

No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.

## **Section 406      YARD ENCROACHMENTS PERMITTED**

The following elements of structures are not considered in determining yard requirements:

- A. Uncovered paved terraces, patios, and porches.
- B. Special structural elements such as cornices, chimneys, gutters, eaves, and similar structural features.
- C. Fire escapes or open stairways may project into the yard six and one-half (6 ½) feet.

## Article 4 General Provisions and Exceptions

### Section 407 HEIGHT REQUIREMENT EXCEPTIONS

The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:

- A. Those purely ornamental In purpose such as church spires, belfries, cupolas, domes, ornamental towers, flag poles, monuments.
- B. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smoke stacks. water tanks. elevator and stairwell penthouses, ventilators. bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, wire transmission structures, cooling towers.
- C. Those structural extensions deemed necessary for appropriate building design such as cornices or parapet walls may extend a maximum of six and one-half (6.5) feet above height limitations and shall have no window openings.
- D. Essential public services.

### Section 408 SINGLE FAMILY DWELLING DESIGN STANDARDS

Single family dwellings, whether mobile homes, manufactured homes, modular homes or site ("stick") built homes, located outside a mobile home park shall conform to the standards of this Section in addition to the Township Building Code. The standards herein are intended to prevent "grossly dissimilar" dwellings which would adversely affect the value of dwellings in the surrounding area, adversely affect the desirability of an area to existing or prospective homeowners, impair the stability of the environment, prevent the most appropriate use of real estate and lessen the opportunity to realize the development pattern envisioned in the Leroy Township Master Plan. The term "grossly dissimilar" as used in this Section, means an immediately obvious difference in the exterior design and appearance compared to existing single family homes in the surrounding area which is apparent to professionals in the building trade, neighbors and potential residents.

- A. **Code Compliance and Certification:** Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction, plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended. Any similar successor or replacement standards which may be promulgated, or (ii) used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in Subsection (I) above, and found, on inspection by the Building and Zoning Administrator or their designee, to be in excellent condition and safe and fit for residential occupancy. All dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent standard shall apply.
- B. **Building Permit:** All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Township Building Code and other building regulations.
- C. **Dimensional Standards:** Each such dwelling unit shall comply with the minimum standards listed in Article 4 for the Zoning District in which it is located, including minimum lot area, minimum lot width, minimum floor area, required setbacks and maximum building height.
- D. **Foundation:** Each dwelling unit shall be firmly attached to a permanent basement or crawl space foundation constructed on the site in accordance with the Township 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 building code for single-family dwellings. If said dwelling is a mobile home, the dwelling shall be securely anchored to the foundation to prevent displacement during windstorms.

- E. **Undercarriage:** In the event that such dwelling unit shall be a mobile home, the wheels, tongue, hitch assembly and other towing appurtances shall be removed before attachment to its permanent foundation. The foundation or skirting shall fully enclose the towing mechanism, undercarriage and chassis.
- F. **Storage Area:** Each such dwelling unit shall contain a storage area equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever is less. This storage area shall consist of a basement, attic, attached garage, or a separate detached accessory structure which complies with the standards of this Zoning Ordinance regarding accessory buildings and structures. The intent of these standards is to limit the extent of outdoor storage.
- G. **Architectural Compatibility:** In the event that such dwelling unit shall be a manufactured, modular or mobile home as defined herein, each such home shall be aesthetically compatible in design and appearance with other residences in similar zoning districts in the surrounding area. Surrounding area shall be defined within five hundred (500) feet in all residential districts; with measurements made from the edge of the lot in each direction. The determination shall be made by the Building Inspector based on the following factors:
  1. The residential floor area of the proposed dwelling shall be at least seventy five percent (75%) of the average square footage of constructed single family dwellings in the surrounding area.
  2. The type of material used in the proposed dwelling is not grossly dissimilar to the type of materials used in single family homes in the surrounding area, provided the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel.
  3. The design and position of windows shall not be grossly dissimilar in relation to other single family homes in the surrounding area .
  4. A roof overhang of not less than six inches on all sides shall be provided, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
  5. A minimum of two (2) exterior doors shall be provided with the second one being in either the rear or side of the dwelling.
  6. The width across any front, side or rear elevation shall be a minimum of twenty (20) feet and comply in all respects with the Township Building Code (BOCA).
  7. An applicant may appeal to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Building Inspector's decision.
  8. The above standards 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.
- H. **Sewage Disposal and Water Supply:** Each such dwelling unit shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- I. **Exceptions:** The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this ordinance and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the Township unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this Ordinance.

## Article 4 General Provisions and Exceptions

### Section 409 PARKING, STORAGE AND REPAIR OF VEHICLES

The following standards shall apply to any storage or repair of vehicles within any zoning district:

- A. All vehicles parked or being worked on in a front yard area shall be on an approved driveway surface, licensed and operable.
- B. Routine maintenance procedures (such as washing, changing oil, fluids, belts or spark plugs) on a residential lot shall only be permitted on a licensed vehicle that is owned by the owner or tenant of the principal dwelling. Such maintenance procedures shall be permitted for a maximum of four (4) consecutive hours and a maximum five (5) days during any single month. Procedures which require the vehicle to be immobile or inoperable in excess of five (5) consecutive days shall be carried out within an enclosed building or off the premises.
- C. Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.
- D. Parking of wreckers is prohibited in any zoning district except on a lot where the principal use involves approved automotive service or repair.
- E. Parking of commercial vehicles over one (1) ton within public street right-of-way is prohibited.
- F. Parking of commercial vehicles over one (1) ton anywhere in a residential district is prohibited; except parking and storage of larger vehicles for farming operations, lumbering is permitted in residential districts if the Building and Zoning Administrator determines the vehicle is used exclusively for permitted uses in the district.
- G. It shall be unlawful for the owner, tenant or lessee of any lot to permit the open storage or outdoor parking of semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless the storage or sales of such vehicles is an approved use for the principal building on the site or unless the vehicles are temporarily parked while in use for approved construction on the property.
- H. Parking of commercial vehicles of up to and including one (1) ton in the front yard may be permitted by the Zoning Board of Appeals upon finding the vehicle is needed for business of the property owner or is used for an essential service. In making such determination the Board of Appeals shall consider the feasibility of parking in the side or rear yards on the particular lot, the proximity of adjacent homes, neighborhood character and the size of the proposed vehicle. The Zoning Board of Appeals shall conduct a public hearing to consider such a request. The Zoning Board of Appeals may impose requirements on parking location and duration limits if the vehicle is for temporary or seasonal use.

### Section 410 RECREATIONAL VEHICLE PARKING AND STORAGE

The outdoor parking of recreational vehicles, snowmobiles and boats for periods exceeding twenty-four (24) hours is prohibited except within approved recreational vehicle storage yards. When recreational vehicles are stored, the vehicles must be stored only within the confines of the rear yard or side yard when behind the front building line of the principal building; and shall further comply with all side and rear yard building setback requirements. All recreation vehicles parked or stored, shall not be connected to sanitary facilities and shall not be occupied.

**Section 411 KEEPING OF LIVESTOCK AND OTHER ANIMALS**

- A. Livestock and other animals (not including horses or ponies, which are subject to the stable regulations contained elsewhere in this Ordinance) may be kept only in accordance with the following schedule, except when related to an active farm:

<b>Land Use Zoning District</b>	<b>Regulation</b>
R-1 districts	<b>CATTLE or SHEEP:</b> Two (2) per five (5) acres. One (1) additional for each 2.5 acres in excess of five (5) acres. The combined number of, cattle and sheep may not exceed two (2) per five (5) acres.
	<b>PIGS or GOATS:</b> Four (4) per five (5) acres. If a combination of horses, cattle, sheep, ponies, pigs, and goats are to be maintained, two (2) pigs or goats may replace either a horse, cow, sheep, or pony in the total number allowed as indicated above.
	<b>POULTRY:</b> Ten (10) per acre, in any combination, in addition to other livestock.
AG and RA districts, on lots of 2.5 acres or more, but less than five (5) acres.	<b>CATTLE or SHEEP:</b> Two (2). The combined number of cattle and sheep may not exceed two (2).
	<b>PIGS or GOATS:</b> Four (4). If a combination of horses, cattle, sheep, ponies, pigs, and goats are to be maintained, two (2) pigs or goats may replace either a horse, cow, sheep, or pony in the total number allowed as indicated above.
	<b>POULTRY:</b> Twenty (20) per acre, in any combination, in addition to other livestock.
AG and RA districts, on lots of five (5) acres or more.	<b>CATTLE or SHEEP:</b> Three (3) per five (5) acres. One (1) additional for each 1.67 acres in excess of five (5) acres. The combined number of cattle and sheep may not exceed three (3) per five (5) acres.
	<b>PIGS or GOATS:</b> Six (6) per five (5) acres. If a combination of horses, cattle, sheep, ponies, pigs, and goats are to be maintained, two (2) pigs or goats may replace either a horse, cow, sheep or pony in the total number allowed as indicated above.
	<b>POULTRY:</b> Thirty (30) per acre, in any combination, in addition to other livestock.”

- B. All animals shall be properly fenced and contained.
- C. Except on farms, barns suitable for housing of animals and storage of the necessary hay and grain they consume may be constructed on the premises in accordance with Section 416 provided they meet other requirements found in this section. Construction of all barns and outbuildings shall require a building permit. Barns and outbuildings that house 20 animals or fewer shall be set back a minimum of 40 feet from

## Article 4 General Provisions and Exceptions

the lot line, while barns and outbuildings that house more than 20 animals shall be set back a minimum of 150 feet from the lot line.

- D. Lots on which animals are kept shall be fenced. Special training or exercising corrals shall be set back a minimum of 40 feet from any lot line.
- E. Except on farms, accumulations of manure shall be limited to a single designated area and shall be a minimum of 100 feet from all public rights-of-way, a minimum of 100 feet from side and rear lot lines, and a minimum of 100 feet from all dwellings.
- F. Other animals which are not specifically permitted hereunder are prohibited except for pets and other animals permitted by the Zoning Board of Appeals and under conditions designed to protect the public health, safety and welfare.

### Section 412 NONCONFORMING FARMS

Buildings, structures and uses on non-conforming farms may be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of this ordinance, provided such expansion, enlargement or extension is approved by the Planning Commission and further subject to site plan approval in accordance with Article 8 Site Plan Review Standards. In approving or disapproving site plans, the Commission shall consider off-site impacts of the farm on abutting and surrounding uses, especially residences.

### Section 413 DETERMINATION OF "SIMILAR USES"

In recognition that every potential use cannot be addressed in this zoning ordinance, each nonresidential article list of uses accommodates uses of the same nature or class as the uses listed and not listed elsewhere in this zoning ordinance, as determined by the Planning Commission. The Planning Commission shall make such a determination according to the following:

- A. A finding the proposed use is not listed as a Principal Use Permitted or Special Land Use in any zoning district.
- B. If the use is not addressed in the zoning ordinance, the Planning Commission shall select the use listed in the zoning ordinance which most closely resembles the proposed use using criteria such as potential impact on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts terms of health, safety and welfare in the Township. The Planning Commission may determine that there is no similar use and that the use should be prohibited according to the standards of "Prohibited Uses."
- C. Once a similar use is determined, the proposed use shall comply with any special conditions or Special Land Use Standard that apply to the similar use.
- D. The Planning Commission or applicant shall have the option to request an amendment to the zoning ordinance to specifically address the use in question, rather than treating the proposed use as a similar use.
- E. The determination as to whether a proposed use is similar in nature and class to other Principal use permitted or Special Land uses within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the Planning Commission to be a "use of the same nature or class as uses listed" shall thereafter be included in the enumeration of the uses.

**Section 414 PROHIBITED USES**

Basis: Certain uses may not be appropriate within Leroy Township given the existing development pattern, environmental condition and overall character in the community. In accordance with the *Township Rural Zoning Act* a zoning ordinance or zoning decision can totally prohibit the establishment of a requested land use within a township if there is not an appropriate location within the community or the use is unlawful, even if there is a demonstrated need for that land use either in the township or surrounding area. In determining there is no appropriate location for the use within the Township the Planning Commission shall consider the following:

- A. The land area required by the proposed use.
- B. Existing environmental conditions and potential environmental hazards.
- C. The potential impact on surrounding properties in terms of traffic, noise, lighting, property valuation and views.
- D. Demand and capacity of utilities and municipal services to support the proposed use.
- E. Finding there is an alternative land use for the property that will provide the property owner with a reasonable rate of return on investment.

**Section 415 ESSENTIAL PUBLIC SERVICES AND REQUIRED UTILITIES**

- A. **Essential services buildings and structures** shall be permitted as authorized under any franchise in effect within the Township, subject to regulation as provided in any law of the State of Michigan the list of uses within each zoning district or in any other Township Ordinance provided it is the intent of this section to ensure conformity of all buildings, structures uses and storage yards to the requirements of this Zoning Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or Township Ordinance. In the absence of such conflict, the Zoning Ordinance shall prevail. Appeal from the application of this Ordinance in regard to any essential service may be made to the Zoning Board of Appeals.
- B. **Public and On-Site Utilities:** Prior to issuance of a building permit under the terms of this Ordinance, the applicant shall obtain engineering approval from the Township. On-site septic systems shall be designed in accordance with the standards of the Ingham County Health Department.

**Section 416 ACCESSORY BUILDINGS**

All accessory buildings and structures permitted in this Zoning Ordinance shall be subject to the following:

- A. **Relation to Principal Building:** Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with, a principal building, structure or use which is permitted in the particular zoning district. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
- B. **Maximum Number:** There shall be a maximum of one (1) detached accessory building of over one hundred (100) square feet and a maximum of two (2) total detached accessory buildings on any lot. This does not apply to necessary farm structures which are permitted accessory structures when incidental to the operation of a farm.
- C. **Restrictions on Placement for Detached Accessory Buildings:**

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1. Accessory buildings shall not be erected in any right-of-way, easement, required front yard nor any closer than six (6) feet from any side or rear property line; except accessory buildings are permitted in the front yard on lots of at least five (5) acres when the setback is equal to the setbacks of established uses on adjoining lots, as determined by the Building Inspector, or two hundred (200) feet.
  2. Accessory buildings shall be set back at least six (6) feet from any side or rear property line and ten (10) feet from the principal building located on the lot.
  3. In the case of attached residential dwelling complexes, detached parking garages or carports may be permitted in the non-required front yard provided the Planning Commission approves the site plan, landscaping, elevation drawings and construction materials. In reviewing such structures, the Planning Commission shall consider the impact of headlights and views from nearby public streets and adjacent properties.
- D. **Required Setbacks (attached):** Where the accessory building, structure or use is structurally attached to a principal building, structure or use, it shall be subject to all the regulations of this section applicable to principal buildings, structures and uses, except for unenclosed decks (Section 417) and projections into yards (Section 406).
- E. **Maximum Height:** The maximum building height of any detached accessory building or structure, measured from the average height between the eaves and the ridge, shall be as follows:

<b>TABLE 3</b>	
<b>Maximum Height: Accessory Structures</b>	
Zoning District	Maximum Height
AG, Agricultural Enterprise	100 ft. Farm Related 35 ft. Non-Farm Related
RA, Residential-Agricultural	24 ft.
R-1, Low Density Residential	14 ft.
RM-1, Multiple Family Residential	14 ft.
MP, Mobile Home Park	14 ft.
PO, Professional Office	14 ft.
C-1, Neighborhood Commercial	14 ft.
C-2, Commercial Highway Interchange	14 ft.
C-3, Light Manufacturing	24 ft.

- F. **Drainage:** The placement and design of any accessory building or structure shall not have a significant impact on stormwater runoff. The Building Inspector may require grading plans or a sketch plan to ensure compliance with this provision.
- G. **Permit Required:** The construction or placement of any accessory building or structure greater than one hundred (100) square feet shall require a building permit.
- H. **Restrictions on Use:** Accessory buildings shall not be occupied for dwelling purposes nor used for any business profession, trade or occupation except for permitted caretakers dwellings, as permitted in Section 908.

**Section 417 ACCESSORY STRUCTURES: DECKS**

- A. **Attached or unattached uncovered decks, terraces, patios and porches without a roof or other form of solid enclosure** shall have a maximum height of three (3) feet when located in a front or side yard, measured at the mean finished grade, and a maximum height equal to the floor level of a second story when located in a rear yard. Such decks shall extend a maximum of fifteen (15) feet into the required rear yard setback area and be at least three (3) feet from any property line. Larger decks and higher decks must meet the setback standards for principal buildings. Decks with a maximum height over three (3) feet above mean grade in a front or side yard shall be approved by the Planning Commission in consideration of aesthetics and impact on the surrounding neighborhood. The area between the ground and floor elevation of such decks shall remain open except for structural supporting posts. In addition, the setback from a regulated wetland shall be at least ten (10) feet.
- B. **Gazebos:** Decks may include a roofed gazebo, provided the gazebo is unenclosed year round by wood, screens or glass except for wooden railings.

**Section 418 ACCESSORY STRUCTURES: SWIMMING POOLS**

- A. **Requirement for Fence:** Every person owning land on which there is located a swimming pool capable of holding water at a depth of 24 inches or greater (measured from the lowest point in the pool to the top of the pool wall) shall erect and maintain thereon a fence or enclosure approved by the Building Inspector in conformance with the Township Ordinance and adopted Building Code.
- B. **Relationship of Height to Setback:** Swimming pools, spas, hot tubs, similar facilities and surrounding decks, walks or similar accessories with an elevation measured from the mean grade at any point adjacent to such facility of two (2) feet or less shall be at least six (6) feet from any lot line. Where the elevation of the pool or surrounding deck, walk or similar facility is greater than two (2) feet above grade at any point, the setback shall be at least twelve (12) feet from any lot line.
- C. **Restriction From Front Yard:** Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard.
- D. **Surrounding Walk:** All public swimming pools shall be surrounded by a slip resistant walk at least four (4) feet wide.
- E. **Permits:** Permits shall be applied for and issued from the Township Building Inspector prior to excavation or construction of any swimming pool, spa, hot tub or similar device requiring a fence as noted in item (1) above. The application shall be accompanied by a complete set of plans and specifications. A final inspection and approval from the Township Building Inspector must be obtained prior to use of the swimming pool.

**Section 419 ACCESSORY STRUCTURES: WASTE RECEPTACLES**

Waste receptacles and compactors shall be designed, constructed and maintained according to the standards of this section. Dumpster location and details of construction shall be shown on site plans. A change in the location or size of a waste receptacle shall require modification to the enclosure, as warranted by this section.

- A. **Location:** Waste receptacles shall be located in the rear yard or non-required side yard, unless otherwise approved by the Planning Commission, and shall be as far as practical, and in no case be less than twenty (20) feet from any residential district.

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- B. **Access:** Waste receptacles shall be easily accessed by refuse vehicles without potential to damage the building or automobiles parked in designated parking spaces.
- C. **Base Design:** The waste receptacles base shall be at least ten (10) feet wide by twenty (20) feet deep, constructed of six (6) inches of 3500 P.S.I. concrete with air entrainment containing 6 x 6 inch ten (10) gauge welded wire mesh. The base shall extend six (6) feet beyond the dumpster pad or gate to support the front axle of a refuse vehicle.
- D. **Enclosure:** Waste receptacles shall meet the following standards:
  - 1. Each waste receptacle shall have an enclosing lid or cover;
  - 2. Waste receptacles may not be required if the opening of the enclosure is not visible from the public street or a residential district, as determined by the Planning Commission.
  - 3. The enclosure shall be constructed of brick or decorative masonry block with a maximum height of six (6) feet or at least one (1) foot higher than the waste receptacle and spaced at least three (3) feet from the waste receptacle. Landscaping around the waste receptacle may be required where it can be viewed from a residence or a public street.
  - 4. The Planning Commission may approve a wooden enclosure where intensity of use will be low provided the lumber is treated to prevent decay or is determined to be durable and suitable for outdoor use by the Building Inspector. Posts shall be either 6 x 6 inch pressure treated wood or three inch (3") diameter galvanized steel posts set in concrete.
  - 5. Bollards or similar protective devices may be installed at the opening to prevent damage.

## Section 420 ACCESSORY STRUCTURES: FENCES

Fences are permitted subject to the following regulations:

- A. **Permits:** The erection, construction or alteration of any fence shall require a fence permit and shall be approved by the Building Inspector in compliance with the provisions of this Ordinance and the Township Building Code.
- B. **Location in Front Yards:** Fences of an ornamental nature may be located in a front yard of any lot of record up to a height of forty two (42) inches, provided that for corner lots adequate sight distance is provided as described in Section 427. Ornamental fences shall be of approved materials, of a design as to be non-sight obscuring and of a fence type listed below:
  - 1. Post and Rail
  - 2. Split Rail
  - 3. Picket
  - 4. Wrought Iron
  - 5. Other types of ornamental fences must be approved by the Leroy Township Planning Commission prior to placement in a front yard area.
- C. **Location in Other Yards:** A fence may be erected on any yard of a lot of record, except the front yard, provided the fence does not obscure sight distance for motorists on the street or exiting driveways and is setback at least twenty (20) feet from any public street right-of-way or private road easement.
- D. **Location for Animal Enclosures:** Fences to enclose animals may be erected in the front yard and along a right-of-way line provided the site has at least two hundred (200) feet of frontage, the fence is wooden rail

with a maximum height of five (5) feet required yards. Fences to enclose animals in side and rear yards shall be setback at least twenty (20) feet from any property line and a maximum six (6) feet high.

- E. **Location/Height in C-3 Districts:** Fences in C-3 Districts with a maximum height of six (6) feet may be located in any yard except the front yard provided such fences shall be located on parcels with a principal building containing an approved industrial use, the fence is maintained in good condition and does not constitute an unreasonable hazard or nuisance.
- F. **Wood Fence Standards (Privacy Fences):** Wooden fences may be erected in a rear or side yard area on any lot of record provided the fence does not extend beyond the front building line or into the required front yard setback (whichever is greater). Wooden fences shall be a maximum of six (6) feet in height measured from the surrounding grade at every point along the fence line.
- G. **Chain Link Standards:** No chain link or wire fence shall hereafter be erected in any required rear or side yard area on any lot of record in excess of five (5) feet in height measured from the surrounding grade at every point along the fence line. Welded wire fences are strictly prohibited unless utilized in conjunction with an approved fencing operation.
- H. **Public Fences:** Fences which enclose public parks, public institutions, playgrounds or other public areas, may be a maximum six (6) feet in height, measured from the surrounding grade at every point along the fence line. Such fence shall not obstruct vision to an extent greater than twenty-five (25) percent of the total fence area.
- I. **Through Lot:** Any through lot of record may erect non-sight obscuring fences 60 inches or less in height in any required yard area whichever is greater. However, if the secondary front yard area abuts a public street the fence may not be located closer than 50 feet from the center line of said right-of-way.
- J. **Corner Lot:** A non-sight obscuring fence a maximum four (4) feet in height may be erected in the "secondary" front yard area or corner lot of record as determined by the Building Inspector provided the fence is at least fifty (50) feet from the center line, the public street centerline.
- K. **Orientation of Finished Side:** If a fence is only finished on one (1) side, the finished side of a fence shall face the exterior of the lot. Posts shall be placed on the interior of the fence.
- L. **Restrictions on Electrification:** Fences shall not contain electric current or charge of electricity unless used in conjunction with a permitted farming or stable operation.
- M. **Restriction on Barbed Wire, etc.:** Barbed wire, spikes, nails or any other sharp instruments of any kind are prohibited on top of or on the sides of any fence, except for the following:
  1. barbed wire may be permitted for an animal enclosure in conjunction with a permitted farming or stable operation.
  2. barbed wire cradles may be placed on top of security fences enclosing public utility buildings or storage yards in the C-3 District;
  3. one (1) foot of barb wire may be placed at the top of any approved security fence surrounding a rear storage yard in an industrial district if approved by the Planning Commission;
  4. barbed wire may be used where deemed necessary by the Planning Commission in the interests of public safety or protection of private property.
- N. **Maintenance:** All fences shall be maintained in a good condition, in an up right position and shall not constitute an unreasonable hazard. Any fence which is not maintained, as determined by the Building Inspector, shall be removed or replaced (any required fence shall be replaced).

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**Section 421 ACCESSORY STRUCTURES: RESIDENTIAL & COMMERCIAL SATELLITE DISH ANTENNAS**

- A. **Purpose:** The intent of this section is to regulate reception antenna facilities to:
1. Promote safety and prevent hazards to persons and property resulting from accidents involving antenna facilities which could fall from structural mountings due to wind load, snow load or other factors;
  2. Promote utilization of ground mounting for antenna facilities where reasonably feasible;
  3. Require screening of ground-mounted facilities to maintain architectural integrity and aesthetic quality of property improvements and preserve property values;
  4. Exclude from provisions of this section, conventional VHF and UHF television antennas and short wave radio (HAM) antennas based upon the following findings: there is relatively minor concern for wind and snow load issues due to an established safety record; there has been an historical acceptance of such facilities from architectural and aesthetic standpoints; and the cost of complying with the procedure for application and review would be unreasonable in relation to the cost of purchasing and installing the facility;
  5. Balance regulations on the placement and manner of reception antenna installation to the minimum required to achieve the objectives herein;
  6. Promote and protect the public health, safety and welfare by the exercise of Town police powers in relation to the property owners right to construct and use reception antennas to receive signals without unreasonable restriction.
- B. **Applicability:** In all zoning districts, the installation and/or use of a satellite dish antenna facility over 18 inches in diameter shall be permitted only as an accessory use, and only when meeting the standards of this section. Upon review of the application, the Building Inspector shall grant approval if it is found that the plans comply in all respects with this zoning ordinance and the Township Building Code. All satellite dish antennas 18" in diameter or smaller shall not be subject to site plan review but must adhere to all other regulations stipulated under this section.
- C. **Definitions:**
- Satellite Dish Antenna - Any accessory structure capable of receiving for the sole benefit of the principal use, radio and/or television signals from a transmitter or transmitter relay located in planetary orbit.
- Reception Window - The area between two parallel line extending outward from the side of a satellite dish antenna.
- D. **Conditions For Approval of Permit For Residential Uses:** Satellite dish antennae may be permitted as an accessory use to a residential land use in any zoning district, subject to the following conditions:
1. Ground-mounted antennae up to ten (10) feet in diameter shall be permitted.
  2. Maximum height permitted for ground-mounted antennas shall be twelve (12) feet.
  3. The satellite dish structure shall be securely mounted and anchored to a pole and secured in accordance with the requirements of the manufacturer and the Township Building Code.
  4. The antenna shall be located and designed to meet manufacturers specifications and the requirements of the Township Building Code.
  5. Satellite dish antennas over 18" in diameter shall not be roof-mounted when the structure is used residentially or in a residential zoning district.

6. Satellite dish antennas over 18" in diameter shall be restricted to rear yards only and shall meet the minimum setback for accessory uses in each specific zone. The minimum setback may need to be altered to prevent any obstruction of the reception window.
7. Satellite dish antennas 18" or less in diameter can be mounted on either: (1) the rear or side roof of a residential structure; or (2) the rear wall of a residential structure.
8. All electrical and antenna wiring shall be placed underground or otherwise obscured from view.
9. The surface of the dish shall be painted or treated as not to reflect glare from sunlight, and shall not be used as any sign or message board.
10. All installations shall employ (to the extent possible) materials and colors that blend the surroundings. Ground-mounted antennas shall not be white unless it is of a mesh type or unless the background consists primarily of a white building. Bright or pastel colors shall not be used in any instance.
11. The antenna, including guy wires, supporting structures and accessory equipment, shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets. Antennas should be screened through the addition of architectural features and/or landscaping that harmonize with the elements and characteristics of the property.
12. As per the Federal Communications Commission (FCC) final rule as it relates to satellite dish antennas and appropriate landscaping, no landscaping requirements shall cause interference with a satellite dish antenna's reception window. If a requirement impedes reception, said requirement shall be overruled by the FCC's final rule. The Planning Commission may, however, investigate alternative locations and methods of screening for the satellite dish antenna, through the site plan review process, that will not interfere with the reception window. Landscaping requirements surrounding said antenna which do not interfere with the reception window can be sustained and will be enforced.
13. Only one satellite dish shall be located on the same lot as a principal building. Antennas are permitted only in connection with, incidental to and on the same lot as a principal building, structure or use.

**E. Conditions of Approval For Permit For Commercial Uses:**

1. In any C-3, Light Manufacturing zoning district, ground-mounted satellite dish antennas up to 40 feet in diameter may be permitted as accessory uses subject to the following criteria:
  - a. All installations that abut land zoned for residential purposes shall comply with the principal setback requirements specified within the underlying district. All installations not abutting residentially zoned land shall comply with the district's accessory use setbacks.
  - b. All installations shall comply with the maximum height restrictions imposed upon primary uses.
  - c. In no instance shall satellite dish antennae be located in any front yard.
  - d. The satellite dish structure shall be securely mounted and anchored to a pole, and secured in accordance with the requirements of the manufacturer and the Township Building Code.
  - e. The surface of the dish shall be painted or treated as not to reflect glare from sunlight, and shall not be used as any sign or message board.
  - f. All installations shall employ (to the extent possible) materials and colors that blend in with the surroundings. Ground-mounted antennas shall not be white unless it is of a mesh type or unless the background consists primarily of a white building. Bright or pastel colors shall not be used in any instance.
  - g. The antenna, including guy wires, supporting structures and accessory equipment, shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets. Antennas should be screened through the addition of architectural features and/or landscaping that harmonize with the elements and characteristics of the property.

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2. In any Light Manufacturing zoning district, roof-mounted satellite dish antennas up to 12 feet in diameter may be permitted as accessory uses subject to the following conditions:
  - a. The height of the proposed installation does not exceed the maximum height restriction imposed for primary uses within the zoning district.
  - b. All applications must include certification by a licensed engineer that the proposed installation complies with the standards of the Town Building Code and the manufacturers specifications. Furthermore, written documentation of such compliance, including load distributions within the building's support structure, shall be furnished.
  - c. The surface of the dish shall be painted or treated as not to reflect glare from sunlight, and shall not be used as any sign or message board. All installations shall employ (to the extent possible) materials and colors that blend in with the surroundings.
  - d. To the extent possible, roof mounted satellite dish antennas should be located on the building where they are least visible from adjacent properties and public streets.
  - e. Up to two (2) satellite dish antennas over 18" in diameter and up to four (4) satellite dish antennas 18" in diameter or less may be mounted on the roof of any commercial structure.
- F. **Interpretation Guidelines:** The provisions of this section shall be interpreted to carry out the stated objectives of this section, and shall not be interpreted so as to impose costs on the applicant which are excessive in light of the purchase and installation cost of the antenna facility and accessory equipment.
- G. **Variances:** If a true hardship or practical difficulty exists on a particular lot or parcel of land such that compliance with the provisions of this ordinance is impossible because satellite sight lines are blocked, then a variance may be sought from the Zoning Board of Appeals to the extent necessary to permit reasonable reception, after consideration of the standards of this Article and the following:
  1. The applicant demonstrates that a practical difficulty exists in the subject site land strict compliance with the standards of this ordinance would not provide "reasonable reception."
  2. The safety of the property owner and the surrounding property owners would not be compromised through granting a variance.
  3. Visibility of the antenna facility from adjacent properties or streets will not be significant in relation to other locations.
  4. The variance shall be the minimum necessary to afford relief to the applicant and provide reasonable reception.
  5. "Reasonable reception," as used in this section, does not mean perfect reception from each satellite of any satellites in space.

## Section 422 ACCESSORY STRUCTURES: COMMUNICATION TOWERS

### A. Purpose and Legislative Intent

The Telecommunications Act of 1996 affirmed Leroy Township's authority concerning the placement, construction and modification of Wireless Telecommunications Facilities. In order to ensure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the Township's land use policies, the Township is adopting a single, comprehensive, Wireless Telecommunications Facilities application process.

### B. Definitions

For purposes of this Section, and where not inconsistent with the context of the remainder of this Ordinance, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section.

- 1) **“Accessory Facility or Structure”** means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.
- 2) **“Applicant”** means any Wireless Service Provider submitting an Application for approval of a Wireless Telecommunications Facility.
- 3) **“Application”** means all necessary and appropriate documentation that an Applicant submits for review of a Wireless Telecommunications Facility.
- 4) **“Antenna”** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.
- 5) **“Co-location”** means the use of an existing Tower or structure to support Antennae for the provision of wireless services. A replacement tower that is constructed on the same site as an existing tower will be considered a co-location as long as the new tower is no taller than the old tower and that the old tower is removed in a reasonably short time frame after the new tower is constructed.
- 6) **“Commercial Impracticability” or “Commercially Impracticable”** means the inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be “commercially impracticable” and shall not render an act or the terms of an agreement “commercially impracticable”.
- 7) **“Completed Application”** means an Application that contains all information and/or data necessary to enable an informed decision to be made with respect to an Application.
- 8) **“Board”** means the Township Board of Leroy Township.
- 9) **“Distributed Antenna System or DAS”** means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.
- 10) **“FAA”** means the Federal Aviation Administration, or its duly designated and authorized successor agency.
- 11) **“FCC”** means the Federal Communications Commission, or its duly designated and authorized successor agency.
- 12) **“Height”** means, when referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna or lightning protection device.
- 13) **“Modification” or “Modify”** means, the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or changeout of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a Telecommunications

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Tower or Telecommunications Site as a co-location is a Modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.

- 14) **“NIER”** means Non-Ionizing Electromagnetic Radiation.
- 15) **“Person”** means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.
- 16) **“Personal Wireless Facility”** See definition for ‘Wireless Telecommunications Facilities’.
- 17) **“Personal Wireless Services”** or **“PWS”** or **“Personal Telecommunications Service”** or **“PCS”** shall have the same meaning as defined and used in the 1996 Telecommunications Act.
- 18) **“Repairs and Maintenance”** means the replacement of any component of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.
- 19) **“Stealth”** or **“Stealth Technology”** means to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.
- 20) **“State”** means the State of Michigan.
- 21) **“Telecommunications”** means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
- 22) **“Telecommunication Site”** See definition for Wireless Telecommunications Facilities.
- 23) **“Telecommunications Structure”** means a structure used in the provision of services described in the definition of ‘Wireless Telecommunications Facilities’.
- 24) **“Temporary”** means, temporary in relation to all aspects and components of this Section, something intended to, or that does not exist for more than ninety (90) days.
- 25) **“Tower”** means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.
- 26) **“Wireless Telecommunications Facilities”** means and includes a **“Telecommunications Site”** and **“Personal Wireless Facility”**. It means a structure, facility or location designed, or intended to be used as, or used to support Antennas or other transmitting or receiving devices. This includes without limit, Towers of all types and kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for Antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

**C. Exclusions.**

The following shall be exempt from the requirements of this Section:

- 1) Fire, police, or other public service facilities owned and operated by a unit of local, county, or state government.
- 2) Any facilities expressly exempt from the Township's siting, building and permitting authority.
- 3) Over-the-Air reception Devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception.
- 4) Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial Telecommunications.
- 5) Facilities exclusively for providing unlicensed spread spectrum technologies (such as IEEE 802.11a, b, g (Wi-Fi) and Bluetooth) where the facility does not require a new tower.

**D. Wireless Telecommunications Facility Application and Other Requirements.**

- 1) In addition to all other required information as stated in this Ordinance, all applications for the construction or installation of new Wireless Telecommunications Facilities or modification of an existing facility shall contain the information hereinafter set forth.
  - a) A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;
  - b) Documentation that demonstrates and proves the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the Township. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, including an analysis of current and projected usage;
  - c) The name, address and phone number of the person preparing the report;
  - d) The name, address, and phone number of the property owner and Applicant, and to include the legal name of the Applicant. If the site is a tower and the owner is different that the applicant, provide name and address of the tower owner;
  - e) The postal address and tax map parcel number of the property;
  - f) The Zoning District or designation in which the property is situated;
  - g) Size of the lot or parcel stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;
  - h) The location of residential structures within 500 feet;
  - i) The location, size and height of all existing and proposed structures on the property which is the subject of the Application;
  - j) The type, locations and dimensions of all proposed and existing landscaping, and fencing;
  - k) The azimuth, size and center-line height location of all proposed and existing antennae on the supporting structure;
  - l) The number, type and model of the Antenna(s) proposed with a copy of the specification sheet;
  - m) The make, model, type and manufacturer of the Tower and design plan stating the Tower's capacity to accommodate multiple users;
  - n) A site plan describing the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
  - o) The frequency, modulation and class of service of radio or other transmitting equipment;
  - p) The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts;

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- q) Signed documentation such as the "Checklist to Determine Whether a Facility is Categorically Excluded" to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC RF Emissions guidelines (NIER). If not categorically excluded, a complete RF Emissions study is required to provide verification;
  - r) A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices;
  - s) A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities;
  - t) A copy of the geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for a proposed or existing Tower site and if an existing Tower or water tank site, a copy of the installed foundation design.
- 2) The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new Tower or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also apply to any existing structure or building where the application increases the height of the structure or building. If this analysis concludes, that an FAA determination is required, then all filings with the FAA, all responses from the FAA, and any related correspondence shall be provided with the application.
- 3) Application for New Tower
  - a) In the case of a new Tower, the Applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing Tower(s) or the use of alternative buildings or other structures within the Township. Copies of written requests and responses for shared use shall be provided to the Township in the Application, along with any letters of rejection stating the reason for rejection.

The Tower shall be structurally designed to accommodate at least four (4) additional Antenna Arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference.
  - b) The owner of a proposed new Tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed Tower by other Wireless service providers in the future.
- 4) If proposal is for a co-location or modification on an existing Tower, the applicant is to provide signed documentation of the Tower condition such as an ANSI report as per Annex E, Tower Maintenance and Inspection Procedures, ANSI/TIA/EIA-222F or most recent version. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.
- 5) The Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed Wireless Telecommunications Facility.
- 6) At a Telecommunications Site, an access road shall be provided to assure adequate emergency and service access.
- 7) All Wireless Telecommunications Facilities shall be constructed, operated, maintained, repaired, modified, restored, or provided for removal of, in strict compliance with all current applicable technical, safety and safety-related codes adopted by the Township, State, or United States.
- 8) There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting

shall also include a site visit if there has not been a prior site visit for the requested site. Both the pre-application meeting and the site visit shall take place within 14 days of the submission of the application.

- 9) The owner or authorized agent of a Wireless Telecommunications Facility shall notify the Township of any intended Modification of a Wireless Telecommunications Facility and shall apply to the Township to modify, relocate or rebuild a Wireless Telecommunications Facility.

**E. Location of Wireless Telecommunications Facilities.**

- 1) Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, a) being the highest priority and d) being the lowest priority.

- a) On existing Towers or other structures on Township owned properties, including the right-of-way.
- b) On existing Towers or other structures on other property in the Township.
- c) A new Tower on Township-owned properties, including the right-of-way.
- d) A new Tower in any other part of the Township.

- 2) If the proposed site is not proposed for the highest priority listed above, then the applicant must provide a detailed explanation as to why a site of a higher priority was not selected.
- 3) An Application shall address co-location as an option. If such option is not proposed, the Applicant must explain to the reasonable satisfaction of the Township why co-location is Commercially or otherwise Impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of Commercial Impracticability or hardship.
- 4) Notwithstanding the above, the Township may approve any site located within an area in the above list of priorities, provided that the Township finds that the proposed site is in the best interest of the health, safety and welfare of the Township and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.
- 5) Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the Township may disapprove an Application for a new Tower for any of the following reasons.
  - a) Conflict with safety and safety-related codes and requirements;
  - b) Conflict with the historic nature or character of a neighborhood or historical district;
  - c) The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the Township, or employees of the service provider or other service providers;
  - d) Conflicts with the provisions of this Ordinance.

**F. Shared Use of Wireless Telecommunications Facilities and Other Structures.**

An Applicant intending to locate on an existing Tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the Applicant.

**G. Height of Telecommunications Tower(s).**

- 1) The Applicant shall submit documentation justifying the total height of any Tower, Facility and/or Antenna requested and the basis therefore. Documentation in the form of propagation studies must include all backup data used to perform at the requested height and a minimum of ten (10) feet lower height to allow verification of this height need. Such documentation will be analyzed in the context of

## Article 4 General Provisions and Exceptions

the justification of the height needed to provide service primarily and essentially within the Township, to the extent practicable, unless good cause is shown.

- 2) No Tower constructed after the effective date of this Ordinance, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with Township, State, and/or any Federal statute, law, local law, Township Ordinance, code, rule or regulation.

### H. **Visibility of Wireless Telecommunications Facilities.**

- 1) Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by Law.
- 2) Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Ordinance.
- 3) If lighting is required, Applicant shall provide a plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.

### I. **Security of Wireless Telecommunications Facilities.**

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access.

### J. **Signage**

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the Applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration site as applicable is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

### K. **Lot Size and Setbacks.**

- 1) All proposed Towers and any other proposed Wireless Telecommunications Facility structures shall be set back from abutting lots or parcels and recorded public rights-of-way by the greater of the following distances:
  - a) A distance equal to the height of the proposed Tower or Wireless Telecommunications Facility structure plus ten percent (10%) of the height of the Tower or structure, or
  - b) The existing setback requirement of the underlying Zoning District, whichever is greater.
- 2) Any Accessory structure shall be located so as to comply with the applicable minimum setback requirements for the lot or parcel on which it is situated.

### L. **Retention of Expert Assistance and Reimbursement by Applicant.**

The Township may hire any consultant and/or expert necessary to assist the Township in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any site inspections. An Applicant shall deposit \$1,000 with the Township to cover review costs.

**M. Public Hearing and Notification Requirements.**

- 1) Prior to the approval of any Application for a new Wireless Telecommunications Facility, a Public Hearing shall be held by the Township, notice of which shall be published in a newspaper of general circulation in the Township, consistent with the requirements for a Special Land Use as provided in Section 18-338 of this Ordinance.
- 2) The Township shall schedule the Public Hearing referred to in Subsection (1) of this section once it finds the Application is complete. The Township, at any stage prior to approving a new Wireless Telecommunications Facility, may require such additional information as it deems necessary.

**N. Action on an Application for new Wireless Telecommunications Facilities.**

- 1) The Township shall have 14 days immediately following the filing of an application for a new Wireless Telecommunications Facility, a co-location, or a modification of an existing facility to hold a pre-application meeting, conduct a site visit (if necessary) and request the required information in this Ordinance from the applicant. Once the required information is received, the Township shall have 60 days to approve an application for a co-location or modification and 90 days to approve or deny a Special Use Permit for a new Wireless Telecommunications Facility.
- 2) After review and consideration of the application, which shall include a Public Hearing for new Wireless Telecommunications Facilities, the Township may approve, approve with conditions, or deny a Wireless Telecommunications Facility. Its decision shall be in writing and shall be supported by substantial evidence contained in a written record. The burden of proof for the granting of the approval shall always be upon the Applicant.

**O. Application Fee.**

At the time that a Person submits an Application for a Wireless Telecommunications Facility for a new Tower, such Person shall pay a non-refundable application fee to the Township in accordance with the Fee Schedule established by resolution by the Township Board. If the Application is for modifying or co-locating on an existing Tower or other suitable structure, where no increase in height of the Tower or structure is required, or for a temporary facility, the non-refundable fee shall be of a lesser amount also identified on the fee schedule.

**P. Performance Security.**

The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the Township a bond, or other form of security acceptable to the Township as to type of security and the form and manner of execution, in an amount of at least \$75,000.00 for a Tower facility and \$25,000.00 for a co-location on an existing tower or other structure and with such sureties as are deemed sufficient by the Township to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Wireless Telecommunications Facility approval issued pursuant to this Ordinance.

**Q. Reservation of Authority to Inspect Wireless Telecommunications Facilities.**

In order to verify that the holder of approvals for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, Laws, Ordinances and regulations and other applicable requirements, the Township may inspect all facets of said approval holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, Towers, Antennas and buildings or other structures constructed or located on the permitted site.

## Article 4 General Provisions and Exceptions

### R. Liability Insurance.

- 1) A holder of an approval for a Wireless Telecommunications Facility shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Wireless Telecommunications Facility approval in amounts as set forth below
  - a) Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
  - b) Automobile Coverage: \$1,000,000 per occurrence/ \$2,000,000 aggregate;
  - c) Workers Compensation and Disability: Statutory amounts
- 2) For a Wireless Telecommunications Facility on Township property, the Commercial General Liability insurance policy shall specifically include the Township and its officers, boards, employees, committee members, attorneys, agents and consultants as additional insureds.
- 3) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.
- 4) The insurance policies shall contain an endorsement obligating the insurance company to furnish the Township with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.
- 5) Renewal or replacement policies or certificates shall be delivered to the Township at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.
- 6) Before construction of a permitted Wireless Telecommunications Facility is initiated, but in no case later than fifteen (15) days after the granting of the Wireless Telecommunications Facility approval, the holder of the Wireless Telecommunications Facility approval shall deliver to the Township a copy of each of the policies or certificates representing the insurance in the required amounts.

### S. Indemnification.

1. Any application for Wireless Telecommunication Facilities that is proposed for Township property, pursuant to this Ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the Township, and its officers, boards, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action, or award of damages as may be attributable to the negligent or intentional acts or omissions of the Township, or its servants or agents. With respect to the penalties, damages, or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the Township.
2. Notwithstanding the requirements noted in subsection (1) of this section, an indemnification provision will not be required in those instances where the Township itself applies for and secures approvals for Wireless Telecommunications Facilities

### T. Fines.

1. In the event of a violation of this Ordinance or any Wireless Telecommunications Facility approval issued pursuant to this Ordinance, the Township may impose and collect, and the holder of the

approval for the Wireless Telecommunications Facility shall pay to the Township, fines or penalties as set forth below.

2. The holder of a Wireless Telecommunications Facility approval's failure to comply with provisions of this Ordinance shall constitute a violation of this Ordinance and shall subject the Applicant to the enforcement provisions and procedures as provided in Section 18-422 of this Zoning Ordinance.
3. Notwithstanding anything in this Ordinance, the holder of the approval for a Wireless Telecommunications Facility may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with this Ordinance or any section of this Ordinance. An attempt to do so shall subject the holder of the Wireless Telecommunications Facility approval to termination and revocation of the Wireless Telecommunications Facility approval. The Township may also seek injunctive relief to prevent the continued violation of this Ordinance, without limiting other remedies available to the Township.

**U. Default and/or Revocation.**

If a Wireless Telecommunications Facility is repaired, rebuilt, placed, moved, re-located, modified, or maintained in a way that is inconsistent or not in compliance with the provisions of this Ordinance or of the Wireless Telecommunications Facility approval, then the Township shall notify the holder of the Wireless Telecommunications Facility approval in writing of such violation. An approval holder in violation may be considered in default and subject to fines as in sub-section 18-320(x) of this Section and if a violation is not corrected to the satisfaction of the Township in a reasonable period of time the Wireless Telecommunications Facility approval is subject to revocation.

**V. Relief.**

Any Applicant desiring relief, waiver or exemption from any aspect or requirement of this Ordinance may request such from the Zoning Board of Appeals in accordance with the procedures in this Zoning Ordinance. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the Applicant to prove. The Applicant shall bear all costs of the Township in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved by Zoning Board of Appeals unless the Applicant demonstrates by clear and convincing evidence that it satisfies the standards of approval in Section 16-1 and, if granted the relief, waiver or exemption, will have no significant effect on the health, safety and welfare of the Township, its residents and other service providers.

**Section 423 REQUIRED GREENBELTS, LANDSCAPE MATERIALS AND SCREENING**

In order to provide protective screening and buffers for residential areas adjacent to non-residential areas, the Planning Commission shall require a wall, fence or greenbelt to be provided by the non-residential property owner in accordance with the following:

- A. **Required Greenbelt Along Street Frontage:** Within all multiple family residential, mobile home park and commercial districts, a twenty (20) foot wide greenbelt shall be planted along the public right-of-way including the equivalent of one (1) canopy tree, rounded upward, for every forty (40) linear feet of frontage. The Planning Commission may require the provision of a planting berm at least three (3) feet in height in addition to the plant materials required along the public right-of-way parallel to a major arterial. The Planning Commission may approve substitution of evergreen trees for up to fifty percent (50%) of the required trees. All greenbelt trees shall be arranged to simulate a natural setting such as staggered rows or massings. The remaining greenbelt shall include only living materials with the exception of permitted driveways, sidewalks, signs, and utilities.

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B. **Minimum Plant Material Standards:** All plant material shall be hardy to Ingham County, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.

C. **Minimum Sizes:** Minimum plant sizes at time of installation shall be according to the following:

- Deciduous Canopy Tree: 3" caliper
- Deciduous Ornamental Tree: 2 1/2" caliper
- Evergreen Tree: 6' height
- Deciduous Shrub: 2' height
- Upright Evergreen Shrub: 2' height
- Spreading Evergreen Shrub: 18" - 24" spread

D. **Mixing of Species:** The overall landscape plan shall not contain more than 33% of any one plant species. The use of trees native to the area, and mixture of trees from the same species association, is encouraged.

E. **Prohibited Species:** The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

<u>COMMON NAME</u>	<u>HORTICULTURAL NAME</u>
Box Elder	Acer Negundo
Ginkgo	Ginkgo Biloba (female only)
Honey Locust	Gleditsia Triacanthos (with thorns)
Mulberry	Morus Species
Poplars	Populus Species
Black Locust	Robinia Species
Willows	Salix Species
American Elm	Ulmus Americana
Siberian Elm	Ulmus Pumila
Slippery Elm; Red Elm	Ulmus Rubra
Chinese Elm	Ulmus Parvifola

F. **Installation and Maintenance Provisions:** All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be removed and replaced within six (6) months.

G. **Financial Guarantee:** The Planning Commission may require a financial guarantee of sufficient amount to insure the installation of all required landscaping.

H. **Required Buffer Zones:**

PROPOSED USE:	Adjacent to Single Family District	Adjacent to Multiple Family District	Adjacent to Commercial District
Agricultural	None	None	None
Single Family Residential	None	None	None
Two Family Residential	None	None	None
Multiple Family	B	C	C

Residential			
Neighborhood Commercial	B	C	None
Commercial, Highway Interchange	B	C	C
Office	C	C	None
Light Manufacturing or Industrial	A	B	None
Public/recreational Facilities	None	None	None

**Description of Required Buffer Zones:**

BUFFER ZONE	Minimum Width	Wall/Berm <sup>a</sup>	Minimum Plant Materials <sup>b,c,d</sup>
A	50 feet	6 foot high continuous wall or 4 foot high berm	1 canopy tree, 2 evergreen trees and 4 shrubs per each twenty (20) linear feet along the property line, rounded upward
B	20 feet	6 foot high continuous wall or 4 foot high berm	1 canopy tree, 1 evergreen tree and 4 shrubs per each thirty (30) linear feet along the property line, rounded upward
C	10 feet	None Required	1 canopy or evergreen tree or 4 shrubs per each twenty (20) linear feet along the property line, rounded upward
<p>Note: The Planning Commission may waive or reduce the above requirement for if equivalent screening is provided by existing or planned parks, parkways, recreation areas, or by existing woodlands on the lot, and topographic or other natural conditions. Existing quality trees (hickory, oak, maple, ash) with a caliper at least eight (8) inches shall count as two (2) trees toward the above requirements.</p>			
<p>Footnotes:</p> <p><sup>a</sup> berms shall have a maximum slope of one foot of vertical rise to three feet of horizontal distance 1:3 with a crest area at least four (4) feet wide.</p> <p><sup>b</sup> canopy trees shall have a minimum caliper of 2.5 inches at time of planting.</p> <p><sup>c</sup> evergreens shall have a minimum height of six (6) feet at time of planting</p> <p><sup>d</sup> at least 50% of the shrubs shall be 24 inches tall at planting, with the remainder over 18 inches</p>			

- I. **Waiver from Landscaping and Screening Requirements:** The Planning Commission during Site Plan review may determine that existing landscaping or screening intended to be preserved would provide adequate landscaping and screening. The Planning Commission may also determine dimensional conditions unique to the parcel would prevent development of required buffer zones, off-street parking area landscaping, greenbelts or required buffer zones. If such determination is made, the Planning Commission may waive, in

## **Article 4    General Provisions and Exceptions**

whole or in part, the landscaping provisions of this section. Criteria which shall be used when considering a waiver shall include, but shall not be limited to:

1. existing natural vegetation;
2. topography;
3. existing wetland, floodplain and poor soils areas;
4. existing and proposed building placement;
5. Building heights;
6. Adjacent land uses;
7. Distance between land uses;
8. Dimensional conditions unique to the parcel;
9. Traffic sight distances;
10. Traffic operational characteristics on and off site;
11. Visual, noise and air pollution levels;
12. Health, safety and welfare of the township;

### **Section 424        BUILDING GRADES**

- A. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of water to run away from the walls of the structures thereon. The balance of yard spaces shall be graded and adequate drainage provided where necessary to deflect proper drainage of surface waters from the said premises.
- B. When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade on the vacant lot and on the adjoining lots shall be used in determining the grade around the new building and the yard around the new building.
- C. The final grade shall be approved by the Building Inspector.
- D. For the purposes of defining the finish floor elevation, the average elevation between two structures shall be used; if it is not possible to determine the average, the Building Department will determine the finished floor elevation.

### **Section 425        EXCAVATION, FILLING OR GRADING OF LAND**

Excavation of land, filling or grading of land, will require submittal of plans and receipt of a permit from Leroy Township. The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and collection that inconvenience or damage to adjacent properties shall not occur.

### **Section 426        BUILDINGS TO BE MOVED**

Any building or structure which has been wholly or partially erected on any premises within or outside the Leroy Township shall not be moved to and/or placed upon any premises in the Township unless a building permit for such a building or structure shall have been secured. Any such building or structure shall fully conform to all the provisions of this Ordinance in the same manner as a new building or structure.

## Section 427 UNOBSTRUCTED SIGHT DISTANCE

No fence, wall, structure, or planting shall be erected, established, or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway (see Figure 4A). Fences, walls, structures, or plantings located in the triangular area described below shall not be permitted to obstruct cross-visibility between a height of thirty (30) inches and six (6) feet above the lowest point of the intersecting road(s).

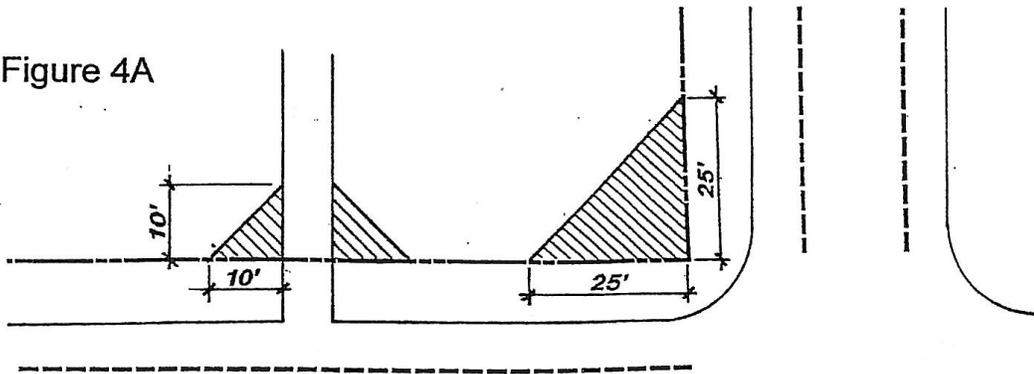
Trees shall be permitted in the triangular area provided that limbs and foliage are trimmed so that they do not extend into the cross-visibility area or otherwise create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three (3) feet from the edge of any driveway or road pavement within the triangular area.

### Unobstructed Sight Area

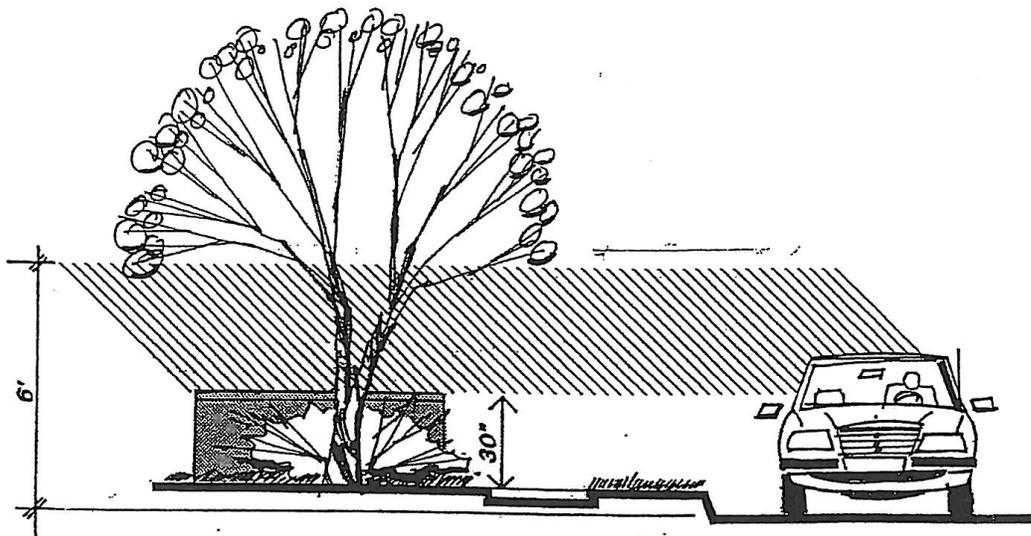
The unobstructed triangular area is described as follows:

- The area formed at the corner intersection of two public right-of-way lines, the two (2) sides of the triangular area being forty (40) feet in length measured along abutting public rights-of-way lines, and third side being a line connecting these two sides; or
- The area formed at the corner intersection of a public right-of-way and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two sides.

Figure 4A



PLAN VIEW



MAXIMUM HEIGHT 30" FOR WALLS OR SOLID FENCES, SHRUBS, ETC.

ELEVATION VIEW

### CORNER CLEARANCE

McKenna Associates, Incorporated  
Community Planning • Urban Design  
Farmington Hills, Michigan

## Section 428 SITE LIGHTING

- A. **Shielding:** Only non-glare, color corrected lighting shall be permitted. All site lighting shall be shielded to reduce glare and shall be arranged to reflect light away from all adjacent residential districts. The lighting source shall not be visible from adjoining properties. All lights shall not cast glare onto adjacent roadways.
- B. **Intensity:** In parking lots, lighting shall average one (1) footcandle measured at the surface with an overall site intensity of 10 to 1. No lighting may extend beyond the property line. A lower intensity may be required by the Planning Commission where the adjacent zoning district is residential. The Planning Commission may require a photometric plan (lighting grid) to determine the appropriateness of proposed lighting layout and intensity.
- C. **Height of Fixtures:** The maximum height of light fixtures in parking lots shall be thirty (30) feet, measured from the parking lot surface to the centerline of the lighting source. The Planning Commission may grant an exception to this height standard in commercial districts based on consideration of the type of fixture, the height of surrounding buildings, existence of landscaping, the potential off-site impacts and the general character of the surrounding uses. In no case shall the height of the lighting fixture exceed the maximum height permitted for principal buildings in the zoning district.
- D. **Parking Lot Fixtures:** Cut-off shoe box or similar fixtures which mask and shield the light source shall be required in any parking lot adjacent to a residential district. Lighting fixtures shall be mounted on milled steel or planed wooden poles. Lighting fixtures shall not be attached to utility poles. Lights to illuminate the parking lot shall not be attached to any building and should utilize metal halide fixtures. This requirement does exclude the use of bollard lighting to identify driveways, sidewalks, and pedestrian paths.
- E. **Building Illumination:** All lighting in non-residential districts used for the external illumination of buildings shall be placed and shielded to prevent interference with the vision of motorists or nearby residents. All wall-pak type lights shall have a hooded type fixture. Seasonal outdoor lighting shall be removed within fourteen (14) days of the holiday.
- F. **Plan Requirements:** Parking lot and building lighting illumination shall be illustrated and described on the site plan, including details showing the type of fixture, height of poles and any proposed illumination of buildings, signs or landscaping. Illumination of signs or buildings shall be directed to prevent interference with motorists.
- G. **Wiring:** No wiring shall be exposed.
- H. **Neon:** Neon lighting in windows shall not be within any window visible from a residential district nor permitted to operate more than one (1) hour before or beyond the hours of operation of the principal use.
- I. **Restrictions:** All illumination of signs and any outdoor feature shall not be of a flashing, moving or intermittent type. This prohibition includes electronic message signs with changeable messages. Artificial light shall be maintained stationary and constant in intensity and color.

## Section 429 PERFORMANCE STANDARDS FOR SOUND, VIBRATION, ODOR, GASES, ETC.

It shall be unlawful to carry on or permit to be carried on any activity or operation or use of any land, building or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the minimum permissible hazards to humans or humans activities. Such measures may

## Article 4 General Provisions and Exceptions

be supplemented by other means which are duly determined to be maximum permissible hazards to humans or human activity.

- A. **Sound:** The intensity level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses.

<u>In Decibels</u>	<u>Adjacent Use</u>	<u>Where Measured</u>
55	Residential dwellings	Common lot line
65	Commercial	Common lot line
70	Industrial and other	On lot line

The sound levels shall be measured with type of audio output meter approved by the bureau of standards. Objectionable noises due to intermittence, beat frequency or shrillness, shall be muffled so as not to become a nuisance to adjacent uses.

- B. **Vibration:** All machinery shall be mounted and operated as to prevent transmission of ground vibration exceeding the displacement of three thousandths of one inch measured at any lot line of its source, or ground vibration which can be readily perceived by a person standing at any such lot line.
- C. **Odor:** The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one volume of odorous air to four (4) or more volumes of clean air or as to produce a public nuisance or hazard beyond lot lines, is prohibited.
- D. **Gases:** The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated, except as required in the delivery of essential service.
- E. **Glare and Heat:** Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.
- F. **Light:** Exterior lighting shall be so installed that the surface of the source of light shall not be visible from any bedroom window, and shall be so arranged as far as practical to reflect light away from any residential use, and 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.
- G. **Smoke, Dust, Dirt, and Fly Ash:** It shall be unlawful to discharge into the atmosphere from any single source of emission whatsoever any air contaminator for a period or periods aggregating more than four (4) minutes in any one half hour which is:
1. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart. The Ringelmann Chart, as published by the United States Bureau of Mines, is hereby made a part of this ordinance, shall be the standard. However, the unbrascop readings of smoke densities may be used when correlated with the Ringelmann Chart. A Ringelmann Chart shall be on file in the office of the Administrative Official.
  2. Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in 1. above, except when the emission consists only of water vapor. The quantity of gas-borne or airborne solids shall not exceed two-tenths grains per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit.
- H. **Drifted Air Blown Material:** The drifting or airborne transmission beyond the lot line of dust, particles or debris from any open stockpile shall be unlawful and may be summarily caused to be abated.
- I. **Radioactive Materials:** Radioactive materials shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards.

- J. **Water and Sewage:** Every building used or intended to be used for human habitation or human occupancy, including but not limited to dwellings, industrial, commercial, office and institutional uses, shall be furnished with water supply and sewage disposal as provided for in the Township Building Code. Accessory buildings, such as garages or storage buildings, intended and used for incidental or no human occupancy are excluded from this requirement, except that if water supply and/or sewage disposal is furnished to such building, it shall comply with the standards of the building code.

## Section 430 HOME OCCUPATIONS

- A. **Purpose:** Leroy Township recognizes that historically people have utilized their homes for limited non-residential purposes, also known as home occupations. However, the Township is also concerned about maintaining the integrity of its residential areas and wants to ensure that all home occupations are limited in scope and activity. In essence, a home occupation is allowed only where it is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained.
- B. **Applicability:** Home occupations are allowed in agricultural and in all residential districts in Leroy Township contingent upon continued compliance with the provisions of this Section.
- C. **Compliance With Zoning Laws:** Any home occupation that has operated illegally under Leroy Township Zoning Laws will continue to be an illegal use unless it is brought into compliance with the requirements of this ordinance. Any legally operating home occupation that does not comply with the provisions of this ordinance will be considered a nonconforming situation and must comply with the requirements of Article 5, Standards for Nonconforming Situations.
- D. **General Requirements:** Home occupations shall be subject to the requirements of the zoning district in which they are located, as well as the following general standards and the specific standards of Section 430(E).
  1. Home occupations must be clearly incidental to the use of the dwelling as a residence.
  2. No outdoor display and/or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
  3. The appearance of the principal structure shall not be altered, nor shall the home occupation be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, or vibrations.
  4. A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater extent or frequency than would normally be generated in a similarly zoned residential district.
  5. Client traffic shall be restricted to the hours of 7:00 a.m. and 6:00 p.m. Deliveries shall be restricted to the hours of 8:00 a.m. and 5:00 p.m.
- E. **Specific Requirements:** In addition to the above general requirements, home occupations must meet the requirements listed below.
  1. In Agricultural Districts:
    - a. No more than one (1) non-resident of the dwelling unit may be engaged in the home occupation.
    - b. One (1) non-illuminated sign, not more than sixteen (16) square feet in area, shall be permitted. Said sign shall only identify the name and occupation of the resident on the premises.

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- c. The home occupation may increase vehicular traffic flow and parking by no more than three (3) additional vehicles at a time. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.

### 2. In Residential Districts:

- a. No person, other than members of the family residing in the dwelling, shall be engaged in the conduct of the home occupation.
- b. The home occupation shall be conducted entirely within the confines of the dwelling and shall not occupy any accessory structures.
- c. The home occupation shall not occupy more than twenty five percent (25%) of the home in which it is located.
- d. No home occupation shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure.
- e. The home occupation may increase vehicular traffic flow and parking by no more than one (1) additional vehicle at a time. No more than ten (10) customers or clients shall come to the dwelling unit for services or products during any one day. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.
- f. One (1) non-illuminated nameplate, not more than one (1) square foot in area, shall be permitted. Said sign shall be attached flat to the building wall, and shall display only the name and occupation of the resident on the premises.

- F. **Uses Prohibited:** The following uses, by the nature of their operation, have a pronounced tendency to increase in intensity beyond the limits permitted for home occupations, thereby impairing the reasonable use and value of surrounding residential properties. Therefore, the uses listed below shall not be permitted as home occupations.

### 1. In Agricultural Districts:

- a. Medical clinics and hospitals.
- b. Offices maintained for the general practice of a veterinarian, doctor, lawyer, accountant, insurance agent, or real estate agent. The private offices of these professionals shall be permitted, provided that the residence is used only for consultation, emergency treatment, or business matters that can be carried on by the professional alone.
- c. Millinery shops.
- d. Animal hospitals or commercial kennels.
- e. Concrete, excavation, or similar contractors.
- f. Trailer rental.
- g. Restaurants and tea rooms.
- h. Private clubs.

### 2. In Residential Districts:

- a. All of the prohibited uses listed in Section 430(F)(1) above.
- b. Minor or major auto repair, painting of vehicles, trailers or boats.
- c. Antique shops.
- d. Barber shops and beauty parlors.
- e. Landscape installation and maintenance businesses, including lawn mowing businesses.
- f. Snow plowing and/or removal businesses.

- g. Repair shops and service establishments.
- h. Welding or machine shops.

This list does not include every use that is prohibited as a home occupation. If there is any question on the part of the Building Inspector as to whether the proposed home occupation can reasonably be expected to comply with the provisions of this Article, he can submit the application to the Planning Commission for review. The Planning Commission can then either approve the home occupation, approve the home occupation with additional conditions, or deny the request, stating in writing the reasons why the home occupation cannot meet the requirements of this Section. Appeals to said decision shall be to the courts as provided by law.

**Section 431 NATURAL FEATURES PROTECTION: WOODLANDS**

The standards of this section are intended to promote the preservation of important woodlands and large mature trees which contribute to the character, welfare and quality of life in Leroy Township. These standards are intended to prevent the unnecessary removal of woodlands prior to, during and following construction on a site. The standards of this section, in conjunction with the standards for site plan review, are mechanisms to promote goals of the Leroy Master Plan.

- A. Any property owner or his representative proposing to clear more than twenty-five percent (25%) of the trees of eight (8) inch caliper or greater on a site, as determined by the Planning Commission, shall first notify the Township of the intent of such clearing and/or earth change and submit a proposed sketch plan describing the sites features for review and approval by the Planning Commission.
- B. This section shall not prevent tree clearing for approved building envelopes, swimming pools, decks, essential services, utility lines or construction drives; nor shall this ordinance prohibit site alterations for farming purposes. The Planning Commission may grant an exception from the caliper standard for select clearing of lower quality species including box elders, elms, poplars, willows and cottonwoods.

**Section 432 NATURAL FEATURES PROTECTION: WETLANDS AND BODIES OF WATER**

The Leroy Township intends to promote compliance with the Goemaere-Anderson Wetland Protection Act 203 of 1979 through coordination with the Michigan Department of Natural Resources (MDNR) wetland protection and permit program. The following standards exceed the MDNR regulations by requiring a buffer zone adjacent to MDNR regulated wetlands, lakes and streams. This Section also encourages the placement of buildings to protect non-MDNR regulated wetlands and other bodies of water between two acres and five acres in size. These standards are intended to ensure important wetlands are preserved, to prevent the oversight or destruction of regulated wetlands, to preserve sensitive areas adjacent to water bodies, and to promote the goals of the Leroy Master Plan.

- A. All buildings, parking lots and building envelopes on a lot or a condominium site shall provide a setback ten (10) foot wide buffer from a wetland or other body of water regulated by the MDNR, unless a wider buffer zone is required by the MDNR. Landscaping, trails and recreational areas may be allowed in the setback (golf ball retrieval shall be by hand).
- B. Any site grading, preparation or storage of materials within the wetland protection buffer area shall require approval of the Planning Commission. The Planning Commission shall find that measures are being used to ensure the wetland is protected.
- C. Any disturbance of soils, removal of landmark trees or stumps, grading, alteration of water flowing into or from an MDNR regulated wetland, or any prohibited activity as listed in Section 5 of Public Act 203 of 1979,

## Article 4 General Provisions and Exceptions

without a permit from the MDNR, may result in a stop work order issued by the Township and/or require restoration of the wetland in accordance with MDNR standards.

- D. Judicious effort shall be made through site plan design to preserve non-MDNR regulated wetlands which exceed two (2) acres in size, particularly those with standing water or important wildlife habitats.
- E. Where stormwater is planned to drain into a wetland, an erosion/ sedimentation control facility shall be used to control sediment loading in the wetland. Maintenance of these materials shall be addressed in a deed or as a condition of site plan approval.
- F. Land shall not be subdivided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Section or the MDNR regulations.
- G. The Zoning Board of Appeals may consider requests for variances from the standards of this Section according to the following standards:
  - 1. The applicant demonstrates that a practical difficulty exists on the subject site and strict compliance with the standards of this Ordinance would not provide "reasonable" reception. "Reasonable reception," as used in this section does not mean perfect reception from each satellite of the many satellites in space.
  - 2. The safety of the property owner and the surrounding property owners would not be compromised through granting a variance.
  - 3. Visibility of the antenna facility from adjacent properties or streets will not be significant in relation to other facilities.
  - 4. The variance shall be the minimum necessary to afford relief to the applicant and provide reasonable reception.

## Section 433 WIND ENERGY CONVERSION SYSTEMS

- A. **Purpose.** It is the purpose of this Section to promote the safe, effective, and efficient use of wind energy systems to reduce or replace on-site consumption of utility supplied electricity. It is the purpose of this Section to standardize and streamline the review and permitting process for small wind energy systems.
- B. **Findings.** The Township has found that wind energy is an abundant, renewable, and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on non-renewable energy resources and decrease air and water pollution that results from the use of conventional fossil-fuel inputs. Wind energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the Township's energy supply portfolio.
- C. **Definitions.** The terms used in this section have the following meanings:

*Height.* The vertical distance from grade level adjacent to the base of the structure to the center of the hub for a horizontal axis wind turbine or the highest point of a vertical-axis wind turbine.

*Roof-Mounted Energy System.* A type of small wind energy conversion system that is mounted on a roof with a height not greater than 15 feet above the ridgeline of a pitched roof or parapet of a flat roof.

*Small Wind Energy System.* A wind energy conversion system consisting of a wind turbine, tower or axis, blades or blade system, and associated control or conversion electronics primarily intended to reduce on-site consumption of utility power.

*Tower Mounted Wind Energy System.* A wind energy conversion system that is mounted on a freestanding or guyed tower attached to the ground, and not attached to any other permanent or temporary structure.

*Utility Wind Energy System.* A wind energy conversion system consisting of a wind turbine, tower or axis, blades or blade system, and associated control or conversion electronics primarily intended to provide wholesale or retail energy to the electric utility grid.

*Wind Energy System.* Any wind energy conversion device including all associated control or conversion electronics.

**D. Where Permitted.**

1. Small Wind Energy Systems may be permitted as a special land use in any zoning district, provided that all of the requirements of this Section and Article IX are met.
2. Utility Wind Energy Systems may be permitted in the AG district as a special land use, provided that the requirements of this Section and Article IX are met.

**E. General Standards.** The following requirements are applicable to all wind energy systems.

1. Noise. A wind energy system shall not generate a noise level of 55 dB(A), measured at the property line, for more than three minutes in any hour of the day. EXCEPTION: if the constant ambient sound pressure level exceeds 55 dB(A), measured at the base of the wind energy system, a decibel level of the ambient dB(A) plus 5 dB(A) shall not be exceeded for more than three minutes in any hour of the day.
2. Shadow Flicker. Shadow flicker is a term used to describe what happens when rotating wind turbine blades pass between the viewer and the sun, causing an intermittent shadow. The application for a wind energy system shall include a shadow flicker analysis demonstrating locations where shadow flicker will occur at sunrise and sunset, along with measures the applicant will take to eliminate or mitigate the effects of shadow flicker on adjacent or nearby affected properties.
3. Lighting. No wind energy system shall be artificially lighted unless required by the Federal Aviation Administration.
4. Appearance, Color, and Finish. The wind energy system shall be maintained in the color or finish that was originally applied by the manufacturer, unless otherwise approved in the building permit. All wind energy systems shall be finished in a non-reflective matte finished color.
5. Signs. All signs other than the manufacturer or installer’s identification, appropriate warning signs, or owner identification signs are prohibited.
6. Electrical Wires. All electrical wires associated with a wind energy system other than wire necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and grounding wires shall be located underground.
7. Compliance with Electrical Code. Building permit applications for wind energy systems shall be accompanied by line drawings of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
8. System Access. The tower shall be designed and installed such that step bolts, ladders, or other means of access readily accessible to the public are located at least 8 feet above grade level.
9. Wind Access. The Township makes no assurance of wind access other than the provisions of this Section.

**F. Tower-Mounted Small Wind Energy Systems.** The following standards are applicable to tower-mounted small wind energy systems:

1. Minimum Parcel Area. 1 acre.

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2. Maximum Height. The maximum height is 60 feet all zoning districts except the AG district, where the maximum height is 80 feet.
  3. Setbacks. The minimum tower setback from any property line, overhead utility right-of-way or easement, or other small wind energy system tower shall be 1.2 times the height of the wind turbine.
  4. Location. Tower-mounted wind energy systems may not be located in the front yard of any lot unless the principal building is set back 200 feet or more. In such a case, a tower-mounted system may be located in the front yard provided that a minimum 150-foot front yard setback between the tower and the front property line is maintained.
- G. **Roof-Mounted Small Wind Energy Systems.** The following standards are applicable to roof-mounted small wind energy systems:
1. Minimum Parcel Area. No minimum parcel area.
  2. Maximum Height. The maximum height is 10 feet above the highest point of the roof.
  3. Setbacks. Roof-mounted wind energy systems shall be set back a minimum of 20 feet from the property line.
- H. **Utility Wind Energy Systems.** The following standards are applicable to utility wind energy systems:
1. Minimum Site Area. The minimum site area is 60 acres.
  2. Setbacks. The minimum tower setback from any property line, road right-of-way, overhead utility right-of-way or easement, or other utility wind energy system shall be 1.25 times the height of the wind turbine.
  3. Maximum Height. The maximum height is 400 feet in all zoning districts.
  4. Towers. Utility wind energy systems shall use tubular monopole towers, and shall not contain lettering, company insignia, advertising, or graphics on the tower or turbine that are visible beyond the property boundaries.
  5. Environmental Impact. The applicant shall submit an environmental impact analysis prepared by a qualified third party assessing any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, wildlife, and antiquities. The applicant shall take appropriate measures, if possible, to minimize, eliminate or mitigate adverse impacts identified in the analysis. If the adverse impacts cannot be sufficiently mitigated or eliminated, the Township shall deny the request for a special land use permit for the utility wind energy system.
  6. Community Impact. The applicant shall be responsible for repairing any public roads or other public infrastructure damaged or otherwise worn beyond typical usage by the construction of the utility wind energy system.
  7. Decommissioning. The applicant shall submit a decommissioning plan, including the following items of information:
    - a. The anticipated life of the project.
    - b. The estimated decommissioning costs and net salvage value in present dollars.
    - c. The method of ensuring funds will be available for decommissioning and removal of towers, and restoration of the site to a pre-construction condition.
    - d. Anticipated manner in which the project will be decommissioned and the site restored.
  8. Complaint Resolution. The applicant shall develop a process to resolve any potential complaints from nearby residents concerning the construction and operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting upon a complaint. The process shall not preclude any governmental body from acting on a complaint. The applicant shall maintain and make available to nearby residents a telephone number where a project representative

can be reached during normal business hours.

The complaint resolution process shall be approved by the Planning Commission.

## Section 434 SOLAR ENERGY CONVERSION SYSTEMS:

### A. Definitions.

*Solar Energy System.* A solar photovoltaic cell, panel, or array that converts solar energy to usable thermal, mechanical, chemical, or electrical energy.

*Solar Storage Battery.* A device that stores energy from the sun and makes it available in an electrical form.

### B. Rooftop Solar Energy Systems.

Rooftop and building mounted solar energy systems are permitted in all zoning districts., subject to the following regulations:

1. Roof mounted systems shall not extend more than 4 feet above the surface to which it is affixed.
2. No solar energy system may protrude beyond the edge of the roof.
3. A building permit shall be required for installation of rooftop and building mounted systems.

### C. Ground Mounted Solar Energy Systems.

Ground mounted and freestanding solar energy systems are permitted in all zoning districts, subject to the following regulations:

1. Location. The solar energy system shall meet the required front yard setback requirement for the district in which it is located, and be set back a minimum of 5 feet from any side or rear property line.
2. Height.
  - a. The height of the solar energy system and any mounts shall not exceed 10 feet when oriented at maximum tilt.
  - b. If the solar energy system is located in the front yard between the required front setback line and front building wall of the principal building, the maximum height for the system shall be 42 inches (3.5 feet). Evergreen landscaping that is sufficient to buffer the equipment from view from nearby dwelling units or streets but that will not obstruct the energy collecting surface from solar energy shall be provided.
3. Building Permit. A building permit shall be required for any ground mounted solar energy system.
4. Area. No more than 15% of the total lot area may be covered by a ground mounted solar energy system.

### D. Batteries.

When batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.

### E. Removal.

If a solar energy system ceases to perform its intended function for more than 12 consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities no later than 90 days after the end of the 12 month period.

## Section 435 RESIDENTIAL DRIVEWAYS

Residential driveways shall comply with the following requirements:

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- A. **Setback.** Driveways shall be set back a minimum of ten (10) feet from any side or rear property line, unless otherwise specified, except in R-1 Districts and in open space developments driveways shall be set back a minimum of four (4) feet.
- B. **Number of Driveways.** No parcel may have more than one driveway. Continuous circular driveways which have more than one intersection with the street are permitted, and driveways on corner lots may enter onto either street.
- C. **Shared Driveways.** No new residential dwelling unit may gain access to an existing shared driveway unless the shared driveway is upgraded to a private road in accordance with the requirements of Article 12.
- D. **Certificate of Occupancy.** All driveways shall be completed and in place prior to the Township granting a certificate of occupancy for the building to which the driveway is accessory.

# ARTICLE 5 STANDARDS FOR NONCONFORMING SITUATIONS

## Section 501 INTENT

- A. **Legal Nonconformities:** Certain existing lots, buildings, structures and uses of land were lawful prior to adoption of the zoning ordinance, but have become nonconforming under the terms of this Ordinance and its amendments. Such nonconformities, particularly nonconforming uses which are more intense than the uses permitted within the zoning district, are declared by this Ordinance to be incompatible with permitted uses and in conflict with the purposes of this Ordinance. An intent of this Ordinance is to permit such legal nonconforming lots, buildings, structures or uses to remain until they are discontinued or removed, but not to encourage their survival, or where discontinuance or removal is not considered feasible, to gradually upgrade such nonconformities to a more conforming status. A nonconforming use, building, structure or combination thereof, shall not be extended, enlarged, expanded or replaced, except as provided herein, and shall not be used as grounds for adding other nonconforming uses, buildings or structures.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

- B. **Illegal Nonconformities:** Any lot, use, building, structure or any combination thereof that was not lawful at the date of adoption of this Ordinance or any amendments shall be classified as a illegal nonconformity and shall not receive any of the rights, privileges or protection conferred by this Article. Such illegal nonconformity shall be in violation of this Ordinance and shall be terminated and removed.

## Section 502 NONCONFORMING LOTS OF RECORD

A permitted principal building and uses, and permitted accessory structures and uses, may be erected or placed on a lot of record which existed at the date of adoption or amendment of this Ordinance, provided such lot shall have been in separate ownership and not contiguous with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area, or width, or both, that are applicable in the district, provided that minimum setback dimensions and other requirements shall conform to the regulations for the district. A reduction of minimum setback requirements shall only be permitted upon granting of a variance by the Zoning Board of Appeals, based on the standards of Section 1604(3).

## Section 503 NONCONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

## Article 5 Standards for Nonconforming Situations

- A. The nonconforming use shall not be enlarged, expanded or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- B. No accessory use, building or structure shall be established;
- C. The nonconforming use shall not 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;
- D. If such nonconforming use of land ceases for any reason for a period of more than three hundred sixty-five (365) days, such use shall not be re-established. Subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

### Section 504 NONCONFORMING BUILDINGS AND STRUCTURES

Where a lawful building or structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, landscape buffer, off-street parking, loading space, minimum setback, or other characteristics of the structure or its location on the lot, such building or structure may be continued provided it remains otherwise lawful, subject to the following provisions:

- A. **Permitted Expansions:** No such structure may be enlarged or altered in a way which increases its nonconformity, unless a variance is granted by the Board of Zoning Appeals. Nonconforming buildings and structures may be enlarged or altered in a way which decreases its nonconformity or which does not increase its nonconformity provided the costs of alteration or expansion does not exceed fifty percent (50%) of the replacement cost of the building at the time of alteration or expansion. (Example, if the side yard setback is nonconforming, the building may be extended on the other side, rear or front yard provided that those setbacks remain conforming).
- B. **Replacement of Nonconforming Single Family Dwellings:** A nonconforming single family dwelling and its accessory structures may be continued, replaced, repaired or remodeled if damaged by flood, fire, or vandalism, if approved by the Zoning Board of Appeals. Such approval requires a finding that the resulting building footprint will be the same size or smaller than that of the building before such change. Replacement of such nonconforming single family building shall commence within one (1) year of the date of damage and work shall be diligently pursued toward completion. Failure to complete replacement or diligently work toward completion shall result in the loss of legal, nonconforming status unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals.
- C. **Damaged Nonconforming Buildings and Structures:** Except as noted in item 2 above, a nonconforming building or structure, which is damaged by flood, fire or vandalism to an extent of more than sixty percent (60%) of its replacement costs, exclusive of the foundation, shall be reconstructed only in conformity with the provisions of this Ordinance, unless the lot is a nonconforming lot of record, in which case the provisions of Section 502 also apply. Such nonconforming building may be replaced provided replacement is commenced within one (1) year of the date of damage and is being diligently pursued toward completion. Failure to complete replacement shall result in the loss of legal, nonconforming status unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals.
- D. **Relocation of a Nonconforming Building or Structure:** Should any nonconforming building or structure be relocated or 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 relocated or moved.

## Section 505 NONCONFORMING USES OF STRUCTURES AND LAND

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. In a commercial district a nonconforming single family residential building may be expanded to occupy the floor area necessary for living purposes subject to approval by the Zoning Board of Appeals.
- B. Replacements or repair of a nonconforming residential use and building in a nonresidential district damaged by flood, fire or vandalism shall be permitted upon approval by the Zoning Board of Appeals, in accordance with Section 1609(B).
- C. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located, except single family dwellings as permitted above, shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- D. 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 Ordinance, but no such use shall be extended to occupy any land outside such building.
- E. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- F. 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.
- G. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- H. Where nonconformity use status applies to a structure and land in combination, removal, demolition or destruction of the structure shall eliminate the nonconforming status of the land.

## Section 506 REPAIRS AND MAINTENANCE

- A. 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 fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased (see also Section 504 (A)).

## **Article 5 Standards for Nonconforming Situations**

- B. A nonconforming structure or any structure containing a nonconforming use that has structurally deteriorated to an extent that it has been condemned by a duly authorized official, and the cost of repair to meet standards for occupancy exceeds fifty (50%) percent of the structure's replacement cost, shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- C. Nothing in this Ordinance 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.

### **Section 507 USES UNDER EXCEPTION PROVISION NOT NONCONFORMING USES**

Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

### **Section 508 CHANGE OF TENANCY OR OWNERSHIP**

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures and land in combination.

# ARTICLE 6      PARKING AND LOADING- UNLOADING STANDARDS

## Section 601      INTENT

The purpose of this section is to ensure sufficient automobile off-street parking space with adequate access to all spaces at the time of erection, enlargement or change in use, of any principal building or structure. Off-street parking and loading areas are to be designed, maintained and operated in a manner that will ensure their efficient use, promote public safety, improve aesthetics and, where appropriate, protect surrounding uses from undesirable impacts. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

## Section 602      GENERAL REQUIREMENTS

- A. **Setbacks:** Off-street parking spaces may be located within a non-required side or rear yard and within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard or a side yard setback unless otherwise provided in this Ordinance.
- B. **Perimeter Landscaping:** Greenbelts along the street frontage and buffer zones along lot lines may also be required (see Section 423).
- C. **Location:** Parking spaces shall be provided either on the same lot or within lots under the same ownership within three-hundred (300) feet of the building it is intended to serve, measured from the nearest public building entrance to the nearest parking space of the off-street parking lot. Ownership shall be shown on all lots or parcels intended or used as parking by the applicant.
- D. **Parking for Single Family Residential Uses:** For single family detached units on individual lots, off-street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve.
- E. **Parking for Other Uses:** Parking areas other than for single family detached homes or duplexes on individual lots shall be approved as part of a site plan. Minor changes to the parking layout, as determined by the Building Inspector, shall require submittal of a parking plan which indicates property lines, existing and proposed ground elevations at two (2) foot contour intervals, the number of spaces, calculations for meeting the minimum space requirements of this Article, dimensions of aisles, driveways and typical parking stalls, location of curbs and curb blocks, location and size of signs, existing and proposed landscaping, existing and proposed lighting and drainage facilities.
- F. **Limits on Excessive Parking:** In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by greater than twenty-percent (20%) shall not be allowed, except as approved by the planning Commission. In granting such additional space, the planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
- G. **Shared Parking:** Where two or more uses are present on the premises, parking requirements shall be calculated for each use individually. However, two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces for the uses calculated

## Article 6 Parking and Loading/Unloading Standards

individually may be reduced by up to twenty percent (20%) if a signed agreement is provided by the property owners, and the Planning Commission determines that the peak usage will occur at different periods of the day.

- H. **Limits on Changes:** Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this section are provided elsewhere, or the parking requirements of the site change. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- I. **Limits on Storage:** The use of required parking areas for material storage, refuse storage stations/dumpsters, storage or display of vehicles and/or merchandise, or for vehicle or machinery repair or maintenance is expressly prohibited. The use of semi-trailers for storage purposes on the premises for five (5) or more consecutive days is prohibited.
- J. **Parking Lot Deferment:** Where the property owner can demonstrate or the Planning Commission finds that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area, provided that area of sufficient size to meet the parking space requirements of this Article is retained as open space, and the owner agrees to construct the additional parking at the direction of the Planning Commission based on observed usage within six (6) months of being informed of such request in writing by the Building Inspector. A written legal agreement, which has been approved by the Township Attorney, to construct the deferred parking shall be provided by the applicant. The Building Inspector may require posting of a performance bond to cover the estimated construction cost of the deferred parking with a refund in two (2) years if the additional parking is not found to be necessary. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout.
- K. **Snow Removal:** All off-street parking and loading facilities required by this Article shall be maintained free of accumulated snow, standing water, debris or other materials which prevent full use and occupancy of such facilities in accordance with the intent of this Article, except for temporary periods of no more than five (5) days in the event of heavy rainfall or snowfall.
- L. **Carpports and Garages:** For multiple-family dwellings shall be calculated as parking spaces on a one to one basis. Carports and garages in multiple-family dwelling developments shall have a maximum height of fourteen (14) feet, measured from the grade to the peak of the structure. Carports shall be at least partially screened on the sides or front end facing any public or internal street or drive.
- M. **Use of Garages:** Accessory garages shall only be used to store vehicles or equipment associated with a Permitted Use unless a private leasing garage or storage area is approved by the Planning Commission.
- N. **Construction Parking:** During construction, off-street parking shall be provided on site for all construction vehicles and employees.
- O. **Temporary Use and Special Event Parking:** refer the Article 16, Zoning Board of Appeals.

### Section 603 PARKING UNITS OF MEASUREMENT

- A. Where floor area is the unit for determining the required number of off-street parking and loading spaces, said unit shall mean the gross floor area (GFA), unless otherwise noted.
- B. Where the floor area measurement is specified as gross leasable floor area (GLA) or usable area, parking requirements shall apply to all internal building areas excluding the floor area used for storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas nor intended for use by the

general public. Where these areas are yet undefined, leasable floor area shall be considered to be eighty five percent (85%) of the gross floor area.

- C. In calculating bench seating for places of assembly, each twenty-four (24) inches of benches, pews or other such seating, shall be counted as one seat.
- D. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.
- E. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (½) shall be disregarded and fractions over one-half (½) shall require one (1) parking space.
- F. For uses not specifically listed below, the required parking shall be in accordance with that of a similar use as determined by the Building Inspector or the Site Plan Committee based on documentation regarding the specific parking needs of the use. A factor of 1.5 x the average rate listed in the Institute of Transportation Engineers Parking Generation Manual may be used.
- G. Each required drive-through waiting or stacking space shall be twenty four (24) feet long and nine (9) feet wide.

**Section 604 PARKING SPACE NUMERICAL REQUIREMENTS**

The minimum number of off-street parking spaces shall be determined by the type of use in accordance with the following schedule.

<b>RESIDENTIAL</b>	
Single- and two-family dwellings	2.0 spaces per dwelling unit
Multiple-family dwellings	1.5 spaces per each efficiency or one bedroom dwelling unit, 2.0 spaces per each unit with two bedrooms 2.5 spaces for each unit with three or more bedrooms
Mobile/manufactured homes in a mobile home/manufactured housing park	2.0 spaces per each manufactured/mobile home unit or site (See Section 310)
<b>HOUSING FOR THE ELDERLY</b>	
Senior apartments and elderly housing complexes	1.5 spaces per unit
Senior "interim care" and "intermediate care" units, retirement villages, etc.	1.0 space per each room or two beds, whichever is less, plus 1.0 space per each employee expected during the peak shift
Congregate care and dependent care (convalescent/nursing home units)	1.0 space per each three beds or two rooms, whichever is less, up to 120 beds, plus 3.0 spaces for each bed over 120; plus 1.0 space for each employee during peak shift
<b>INSTITUTIONAL</b>	
Churches, places of worship	1.0 space per each three seats or six feet of pews
Municipal office buildings	4.0 spaces per 1,000 sq. ft. gross floor area
Community centers (incl. senior centers and teenage centers)	1.0 space per 100 sq. ft. gross floor area
Public libraries	1.0 space per 350 sq. ft. gross floor area

## Article 6 Parking and Loading/Unloading Standards

Child care or day care centers	2.0 spaces plus 1.0 additional space for each eight children of licensed authorized capacity, plus adequate drop-off area
Group day care homes, adult foster care group homes, adult congregate care facilities	1.0 space per four clients plus 1.0 space per each employee plus designated drop-off spaces
Hospitals	1.75 spaces per inpatient bed plus 1.0 spaces per each 175 gross square feet of hospital related office, research and administrative space. Other uses shall be computed separately
Mixed health care related uses in the Health Care District	5.0 spaces per 1,000 sq. ft. gross floor area overall if parking facilities are shared, otherwise each use is computed separately
Primary schools (elementary and junior high schools)	1.0 space per each instructor, plus 1.0 space per each employee and administrator, plus drop-off areas for school buses, plus spaces required for any assembly hall, auditorium and/or outdoor arena
Secondary (high) schools, commercial schools, colleges	1.0 per each instructor, plus 2.0 per each employee and administrator, plus 5.0 spaces per each classroom, plus drop-off areas for school buses, plus parking required for any assembly hall, auditorium or outdoor arena
Auditorium, assembly halls and outdoor arenas	1.0 space per each three seats or six feet of bleachers
Public recreation centers	5.0 spaces per 1,000 sq. ft. of gross floor area
Dance and union halls, fraternal orders, civic clubs and similar uses	1.0 space per every two persons of capacity authorized by the Township Building Code
<b>OFFICE</b>	
Medical/dental clinic/office	7.0 spaces per 1,000 sq. ft. gross floor area
Medical clinic: Outpatient center, 24 hour urgent care centers, etc.	2.0 spaces per exam or outpatient procedure/operating room, plus care areas, 1.0 space per laboratory or recovery room, plus 1.0 space for each two rooms for employee parking
General office building	1.0 space per 300 sq. ft. gross floor area
Branch bank, credit union or savings and loan	1.0 space per 200 sq. ft. gross floor area, plus 2.0 spaces per each 24 hour teller, plus 4.0 stacking spaces per each drive through window
<b>COMMERCIAL/RETAIL/SERVICE</b>	
Appliance store	1.0 space per 250 sq. ft. gross leasable floor area
Auto service (gasoline) station	2.0 spaces per each service bay (pump island), plus 1.0 space per employee, plus 1.0 space per each tow truck, plus 1.0 space for each 500 sq. ft. devoted to sales of automotive goods or convenience items.
Automobile service center or auto repair center	3.0 spaces for employees, but not less than 2.0 for each lubrication stall, rack, pit, or similar service area, plus 2.0 waiting spaces for each service bay.
Automobile or vehicle dealership	two and one half (2.5) spaces for each one thousand (1000) square feet of interior sales space plus one and one-half (1.5) spaces per one thousand (1000) square feet of exterior display, plus three (3) spaces per service bay.
Automobile wash	2.0 spaces, plus 1.0 designated space per each employee on peak shift, plus 12 stacking spaces per bay for a fully automatic car wash, 15 for a semi-automatic (motorist must leave auto) or 2.0 stacking spaces per bay for a self-serve car wash
Barber shop/beauty parlor	2.5 spaces per each barber or beautician chair/station
Bookstores	1.0 spaces per 125 sq. ft. gross leasable area.
Conference rooms, exhibit halls and similar uses	1.0 space per every two persons of capacity authorized by the Uniform Building Code, or 1.0 space per 100 sq. ft. gross floor area, whichever is greater

**Parking and Loading/Unloading Standards Article 6**

Convenience store, with or without gasoline service	1.0 space per 250 sq. ft. gross leasable floor area, plus spaces required for auto service station activities or gasoline sales
Dry cleaners	2.0 spaces per 1,000 sq. ft. gross leasable floor area
Funeral homes	1.0 space per 50 sq. ft. of service parlors, chapels and reception area, plus 1.0 space per each funeral vehicle stored on premises
Furniture/carpet store	1.5 spaces per 1,000 sq. ft. gross leasable floor area
General retail business	1.0 space per 200 sq. ft. gross leasable floor area
Home improvement centers (over 40,000 sq. ft.)	5.5 spaces per 1,000 sq. ft. gross leasable floor area
Laundromat	1.0 space per each two washing machines
Mini or self storage warehouse	minimum of 6.0 spaces
Motel/hotel with lounge, restaurant and conference or banquet rooms	1.0 space per guest room, plus 1.0 space per 100 sq. ft. of lounge, restaurant, conference or banquet rooms or exhibit space
Motel with restaurant/lounge	1.0 space per guest room, plus 12.0 spaces per 1,000 sq. ft. of restaurant/lounge space
Motel without restaurant/lounge; bed and breakfast inn	1.0 space per guest room, plus 2 spaces
Outdoor sales, display	1.0 space per 800 sq. ft. of such area
Recreational vehicle, boat, mobile home and similar sales	1.0 space per 800 sq. ft. gross leasable floor area, plus 2.0 spaces per each vehicle sales service bay
Restaurant - sit-down type with liquor license	22.0 spaces per 1,000 sq. ft. gross leasable floor area, or 0.6 spaces per seat, whichever is greater
Bars, lounges, taverns, nightclubs (majority of sales consist of alcoholic beverages)	25.0 spaces for each one thousand (1,000) square feet usable floor area.
Restaurant - standard (a family-type restaurant without a bar or lounge area)	14.0 spaces per 1,000 sq. ft. gross leasable floor area or 0.5 space per seat, whichever is greater, plus any spaces required for any banquet or meeting rooms.
Restaurant - fast food with drive-through window	22.0 spaces per 1,000 sq. ft. of usable floor area, plus 5.0 spaces between the pick-up window and the order station, plus 10.0 stacking spaces which do not conflict with access to required parking spaces per order pick-up station, plus spaces for employees of a peak shift plus at least 2.0 longer spaces designated for recreational vehicles and semi-trucks if site is within ½ mile of expressway
Restaurant - carry-out or delicatessen with less than six tables and/or booths	6.0 spaces plus 1.0 space for each employee on peak shift
Shopping center	1.0 space per 200 sq. ft. gross leasable floor area, plus spaces required for supermarket or bookstore, if included
Supermarket	1.0 space per 175 sq. ft. gross leasable floor area
Video rental establishments	1.0 space per 100 sq. ft. leasable floor area, with a minimum of 8.0 spaces provided
Wholesale establishments	1.0 space per each 500 sq. ft. of gross floor area
<b>RECREATION/ENTERTAINMENT</b>	
Batting cages	3.0 spaces per cage
Bowling centers	5.0 spaces per lane plus 25% of the required parking for any lounge
Commercial outdoor recreation centers	1.0 space per 200 sq. ft. gross floor area
Golf course driving range	2.0 spaces per each 3 tees
Golf course, miniature	1.0 space per each course hole

**Article 6 Parking and Loading/Unloading Standards**

Golf course, par three	3.0 spaces per each course hole
Golf course/country club	6.0 spaces per each course hole
Golf course banquet hall/lounge	0.5 space per seat, less spaces required for golf course
Health fitness centers without swimming pool	5.0 spaces per 1,000 sq. ft. gross leasable floor space
Ice/roller skating rink	6.0 spaces per 1,000 sq. ft. gross floor area
Swimming pool	1.0 space per each three persons of capacity authorized by the Township Building Code
Theater, cinema	1.0 space per each four seats, plus 4.0 spaces per screen or stage
Racquetball/tennis centers	1.0 space per 1,000 sq. ft. gross floor area or 6.0 spaces per court, whichever is greater
Video arcades	1.0 space per 50 sq. ft. leasable floor area, with a minimum of 6.0 spaces required
<b>INDUSTRIAL</b>	
Light industrial, manufacturing, testing labs, research and development centers	2.0 spaces per 1,000 sq. ft. gross floor area or 1.2 spaces per employee at peak shift, whichever is greater; plus 1.0 space for each corporate vehicle, plus parking required for any sales area or office.
Warehousing	1.0 space per each 1,500 sq. ft. gross floor area or 1.0 space per employee at peak shift, whichever is greater, plus 1.0 space for each corporate vehicle (separate standard provided for mini-storage)

**Section 605 BARRIER FREE PARKING REQUIREMENTS**

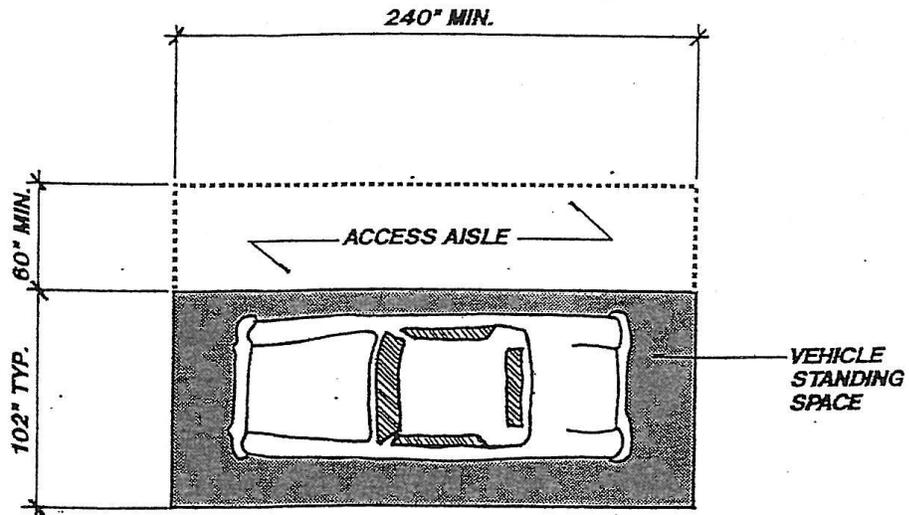
- A. **Accessible Parking:** Each parking lot that serves a building, except single- and two-family dwelling units, shall have a number of level parking spaces, reserved for the physically-challenged, according to the following provisions:
1. **Location.** Parking spaces for the physically-challenged and accessible passenger loading zones that serve a particular building shall be the spaces or zones located closest to the nearest accessible entrance on an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for the physically challenged shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.
  2. **Parking Spaces.** Parking spaces for the physically challenged shall be at least ninety-six (96) inches wide and shall have an adjacent access aisle sixty (60) inches wide minimum (see diagram on next page). Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with the requirements in the Uniform Federal Accessibility Standards and the requirements of the American with Disabilities Act, as amended.

Two accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible circulation route.

Parking spaces and access aisle shall be level with surface slopes not exceeding 1:50 in all directions. One (1) in every eight (8) accessible spaces, but not less than one, shall be served by an access aisle ninety-six (96) inches wide minimum and shall be designated "van accessible".

3. **Signage.** Accessible parking spaces shall be designated as reserved for the physically challenged by a sign showing the symbol of accessibility (see diagram on previous page). Such signs shall not be obscured by a vehicle parked in the space.



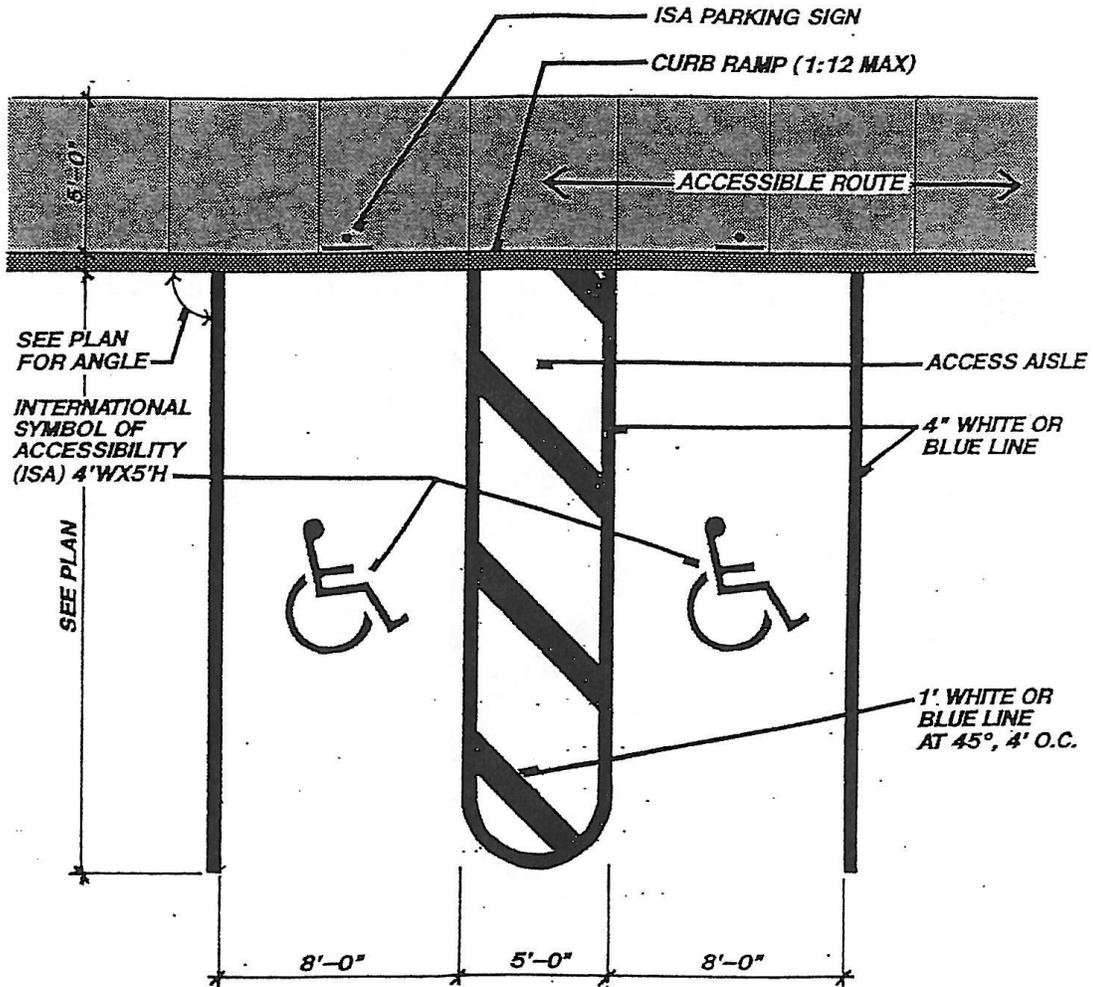


## ACCESS AISLE AT PASSENGER LOADING ZONES

**NOTE: VEHICLE STANDING SPACES AND ACCESS AISLES SHALL BE LEVEL WITH SURFACE SLOPES NOT EXCEEDING 1:50 IN ALL DIRECTIONS. IF THERE ARE CURBS BETWEEN THE ACCESS AISLE AND THE PASSENGER LOADING ZONE, THEN A CURB RAMP SHALL BE INSTALLED.**

**Figure 6A**

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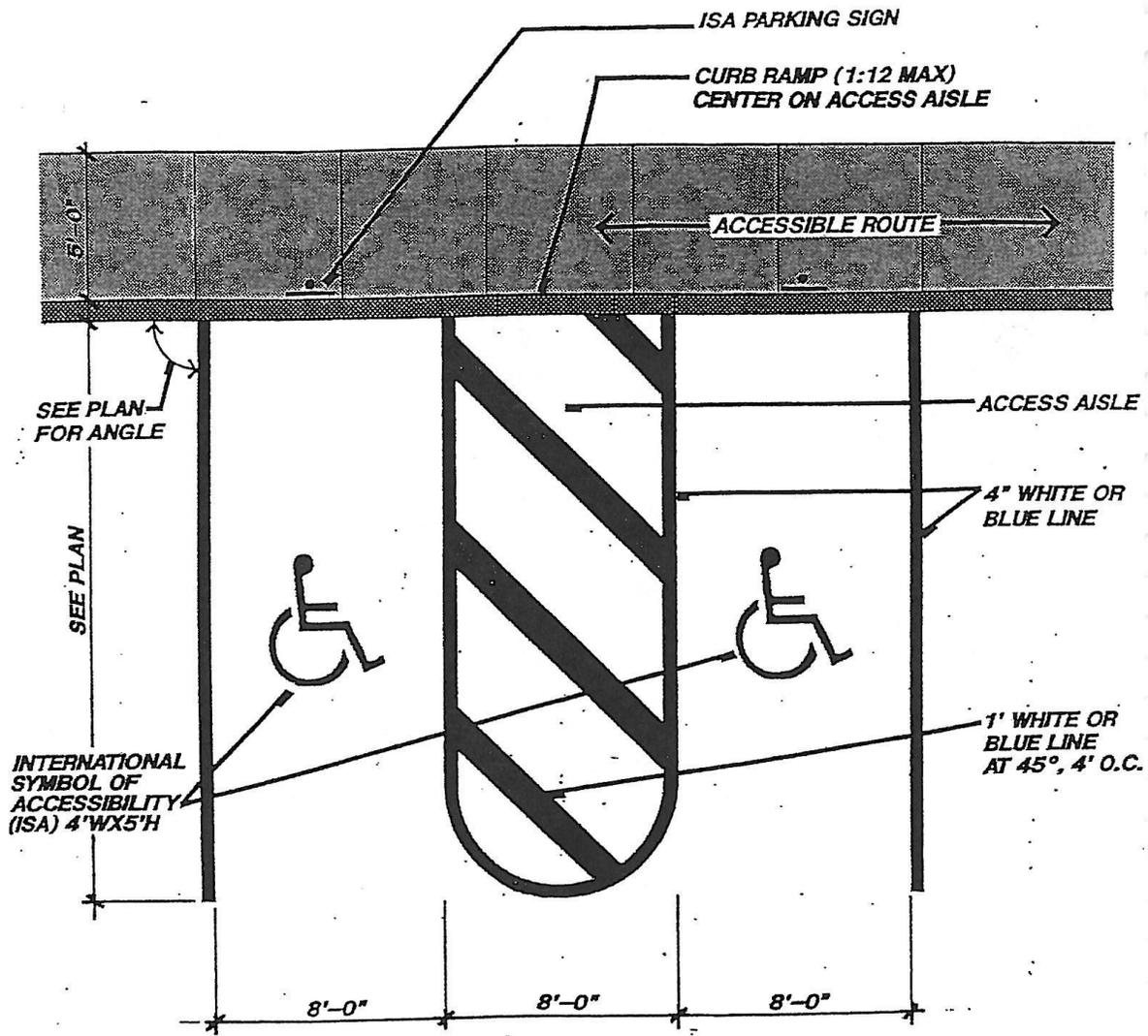


**BARRIER-FREE PARKING SPACE LAYOUT-STANDARD**

**NOTE: BARRIER-FREE PARKING SPACES SHALL BE LOCATED TO THE NEAREST ACCESSIBLE ENTRANCE ON AN ACCESSIBLE ROUTE**

**Figure 6B**

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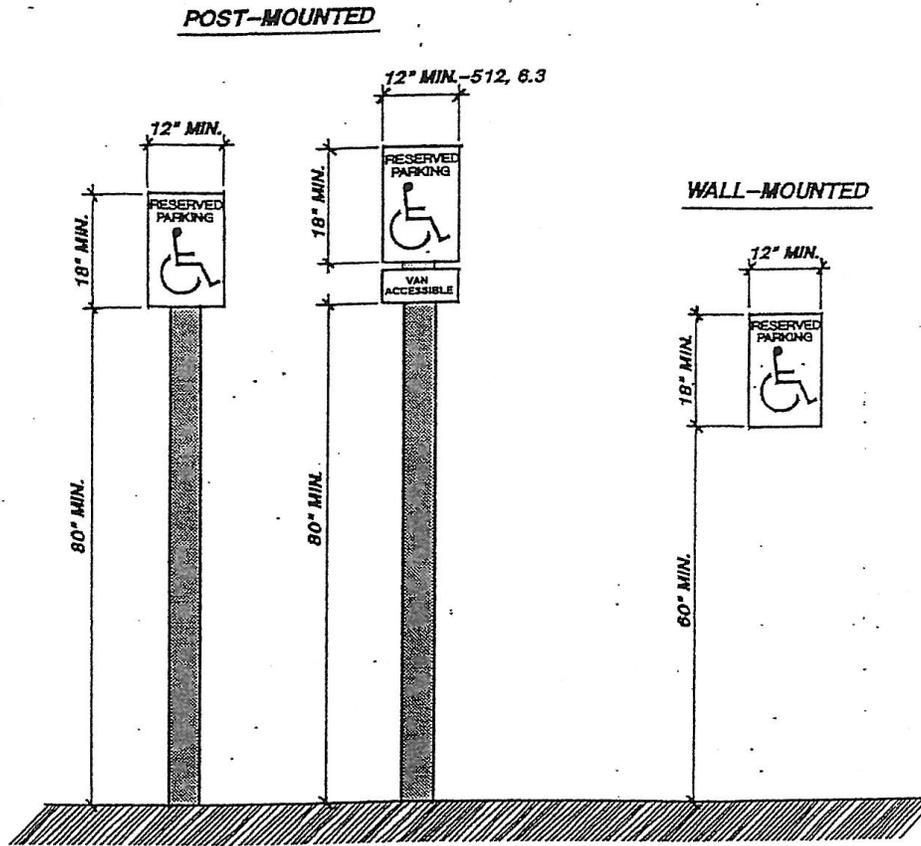


## BARRIER-FREE PARKING SPACE LAYOUT VAN ACCESSIBLE

**NOTE: BARRIER-FREE PARKING SPACES SHALL BE LOCATED TO THE NEAREST ACCESSIBLE ENTRANCE ON AN ACCESSIBLE ROUTE. ONE (1) IN EVERY EIGHT (8) ACCESSIBLE SPACES, BUT NOT LESS THAN ONE, SHALL BE SERVED BY AN ACCESS AISLE 8'-0" WIDE MINIMUM AND SHALL BE DESIGNATED "VAN ACCESSIBLE"**

Figure 6C

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## **BARRIER-FREE RESERVED PARKING SIGNS**

**NOTE: ACCESSIBLE PARKING SPACE SIGNS SHALL HAVE A MINIMUM HEIGHT AND SIZE TO PERMIT THE SPACE TO BE EASILY IDENTIFIED AND ARE ELEVATED SUCH THAT THEY SHALL NOT PRESENT A HAZARD TO PERSONS WALKING NEAR THE SIGN.**

**Figure 6D**

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**Article 6 Parking and Loading/Unloading Standards**

4. Passenger Loading Zones. Passenger loading zones shall provide an access aisle at least sixty (60) inches wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space (see diagram on previous page). If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. (Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions).
5. Vehicle Clearance. Provide minimum vehicle clearances of one hundred fourteen (114) inches at accessible passenger loading zones and along vehicle access routes to such areas from site entrances. If accessible van parking spaces are provided, then the minimum vertical clearance should be one hundred fourteen (114) inches.
6. Compliance. Accessibility shall be in compliance with the Leroy Township Building Code and the American with Disabilities Act, as amended.
7. Requirements. If parking spaces are provided for self parking by employees or visitors, or both, then accessible spaces complying with the following table shall be provided in each such parking area:

TOTAL PARKING IN LOT	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100 over 1,000

**Section 606 OFF-STREET PARKING SPACE DESIGN STANDARDS**

Where required, off-street parking facilities shall be designed, constructed and maintained according to the following standards and regulations.

- A. Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways. All driveways and parking lots, with the exception of those serving detached single family homes, shall be hard-surfaced with concrete or asphalt and shall be graded or drained so as to dispose of stormwater runoff. Sheet drainage is discouraged. No surface water from a parking area shall be permitted to drain onto

adjoining property unless a watershed easement has been obtained. Discharge of drainage into a public right-of-way or municipal storm sewer shall require approval from the Township and the necessary permits from the agency or agencies with jurisdiction over the public drainage facilities. All such facilities are also subject to the Township's Driveway and Parking Lot Pavement Requirements.

- B. All spaces shall be provided adequate access by means of clearly defined driveways and maneuvering lanes. Maneuvering aisles and parking stalls shall meet the standards shown on the following page. Parking spaces shall be clearly identified and marked with durable striping.
- C. Curbing, wheel blocks or bumper blocks shall be provided where parking spaces abut landscaping, property lines, sidewalks or required setback areas to minimize pedestrian/vehicular conflicts.
- D. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements (see figure 6E):

OFF-STREET PARKING DIMENSIONS			
Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0° (Parallel Parking)	12 ft.	8 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.	20 ft.

- E. All illumination of parking lots or display areas shall be designed, installed and/or shielded to prevent spillover onto adjacent properties per Section 606, and shall be arranged to prohibit adverse affect on motorist visibility on adjacent public roadways.
- F. Where a parking space abuts a sidewalk, the minimum parking space depth shall be measured from the edge of the curb, except a two foot credit for vehicle overhang shall be permitted where the sidewalk is at least eight (8) feet wide or at least two (2) additional feet of greenbelt are provided.
- G. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be least twenty-five (25) feet distant from adjacent property located in any single-family residential district.
- H. Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.
- I. Parking lots and related maneuvering aisles shall meet the minimum setbacks from adjacent street right-of-way as shown in the Schedule or Regulations. A greenbelt shall be provided within the front yard setback as specified in Section 422(A) and landscaping, walls or berms within the buffer yards described in Section 422(H).

## Article 6 Parking and Loading/Unloading Standards

### Section 607 PARKING LOT CONSTRUCTION AND MAINTENANCE

- A. Plans and specifications for parking areas shall be submitted to the Building Department prior to the issuance of a Site Permit. These plans shall be drawn consistent with the requirements for site plan review (see Article 8) and include the items listed below:
  - 1. Existing and proposed grade;
  - 2. A demonstration that stormwater run-off shall be accommodated on-site through approved drainage facilities, including catch basins, runoff calculations, pipe sizes and connections to existing drainage structures; and,
  - 3. An indication of surface and base materials to be used during construction. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be designed and constructed with asphalt or concrete.
- B. Required parking lots shall be installed and completed within six (6) months of receipt of a Building Permit and before issuance of an occupancy permit. The Building Inspector may grant a single extension for an additional six (6) months in the event of adverse weather conditions or unusual delays beyond the control of the property owner.
- C. Gravel parking may be permitted for temporary uses upon review and approval of the Zoning Board of Appeals.
- D. The visibility of pavement markings delineating parking spaces and directional control shall be maintained.

### Section 608 OFF-STREET LOADING AND UNLOADING AREAS

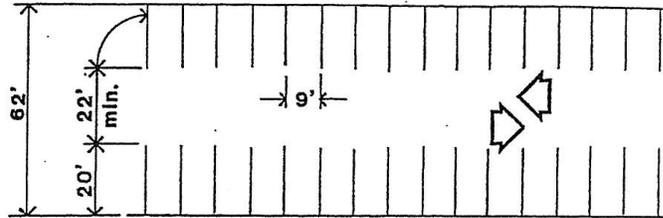
On premise space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods.

- A. The size of the loading area shall be sufficient to prevent undue interference with adjacent required parking spaces, maneuvering aisles, or traffic flow on public streets.
- B. Where an alley exists at the rear of the building, the required loading area may be computed from the centerline of the alley.
- C. Loading/unloading areas and docks shall not be provided in the front yard or on any building side facing and directly visible to a public street. A wall or berm shall be provided to screen the loading area from view as specified in Section 422.
- D. Required loading areas shall not be included in calculations for off-street parking space requirements.
- E. The size of all required loading/unloading spaces shall be at least ten (10) feet by fifty (50) feet or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. The loading area space requirements for office uses may be reduced by the Planning Commission based on the types and size of delivery vehicles and the specific type of office use.
- F. Loading dock approaches shall be constructed of an asphalt or Portland cement binder with a base sufficient to accommodate expected vehicle weight.
- G. The minimum number of loading spaces shall be provided in accordance with the following table:

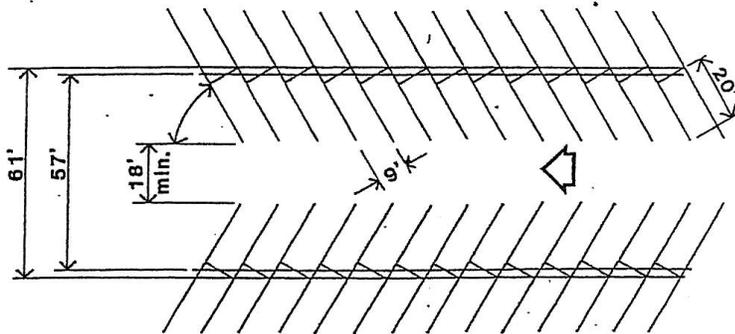
<b>TABLE 4 Loading Space Requirements</b>	
Use	Number of Spaces
<b>Institutional and Commercial</b>	
Up to 5,000 sq. ft. GFA	1.0 space
5,001 - 60,000 sq. ft. GFA	1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA
60,001 sq. ft. GFA and over	3.0 spaces, plus 1.0 space per each additional 50,000 sq. ft. GFA
<b>Office</b>	
Up to 15,000 sq. ft. GFA	1.0 space
Up to and over 30,000 sq. ft. GFA	2.0 spaces, plus 1.0 space per each additional 30,000 sq.ft. GFA
<b>Industrial</b>	
Up to 1,400 sq. ft. GFA	0
1,401 - 20,000 sq. ft. GFA	1.0 space
20,001 - 100,000 sq. ft. GFA	1.0 space plus 1.0 space per each 20,000 sq. ft. GFA in excess of 20,000 sq. ft.
100,001 sq. ft. GFA and over	5.0 spaces

Figure 6E

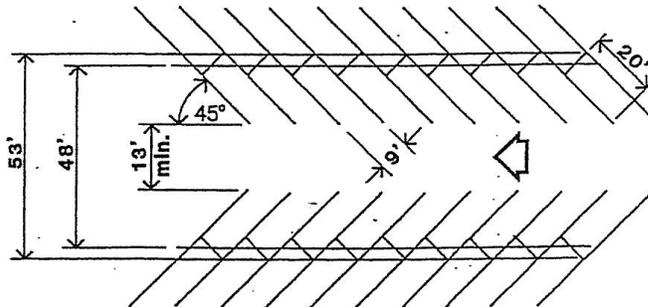
75 to 90 degree



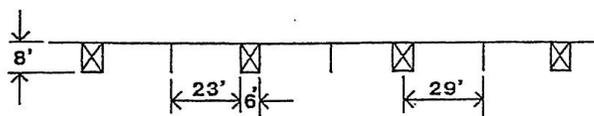
54 to 74 degree



30 to 53 degree



parallel



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## Parking Layouts

# ARTICLE 7 SIGNS

## Section 701 PURPOSE

These regulations are intended to permit signs and other displays that are needed for the purposes of identification or advertising, subject to the following objectives:

- A. By reason of their size, location, spacing, construction or manner of display, signs shall not endanger life or limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety.
- B. Signs should enhance the aesthetic appeal of the Township. Thus, these regulations are intended to: 1) regulate oversized signs that are out-of-scale with surrounding buildings and structures, and 2) prevent an excessive accumulation of signs which cause visual clutter.
- C. The placement and design of signs should further the land use planning objectives of the Township. Signs should protect neighborhood character and the value of surrounding properties.

## Section 702 SCOPE OF REQUIREMENTS

It shall be unlawful for any person, firm, or corporation to erect, construct, or alter any sign in Leroy Township except in conformance with the provisions of this Article, subject to issuance of a permit, except as otherwise provided herein.

## Section 703 DEFINITIONS

For the purposes of this Article, the following definitions shall apply (see illustrations):

Accessory Sign: A sign which pertains to the use of the premises on which it is located.

Animated Sign: A sign which uses lights, moving parts, or other means to depict action, create an image of a living creature or person, or create a special effect or scene.

Awning Sign: A sign which is painted on, printed on, or attached flat against the surface of an awning.

Banner Sign: A sign made of fabric, cloth, paper, or other non-rigid material that is typically not enclosed in a frame.

Billboards: See "Off-Premise Advertising Sign".

Bulletin Board: A type of "changeable copy" sign which displays the name of an institution, school, library, community center, fraternal lodge, golf course, country club, park or other recreational facility, and which displays announcements of its services and activities upon the premises.

Changeable Copy Sign (Automatic): A sign on which the message changes automatically (for example, electronic or electric time and temperature signs).

Changeable Copy Sign (Manual): A sign on which the message is changed manually (for example, by physically replacing the letters).

## Article 7 Signs

Community Special Event Sign: Signs and banners, including decorations and displays celebrating a traditionally-accepted patriotic or religious holiday, or special municipal or school activities.

Construction Sign: A temporary sign identifying the designer, contractors and sub-contractors, and material suppliers participating in construction on the property on which the sign is located.

Directional Sign: A sign which is intended to direct the flow of vehicular and pedestrian traffic to, from, and within a development site.

Festoon: A string of ribbons, tinsel, small flags, pinwheels or lights, typically strung overhead in loops.

Flashing Sign: A sign which contains an intermittent or sequential flashing light source.

Freestanding Sign: A sign which is erected upon or supported by the ground, including "pole signs" and "ground signs."

Gasoline Price Sign: A sign which is used to advertise the price of gasoline. In the event that the brand identification sign is attached to or is a part of the sign advertising price, that portion of the sign used for advertising price shall be considered the gasoline price sign.

Ground Sign: A three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message is painted or posted. A ground sign may also consist of a base-mounted cylindrical structure upon which a message is painted or posted.

Illegal Sign: A sign which does not meet the requirements of this ordinance and which has not received legal nonconforming status.

Incidental Sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations.

Mansard: A sloped roof or roof-like facade. Signs mounted on the face of a mansard roof shall be considered wall signs.

Marquee: A permanent roof-like structure or canopy, supported by and extending from the face of the building.

Marquee Sign: A sign attached to or supported by a marquee structure.

Moving Sign: A sign in which the sign itself or any portion of the sign moves or revolves. A "rotating sign" is a type of moving sign. Such motion does not refer to the method of changing the message on the sign.

Mural: A design or representation which is painted or drawn on the exterior surface of a structure and which does not advertise a business, product, service, or activity.

Nameplate: A nonelectric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Neon Sign: See "Outline Tubing Sign."

Nonconforming Sign:

1. A sign which is prohibited under the terms of this Ordinance, but was erected lawfully and was in use on the date of enactment of this Ordinance, or amendment thereto.

2. A sign which does not conform to the requirements of this Ordinance, but for which a variance has been granted.

Obsolete Sign: A sign that advertises a product that is no longer made or that advertises a business that has closed.

Off-Premise Advertising Sign: A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where such sign is located.

On-Premise Advertising Sign: A sign which contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where the sign is located.

Outline Tubing Sign: A sign consisting of glass tubing, filled with a gas such as neon, which glows when electric current is sent through it.

Parapet: The extension of a false front or wall above a roof line. Signs mounted on the face of a parapet shall be considered wall signs.

Pole Sign: A type of freestanding sign that is elevated above the ground on poles or braces.

Political Sign: A temporary sign relating matters to be voted on in a local, state, or national election or referendum.

Portable Sign: A sign designed to be moved easily and not permanently affixed to the ground or to a structure.

Poster Panel: A type of temporary sign that is used to draw attention to matters that are temporary in nature, such as price changes or sales. "A" frame or sandwich signs are types of poster panel signs.

Projecting Sign: A sign, other than a flat wall sign, that projects more than twelve (12) inches from the face of the building or structure upon which it is located. A projecting roof sign is one that projects beyond the face or exterior wall surface of the building upon which the roof sign is mounted.

Public Sign: A sign erected in the public interest by or upon orders from a local, state, or federal public official. Examples of public signs include: legal notices, safety signs, traffic signs, memorial plaques, signs of historical interest, and similar signs.

Real Estate Sign: A temporary sign which makes it known that real estate upon which the sign is located is for sale, lease, or rent.

Real Estate Development Sign: A sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) which is under construction on the parcel on which the sign is located.

Residential Entranceway Sign: A sign which marks the entrance to a subdivision, apartment complex, condominium development, or other residential development.

Roof Line: The top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.

Roof Sign: Any sign that extends above the roof line or is erected over the surface of the roof.

Rotating Sign: See "Moving Sign."

Sign: Any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons. Unless otherwise indicated, the

## Article 7 Signs

definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily directed at persons within the premises upon which the sign is located.

Temporary Sign: A sign not constructed or intended for long term use. Examples of temporary signs include signs which announce a coming attraction, a new building under construction, a community or civic project, or other special events that occur for a limited period of time.

Time and Temperature Signs: Signs which display the current time and/or temperature.

Vehicle Signs: Signs painted or mounted on the side of a vehicle, including signs on the face of a truck trailer.

Wall Sign: A sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. Painted signs, signs which consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof shall be considered wall signs. Permanent signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside, shall also be considered wall signs.

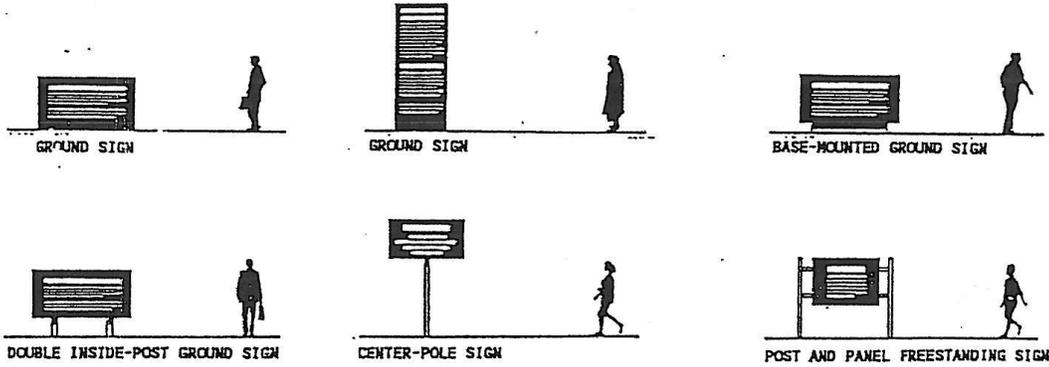
Window Sign: A sign located in or on a window which is intended to be viewed from the outside. Permanent window signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside, shall be considered wall signs.

## Section 704 ENFORCEMENT

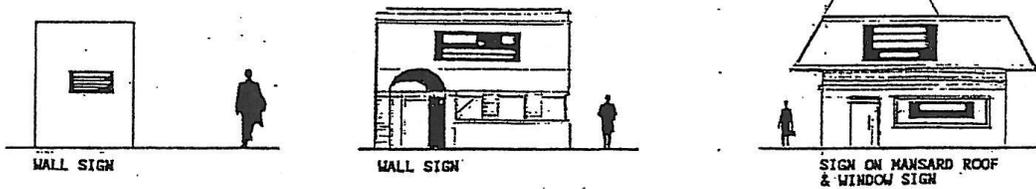
### A. Plans, Specifications, and Permits.

1. Permits. It shall be unlawful for any person to erect, alter, relocate, or structurally change a sign or other advertising structure, unless specifically exempted by the Article, without first obtaining a permit in accordance with the provisions set forth herein. A permit shall require payment of a fee, which shall be established by the Township Board.
2. Applications. Application for a sign permit shall be made upon forms provided by the Township Clerk. The following information shall be required:
  - a. Name, address, and telephone number of the applicant.
  - b. Location of the building, structure, or lot on which the sign is to be attached or erected.
  - c. Position of the sign in relation to nearby buildings, structures, and property lines.
  - d. Plans showing the dimensions, materials, method of construction, and attachment to the building or in the ground.
  - e. Copies of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure.
  - f. Name and address of the person, firm, or corporation owning, erecting, and maintaining the sign.
  - g. Information concerning required electrical connections.
  - h. Insurance policy or bond, as required in this Article.
  - i. Written consent of the owner or lessee of the premises upon which the sign is to be erected.
  - j. Other information required by the Township Clerk to make the determination that the sign is in compliance with all applicable laws and regulations.

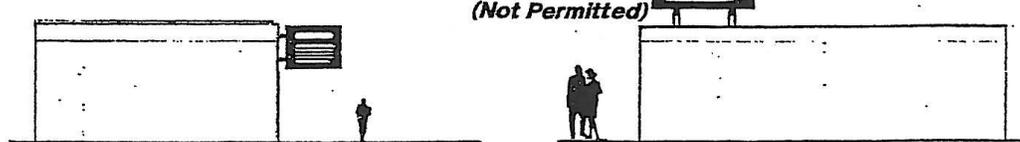
VARIOUS TYPES OF FREESTANDING SIGNS



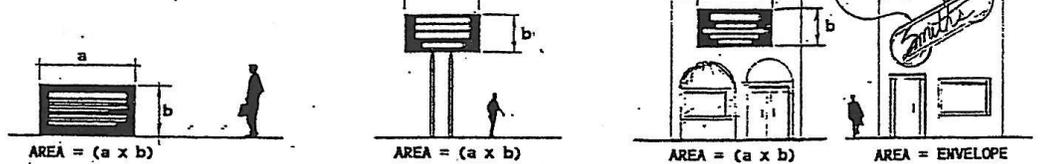
VARIOUS TYPES OF WALL SIGNS



PROJECTING SIGN



SIGN MEASUREMENT



SIGN SETBACKS

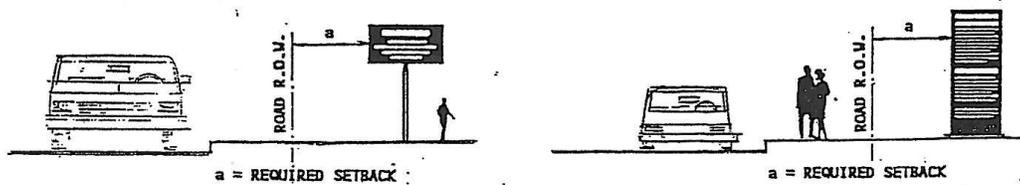


Figure 7A

Illustrations of Sign Definitions and Standards

MCKenna Associates, Incorporated  
Community Planning • Urban Design  
Farmington Hills, Michigan

## Article 7 Signs

### 3. Review of Application.

- a. *Planning Commission Review.* Sign permit applications submitted in conjunction with the proposed construction of a new building or addition to an existing building shall be reviewed by the Planning Commission as a part of the required site plan review. Proposed signs must be shown on the site plan.
  - b. *Building Inspector Review.* The Building Inspector shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.
  - c. *Issuance of a Permit.* Following review and approval of a sign application by the Planning Commission or Building Inspector as appropriate, the Building Inspector shall have the authority to issue a sign permit.
4. Exceptions. A sign shall not be enlarged or relocated except in conformity with the provisions set forth herein for new signs, nor until a proper permit has been secured. However, a new permit shall not be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, or changing of the message on the sign where the sign is designed for such changes (such as lettering on a marquee or numbers on a gasoline price sign). Furthermore, a permit shall not be required for certain exempt signs listed in Section 705, sub-section A.

### B. **Inspection and Maintenance.**

1. Inspection of New Signs: All signs for which a permit has been issued shall be inspected by the Building Inspector when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable Zoning Ordinance and Building Code standards.

In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector shall advise the Building Inspector when such fastenings are to be installed so that inspection may be completed before enclosure.

2. Inspection of Existing Signs: The Building Inspector shall have the authority to routinely enter onto property to inspect existing signs. In conducting such inspections, the Building Inspector shall determine whether the sign is adequately supported, painted to prevent corrosion, and so secured to the building or other support as to safely bear the weight of the sign and pressure created by the wind.
3. Correction of Defects: If the Building Inspector finds that any sign is unsafe, insecure, improperly constructed, or poorly maintained, the sign erector, owner of the sign, or owner of the land shall make the sign safe and secure by completing any necessary re-construction or repairs, or entirely remove the sign in accordance with the timetable established by the Building Inspector.

- C. **Removal of Obsolete Signs.** Any sign that no longer identifies a business that is in operation, or that identifies an activity or event that has already occurred, shall be considered abandoned and shall be removed by the owner, agent, or person having use of the building or structure. Upon vacating a commercial or industrial establishment, the proprietor shall be responsible for removal of all signs used in conjunction with the business.

However, where a conforming sign structure and frame are typically reused by a current occupant in a leased or rented building, the building owner shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied, provided that the sign structure and frame are maintained in good condition.

- D. **Nonconforming Signs.** No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with Section 503 of this Ordinance, except that nonconforming signs shall comply with the following regulations:

1. Repairs and Maintenance. Normal maintenance shall be permitted, provided that any nonconforming sign that is destroyed by any means to an extent greater than fifty percent (50%) of the sign's pre-catastrophe fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs; replacement of faded or damaged surface panels; or, repair or replacement of electrical wiring or electrical devices.
  2. Nonconforming Changeable Copy Signs. The message on a nonconforming changeable copy sign or nonconforming bulletin board sign may be changed provided that the change does not create any greater nonconformity.
  3. Substitution. No nonconforming sign shall be replaced with another nonconforming sign.
  4. Modifications to the Principal Building. Whenever the principal building on a site on which a nonconforming sign is located is modified to the extent that site plan review and approval is required, the nonconforming sign shall be removed.
- E. **Appeal to the Zoning Board of Appeals**. Any party who has been refused a sign permit for a proposed sign may file an appeal with the Zoning Board of Appeals, in accordance with Article 16 of this Ordinance. In determining whether a variance is appropriate, the Zoning Board of Appeals shall study the sign proposal, giving consideration to any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards. The presence of any of the circumstances listed may be sufficient to justify granting a variance; however, the Zoning Board of Appeals may decline to grant a variance even if certain of the circumstances is present.
1. Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions.
  2. Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the Zoning Board of Appeals shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.
  3. Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.
  4. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.
  5. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.
  6. Variance from certain sign regulations would be offset by increased building setback, increased landscaping, or other such enhancements, so that the net effect is an improvement in appearance of the parcel, compared to the result that would be otherwise achieved with construction of a conforming sign.
  7. A sign which exceeds the permitted height or area standards of the Ordinance would be more appropriate in scale because of the large size or frontage of the parcel or building.

## Section 705 GENERAL PROVISIONS

- A. **Permitted Exempt Signs**: A sign permit shall not be required for the following signs, which shall be permitted subject to applicable provisions herein:
1. Address numbers with a numeral height no greater than six (6) inches for residences and eighteen (18) inches for businesses (see also requirements in Building Numbering Ordinance, Ordinance No. 26).
  2. Nameplates identifying the occupants of the building, not to exceed two (2) square feet.

## Article 7 Signs

3. Memorial signs or tablets.
  4. Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business, provided that the primary use of the vehicle displaying the sign shall not be for the purpose of advertising a business on the premises where the vehicle is parked.
  5. Public signs, including the authorized signs of a government body or public utility, including traffic signs, legal notices, railroad crossing signs, warnings of a hazard, and similar signs.
  6. Flags bearing the official design of a nation, state, municipality, educational institution, or noncommercial organization.
  7. Incidental signs, provided that total of all such signs shall not exceed two (2) square feet.
  8. Private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
  9. One (1) private parking lot and driveway identification sign, not to exceed three (3) square feet per sign and six (6) feet in height.
  10. Permanent signs on vending machines, gas pumps, or ice containers indicating only the contents of such devices, provided that the sign area of each device shall not exceed six (6) square feet.
  11. Portable real estate "open house" signs with an area no greater than four (4) square feet.
  12. "Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall be six (6) square feet.
  13. Any sign which is located completely within an enclosed building, and which is not visible from outside the building.
  14. Plaques or signs designating a building as a historic structure.
  15. "No Trespassing," "No Hunting," and "No Dumping" signs.
  16. Signs used to direct vehicular or pedestrian traffic to parking areas, loading areas, or to certain buildings or locations on the site, subject to the following conditions:
    - a. Directional signs shall not contain logos or other forms of advertising.
    - b. Directional signs shall not exceed four (4) square feet in area, or four (4) feet in height.
    - c. Directional signs may be located in the front setback area, provided they are setback at least fifteen (15) feet from the existing or planned right-of-way line.
  17. Political signs.
  18. Construction signs.
  19. Community special event signs.
- B. **Prohibited Signs:** The following signs are prohibited in all districts:
1. Any sign not expressly permitted.
  2. Signs which incorporate flashing or moving lights; however, time and temperature or stock market signs shall be permitted.
  3. Banners, pennants, festoons, spinners, and streamers, unless specifically permitted elsewhere in this Article.
  4. String lights used for commercial purposes, other than holiday decorations.
  5. Moving signs, including any sign which has any visible moving parts, visible revolving parts, visible mechanical movement, or other visible movement achieved by electrical, electronic, or mechanical means, including intermittent electric pulsations or movement caused by normal wind current.

6. Any sign or sign structure which:
    - a. Is structurally unsafe;
    - b. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
    - c. Is capable of causing electric shock to person who come in contact with it; or
    - d. Is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.
  7. Any sign erected on a tree or utility pole, except signs of a government or utility.
  8. Obsolete signs, as specified in Section 704, sub-section C.
  9. Portable signs, except where expressly permitted in this Ordinance.
  10. Signs affixed to a parked vehicle or truck trailer which is being used principally for advertising purposes, rather than for transportation purposes.
  11. Any sign which obstructs free access to or egress from a required door, window, fire escape, or other required exit.
  12. Any sign which makes use of the words "Stop", "Look", or "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
  13. Any sign containing obscene, indecent, or immoral matter.
  14. Any sign unlawfully installed, erected, or maintained.
  15. Roof signs.
  16. Projecting signs.
  17. Sandwich signs.
  18. Signs on street furniture, such as benches and trash receptacles.
  19. Real estate signs no longer valid due to the sale, rental, or lease of the property.
- C. **Temporary Signs:** Temporary signs shall be permitted as specified in the table on the following page.

## Article 7 Signs

### TEMPORARY SIGN STANDARDS

Type of Sign	District Permitted	Type of Sign Permitted	Maximum			Permit Required	Required Setback	Permitted Duration
			Size (sq. ft.)	Height (ft.)	Number			
<b>Construction Sign</b>	All	Ground or Wall	64	15	1	No	(a)	From: issuance of building permit To: issuance of C of O
<b>Real Estate (sale or lease of individual home or residential lot)</b>	Residential	Portable Ground	6	6	1 <b>(b)</b>	No	(a)	Remove within 30 days of sale or lease
<b>Real Estate (sale or lease of individual business or vacant lot)</b>	Commercial	Portable Ground or Wall	16	10	1	No	(a)	Remove within 30 days of sale or lease
<b>Real Estate (sale or lease of unplatted vacant land)</b>	All	Portable Ground	64	10	1	No	(a)	Remove within 30 days of sale or lease
<b>Real Estate Development Sign</b>	All	Portable Ground	64	10	(c)	No	(a)	Remove within 30 days after all units or lots sold or leased
<b>Grand Opening Sign</b>	Commercial	Ground or Wall	16	10	1	No	(a)	60 days
<b>Garage Sale Sign</b>	Residential	Ground or Wall	2	5	2	No	(d)	4 consecutive days
<b>Community Special Event Sign</b>	All	(e)	(e)	(e)	(e)	No	(a)	Duration of the event
<b>Political Sign</b>	All	Ground or Wall	16	10	2	No	(d)	From: 30 days prior to election To: 7 days after election
<b>Temporary Window Sign</b>	Commercial	Paper or Fabric	f	(f)	(f)	No	--	Maximum display period: 30 days(g)

- 
- a. The temporary sign shall comply with the setback requirements for the district in which it is located.
  - b. On a corner parcel two (2) signs, one (1) facing each street, shall be permitted.
  - c. One sign shall be permitted for each frontage on a secondary or major thoroughfare.
  - d. The temporary sign may be located in the required setback area, but shall not be located within the road right-of-way.
  - e. Community special event signs may include ground or wall signs, banners, pennants, or similar displays; the number, size and height of such signs shall be subject to Planning Commission approval.
  - f. The total of all window signs, temporary and permanent, shall not exceed one-third (1/3) of the total window area. The area of permanent window signs shall also be counted in determining compliance with standards for total area of wall signs.
  - g. Temporary window signs that are faded, yellowed, ripped or otherwise damaged shall be removed immediately.

- D. **Off-Premise Advertising Signs:** Freestanding off-premise advertising signs shall be permitted in the I-Industrial District, subject to the provisions in the following:
1. **Maximum Size:** No such sign shall exceed three hundred (300) square feet in area per sign face.
  2. **Maximum Height:** The maximum height for such signs shall be twenty-five (25) feet.
  3. **Setbacks:** All off-premise advertising sign shall meet the following setbacks.
    - a. Off-premise advertising signs shall comply with the setback requirements for the district in which they are located.
    - b. No part of any such sign shall be located closer than 300 feet to any park, school, church, hospital, cemetery, convention center, or government building.
    - c. Distance from Other Signs:
    - d. There shall be a minimum of 1,500 feet between off-premise advertising signs along an interstate freeway and a minimum of 1,000 feet between off-premise advertising signs along any other public road or highway.
    - e. There shall be a minimum of one hundred (100) feet between any off-premises advertising sign and any other on-premise sign.
    - f. **Location:** Off-premises advertising signs shall not be located on or over the roofs of buildings.
    - g. **Church Signs:** Church signs shall be permitted subject to the same standards as other signs in the district in which the church is located. However, churches in residential districts may erect signs for the purposes of: identification of the church or church affiliated school, parsonage, or other facility; advertising the time or subject of church services; or, presenting other related information. Such signs shall be subject to the following standards:
    - h. **Number:** There shall be no more than one (1) sign per parcel, except on a corner parcel, two (2) signs, one (1) facing each street shall be permitted. One (1) additional sign shall be permitted for each school, parsonage, or other related facility.
    - i. **Size:** The maximum size of each such sign shall be twenty (20) square feet.
    - j. **Location:** Signs shall comply with the setback requirements for the district in which they are located.
    - k. **Height:** The maximum height of church signs shall be eight (8) feet.

## Section 706 SIGN DESIGN STANDARDS

### A. Construction Standards

1. **General Requirements:** All signs shall be designed and constructed in a safe and stable manner in accordance with the Township's adopted building code and electrical code. All electrical wiring associated with a freestanding sign shall be installed underground.
2. **Building Code:** All signs shall be designed to comply with minimum wind pressure and other requirements set forth in the adopted Building Code.
3. **Framework:** All signs shall be designed so that the supporting framework, other than the supporting poles on a freestanding sign, is contained within or behind the face of the sign or within the building to which it is attached so as to be totally screened from view.

### B. Illumination.

## Article 7 Signs

1. General Requirements: Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it.
2. Non-Glare, Shielded Lighting: Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded so as not to project onto adjoining properties or thoroughfares.
3. Traffic Hazards: Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.
4. Bare Bulb Illumination: Illumination by bare bulbs or flames is prohibited, except that bare bulbs are permitted on changeable copy signs and theater marques.

### C. Location.

1. Within a Public Right-of-Way: No sign shall be located within, project into, or overhang a public right-of-way, except as otherwise permitted herein.
2. Compliance with Setback Requirements: All signs shall comply with the setback requirements for the district in which they are located, except as otherwise permitted herein.
3. Sight Lines for Motorists: Signs shall comply with the requirements for unobstructed motorist visibility in Section 426.

### D. Measurement.

1. Sign Area: Sign area shall be computed as follows:
  - a. *General Requirements*. Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign.
  - b. *Individual Letters*. Where a sign consists of individual letters and logo affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.
  - c. *Freestanding Sign*. The area of a double-faced freestanding sign shall be computed using only one (1) face of the sign provided that: 1) the outline and dimensions of both faces are identical, and 2) the faces are back-to-back so that only one face is visible at any given time.
  - d. *Ground Sign*. The area of a ground sign shall be computed by measuring the entire vertical surface of a face upon which the letters and logo are attached. In the case of a multi-faced ground sign, the area of the sign shall be computed using only one face of the sign.
  - e. *Cylindrical Sign*. The area of a cylindrical ground sign shall be computed by multiplying the diameter of the cylinder by its height.
2. Setback and Distance Measurements. The following guidelines shall be used to determine compliance with setback and distance measurements:
  - a. The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.
  - b. The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the outer edge of the parking lot or building.
  - c. The distance between a sign and a building or property line shall be measured along a straight horizontal line that represents the shortest distance between the sign and the building.

## Section 707 RESIDENTIAL DISTRICT SIGNS

The following signs shall be permitted in all districts zoned for residential use, (see Generalized Schedule of Sign Standards):

- A. **Nameplate and Street Address:** A nameplate sign and street address shall be permitted in accordance with Section 705, sub-section A.
- B. **Real Estate Signs:** Real estate signs shall be permitted in accordance with Section 705, sub-section C.
- C. **Garage Sale Signs:** Garage sale signs shall be permitted in accordance with Section 705, sub-section C.
- D. **Church Signs:** Church signs shall be permitted in accordance with Section 705, sub-section E.
- E. **Residential Entranceway Signs:** Permanent residential entranceway signs shall be permitted in accordance with the following requirements:
  - 1. The sign shall cover no more than fifty percent (50%) of the entranceway structure.
  - 2. There shall be no more than one (1) such sign located at each entrance to a subdivision or development.
- F. **Signs for Nonconforming Uses:** Each nonconforming nonresidential use in a residential district shall be permitted one wall-mounted sign, subject to the following requirements:
  - 1. The maximum size for such a sign shall be two (2) square feet.
  - 2. No such sign shall be intentionally lighted.

## Section 708 NONRESIDENTIAL DISTRICT SIGNS

The following signs shall be permitted in districts zoned for nonresidential use, including districts zoned PO, HC and CHI (see Generalized Schedule of Sign Standards):

- A. **Signs for Residential District Uses in a Nonresidential District:** Signs for nonconforming residential district uses in a nonresidential district shall be governed by the sign regulations for residential district uses set forth in Section 707.
- B. **Signs for Nonconforming Nonresidential Uses:** Signs for nonconforming nonresidential uses in an office, commercial or industrial district (for example, a nonconforming commercial use in an industrial district) shall be governed by the sign regulations which are appropriate for the type of use, as specified in this Section.
- C. **Wall Signs:** Wall signs shall be permitted in office and commercial districts subject to the following regulations:
  - 1. **Number:** One (1) wall sign shall be permitted per street or highway frontage on each parcel. Also, buildings adjacent to I-96 shall be permitted one (1) wall sign facing I-96. In the case of a multi-tenant building or shopping center, one (1) wall sign shall be permitted for each tenant having an individual means of public access. Tenants who occupy a corner space in a multi-tenant structure shall be permitted to have one (1) sign on each side of the building. Where several tenants use a common entrance in a multi-tenant structure, only one (1) wall sign shall be permitted, but the total sign area should be allocated on an equal basis to all tenants.
  - 2. **Size:** The total area of a wall sign shall not exceed one and one-half (1 ½) square feet per lineal foot of building frontage not to exceed the limits specified in the following table:

**Article 7 Signs**

Zoning District in which Sign Is Located	Maximum Sign Area
PO, HC, CHI	125 sq.ft.

In the case of a multi-tenant building or shopping center, these size requirements shall apply to each business individually.

3. Location: One wall sign may be located on each side of a building that faces a street or highway.
  4. Vertical Dimensions: The maximum vertical dimension of any wall sign shall not exceed one third (1/3) of the building height.
  5. Horizontal Dimensions: The maximum horizontal dimension of any wall-mounted sign shall not exceed three-fourths (3/4) of the width of the building.
  6. Height: The top of a wall sign shall not be higher than whichever is lowest:
    - a. The maximum height specified for the district in which the sign is located.
    - b. The top of the sills at the first level on windows above the first story.
    - c. The height of the building facing the street on which the sign is located.
- D. **Freestanding Signs**: Freestanding signs shall be permitted in commercial and industrial districts subject to the following regulations:
1. Number: One (1) freestanding sign shall be permitted per street or highway frontage on each parcel. In multi-tenant buildings or shopping centers the sign area may be allocated for use by individual tenants.
  2. Size: The total area of the freestanding sign shall not exceed one-half (½) of a square foot per lineal foot of lot frontage, not to exceed the limits in the following table:

Zoning District in Which Sign is Located	Maximum Sign Area
PO, HC, CHI	125 sq.ft.

One (1) freestanding sign up to 200 sq.ft. in size may be permitted for a Planned Development, subject to review in accordance with Article 10.

3. Setback from the Right-of-Way: Freestanding signs may be located in the required front yard, provided that no portion of any such sign shall be located closer than fifteen (15) feet to the existing or planned right-of-way line. If a parcel is served by a private road or service road, no portion of a freestanding sign shall be closer than five (5) feet to the edge of the road. No portion of a freestanding sign shall be located closer than twenty-five (25) feet to the right-of-way of an interstate freeway.
4. Setback from Residential Districts: Freestanding signs shall be located no closer to any residential district than indicated in the following table:

Zoning District in Which Sign Is Located	Required Setback from Residential District
PO, HC, CHI	100 ft.

5. Height: The height of a freestanding sign in any nonresidential district shall not exceed five (5) feet. However, freestanding signs up to fifteen (15) feet in height may be permitted by the Planning Commission, subject to Special Land Use review, Article 9.

- E. **Marquee Signs:** Marquee signs shall be permitted for theaters located in commercial districts subject to the following requirements:
1. **Construction:** Marquee signs shall consist of hard incombustible materials. The written message shall be affixed flat to the vertical face of the marquee.
  2. **Vertical Clearance:** A minimum vertical clearance of ten (10) feet shall be provided beneath any marquee.
  3. **Projection:** Limitations imposed by this Ordinance concerning projection of signs from the face of a wall or building shall not apply to marquee signs, provided that marquee signs shall comply with the setback requirements for the district in which they are located.
  4. **Number:** One (1) marquee shall be permitted per street frontage.
  5. **Size:** The total size of a marquee sign shall not exceed one and one-half (1 ½) square feet per lineal foot of building frontage.
  6. **Compliance with Size Requirements for Wall Signs:** The area of permanent lettering on a marquee sign shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.
- F. **Awnings and Canopies:** Signs on awnings and canopies in commercial, office, and industrial districts shall be permitted, subject to the following standards:
1. **Coverage:** The total area of the lettering and logo shall not exceed twenty-five percent (25%) of the total area of the awning or canopy that is visible from the street.
  2. **Compliance with Size Requirements for Wall Signs:** The area of signs on awnings or canopies shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.
  3. **Projection:** Limitations imposed by this Ordinance concerning projection of signs from the face of a wall or building shall not apply to awning and canopy signs, provided that such signs shall comply with the setback requirements for the district in which they are located.
- G. **Gasoline Price Signs:** Gasoline price signs shall be permitted subject to the following standards.
1. **Number:** One (1) gasoline price sign shall be permitted for each gas station.
  2. **Size:** Gasoline price signs shall not exceed twenty (20) square feet in area.
  3. **Setback:** Gasoline price signs shall comply with the setback and height requirements specified for freestanding signs in the district in which the signs are located.
- H. **Temporary Signs:** Temporary signs shall be permitted in accordance with Section 705, sub-section C.
- I. **Window Signs:** Temporary and permanent window signs shall be permitted on the inside in commercial and office districts provided that the total combined area of such signs (including incidental signs) shall not exceed one-quarter (1/4) of the total window area. The area of permanent window signs shall be counted in determining compliance with standards for total area of wall signs on the parcel. Temporary window signs shall comply with the requirements in Section 705, sub-section C.
- J. **Time/Temperature/Stock Market Signs:** Time, temperature, and stock market signs shall be permitted in commercial and office districts, subject to the following conditions:
1. **Frequency of Message Change:** The message change shall not be more frequent than once every ten (10) seconds.
  2. **Size:** The area of these types of signs shall be included within the maximum sign area permitted on the site.

**Article 7 Signs**

3. Number: One (1) such sign shall be permitted per street frontage.

**GENERALIZED SCHEDULE OF SIGN STANDARDS  
FOR RESIDENTIAL USES\***

Type of Sign	Number	Area
Nameplate	1	2 sq.ft.
Street Address	1	6 in. height
Church	1[a]	20 sq.ft
Real Estate Signs	1	6 sq.ft
Garage Sale Signs	2	2 sq.ft.
Residential Entranceway Signs	1[b]	48 sq.ft.
Wall Signs for Nonconforming Uses	1	2 sq.ft.

\* Specific sections in Article 7.00 should be consulted for details.

[a] One (1) additional sign shall be permitted for each school, parsonage, or other related facility.

[b] One (1) sign is permitted at each entrance to a subdivision or residential development.

**GENERALIZED SCHEDULE OF SIGN STANDARDS  
FOR NONRESIDENTIAL USES\***

<u>Types of Sign</u>	<u>Number</u>	<u>Maximum Area</u>
Wall	1[a]	Commercial Uses in the PO and C Districts 1 ½ sq. ft. per ft. of bldg. front, up to 125 sq. ft.
Freestanding	1[b]	½ sq. ft. per ft. of street frontage, up 125 sq. ft. [c]
Window Signs	N.A.	1/4 of window area; not permitted in industrial districts [d]
Awning or Canopy Signs	1	25% of awning area [d]
Gasoline Price Signs	1	20 sq. ft.
Marquee Sign	1[e]	1 ½ sq. ft. per ft. of bldg. front
Time/Temperature Stock Market Sign Permitted Districts	1	Based on max. permitted sign area on site; not in industrial
Real Estate	1	16 sq. ft. [f]

\* Specific sections in Article 16.00 should be consulted for details.

N.A. = Not Applicable

N.P. = Not Permitted

Footnotes

- [a] In the case of a multi-tenant building, one (1) wall sign shall be permitted for each tenant having an individual means of public access. Tenants who occupy a corner space in a multi-tenant structure shall be permitted to have one (1) sign on each side of the building. Where several tenants use a common entrance in a multi-tenant building, only one (1) wall sign shall be permitted, but the total sign area should be allocated on an equal basis to all tenants.
- [b] Only one (1) freestanding sign shall be permitted for multi-tenant buildings or shopping centers, but the sign area may be allocated for use by individual tenants.
- [c] The Township Board may permit a freestanding sign up to 200 square feet in area for a Planned Development.
- [d] The area of permanent window signs and awnings and canopy signs shall be counted in determining compliance with the standards for total area of wall signs.
- [e] Marquee signs shall be permitted for theaters located in commercial districts.
- [f] Real estate signs offering unplatted vacant land for sale or lease may be up to sixty-four square feet in area.

# ARTICLE 8 SITE PLAN REVIEW STANDARDS

## Section 801 STATEMENT OF PURPOSE

This Article is intended to establish procedures and standards for the review of Site Plan applications as herein prescribed. This section is further intended to insure a thorough evaluation of a site and the potential impacts on public health, safety and welfare in relationship to the Township Master Plan, drainage, utilities, natural resources, water quality, traffic patterns, adjacent parcels, landscaping and signs.

The site plan review standards and procedures provide an opportunity for the Planning Commission to review a proposed use in terms of site preparation and grading, building footprint, parking supply and design, service areas, easements, access points, vehicular and pedestrian traffic flow, landscape design, relationship to adjacent uses, adequacy of utilities, stormwater management, placement of signs and lighting fixtures, preservation of significant natural features and aesthetics. This Article is also intended to assist the Township in ensuring that buildings, structures, and uses are in conformity with the provisions of this zoning ordinance, other ordinances of the Township, and state or county or federal statutes.

## Section 802 SITE PLAN REVIEW AUTHORITY

- A. **Township Clerk:** The Township Clerk shall ensure that all site plan submittals substantially contain the required submittal information prior to scheduling a review before the Planning Commission. The Township Clerk may waive particular site plan submittal items or accept a sketch plan in accordance with Sec. 809, Sketch Plan Requirements.
- B. **Planning Commission:** In accordance with this section and its Rules of Procedure, the Planning Commission shall have the authority to either approve, approve with conditions or deny site plans.
- C. **Mobile Home/Manufactured Housing Park Plans:** Approval of the Planning Commission shall be required for the preliminary plan of a mobile home/manufacturing housing park. The Michigan Manufactured Housing Commission shall have the authority to approve the final site plan and construction plans.

## Section 803 USES REQUIRING SITE PLAN REVIEW

Site Plan Review shall be required for the following (see also Section 804, Exceptions):

- A. Development of commercial, industrial, office or multiple family uses or manufactured housing parks;
- B. Any change of use in land or building to a different occupancy or type or to a more intensive use, as determined by the Building Inspector, that may involve substantial change in such features as parking, traffic flow, structural amenities, hours of operation, public services, effluent discharge, drainage provisions or that may entail substantial alteration of an important physical aspect of the site;
- C. Prior to the issuance of any Special Land Use Permit;
- D. Any building containing three or more dwelling units;
- E. Any lot or parcel in any zoning district containing two or more uses;

## Article 8 Site Plan Review Standards

- F. Remodeling or altering existing structure increases the usable floor area of a building occupied by a commercial or industrial by ten percent (10%) in any twenty-four (24) month period;
- G. A change is made from a non-conforming use to a conforming use;
- H. A change is made from one conforming use to another requiring a change in parking or landscaping by this Ordinance or when the use changes the way in which a parcel of land is used with respect to driveways, impact on utilities, parking or other similar impact;
- I. The costs of remodeling and/or additions exceed fifty percent (50%) of the appraised value of the existing building(s) and said existing building(s) never previously received site plan approval;
- J. Where site plan review is otherwise required by this or other ordinances of the Township.
- K. Note: A new access permit may be required from the Ingham County Road Commission for any change in use.

### Section 804 EXCEPTIONS

Site Plan review is not required for the following:

- A. Construction, reconstruction, erection or expansion of a single-family or two-family dwelling on a single lot or parcel;
- B. Placement of a mobile home within an approved mobile home/manufactured housing park;
- C. Construction of permitted farm buildings or structures;
- D. Permitted accessory buildings and structures accessory to a single family or two-family dwelling in any zoning district;
- E. Family day care homes, foster family homes and foster family group homes in any zoning district;
- F. Adult foster care family homes;
- G. Construction solely on the building interior that does not increase usable floor area or parking and loading requirements; and,
- H. Construction or erection of retaining walls, fences, buffer walls, refuse storage stations, sidewalks, lights, poles, cooling/heating or other mechanical equipment, when located on a building or structure which conforms to the standards of this Ordinance.

### Section 805 SITE PLAN REVIEW PROCEDURES

- A. **Optional Preliminary Site Plan Review:** The applicant may request review of a Preliminary Site Plan by the Planning Commission prior to submittal of a complete final site plan. The purpose of a Preliminary Site Plan is to permit the applicant to obtain reaction on the potential location of buildings, points of egress and ingress to the site, and an indication of other likely improvements necessary to facilitate the preparation of the final plan. Generally the submittal should include the building footprint, general parking lot layout, location of driveways, conceptual grading, conceptual landscaping and similar items. The direction given to

an applicant during a preliminary site plan review is non-binding and shall be void after six (6) months from the time the advice is given. The Township may require a review fee for a preliminary site plan review.

- B. **Application:** Any person with legal interest or a representative in a lot or parcel may apply for review of a site plan by filing completed application forms and five copies of required site plan contents with the Township Clerk.
- C. **Initial Staff Review:** The Township Clerk shall review of the application and site plan submittal to determine if the application is complete. If, in the opinion of the Township Clerk, the applications and exhibits are inadequate the Township Clerk shall advise the applicant on revisions needed to comply with the requirements of this section and the Administrative Rules. If the site plan involves a public hearing, the Township Clerk shall schedule a public hearing before the Planning Commission. The applicant is also encouraged to submit a copy to the Ingham County Road Commission staff for a preliminary review of access issues before Planning Commission action.
- D. **Submittal to Planning Commission:** Once a site plan submittal is found to be complete, the Township Clerk shall place the site plan proposal on the next open Planning Commission agenda for review. The Township Clerk shall also submit a copy to each member of the Planning Commission and any township staff consultants involved in the review.
- E. **Review by Planning Commission:** For site plans reviewed by the Planning Commission, the Commission shall review the site plan for compliance with the standards of this ordinance and other appropriate ordinances and statutes, and take one of the following actions:
  1. Table action and request the applicant revise the site plan or provide additional documentation or information;
  2. Approve the site plan upon a finding that applicable ordinance standards are met (permits from outside agencies such as the Road Commission are then obtained); or
  3. Approve the site plan with conditions which the Planning Commission determines are reasonable and necessary to ensure conformance with applicable ordinances and statutes; or
  4. Deny the site plan upon a determination the site plan does not meet the standards, spirit and intent of this zoning ordinance and other appropriate ordinances and statutes. The applicant must revise the plans and resubmit if still interested in pursuing the project.
- F. **Implementation and conditions of site plan approval:** The Planning Commission Chairperson, or designee, shall provide the applicant with a signed and dated copy of the approved site plan, specifying any conditions of approval. One (1) copy shall be filed by the Township Clerk to ensure an adequate record is maintained. Where a site plan is approved with conditions, the conditions shall be listed in the motion and noted on the site plan, with the signature of Chairperson of the Planning Commission, as appropriate. The applicant shall submit a revised site plan to the Township Clerk within thirty (30) days that incorporates the conditions imposed by the Planning Commission. The Township Clerk shall have the authority to sign the site plan as approved upon determination that the revised site plan meets the conditions set forth by the Planning Commission. If the Township Clerk determines the conditions have not been met on the revised plan, the site plan shall be referred back to the Planning Commission. In making said determination, the Township Clerk may consult with the Township Planner, Township Engineer, Township Attorney or other Township officials, as needed.
- G. **Issuance of building permits:** Upon approval of a final site plan meeting all conditions of the Planning Commission, the Building Inspector may issue Building Permits for the approved project subject to the Building Code, other applicable codes, the approved site plan, and all other regulations. If the Planning Commission denies a change or amendment to a site plan, any building permits issued shall be revoked until such time as the requirements of the Planning Commission for approval have been met.

For site condominiums projects, all master deeds must be reviewed and approved by the Township

## Article 8 Site Plan Review Standards

Attorney prior to obtaining a building permit. Any amendments to the master deed shall be approved by the Township Attorney prior to recording with the County Register of Deeds.

- H. **Site inspection:** The Building Inspector may make periodic investigations of developments with approved site plans. Non-compliance with required conditions shall allow Building Inspector take necessary enforcement actions.
- I. **Agency requirements:** Should a review by any other Federal, State, County or Local agency be required by law, it shall be the responsibility of the applicant to consult these agencies and to submit a copy of their findings to the Township Clerk.

### Section 806 TIMING

Approval or conditional approval shall become void after one year unless construction permits have been obtained and construction of the development has started. The period shall be five (5) years for an approved mobile home/manufactured housing park.

### Section 807 FEES AND COSTS

- A. **Site Plan Review Fees:** The Township may establish site plan review fees to be paid by the applicant to the Township Clerk.
- B. **Performance Guarantee Requirements:** The Planning Commission or Township Board may require the deposit of a performance guarantee in the form of cash, certified check, irrevocable letter of credit, or surety bond acceptable to the Township Attorney, to assure the completion of any improvements shown on the site plan. "Improvements" means those features and actions associated with a project which are considered necessary by the body or official granting zoning approval to protect natural resources, or the health, safety and general welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including but not limited to roadways, lighting, utilities, sidewalks, pathways, screening, fencing, and drainage. "Improvements" does not include the entire project which is the subject of site plan approval. The Township shall make rebates against such performance guarantee, in appropriate amounts, as specified stages of development are completed. Failure of the applicant to complete the stated improvements shall require the forfeit of surety in the amount determined by the Township Clerk as necessary for the Township to complete the improvements.
- C. **Fees in Escrow for Professional Reviews:** Any application for site plan approval may require the deposit of fees to be held in escrow in the name of the applicant for use by the Township to obtain professional consultant review of the site plan and application.
  - 1. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Township values to review the proposed application and/or site plan of an applicant. Professional review will result in a report to the Township indicating the extent of 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 site plan may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by the Township and a copy of the statement of expenses for the professional services rendered.
  - 2. No application for approval for which an escrow fee is requested will be processed until the escrow fee is deposited with the Township Clerk. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Township.

The applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request.

3. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any land use or other permit issued by the Township in response to the applicant's request. For any unpaid costs and any uncollected fees, a lien shall be placed against the parcel which is the subject of the site plan.
4. Disputes on the costs of professional reviews may be resolved by an arbitrator mutually satisfactory to both parties.

## **Section 808 WAIVER FROM REQUIRED SITE PLAN SUBMITTAL ITEMS**

The Township Clerk may grant an exception from particular site plan submittal item(s) or accept a "sketch plan" upon determining a complete site plan is not required for review of the project for compliance with this ordinance, or such a requirement would be unreasonable. A statement explaining the waiver shall be provided to the Planning Commission.

In particular, the comprehensive list of submittal items may not be required under the following circumstances:

- A. The project involves a minor revision or improvement to an existing site, such as a parking lot improvement.
- B. The project involves a temporary building or structure to be approved by the Zoning Board of Appeals.
- C. The project involves one of the following uses in residential districts: utility/telephone exchange buildings, swimming pools, keeping of animals or family day care homes.
- D. The project involves a change in use within an existing building when the use will be similar or less intense than the past use in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics and other external impacts.

The Township Clerk shall provide a statement explaining the specific waivers when information is distributed for review. The Planning Commission may require submission of items which the Township Clerk indicated could be waived.

## **Section 809 SKETCH PLAN REQUIREMENTS**

Sketch plans approval shall follow the procedures outlined for site plan review.

Minimum contents of a "sketch plan" drawn to an engineers' scale shall include:

- A. Application form and review fee.
- B. Legal description of the property.
- C. Property lines.
- D. Existing and proposed buildings with dimensions and setbacks.
- E. Existing and proposed parking including number of spaces provided versus required according to Article 6. If changes are made to the parking area, stormwater runoff calculations and detention methods shall be described.

## Article 8 Site Plan Review Standards

- F. Details on any new driveways or changes to existing driveways.
- G. Existing and proposed signs.
- H. Existing and proposed landscaping.
- I. Layout of proposed changes to utilities such as electric, gas, cable and telephone, as well as the location of proposed on-site wastewater treatment and disposal systems.
- J. Location of existing and proposed public water mains, public and private drinking water wells, monitoring wells, irrigation wells, test wells or wells used for industrial processes.
- K. The location and elevations of existing water courses and water bodies, including county drains and manmade surface drainageways, floodplains, and wetlands.
- L. Proposed stormwater management plan including design of sewers, outlets, and retention or detention ponds. Sufficient data regarding site runoff estimates and off-site drainage patterns shall be provided to permit review of feasibility and permanence of drainage detention and/or retention as well as the impact on local surface and groundwater.
- M. Descriptions of type of operations proposed for the project and drawings showing size, location, and description of any proposed interior or exterior areas of structures for storing, using, loading or unloading of hazardous substances, hazardous wastes, and/or polluting materials.
- N. Description and location of any existing or proposed above ground and below ground storage facilities.
- O. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of cleanup or closure.
- P. Completion of the Environmental Permits Checklist on the form provided by the Township Clerk.
- Q. Any other items requested by Township staff or the Planning Commission.

### Section 810 REQUIRED SITE PLAN CONTENTS

Each Site Plan submitted to the planning Commission shall be in accordance with the provisions of this Ordinance. No site plan shall be considered until reviewed by the Township Clerk. The following information shall be included in the site plan submittal packet:

- A. **Application form and fee:** A completed application form and payment of a non-refundable application fee. A separate escrow deposit may be required for administrative charges to review the site plan submittal.
- B. **Applicant information:** The name and address of the property owner and applicant, interest of the applicant in the property, the name and address of developer, and current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- C. **Copies:** At least nine (9) copies of the site plan packet shall be submitted to the Township Clerk who will distribute one copy to each of the Commissioners, one copy to the professional consultant (if required) with one copy to be retained for the Township Clerk's official records. At least nine (9) copies of all other exhibits shall be submitted to the Township Clerk.
- D. **Scale:** The site plan shall be drawn at an engineering scale on sheets measuring not less than 24 x 30 inches and not more than 30 x 42 inches at the scale noted below:

Acreage	Scale
5 or more	at discretion of the Township Clerk
2 - 4.99	1" = 50'
1 - 1.99	1" = 30'
0 - .99	1" = 20'

**E. Cover Sheet Containing:**

1. The name and address of the project.
2. The name, address and professional seal of the architect, engineer, surveyor or landscape architect responsible for preparation of the site plan.
3. A complete and current legal description and size of property in acres and square feet. Where a metes and bounds description is used, lot line angles or bearings shall be indicated on the plan. Lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor and shall correlate with the legal description.
4. A small location sketch of sufficient size and scale to locate the property within the Township.
5. Title block with north arrow, date of preparation and any revisions.

**F. Existing Conditions Sheet(s) Illustrating:**

1. All existing lot lines and dimensions, including setback lines and existing or proposed easements.
2. Existing topography (minimum contour interval of two feet) up to twenty (20) feet off site. Indicate direction of drainage flow.
3. The location and elevation of existing natural watercourses and water bodies, including county drains and manmade surface drainageways, floodplains, and the limits of any wetland regulated by the MDEQ, including attachment of a wetland determination by a recognized consultant. Also note if the site is within 500 feet of a lake, river, stream, drainage course, or other waterway.
4. Existing woodlands shall be shown by an approximate outline of the total canopy: Individual deciduous trees over twelve (12) inch caliper and individual evergreen trees six (6) feet in height or higher, where not a part of a group of trees, shall be accurately located and identified by species and size (caliper for deciduous, height for evergreens).
5. Soil characteristics of the parcel, if not served by sanitary sewer, showing at minimum the detail as provided by the Soil Conservation Service Soil Survey of Ingham County.
6. Zoning and current land use of applicant's property and all abutting properties including properties across any public or private street.
7. Buildings and structures within the subject site and within one hundred (100) feet of the property lines. The location and status of any floor drains in existing or proposed structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan.
8. An aerial photograph indicating the limits of the site, surrounding land uses and street system is requested for sites of twenty (20) acres or more.
9. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of cleanup or closure.

**G. Proposed Project Information:**

1. Base information: The location of all existing buildings, structures, street names and existing right-of-way, utility poles, towers, drainage ditches, culverts, pavement, sidewalks, parking areas and driveways on the property and within one-hundred (100) feet of the subject property (including driveways on the

## Article 8 Site Plan Review Standards

opposite side of any street). Notes shall be provided indicating those which will remain and those which are to be removed or modified.

2. Building information: Footprints, dimensions, setbacks and typical floor plans and a sketch of any rooftop or ground mounted equipment to scale. Any accessory buildings or structures (garages, sheds, decks, fences, walls) shall be illustrated. The location and status of any floor drains in existing or proposed structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan.
3. Building elevations: Elevations drawings shall be submitted illustrating the building design and height, and describing construction materials for all proposed structures. Elevations shall be provided for all sides visible from an existing or proposed public street or visible to a residential district. These elevations shall be considered part of the approved site plan.
4. Building and lot coverage: Percentage of building coverage and impervious surface ratio (all paved areas and buildings v. total lot area) compared to the percentages specified in the Table of Dimensional Standards in Article 4.
5. For residential developments: number of residential units for each project phase divided by acreage exclusive of any public right-of-way or private road access easement; lot area for each lot; and a description of the number of each unit by size and number of bedrooms; if a multi-phase development is proposed, identification of the areas included in each phase.
6. For commercial and office uses: The Gross Floor Area and Useable Floor Area of each use or lease space. For industrial uses: The floor area devoted to industrial uses and the area intended for accessory office use. Descriptions of type of operations proposed for the project and drawings showing size, location, and description of any proposed interior or exterior areas of structures for storing, using, loading or unloading of hazardous substances, hazardous wastes, and/or polluting materials. An inventory of hazardous substances to be stored, used or generated on-site, presented in a format acceptable to the local fire marshal (include CAS numbers). [CAS NUMBER- CHEMICAL ABSTRACT SERVICE NUMBER. THIS IS A UNIQUE NUMBER FOR EVERY CHEMICAL ESTABLISHED BY A COLUMBUS OHIO ORGANIZATION WHICH INDEXES INFORMATION PUBLISHED IN "CHEMICAL ABSTRACTS" BY THE AMERICAN CHEMICAL SOCIETY. IT IS USED (AMONG OTHER PURPOSES) IN MAINTAINING CHEMICAL INVENTORIES USED BY DEQ FOR REGULATORY PURPOSES, BY FIREFIGHTERS FOR FIREFIGHTER RIGHT TO KNOW PURPOSES AND BY PUBLIC SERVICE DEPARTMENTS RESPONSIBLE FOR DISCHARGES INTO STORMWATER OR MUNICIPAL SEWER SYSTEMS. IT IS ONLY REFERRED TO BY THE ACRONYM CAS AND IS NEVER SPELLED OUT. IT COULD BE DEFINED IN THE DEFINITIONS SECTION OF THE ORDINANCE IF DESIRED.]
7. Sidewalks and bikepaths: The alignment, width, pavement type and distance from street for any proposed sidewalks or bikepaths.
8. Streets and private roads: The layout and dimensions of proposed streets, drives and private roads including: grades, existing or proposed right-of-way or easement and pavement width, number of lanes, typical cross section showing surface and subbase materials and dimensions. A clear vision zone shall be provided, as required in Section 333. All private roads shall meet the standards of Article 12.
9. Access points, driveways and circulation: The location and design of access points including width, radii, provision for any deceleration or passing lanes, distance from adjacent driveways or street intersection. The number, location and spacing of access points shall be consistent with the standards of the Ingham County Road Commission or Michigan Department of Transportation, as applicable. Written verification shall be provided for any shared access agreements or for driveway curb return extending beyond the property line.
10. Traffic impact study: A traffic impact study may be required when the proposed development would be expected to generate over fifty (50) directional trips during any peak hour of the use or adjacent street or over seven hundred fifty (750) trips in an average day. This requirement applies to new phases or changes to a development where a traffic study is more than two (2) years old and roadway conditions have changed significantly (volumes increasing more than 2 percent annually) or a change in use or expansion at an existing site. The applicant shall submit any required traffic impact study to the applicable road agency.

11. Utilities: Existing and proposed locations of utility services (with sizes), degrees of slope of sides of retention/detention ponds; calculations for size of storm drainage facilities; location of electricity and telephone poles and wires; location and size of surface mounted equipment for electricity and telephone services; location and size of above ground or underground tanks where applicable; location and size of outdoor incinerators; location and size of public and private drinking waters wells, irrigation or monitoring wells, test wells or wells used for industrial purposes, septic tanks and drain fields; location of manholes, catch basins and fire hydrants; location, size, and inverts for storm and sanitary sewers; all necessary public or private easements for constructing, operating, inspection, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character; notes shall be provided clearly indicating which existing services will remain and which will be removed.
12. Grading and drainage: A site grading plan for all developments where grading will occur, with existing and proposed topography at a minimum of two (2) foot contour intervals and with topography extending a minimum of twenty (20) feet beyond the site in all directions and a general description of grades within fifty (50), and further where required to indicate stormwater runoff into an approved drain or detention/retention pond so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines. A general description and location of the stormwater management system shall be shown on the grading plan with sufficient data regarding site runoff estimates and off-site drainage patterns to permit review of feasibility and permanence of drainage detention and/or retention as well as the impact on local surface and groundwater. The Township Engineer may require detailed design information for any retention/detention ponds and stormwater outfall structures or basins. If MDEQ regulated wetlands are to be used, the applicant shall provide status of MDEQ permit application or copy of permit with attached conditions.
13. Landscape and screening: A landscape plan in accordance with Section 422 which indicates proposed ground cover and plant locations and with common plant name, number, and size at installation. For any trees to be preserved, a detail shall be provided to illustrate protection around the tree's drip line. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade. The location, type and height of proposed fences shall be described.
14. Waste receptacles: Location of proposed outdoor trash container enclosures; size, typical elevation, and vertical section of enclosures; showing materials and dimensions, in accordance with Section 418.
15. Parking: Parking, storage and loading/unloading areas, including the dimensions of a typical space, aisle, and angle of spaces in accordance with Article 6. The total number of parking and loading/unloading spaces to be provided and the method by which the required parking was calculated shall be noted.
16. Lighting: Details of exterior lighting including location, height, photometric grid, method of shielding and style of fixtures. Parking lot lighting shall not be mounted on the building. All lighting shall be in accordance with the standards of Section 427.
17. Signs: Locations of all signs including location, size, area, type, height and method of lighting. Signs shall meet the standards of Article 7 of this Ordinance. All regulatory signs shall meet the standards from the Michigan Manual of Uniform Traffic Control Devices (MMUTCD).
18. Woodlands: Woodlands and individual trees of eight (8) inch or greater caliper shall be shown, and preserved to the extent possible in accordance with Section 430.
19. Wetlands: The boundaries of any state regulated wetland shall be shown. Documentation of a wetland determination by a qualified wetland specialist may be required. A ten (10) feet buffer (setback) from the wetland boundary shall be provided in accordance with Section 431.
20. Impact Assessments: The Planning Commission may require the applicant to prepare and submit an environmental impact assessment upon a finding that the site contains sensitive environmental features which may be impacted by the proposed development.

## Article 8 Site Plan Review Standards

21. Special Provisions: General description of any deed restrictions, protective covenants, master deed or association bylaws shall be listed. Final deed restrictions, protective covenants, master deed or association bylaws be reviewed and approved by the Township Attorney.
  22. Exception for Mobile Home/Manufactured Housing Parks: The site plan submittal information for a mobile home/manufactured housing park shall be as described in Section 11 of the Mobile Home Act, Public Act 96 of 1987, as amended.
  23. Completion of the Environmental Permits Checklist on the form provided by the Township Clerk.
- H. **Condominium Projects**: Concurrent with notice required to be given to the township of Leroy pursuant to Section 71 of Public Act 59 of 1978, as amended (MCL 559.171) a person, firm or corporation intending to develop a condominium shall submit the following information with the site plan:
1. A street construction plan and maintenance agreement for all private roads;
  2. Evidence that all roads will be constructed consistent with requirements of the Ingham County Road Commission and that all other infrastructure will be designed and constructed similar to the requirements for infrastructure in plats as specified in the Land Division Act, Public Act 288 of 1967 as amended;
  3. A description of the common elements of the project as will be contained in the Master Deed;
  4. Use and occupancy restrictions contained in the Master Deed;
  5. Documents regarding the maintenance of any commonly owned private facilities;
  6. A "Consent to Submission of Real Property to Condominium Project", stating all parties which have ownership interest in the proposed site condominium subdivision or evidence of authority or right that the developer has of legal option to purchase the subject property from the owner(s) of record;
  7. Any updated information until a Certificate(s) of Occupancy has been issued.
  8. A copy of the Master Deed as filed with Ingham County Register of Deeds for recording, and any Restrictive Covenants or Condominium Association Bylaws which demonstrate all provisions and conditions of the (site) condominium plans approved by the Township are included shall be provided to the Township within ten (10) days after such filing with the County;
  9. Two copies of an "as-built" survey. The as-built survey shall be reviewed by the Township Engineer for compliance with Township Ordinances. Fees for this review shall be established by the Township Board.
  10. One (1) copy of the site plan on a mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not to exceed ten and one half by fourteen (10 1/2 x 14) inches.

Prior to expansion or conversion of a condominium project to include additional land, the new phase of the project shall undergo site plan review and approval.

## Section 811 STANDARDS FOR REVIEWING SITE PLANS

The following standards and any other applicable standards imposed pursuant to this Zoning Ordinance, the Township Building Code, the Zoning Ordinance, the Township Subdivision Ordinance, Planning Commission regulations, other Township Ordinances, County Regulations and Federal and State statutes shall be met prior to approval of any site plan.

- A. **Building Relationships**: Buildings and structures will meet or exceed setback standards, height and other dimensional standards, and be placed to preserve environmentally sensitive areas. Maximum building and lot coverage are consistent with the standards listed in Section 304, Schedule of Regulations. Any accessory buildings or structures (garages, decks, fences, etc.), will also meet the standards listed in Article 4.

- B. **Impact on Surrounding Land Uses and Zoning:** The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands. The proposed site plan will be harmonious with, and not harmful, injurious, or objectionable to, existing and planned future uses in the immediate area. The proposed development will be coordinated with improvements serving the subject property and with the other developments in the vicinity. Buffers required in Section 422 must also be provided.
- C. **Views and Building Elevations:** Placement and height of buildings, structures and parking shall preserve existing views of lakes, woodlands and other significant visual resources to the greatest extent reasonable. Proposed architecture shall complement the character of the surrounding area.
- D. **Preservation of Wetlands:** Regulated and non-regulated wetlands, and organic soils are preserved or modified in an acceptable manner. A ten (10) foot setback from the boundary of any wetland regulated by the U.S. Army Corps of Engineers or Michigan Department of Environmental Quality (MDEQ) will be provided, in accordance with Section 431.
- E. **Floodplain Standards:** Any uses proposed in a 100 year floodplain will meet the standards of Article 14.
- F. **Stormwater Management and Soil Erosion Control:** Stormwater detention, retention, transport, and drainage facilities shall, insofar as feasible, be designed to use or enhance the natural stormwater system on-site, including the storage and filtering capacity of wetlands, watercourse, and water bodies, and/or the infiltration capability of the natural landscape. Stormwater facilities shall be designed so as not to cause flooding or the potential for pollution of surface or groundwater, on-site or off-site. On-site storage or sedimentation ponds may be required to reduce or filter stormwater runoff. Stormwater runoff on paved areas will be collected at intervals, but will not obstruct the flow of vehicular or pedestrian traffic, create standing water or cause unnecessary erosion of soil or other material. Stormwater facilities shall conform with the requirements of the Ingham County Drain Commissioner.
- G. **Preservation of Topography:** The site plan and impact assessment demonstrate judicious effort to preserve the integrity of the land, existing topography and natural drainage patterns. Grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.
- H. **Preservation of Woodlands and Trees:** The site plan will be designed to preserve existing woodlands and individual quality trees with a caliper of at least twelve (12) inches to the greatest extent reasonable. In particular, the applicant will strive to preserve mature oak, hickory, beech, maple and ash trees. Woodlands, trees and natural areas to be preserved will be protected during construction by fencing or other barrier obvious to construction personnel. If any trees are proposed for transplant, transplant methods shall be adequately described.
- I. **Greenbelts, Landscaping and Screening:** Greenbelts along public street frontage as described in Section 422 are provided. The amount, type and minimum size of landscaping meets ordinance standards and are properly labeled and identified in a plant list. Trees and shrubs native to Michigan should be used where appropriate.
- J. **Traffic Impacts and Mitigation:** Traffic impacts are addressed in the Impact Study, if required. Improvements such as bypass lanes, deceleration lanes or a traffic signal are planned, where warranted.
- K. **Access and Circulation:** All access points shall meet the standards of, and be approved by, the Ingham County Road Commission or Michigan Department of Transportation, as applicable. Proposed driveways, streets and parking lots are designed to promote safe, convenient, uncongested and well defined vehicular and pedestrian circulation. Access to the site is designed to minimize conflicts between vehicles and pedestrians, and with traffic using adjacent streets and driveways. Shared access or service/frontage drives are used where appropriate.

## Article 8 Site Plan Review Standards

- L. **Emergency Vehicle Access:** Adequate access will be provided for emergency vehicles to the site and all buildings or groups of buildings, and has been approved by the Fire Department.
- M. **Parking and Loading Spaces:** The number and dimensions of off-street parking and loading/unloading spaces, the design and setbacks of parking and loading areas and the number of barrier free spaces, meets the standards of Article 6.
- N. **Waste Receptacles:** Waste receptacles (dumpsters, compactors and individual recycle stations) meet the standards of Section 419.
- O. **Site Lighting:** Site lighting fixtures are designed to direct lighting within the site. The height and intensity of fixtures meets the standards of Section 427.
- P. **Signs:** Proposed signs meet the standards of Article 7 and are generally complementary with surrounding signs and traffic operations.
- Q. **Storage of Potentially Hazardous Materials or Waste:** Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
  - 1. Secondary containment facilities shall be provided for above ground storage of hazardous substances, hazardous wastes, or potentially polluting materials in accordance with state and federal requirements. Above ground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through sewers, drains, or other means directly or indirectly into a sewer system, or to the waters of the State (including groundwater).
  - 2. Underground storage tanks shall be registered, installed, operated, maintained, closed or removed in accordance with regulations of the Michigan Department of Environmental Quality.
  - 3. Above ground storage tanks shall be certified, installed, operated, maintained, closed or removed in accordance with regulations of the Michigan Department of Environmental Quality.
  - 4. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.
  - 5. Abandoned water wells (wells that are no longer in use or are in disrepair), abandoned monitoring wells, and cisterns shall be plugged in accordance with regulations and procedures of the Michigan Department of Environmental Quality and the Ingham County Health Department.
  - 6. State and federal requirements for storage, spill prevention, recordkeeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct and indirect discharges of waster, waste effluent, wastewater, pollutants, or cooling water, shall be allowed without approval from appropriate state, count and local agencies.
- R. **Utilities:** The development shall provide adequate sanitary sewer, either through on-site septic systems, connections to public or publicly approved sewer facilities, or by providing separate sewer facilities. All new utility distribution lines for electric, gas, cable, and telephone will be placed underground. All proposed utilities shall be approved by the Township Engineer. (Note: For mobile home/manufactured housing parks, refer to Article 4). General purpose floor drains shall be connected to a public sewer system or an on-site holding tank (not a septic system) in accordance with state, county and municipal requirements, unless a groundwater discharge permit has been obtained from the Michigan Department of Environmental Quality. General purpose floor drains which discharge to groundwater are generally prohibited.
- S. **Special Uses:** If the proposed project involves one or more Special Land Uses, any site related standards of Section 908 are met.

- T. **Phasing:** Any phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
- U. **Agency Coordination:** The applicant has demonstrated the site plan meets the standards of other government agencies, where applicable.
- V. **Site Condominium Infrastructure:** Infrastructure for site condominium projects shall be designed and constructed of materials and standards at least equal to construction requirements for subdivisions. This requirement applies to elements such as sanitary sewer, public water lines, road, lights, signs, storm sewer and other utilities.

**Section 812 ENGAGEMENT OF CONSULTANTS**

Leroy Township may engage consultants to assist in reviewing the site plan and exhibits, with the cost for such consultant review borne by the applicant. See Section 8.07 C.

**Section 813 VALIDITY OF APPROVED FINAL SITE PLAN**

- A. Approval of the final site plan is valid for a period of twelve (12) months; however, approval of a site plan for a mobile home/manufactured housing park is valid for five (5) years. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, and if a written request for extension of the approval has not been submitted by the applicant, the approval of the final site plan shall be deemed null and void.
- B. Upon written application, filed prior to the termination of the twelve (12) month review period, the Planning Commission may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one (1) year. Such extension shall only be granted based on written evidence from the applicant that construction of the project has been delayed by factors beyond the reasonable control of the applicant and that construction of the project is likely to proceed within the extension period.

**Section 814 DEVIATIONS FROM APPROVED SITE PLAN**

Minor changes to the approved final site plan may be approved by the Building Inspector without requiring a resubmittal to the Planning Commission or Township Board, as applicable, provided that the applicant or property owner notifies the Building Inspector of any proposed amendment to such approved site plan prior to making said change on the site and the Building Inspector determines the proposed revision does not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan. For purposes of interpretation, the following shall be considered minor changes.

- A. The size of structures may be reduced, or increased by up to five percent (5%) provided the overall density of units does not increase.
- B. Movement of a building or buildings by no more than ten (10) feet.
- C. Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one or greater basis.

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- D. Trees intended to be preserved but damaged or lost during construction may be replaced by trees of a similar species with a minimum caliper of 2½ inches, with two new trees required for each tree replaced.
- E. Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
- F. Changes of building materials to another of higher quality, as determined by the Building Inspector.
- G. Changes in floor plans which do not alter the character of the use.
- H. Slight modification of sign placement or reduction of size.
- I. Changes required or requested by the Township, county, state or federal agency for safety reasons.
- J. Situations similar to the above.

### **Section 815 ADMINISTRATIVE SITE PLAN REVIEW**

In order to expedite the processing of site plans which entail an addition to the structure and/or use of an activity which is totally conforming to Zoning Ordinance requirements, the provisions of Section 802(B) regarding submission of said plan to the Planning Commission may be waived. The Township Building Inspector and Planner are hereby authorized to determine the qualifications for waiver of the Planning Commission review and Planning Commission approval of such a site plan and to make such review and approval, if the waiver is granted. If the waiver is not granted, the site plan must be submitted to the Planning Commission for review. Each of the following criteria must be met for approval of the waiver and administrative site plan approval to be granted:

- A. A request for administrative review of a site plan shall be permitted only twice after the original construction of the building and/or use.
- B. Additions to the original conforming structure granted under administrative review shall comprise not more than twenty-five (25) percent of the area of the originally approved building as measured by exterior dimensions.
- C. The proposed activity to be located within the addition is a conforming use to the zoning district in which it is located and comprises a portion of the principal use and/or accessory use already established on the property.
- D. The proposed addition shall be conforming to all Zoning Ordinance requirements as shall be the originally constructed building upon which the building addition is proposed. The completed building shall conform in every detail to the site plan and zoning, including setbacks, greenbelts, screening and signs.
- E. All proposed additions to existing structures or uses within the Township shall fully comply with Sections 810 and 811 of this Ordinance.

### **Section 816 PROPERTY MAINTENANCE AFTER APPROVAL**

It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

With respect to condominium projects, the Master Deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The Master Deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association. Failure to maintain an approved site plan shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation (see also Section 1509).

## **Section 817 REVOCATION**

Approval of a site plan may be revoked by the Planning Commission if construction is not in conformance with the approved plans. In such case, the site plan shall be placed on the agenda of the Planning Commission for consideration and written notice shall be sent to the applicant at least ten (10) days prior to the meeting. The Township Clerk, applicant and any other interested persons shall be given the opportunity to present information to the Planning Commission and answer questions. If the Planning Commission finds that a violation exists and has not been remedied prior to the hearing, then it shall revoke the approval of the site plan.



# ARTICLE 9 SPECIAL USE PERMITS

## Section 901 INTENT

This Article is intended to provide regulations for special land uses as authorized under the Michigan Zoning Enabling Act (Section 502 of P.A. 110 of 2006). Special land uses are those which may be compatible with uses in some, but not all, locations within a particular zoning district. The special land use standards of this Article are intended to accomplish the following:

- A. Provide a mechanism for public input on decisions involving more intense land uses;
- B. Establish criteria for both new development and redevelopment consistent with the Township's land use goals and objectives as stated in the Township Master Plan;
- C. Regulate the use of land on the basis of impact to the Township overall, and adjacent properties in particular;
- D. Promote a planned and orderly development pattern which can be served by public facilities and service in a cost-effective manner;
- E. Ensure uses can be accommodated by the environmental capability of specific sites;
- F. Provide site design standards to diminish negative impacts of potentially conflicting land uses; and,
- G. Provide greater flexibility to integrate land uses within the Township.
- H. This Article provides general standards for all special land uses and specific site or operational standards for particular special land uses. The process for a special land use involves a public hearing at the Planning Commission prior to their decision. Approval of any special land use requires the issuance of a special use permit.

## Section 902 APPLICATION, REVIEW AND APPROVAL PROCEDURES

The procedure for special use review shall be as follows:

- A. An applicant for special land use review shall submit an application to the Township Clerk. The application shall contain the following:
  1. Name of proposed development;
  2. Common description of the property, complete legal description and address, if available;
  3. Dimensions of land including; width, length, acreage and frontage;
  4. Existing zoning classification and zoning of all adjacent properties;
  5. Proposed use of land;
  6. Name, address, and phone number of:
    - a. firm or individual who prepared the application,
    - b. legal owner of the property,

## Article 9 Special Use Permits

- c. applicant (including basis of representation);
  7. Signature of the legal owner and the applicant;
  8. A site plan, prepared in accordance with the provisions of Article 8 of this Ordinance; and
  9. Copies of an impact assessment or traffic impact study if required herein or determined to necessary by the Planning Commission to adequately evaluate the appropriateness of a use at a given location.
- B. The Township Clerk shall give notice of a public hearing for the proposed special land use according to the following procedures:
1. The notice shall describe the nature of the proposed special land use; indicate the property that is the subject of the request; include a listing of all existing street addresses within the property or other means of identification if no street addresses exist; identify when and where the request will be considered; and indicate when and where written comments may be submitted regarding the request.
  2. Notice shall be published in a newspaper of general circulation within the Township not less than 15 days before the date of the public hearing.
  3. Notice shall be sent by mail or personal delivery to the owners of the property in question and all persons to whom real property is assessed within 300 feet of the property in question. Such notice shall be given not less than 15 days before the date of the public hearing.
  4. Notice shall be sent by mail or personal delivery to the occupants of all structures within 300 feet of the property (including structures in neighboring communities if they are within 300 feet). Such notice shall be given not less than 15 days before the date of the public hearing.
- C. The Planning Commission shall conduct the required public hearing.
- D. The Planning Commission shall review the application for compliance with the requirements of the special land use general standards (Section 903) and any specific standards of this Section (Section 908).
- E. The Planning Commission shall approve, approve with conditions (as described below in Section 904) or deny the special land use. For special land uses which are temporary in nature, such as carnivals, the Planning Commission shall specify an expiration date for the permit.
- F. Upon approval of an application for a special use permit, the Township Clerk shall issue the permit. The Building Inspector shall be responsible for ensuring any conditions attached to the approval of the special use permit are implemented.

## Section 903 GENERAL REVIEW STANDARDS FOR ALL SPECIAL LAND USES

Prior to approving a special land use application, the Planning Commission shall require the following general standards to be satisfied for the use at the proposed location. In addition to specific standards for individual special land uses listed in Section 908, the Planning Commission shall determine if all of the following are met:

- A. The special land use will be consistent with the goals, objectives and future land use map described in the Leroy Township Master Plan.
- B. The special land use will be consistent with the stated intent of the zoning district.
- C. The special land use will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity In consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, property values or similar impacts.

- D. The special land use can be served adequately by public facilities and services such as sufficient roadway capacity, police and fire protection, drainage structures, water and sewage facilities and refuse disposal.

**Section 904 CONDITIONS OF APPROVAL**

- A. Prior to granting any special use permit, the Planning Commission may impose any additional conditions or limitations deemed necessary for protection of the public health, safety and welfare. Such conditions shall ensure compliance with the standards in this zoning ordinance, other township ordinances and applicable state or federal regulations.
- B. Approval of a special land use, including conditions made part of the approval, shall run with the property described in the application and not to the owner of such property.
- C. A record of conditions imposed shall be made a part of the Planning Commission minutes and maintained by the Township Clerk. The conditions shall remain unchanged unless an amendment to the special land use is approved by the body which approved the original special land use.
- D. The Building Inspector shall make periodic investigations of developments authorized by special use permit to determine continued compliance with all requirements imposed by the Planning Commission and this Ordinance. Non-compliance with the requirements and conditions approved for the special use shall constitute grounds to terminate as described in Section 907, Revocation.

**Section 905 VALIDITY OF PERMIT**

- A. Where actual physical construction of a substantial nature of structures authorized by a special use permit has not commenced within one (1) year of issuance, and a written application for extension of the approval has not been filed as provided below, the permit shall become null and void and all rights thereunder shall terminate. (note: It is the responsibility of the applicant to request such an extension.)
- B. Upon written application, by the original or successor developer, filed prior to the termination of the one (1) year period as provided above, the Planning Commission may authorize a single extension of the time limit for a further period of not more than one (1) year. Such extension shall be granted only based on evidence from the applicant that the development has a reasonable likelihood of commencing construction during the one (1) year extension period.
- C. Any special use which was approved or which existed prior to the effective date of this Ordinance shall be deemed a use permitted in the district in which it is located and is not to be considered a non-conforming use.
- D. Any use for which a special use permit has been granted and which ceases to continuously operate for one (1) year period shall be considered abandoned, and the special use permit shall become null and void.

**Section 906 SPECIAL USE PERMITS - AMENDMENTS, EXPANSIONS, RESUBMITTALS**

- A. **Amendments:** Any person or agency who has been granted a special use permit shall notify the Building Inspector of any proposed amendment to the approved site plan of the special land use. The Building

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Inspector shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for all site plans, in accordance with Article 8. A major amendment to a special land use shall comply with the application and review procedures contained in this Article.

- B. **Expansions or Change in Use:** The expansion, change in activity, reuse or redevelopment of any use requiring a special use permit, with an increase of twenty (20%) percent or greater, shall require resubmittal in the manner described in this Article. A separate special use permit shall be required for each use requiring special land use review on a lot, or for any expansions of a special land use which has not previously received a special use permit.
- C. **Restrictions on Resubmittal of a Special Land Use Request:** No application for a special land use which has been denied wholly or in part shall not be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission (or Township Board, as appropriate). A resubmitted application shall be considered a new application.

## Section 907 REVOCATION

Revocation of a special land use may occur if its recipient fails to continuously abide by its terms and conditions.

- A. The revocation procedure is as follows:
  - 1. The Planning Commission through its designated administrators, shall notify the recipient in writing of any violations of Township codes or provisions of the special land use.
  - 2. The recipient shall have thirty (30) days to correct all deficiencies to the satisfaction of the Planning Commission.
  - 3. If after thirty (30) days any deficiencies remain, the Planning Commission shall conduct a public hearing following the same notification procedures in Section 902. Following the public hearing, the Planning Commission may then revoke the special land use, or if the conditions warrant, allow a specified amount of additional time for the use to be brought into compliance.
- B. A repeat violation shall be grounds for immediate revocation of the special land use by the Planning Commission following a public hearing.
- C. The Building Inspector has the authority to issue a cease and desist order, until such time as a public hearing can be conducted, upon finding that the violation constitutes a serious threat to public health, safety, and welfare.

## Section 908 SPECIFIC REQUIREMENTS BY USE

The following sections identify specific requirements for individual special land uses, as determined by the Planning Commission, in addition to the general standards of Section 903.

Listing of the special land uses with specific site and/or use standards described on the following pages.

- A. Accessory apartment in a single family home
- B. Accessory above ground fuel services and storage
- C. Accessory roadside stands.
- D. Accessory use or storage of hazardous materials
- E. Adult foster care small or large group home
- F. Adult regulated uses

- G. Airports, heliports and related uses
- H. Arcades and similar devices at public commercial amusement arcades
- I. Automobile maintenance/service establishments and auto malls
- J. Automobile convenience/gasoline stations (including those accessory to another use)
- K. Automobile washes, automatic or self-service
- L. Banks, credit unions, savings and loan institutions with over three drive-through lanes
- M. Bed-and-breakfast inns
- N. Cemeteries and pet cemeteries
- O. Child caring institutions
- P. Churches, temples and other places of worship
- Q. Commercial cider mills, auction houses and amusement parks (permanent)
- R. Commercial outdoor sales or storage (as permitted or accessory use)
- S. Compost centers
- T. Essential public service buildings
- U. Essential public service storage yards
- V. Extractive uses such as sand and gravel mining
- W. Group day care homes
- X. Incinerators
- Y. Kennels, commercial and non-commercial
- Z. Landfills
- AA. Mini- or self storage warehouses
- BB. Outdoor theaters
- CC. Radio, television and cellular phone towers
- DD. Recreation: campgrounds and youth camps
- EE. Recreation: commercial outdoor establishments (excluding golf related uses)
- FF. Recreation: golf courses, country clubs, and par three golf courses
- GG. Recreation: golf driving ranges, miniature golf courses
- HH. Recreation: indoor recreation centers (bowling alleys, ice areas, skating rinks, etc.)
- II. Recreation: private or public recreational clubs (gun clubs, archery ranges, game ranches, etc.)
- JJ. Recreation: private or public, noncommercial institutional or community recreation facilities, and athletic pool clubs
- KK. Recycling centers
- LL. Restaurants with live entertainment (not adult entertainment) or dancing
- MM. Restaurants and other establishments with drive-in or drive-through facilities
- NN. Open front restaurants (window service) and outdoor seating/cafes
- OO. Salvage yard/junk yard
- PP. Schools: colleges, universities, institutions for higher education
- QQ. Schools: public, parochial and private intermediate or secondary schools
- RR. Shopping centers/ wholesale clubs/ home improvement centers
- SS. Stables (commercial)
- TT. Theaters, concert halls and play houses
- UU. Veterinary clinics
- VV. Veterinary hospitals

- A. **Accessory Apartment in a Single Family Home:** These standards are intended to assist in accommodating the needs of the growing number of senior citizens and other individuals with special needs for temporary housing in proximity to relatives who provide some level of care. These provisions are further intended to provide reasonable control in recognition of the high percentage of owner occupied single family homes in the Township. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which would, over time, disrupt the character of single family neighborhoods.
  - 1. Accessory apartments shall be entirely within the existing structure and shall include no more than twenty-five percent (25%) of the total floor area of the home.

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2. The exterior of the home shall remain unchanged, so that it does not give the appearance of being divided into separate units. The addition of a separate exterior door is prohibited. The applicant shall provide an agreement approved by the Township Attorney, that the use of the home will be converted back to a one unit single family home when the accessory apartment dweller(s) leave the premises or the house is sold.
  3. A sketch plan and building elevations shall be submitted to demonstrate compliance with standards.
- B. **Accessory Above Ground Fuel Tanks and Storage with a Capacity Over 500 Gallons:** Location of fuel services related to marine, health care, aviation, agriculture, industrial and recreational uses shall be permitted subject to the following:
1. Such uses are only allowed in the C-2, Commercial Highway Interchange and C-3, Light Manufacturing zoning districts; or if related to permitted agricultural or recreational use;
  2. Minimum lot size for above ground fuel tanks or storage shall be three (3) acres;
  3. Above ground storage tanks other than those holding water shall be located not less than seventy-five (75) feet from any occupied building or any lot line and shall be mounted on a solid concrete slab to prevent overturn and spilling, according to EPA specifications.
  4. A Pollution Incidence Prevention Plan shall be submitted and approved as part of the special land use.
- C. **Accessory Roadside Stands** (temporary uses and buildings are reviewed by the Zoning Board of Appeals): Accessory seasonal roadside stands and commercial sales shall meet the following standards:
1. The site is located in an AG or RA zoning district and is accessory to a permitted agricultural use;
  2. Each farm may have a maximum of one (1) seasonal roadside stand;
  3. All produce or products for sale are grown on the premises or are made from produce grown on the premises;
  4. The structure shall not have more than one (1) story;
  5. The floor plan of the structure shall not be larger than twenty by twenty (20 x 20) feet;
  6. The stand shall be located no closer than fifty (50) feet from the right-of-way if parking is in the front.; Parking maneuvering shall not conflict with traffic flow on the street;
  7. The area between the stand and the traveled surface shall be reserved exclusively for gravel or paved parking;
  8. The stand shall be of portable construction, permitting it to be removed from its roadside location during the seasons when it is not in use;
  9. Signs used in connection with the roadside stand shall be temporary, and shall be removed when the stand is not in use. No sign shall be placed within a public right-of-way; and,
  10. The applicant shall submit a sketch plan for approval by the Planning Commission. This sketch plan shall illustrate location of the building, parking areas, driveways, signs and other structures.
- D. **Accessory Use or Storage of Hazardous Materials:** The applicant shall provide documentation for the following, with appropriate correspondence from the Michigan Department of Natural Resources, Michigan State Police Fire Marshall, the EPA, local fire department, and Ingham County Health Department:
1. Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater;
  2. Description of storage of any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling;

3. Description of any transportation, on-site treatment, storage or disposal of hazardous waste generated in quantities in excess of 250 gallons or 2200 pounds per month;
4. Description of any secondary containment measures proposed including design, construction materials and specifications, volume and security measures; and,
5. Name and phone number(s) of person(s) responsible for materials and available 24 hours, in case of detected spill.

**E. Adult Foster Care Large Group Home or Small Group Home:**

1. The lot shall be at least 1,500 feet from another group day care home or similar facility and shall not result in an excessive concentration of child or adult care facilities in the neighborhood or the township overall.
2. The facility shall operate a maximum of sixteen (16) hours per day.

**F. Adult Regulated Uses:**

1. Intent: In the development and execution of these zoning regulations, it is recognized there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. The proximity of adult uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime and contribute a blighting affect on the surrounding area. This subsection describes the uses regulated and the specific standards needed to insure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses and to require sufficient spacing from uses considered most susceptible to negative impacts.
2. Uses Regulated: The following uses are regulated by this subsection.
  - a. Adult Book or Supply Store
  - b. Adult Model Studio
  - c. Adult Motion Picture Arcade
  - d. Adult Motion Picture Theater or Adult Live Stage Performing Theater
  - e. Adult Outdoor Motion Picture Theater
  - f. Adult Physical Cultural Establishment
  - g. Cabaret
  - h. Massage Parlor except those licensed by the State of Michigan and meeting the criteria outlined in the definitions section (Article 3).
3. Required Spacing: The establishment of the types of Adult Regulated Uses listed in "b" above shall meet all of the following space requirements, with the distance between uses measured horizontally between the nearest point of each property line:
  - a. at least one thousand (1,000) feet from any other adult regulated use;
  - b. at least one thousand (1,000) feet from all churches, convents, temples and similar religious institutions;
  - c. at least one thousand (1,000) feet from all public, private or parochial nursery, primary or secondary schools, public parks and hospitals;
  - d. at least one thousand (1,000) feet from any use defined as a "care organization";

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- e. at least eight hundred (800) feet from any single family or multiple family residential district or use; and,
  - f. at least eight hundred (800) feet from any pool or billiard hall, concreted amusement center, indoor and outdoor recreation such as miniature golf; dance club catering primarily to teenagers, movie theaters, ice or roller skating rinks and similar uses frequented by children and teenagers.
4. Special Site Design Standards:
- a. Maximum size of the building shall be five thousand (5,000) square feet.
  - b. The building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" (as defined in this ordinance) cannot be observed by pedestrians and motorists on a public right-of-way or from an adjacent land use.
  - c. Adult regulated uses shall be located within a freestanding building. A shared or common wall structure or shopping center are not considered to be a freestanding building.
  - d. The color of the building materials shall be reviewed by the Planning Commission and approved by the elected body.
  - e. A six (6) foot high brick or masonry wall shall be constructed to screen the parking lot. The Planning Commission may permit use of landscaping in place of the wall.
  - f. Access shall be from an arterial roadway.
5. Waivers: Upon denial of any application for a regulated use under this Section, the applicant may appeal for a waiver of the location provisions above to the Zoning Board of Appeals consistent with the standards set forth below. The Zoning Board of Appeals may waive the location provisions set forth in this Section, after all the following findings are made:
- a. Compliance with regulations: The proposed use will not be contrary to any other provision of these zoning regulations, or injurious to nearby properties.
  - b. Not enlarge district: The proposed use will not enlarge or encourage the development of a "skid row" or "strip".
  - c. Consistent with programs: The establishment of an additional regulated use will not be contrary to, or interfere with, any program of urban renewal or neighborhood development.
  - d. Consistent with law: All applicable township, state or federal laws and regulations will be observed.
  - e. Procedure for waiver: Prior to granting a waiver of the location restrictions set forth above, and not less than five (5), nor more than fifteen (15) days before the request for waivers is considered or a public hearing held pursuant to this section, the Township shall publish, in a newspaper of general circulation, one notice indicating that a request for waivers to establish a regulated use has been received, and shall send by mail or personal delivery a copy of that notice to the owners of the property for which waivers are being considered, and to all waivers are being considered, and to all persons to whom any real property is assessed within 300 feet of the boundary of the premises in question, and to the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification.

The notice of application shall further indicate that a public hearing on the proposed regulated use may be requested by a property owner or occupant, no less than eighteen (18) years of age, or a structure located within 300 feet of the boundary of the property being considered for the regulated use. The applicant, Township Board, or Zoning Board of Appeals may request a public hearing.

6. Conditions of Approval: Prior to the granting of approval for the establishment of any regulated use, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use which is necessary for the protection of the public interest. Any evidence, bond, or other performance and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
  7. Specific Penalties: No person operating an adult entertainment business shall permit any person under the age of 18 to be on the premises of said business as an employee, customer or otherwise.
- G. **Airports, Heliports and Related Uses**: Airports shall be consistent with the provisions of the Airport Zoning Act (Act 23, P.A. of 1950 as amended). Airports, private landing strips, heliports, hangers, masts and related facilities shall meet the following standards:
1. The location and approaches shall be in areas along the route with the lowest density residential or non-residential zoning and development;
  2. Plans for such facilities shall have received approval by the Federal Aviation Agency and the Michigan Department of Aeronautics, based on airport classification, prior to submittal to the Planning Commission for their review and approval;
  3. Rooftop heliports shall demonstrate compliance with all appropriate building and fire codes;
  4. The "clear zone" (as defined by the FAA) shall be owned by the owner of the airport;
  5. Paved parking shall be provided for the airport and all accessory uses, with a minimum of two (2) parking spaces per hanger;
  6. Heliports shall be clearly defined areas. The surface shall be paved and remain clear to prevent blowing debris or other matter onto adjacent properties. Outdoor routine maintenance of helicopters shall be prohibited from dusk to dawn. Heliport landing approaches shall be clearly illustrated as being clear of vertical obstructions on the site plan; and,
  7. Heliports shall be screened from any nearby residential districts with landscaping.
- H. **Arcades and Similar Devices**:
1. Any part of the lot occupied by such use shall not be located within three hundred (300) feet of any residential district or within five hundred (500) feet of the property line of any public, parochial or other private school offering courses in general education.
  2. Access to the site shall be directly from an arterial roadway.
  3. All activities, except for off-street parking or loading, shall be conducted within completely enclosed buildings constructed in accordance with all other applicable codes and ordinances of Leroy Township.
- I. **Automobile Maintenance/Service Establishments and Auto Malls** (minor repair and routine maintenance):
1. All principal and accessory structures shall be set back a minimum of five hundred (500) feet from a single family residential district.
  2. There shall be a minimum lot frontage on a paved road of two hundred (200) feet.
  3. Overhead doors shall not face a public street or residential district. The Planning Commission can modify this requirement upon a determination that there is no reasonable alternative and the poor visual impact will be diminished through use of landscaping beyond that required in Section 423.
  4. Only one (1) driveway shall be permitted from any street unless the Planning Commission determines additional driveways are necessary and can be safely accommodated.

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5. Where adjoining a residential district, a wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The Planning Commission may approve a landscaped berm as an alternative.
  6. All repair work shall be conducted completely within an enclosed building.
  7. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.
  8. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck is prohibited beyond one (1) day.
  9. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department.
  10. Any use with gasoline sales shall also meet the standards for automobile service stations.
- J. **Automobile Convenience Gasoline Stations** (including those accessory to another use):
1. There shall be a minimum lot frontage of two hundred (200) feet.
  2. Pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be, set back at least 15 feet from any lot line.
  3. Overhead canopies shall be setback at least twenty (20) feet from the right-of-way with materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the Planning Commission and approved only upon finding a compatibility with the surrounding area. The canopy shall be no higher than the building and it must be attached to the building.
  4. Only one (1) driveway shall be permitted from any street unless the Planning Commission determines additional driveways are necessary and can be safely accommodated.
  5. Where adjoining a residential district, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The Planning Commission may require landscaping, including a berm, as an alternative.
  6. There shall be no outdoor storage or display of vehicle components and parts, supplies or equipment, except within an area defined on the site plan approved by the Planning Commission and which extends no more than ten (10) feet beyond the building.
  7. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves.
  8. A Traffic Impact Study shall be provided.
  9. In the event that an automobile service station use has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises, in accordance with state requirements
  10. Any use involving maintenance, service, or repair shall also meet the standards for automobile maintenance/service establishments.
- K. **Automobile Washes, Automatic or Self-Service:**
1. Only one (1) driveway shall be permitted from any street unless the Planning Commission determines additional driveways are necessary and can be safely accommodated.

2. Where adjoining a residential district, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The Planning Commission may require landscaping, including a berm, as an alternative.
3. All washing facilities shall be within a completely enclosed building.
4. Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least fifty (50) feet from any residential district.
5. All cars required to wait for access to the facilities shall be provided stacking spaces fully off the street right-of-way which does not conflict with vehicle maneuvering areas to access gasoline pumps or vacuums, and as required in Article 6, Parking and Loading-Unloading Standards.
6. A Traffic Impact Study shall be provided.
7. Truck washes must be at least one hundred (100) feet from all property lines and entirely screened from residential uses. The screening shall include both a wall and landscaping.

**L. Banks, Credit Unions, Savings and Loan Institutions with Drive-Through Facilities with Over Three (3) Drive-Through Lanes:**

1. Only one (1) ingress/egress driveway or one (1) pair of one-way driveways or one stand-alone ready teller structure, shall be permitted along any street.
2. Exit and stacking lanes shall not face directly at a single family residence or residential zoning district, unless the alignment is designed or landscaped to prevent headlight glare. These regulations are not intended to prevent driveways from facing residential uses across a street.
3. A Traffic Impact Study shall be provided.

**M. Bed-and-Breakfast Inns:**

1. Sufficient parking for the rooms shall be located off-street and shall not be located in the front yard.
2. No bed-and-breakfast inn shall be located closer than three hundred (300) feet to another bed-and-breakfast inn.
3. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the inn.
4. The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator, and said operator shall live on the premises while the establishment is active.
5. There shall be a maximum of 6 rooms for lodging.
6. Sufficient landscaping shall be used to screen adjacent residences from parking areas or any outdoor eating area.
7. A sketch plan showing the floor plan shall be submitted for approval.
8. Sign materials are to be comparable with the architecture of the building.

**N. Cemeteries and Pet Cemeteries:**

1. Minimum property size shall be twenty (20) acres.
2. All grave sites, buildings and structures shall be setback at least one hundred (100) feet from all property lines.
3. The Planning Commission shall determine that the cemetery will have a "park like" setting through preservation or provision of woodlands, landscaping and open spaces.

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4. At least one (1) property line of the site shall abut an Arterial roadway, as identified in the Township Master Plan, which provides all vehicular access to the site;
5. The perimeter of the site shall be enclosed by a decorative wall or decorative fence subject to approval by the Planning Commission in relation to surrounding area;
6. Monument signs are not permitted as an accessory use. Setbacks shall be compatible with adjacent uses, as determined by the Planning Commission. If these uses are proposed, the applicant shall describe the use and storage of all potentially hazardous materials, secondary containment measures and provide a Pollution Incidence Prevention Plan (PIPP) for approval by the Planning Commission and the fire department.

### **O. Child Caring Institutions:**

1. The Planning Commission shall find that the facility does not result in an excessive number of such facilities in the Township in relation to the evidence of need.
2. Adequate off-street parking shall be provided.
3. A minimum one hundred fifty (150) square feet of outdoor play area shall be provided per child/minor.
4. Indoor living area and sanitary facilities shall be adequate to accommodate the number of persons intended to occupy the facility.
5. An adequate buffer shall be provided from adjacent residential uses or districts.

### **P. Churches, Temples and Similar Places of Worship:**

1. Minimum lot area shall be three (3) acres for any church with a sanctuary seating capacity of over five hundred (500) persons plus an additional fifteen thousand (15,000) square feet for each additional one hundred (100) persons of sanctuary seating capacity.
2. All vehicular access to the site shall be onto an Arterial or Collector road, as classified in the Township Master Plan. The Planning Commission may allow secondary access onto local (residential) streets if the uses fronting the street which would be most impacted by traffic flow are predominantly non-single family homes.
3. Wherever an off-street parking area is adjacent to a residential district, a continuous obscuring wall, fence and/or landscaped area at least five (5) feet in height shall be provided. The Planning Commission may reduce this buffer based on the presence of existing trees or topographic conditions.
4. The Planning Commission may require a Traffic impact Study, particularly if the church has a seating capacity of over five hundred (500) persons or will have services or activities during peak times on the roadway, or if there are other religious institutions in the vicinity which could create traffic conflicts.

### **Q. Commercial Cider Mills, Fairgrounds, Auction Houses and Amusement Parks:**

1. When such uses are temporary, but for more than seven (7) calendar days during a year, approval is required by the Zoning Board of Appeals.
2. A site plan shall be provided clearly defining activity areas using fences, buildings, walkways or other suitable barriers.
3. All buildings, structures and parking shall be at least three hundred (300) feet from any dwelling unit excluding any dwelling unit on the site.
4. The Planning Commission may require placement of a six (6) foot high fence around all or part of the site.
5. Access shall be provided onto an Arterial roadway as classified in the Township Master Plan. Access shall be controlled, with capability to accommodate at least three (3) lanes of ingress traffic. At least

three hundred (300) feet of stacking (queuing) area shall be provided on site before parking fee collection point.

6. A Traffic Impact Study shall be provided.
  7. The amount of on-site parking shall be deemed sufficient.
  8. Maximum coverage by buildings and structures shall be twenty percent (20%).
  9. The Planning Commission may require posting of a performance bond or other form of financial guarantee. The bond shall be in an amount determined by the Planning Commission as necessary to cover any potential damage or clean-up on the site or adjacent properties.
  10. The Planning Commission may establish limits on hours of operation, time limits on validity of special use permit, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.
  11. Prior to issuance of a special use permit, the applicant shall provide evidence of adequate public liability insurance and property damage insurance to cover potential liability for death or injury to persons, or damage to property, which may result from the conduct of the activity.
  12. When such uses are temporary or seasonal, approval is required from the Zoning Board of Appeals.
- R. **Commercial Outdoor Display, Sales or Storage:** (as a permitted or accessory use, including sales or storage of: building/lumber supply, contractors yards, flea markets, auctions, garden/landscape supplies, nurseries, greenhouses, stone, farm implement, automobiles, trucks, recreational vehicles, mobile homes, boats, jet skis, mowing equipment, construction equipment and similar materials or equipment).
1. Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.
  2. All outdoor sales and display areas shall have an approved paved aggregate surface and a stormwater drainage system.
  3. No outdoor storage shall be permitted in the front yard or in any required side yard or required rear yard of buildings for the district in which the commercial outdoor display, sales or storage use is located.
  4. The site shall include a building of at least five hundred (500) feet of gross floor area for office use in conjunction with the approved use.
  5. Storage areas shall consist of a permanent, durable and dustless surface (gravel) and shall be graded and drained to dispose stormwater without a negative impact on adjacent property.
  6. All loading and truck maneuvering shall be accommodated on-site.
  7. All outdoor sales, display or storage area property lines adjacent to a residential district shall provide a buffer zone A as described in Section 423. A buffer zone B shall be provided on all other sides. The Planning Commission may also require taller landscape screening based on the height of materials to be displayed or stored.
- S. **Composting Centers:**
1. The applicant shall submit an Impact Assessment describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.
  2. The site plan shall clearly illustrate the layout of the composting operation, including: buildings, staging area, parking, on-site truck maneuvering (truck turning radii shall be illustrated), curing area, landscape buffers, sales area and fencing.
  3. Commercial composting operations shall be at least five hundred (500) feet from any residential district.

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4. All composting operations shall be at least two hundred (200) feet from the boundary of any lake, stream, drain, wetland or other surface water body. The applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater. Groundwater quality monitoring devices shall be provided.
  5. Documentation shall be provided indicating that the soils percolate and are not characterized by a high water table.
  6. The applicant shall use acceptable methods for control of odors.
  7. A landscaped buffer zone A, as described in Section 422, shall be provided on all sides adjacent to a residential district. A landscaped buffer zone B shall be provided on all other sides unless specifically exempted by the Planning Commission in consideration of adjacent uses and topographic features.
  8. Access shall be provided solely on Class A truck routes.
  9. Any materials stored or used on the premises that are not being composted shall meet the standards of item S above.
- T. **Essential Public Service Buildings:**
1. Electric or gas regulator equipment and apparatus shall be setback a minimum of thirty (30) feet from all lot lines or equal to district setbacks, whichever is greater. Such facilities can not be located in the required front yard.
  2. The buildings shall be architecturally compatible with the surrounding buildings as determined by the Planning Commission and shall be of brick construction.
- U. **Essential Public Service Storage Yards:**
1. The minimum lot size shall be three (3) acres.
  2. Essential public service storage yards shall be screened from any adjacent residential district by a buffer zone B or a five (5) foot high wall, as described in Section 423.
  3. An open air fence six (6) feet in height shall be constructed on the boundary property lines.
- V. **Extractive Uses, Such as Sand and Gravel Mining:** Sand and gravel deposits represent nonrenewable natural resources which may be necessary and beneficial to the economy of the Township and the regional area about ft. The basic nature of such removal operations must, however, be conducted in such a manner that will insure compatibility with existing and proposed development and ensure the proper restoration of the land. It is, therefore, the intent of this section to provide procedures and requirements for reviewing such requests which will reflect both the existing and future needs of the Township and its residents.
1. Application, Review and Permit Renewal Procedure: Petitions for the granting of permits for extractive operations shall be filed with the Township Clerk by the owners and leaseholders, if any, of the land proposed for natural resources development. Petition shall be submitted in letter form, fully supplemented by data, including an Impact Assessment; maps and aerial photographs specified, and shall be accompanied by a fee as established by resolution of the Planning Commission. A permit for such use shall be issued for a specified period of time by the Planning Commission after recommendation by the Planning Commission.
  2. Submittal Requirements: Petitions shall be accompanied by an Impact Assessment containing the information and analysis required by Article 13, accompanied by the following:
    - a. Aerial photographs, enlarged to a scale of one (1) inch equals two hundred (200) feet, from an original photograph at a negative scale no smaller than one (1) Inch equals one thousand (1,000) feet. The area covered by the vertical aerial photograph shall include and clearly identify all land requested in the petition; all contiguous land which is, or has been used by the owner or leaseholder applicant for any extraction, treatment, and/or storage; all public roads which can

provide first point of access; and the extent of deposits and the estimated amount of land and gravel extraction on an annual basis.

- b. Five (5) copies of a survey, prepared by an engineer or surveyor certified by the State of Michigan to prepare such plats, drawn to a scale of one (1) inch equals two hundred (200) feet, and illustrating the boundary of the entire tract, boundary of the exact area where extraction is being requested and means of vehicular access to the proposed operation
  - c. Report by a qualified soil scientist, soils engineer or geologist regarding the effect the proposed operation will have upon the watershed of the area, with particular attention being devoted to the water table, and, if water bodies are to be created, the anticipated permanence of such.
  - d. An impact assessment.
  - e. A detailed description of the method of operation including an operations and restoration plan for the extraction of the natural resources deposits. The operations and restoration plan shall include the following:
    - f. A progressive cell unit mining plan: a plan which divides the mining area into sections and delineates the progressive mining proposal on the extractive resources available;
    - g. A traffic impact study is required that evaluates access to the site, proposed truck traffic and planned on-site roads. The applicant shall submit these proposed routings to the Ingham County Road Commission for its review relative to the physical and design capabilities of these routes to accommodate the potential traffic. Correspondence from the Ingham County Road Commission shall be included as part of this application;
    - h. An overburden and stockpiling plan which shows how the top soil will be stripped and stored on the site as well as the stockpiling of the extracted sand or gravel;
    - i. A revegetation plan: a plan which shows the staging of restoration through the grading process as well as replacing the topsoil and the planting of grasses, trees and shrubs; and,
    - j. End use plan: a plan which shows the ultimate use of the property once restored to assure the Township that the site will be restored in accordance with the Township Master Plan.
    - k. A detailed explanation of how the applicant intends to comply with the operating requirements of this section.
    - l. The Planning Commission may require the posting of a performance guarantee based upon an estimate by the Township Engineer and shall be sufficient to finance restoration of the disturbed area. This performance guarantee shall be submitted by the petitioner prior to the issuance of any permit, and shall be held in escrow by the Township until restoration is completed and has been approved by the Planning Commission.
3. Operating Requirements:
- a. *Basic Conditions:* The removal of sand, gravel, limestone or similar materials by excavation, stripping, mining or other taking, and including on-site operations appurtenant to the taking, including washing, grading, sorting, (excluding grinding operations) shall be carried on within the limits of an area approved for such activities. All extractions from new pits begun subsequent to the effective date of this Ordinance shall be washed, graded, and further processed and/or stored within the limits of the area approved, and no natural resource extracted outside the limits of this area shall be brought in for washing, grading, or further processing, excepting the event of a public emergency as declared by the Township Board of the Township of Leroy, requiring the use of said natural resource. Resource-related industries including, but not limited to gravel grinding operations, concrete mixing plants and asphalt batching plants, shall not be permitted as a part of the operation unless the activity is located in a Zoning District which would permit such a use.
  - b. *Setbacks:* Excavation, washing and stockpiling of extracted material shall not be conducted closer than fifty (50) feet to the outer boundary of the area approved for extractive operation. The

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setback area shall not be used for any use In conjunction with the extractive operation, except access roads, and public notice signs identifying occupation. Greenbelt plantings and landscaping shall be provided in the setback area as required by the Township Board.

Said setback may be varied by the Board of Appeals when the outer boundary of the area approved for extractive activities abuts a body of water. In granting said variance, the Board of Appeals shall establish a specific setback so as to ensure public safety. To reduce the effects of airborne dust, dirt, and noise, all equipment for loading, weighing, and other operations structures shall not be built closer than three hundred (300) feet from any public street right-of-way or from any adjoining residentially zoned district.

- c. Minimum frontage along a primary road: Each tract of land for extractive development shall have a minimum frontage of two hundred and fifty (250) feet along a primary road as classified by the Ingham County Road Commission, or a roadway with a right-of-way of at least one hundred (100) feet. The Planning Commission may modify this standard if the tract has no frontage but is fronted by an active extractive operation, whose timetable for development would not be in conflict with the proposed operation then written permission for access to major or secondary thoroughfare must be secured from owner in fee and leaseholder, ff any.
- d. *Access:* All means of access to the property shall be from primary roads as classified by the Ingham County Road Commission as a Primary Road or have a right-of-way of at least one hundred (100) feet. No access shall be allowed from residential streets. All private access roads shall be treated so as to create dust-free surface for a distance of three hundred (300) feet from any public access road. Arrangements shall also be made to minimize dust on public access routes traveled in the Township.
- e. *Fencing:* Any excavation which operation results in, or produces for a period of at least one (1) month during the year, collections of water or slopes as described below shall be subject to the following safety requirements:
- f. Where slopes steeper than thirty (30) degrees exist for a period of one (1) month or more, access to such slopes shall be barred by a cyclone fence or similarly effective barrier at least six (6) feet high; and at least fifty (50) feet outside the edge of the excavation, with suitable gates controlling access to the excavation area;
- g. Where collections of water are one (1) foot or more in depth for any period of at least one (1) month, and occupying an area of two hundred (200) square feet or more, access to such collections shall be similarly fenced, as required in (a) above, for slopes; and,
- h. In those instances where the extractive area is situated in marginal arid areas consisting of swamp land, or is bounded by natural bodies of water, the fence shall be required only on those sides accessible to public rights-of-way or as the Planning Commission may determine as requiring fencing so as to secure safety. The Planning Commission may require the posting of signs "'KEEP OUT - DANGER" as needed.
- i. *Slopes:* Finished slopes of the banks of the excavation shall in no event exceed a minimum of five (5) feet to one (1) foot (five feet horizontal to one foot vertical) and where ponded water results from the operations, this slope must be maintained and extended into the water to a depth of five (5) feet. Said slopes shall be met as the work In any one section of the excavation proceeds, and the time for completion of said slopes beginning, provided the Planning Commission may extend the above one (1) year period to such longer period as satisfactory under the circumstances. Sufficient top soil shall be stockpiled on the site so the entire area, when excavating operations are completed, may be covered with a minimum of six (6) Inches of top soil and such replacement of top soil shall be made immediately following the termination of excavating operations. So as to prevent erosion of slopes, all replaced top soil shall immediately be planted with grass or other plant material acceptable to the Planning Commission.

- j. *Explosives*: The use of explosives shall be done in accordance with the "Regulations for Storage and Handling of Explosives," as published by the Michigan State Police, Fire Marshall Division, East Lansing, Michigan.
  - 4. Inspections: To insure compliance with the permit, the Building Department shall conduct periodic inspections.
- W. Group Day Care Homes and Foster Family Group Homes:**
- 1. No foster care group home shall be located closer than fifteen hundred (1,500) feet to any other foster day care home, foster family group home or adult foster care facility, measured between such lots along public streets; nor result in an excessive concentration of such facilities in a neighborhood or the township overall.
  - 2. An on-site drive shall be provided for loading and unloading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street.
  - 3. There shall be a contiguous fenced open space with a minimum area of 5,000 square feet provided on the same premises as the group day care home. The required open space shall not be located within a required front yard, and shall be enclosed with minimum 5-foot tall decorative fencing.
- X. Incinerators (Accessory only):** Incinerators are permitted in an I, Limited Industrial District, only as an accessory use, and shall be allowed to incinerate only materials produced by the principal use. All incinerators operations must be from within an enclosed building. Commercially operated fire pits are expressly prohibited. All waste, prior to incineration, must be stored in an enclosed building. All post-combustion ash must be stored and loaded into vehicles for transport to off site disposal locations from within an entirely enclosed building. All post-combustion ash must be disposed at an approved waste disposal site. Disposal of post-combustion ash on-site is expressly prohibited.
- 1. Stack heights: Stack heights shall be elevated to a height necessary to insure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downwash, eddies and wakes which may be created by the source itself or nearby structures. If the necessary height exceeds the maximum height allowed for the zoning district, the Planning Commission may allow a taller stack after a public hearing, as part of special use permit. The setbacks for such stack from all abutting streets or adjacent parcels, shall be a distance equal to the height of such stack.
  - 2. Performance standards: The operation of a solid waste incineration unit shall not be permitted to carry on any activity, operation, use of land, building or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible harm to humans or human activity.
    - a. *Noise*. No incinerator operation shall be carried out which causes or creates measurable noise levels exceeding decibel levels specified in Section 429.A.
    - b. *Smoke, Dust, Fly Ash and Gases*. The emission of smoke, dust, fly ash and gases shall in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with all new source standards of performance promulgated under the Federal Clean Air Act for Sulfur dioxide, hydrogen chloride, Oxides of nitrogen, Carbon Monoxide, Lead, Cadmium, Mercury, Dioxin, Dibenzofurans, particulate matter, opacity and other post-combustion concentrations of surrogate substances, as well as all applicable State and County health laws as pertaining to air pollution and smoke abatement.
    - c. *Glare and Heat*. Any intense glare or heat generated from the operation of an incinerator shall be performed within an enclosed building or behind a solid fence in such a manner as to be completely imperceivable from any point beyond the lot lines of the lot upon which the incinerator is located.

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- d. *Odor.* The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in the ratio of one volume of odorous air to four (4) or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot lines is prohibited.
  - e. *Fuel Storage.* The storage and handling of flammable materials used to fuel the incinerator shall comply with all State rules and regulations, and regulations as established by the Fire Prevention Act, Act 207, P.A. of 1941, as amended. Further, all storage tanks for flammable materials above ground shall be located at least one hundred fifty (150) feet from all property lines, and shall be designed with automatic leak detection systems. If located above ground, storage tanks shall provide secondary containment. If located below ground, storage tanks shall provide corrosion protection and spill/overflow prevention systems.
3. Environmental Impact Assessment. Prior to the Planning Commission's consideration of a special permit for the construction and operation of an incinerator, an Environmental Impact Assessment shall be submitted to the Planning Commission. At a minimum, the Environmental Impact Assessment shall describe and evaluate the following:
- a. Description of the proposed incineration process, including the design of the incinerator, types of waste to be incinerated, the location of the post-combustion ash disposal site, and the method and route of transport for the post-combustion ash.
  - b. Description of alternative means of waste disposal other than incineration.
  - c. A complete description of the environmental conditions and impacts to the natural and human environment at the proposed incinerator location, as well as along any transport routes and disposal site for the post-combustion ash, including, but not limited to the following:
    - d. geological/soil conditions
    - e. surface and ground water characteristics
    - f. ambient air quality
    - g. climate and wind characteristics
    - h. plant and wildlife habitat, and
    - i. surrounding population.
  - j. The Environmental Impact Assessment should also include a risk assessment which weights the relative advantages and disadvantages of the incinerator operation in comparison to other alternative means of disposing of the waste material. This risk assessment should also describe the likelihood of an unplanned incident involving workers or the general public and any emergency procedures to be followed.
- Y. **Kennels, Commercial and Non-Commercial.**
- 1. Non-Commercial Kennels.
    - a. The minimum lot area for a non-commercial kennel shall be 1 acre.
    - b. No more than 4 animals over the age of 6 months may be housed in a non-commercial kennel.
    - c. Breeding of animals shall be restricted to no more than 2 litters per year.
    - d. Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front, side or rear setback area, and shall be located at least 75 feet from any dwellings or buildings used by the public on adjacent property.
  - 2. Commercial Kennels.
    - a. The minimum lot area for a commercial kennel shall be 2 acres.

- b. 6 animals may be kept for the first 2 acres, and 4 additional animals may be kept for each additional full acre above 2, up to a total maximum of 30 animals.
  - c. Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front, side or rear setback area, and shall be located at least 100 feet from any property line.
  - d. Commercial kennels shall be designed and conducted so as not to be detrimental to any person, property, or the general welfare by reason of excessive noise or odor. Applications for commercial kennels shall highlight measures and design elements intended to mitigate potential off-site impacts of the operation.
  - e. Commercial kennels shall have concrete surfaces for all dog runs including an approved system for runoff and waste collection/disposal. All waste shall be collected and disposed at least once daily.
  - f. Commercial kennels may not be located in a platted subdivision.
  - g. An operations/maintenance plan shall be submitted as part of the application and shall become a binding part of any approval by the Planning Commission.
- Z. **Landfills:** The use of land for the dumping or disposal of scrap iron, junk, garbage, rubbish, or other refuse, or of ashes, slag, or other industrial wastes or by-products is not permitted in any district, except under a temporary special use permit from the Township Board. A request for a landfill shall be accompanied by an Environmental Assessment and by a suitable agreement and bond that such dumping or disposal will not pollute the waters of the Township or cause stagnant water to collect, or leave the surface of the land, at the expiration of such permit, in an unstable condition or unfit for the growing of turf or for other land uses permitted in the district provided the surface of such material shall be graded within a reasonable time in a manner preventing the collection of stagnant water which leaves the ground surface in a condition suitable for growing of turf or for other land uses permitted in the district.

AA. **Mini or Self Storage Warehouses:**

- 1. Minimum lot size shall be three (3) acres.
- 2. Minimum building and parking setback shall be fifty (50) feet from any public street right-of-way line, fifty (50) feet setback from any residential district and twenty-five (25) feet from any nonresidential zoning district.
- 3. The front yard and any side yards adjacent to residential districts shall include wrought iron or similar decorative fencing and evergreen plantings spaced a maximum of ten (10) feet apart on center. If approved by the Planning Commission, a fence, which meets the requirements of Section 419 may be constructed provided evergreen trees spaced a maximum of ten (10) feet apart on center are planted outside of the fence.
- 4. All storage shall be completely within enclosed buildings or structures, unless a separate special use permit is granted for commercial outdoor storage on the premises.
- 5. A structure for a resident manager may be allowed on the site.
- 6. The use shall be limited to storage only; outdoor storage requires separate special land use approval, with the outdoor storage area specifically illustrated on a site plan.

BB. **Outdoor Theaters:** Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in 1-1 District only. Outdoor theaters shall further be subject to the following conditions:

- 1. A site plan shall be approved by the Planning Commission which sufficiently illustrates proposed access, buildings, utilities, adequate drainage, lighting and other technical aspects.
- 2. Outdoor theaters shall abut, and have all access from an Arterial roadway.

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3. The area shall be designed as to prevent the movie screen from being viewed from residential areas or adjacent major roadways. All lighting used to illuminate the area shall be installed and confined within, and directed onto the premises of the outdoor theater site. Landscaping shall be provided to screen automobile headlights off-site.
4. A Traffic Impact Study shall be provided. The study should demonstrate that entrance traffic will have suitable area on-site without disruption to through traffic on a public street.

### CC. Radio, Television and Cellular Phone Towers:

1. Height: Towers for radio, television, cellular phones and other transmitting and relay antenna towers shall be located so that the setback from any property line equals the height of the tower. The set back may be reduced to one-half (1/2) the height of the tower, provided the applicant provides engineering information the tower is self collapsing. The setback area shall remain clear of any building or structure except an accessory utility building.
2. Lighting: The Planning Commission shall approve any lighting on the tower.
3. No signs or logo shall be permitted on the tower,
4. The Planning Commission may require a security fence to prevent access to the tower.

### DD. Recreation: Campgrounds and Youth Camps: Campgrounds for travel trailers, tent-campers, motor homes and tents which may or may not be operated for profit, subject to the following conditions:

1. Minimum lot size shall be twenty (20) acres.
2. All activities are confined to an area at least five hundred (500) feet from any lot line.
3. Development features, including the principal and accessory buildings and structures, shall be located and related to minimize adverse affects on adjacent properties. Minimum setbacks for any buildings, structures or use areas shall be two hundred (200) feet from any property line abutting a residential district, one hundred twenty-five (125) feet from any other district or surface water body, including wetlands. Where topographic conditions are such that they provide a screen and shield, the Planning Commission may modify these requirements in its site plan review.
4. Each camp site, not solely occupied by a tent, shall be at least two thousand (2,000) square feet in size.
5. Each camp site or cabin shall be provided with individual water and sewer hookups approved by the Health Department or have convenient access to approved service buildings.
6. Campgrounds and youth camps shall not be used as prison or detention facilities for the detention of either juvenile or adult persons held by local, county, state, or federal authorities.

### EE. Recreation: Commercial Outdoor Recreation Establishments (excluding golf related uses):

1. Such uses shall include, but are not limited to the following: recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, and similar activities, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, commercial riding stables, animal racing, go-cart, automobile or motorcycle tracks, music concert pavilions and band shells, amusement parks and uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.
2. The site shall be adequate to accommodate the intended use(s), parking and adequate buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the Planning Commission. The applicant shall provide documentation that the site area is adequate using national facility standards.

3. The site shall be located on a paved street which is classified as an Arterial roadway in the Township Master Plan.
4. No building or spectator seating facility shall be located within one hundred (100) feet of a property line, and five hundred (500) feet from residential district.
5. The site shall be periodically cleared of debris.

**FF. Recreation: Golf Courses, Country Clubs, Par Three Golf Courses as Principal Use:**

1. The site shall have access directly onto an Arterial roadway, as defined in the Township Master Plan
2. The site plan shall be designed to achieve a relationship between the arterial roadway and any proposed service roads, entrances, driveways and parking areas which will contribute to pedestrian and vehicular traffic safety.
3. Development features including the principal buildings, accessory structures and fairways, shall be designed and arranged to minimize any adverse effects upon adjacent property. All principal accessory buildings and storage or maintenance yards shall be at least two hundred (200) feet from any public street right-of-way or property line abutting residentially zoned lands; provided the Planning Commission may modify this requirement where topographic conditions, existing vegetation or new landscaping will screen views. In no case shall the setback be less than seventy five (75) feet.
4. Operational hours for maintenance vehicles, course maintenance and/or irrigation may be restricted by the Planning Commission to protect nearby residential districts. Maintenance sheds shall not be visible from any adjacent single family residential areas.
5. Any accessory swimming pool shall meet the standards of Section 314 and comply with all applicable building codes and any Township Swimming Pool Ordinance.

**GG. Recreation: Golf Driving Ranges, Miniature Golf Courses:**

1. All traffic Ingress and egress shall be from an Arterial roadway as classified in the Township Master Plan.
2. Parking lots shall be setback at least thirty (30) feet from the street right-of-way and one hundred (100) feet from any property line abutting a residential district.
3. Any lot line abutting a residential district shall provide a fifty (50) foot wide, landscaped buffer zone A, as defined in Section 423.
4. No building shall be constructed or located closer than two hundred (200) feet from the property line of any abutting residential lot.
5. The site plan shall illustrate expected trajectory or ball dispersion patterns along fairways and for driving ranges where adjacent to residential uses, buildings, parking lots or public streets.
6. Site size shall be sufficient to retain errant balls within the site by means of landscaping, berms or a six (6) foot high fence. Netting shall be prohibited unless the Planning Commission determines the netting would be compatible with surrounding uses.
7. The Planning Commission may restrict lighting and hours of operation for a driving range in consideration of surrounding land uses and zoning.
8. Tees areas for a driving range shall be clearly distinguished by elevating the stations six (6) inches to one and one half (1 -1 /2) feet above the ground, or through use of short walls or alternate distinction to separate tee stations.

**HH. Recreation: Indoor Commercial Recreation Such as Bowling Alleys, Fitness Center Ice Arenas, Skating Rinks etc.):**

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1. The principal and accessory buildings and structures shall not be located within one-hundred (100) feet of any residential district or permitted use
  2. All uses shall be conducted completely within a fully enclosed building.
  3. The buildings shall be sound-proof and meet the noise requirements of this Ordinance found in Article 429.A.
- II. **Recreation: Private or Public Recreation Clubs (Gun Clubs, Archery Game Ranches, etc.):** Courses and/or trails for off-road vehicles and snowmobiles, and similar uses, and gun ranges which may be operated for profit, subject to the following conditions:
1. Any such site shall have a minimum eighty (80) acres.
  2. The applicant shall provide an operations plan clearly outlining the types, location and intensity of uses approved by the Planning Commission. The Planning Commission may regulate the operation and hours of activity to minimize any adverse effects on adjacent properties.
  3. Development features shall be so located and arranged as to encourage pedestrian, vehicular, user and neighborhood safety,
- JJ. **Recreation: Private, Institutional or Community Recreation Facilities and Athletic Pool Clubs:**
1. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting an Arterial roadway as classified in the Township Master Plan, and the site shall be so planned as to provide all ingress and egress directly onto or from said road.
  2. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
  3. Off-street parking shall be provided so as to accommodate not less than one half of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is determined that the users will be pedestrian and originate from the immediately adjacent areas. Prior to the issuance of a building permit or zoning compliance permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirements shall be determined by the Planning Commission on the basis of usage.
  4. Swimming pools shall meet the standards of Section 418, all applicable building and County health codes and any Township Swimming Pool Ordinance.
- KK. **Recycling Centers:**
1. Recycling stations shall be only for the collection of recyclable materials for hauling to another site for processing. A one (1) or two (2) yard dumpster may be provided for non-recyclable waste, such as twine, lids, etc.
  2. Paved loading and stacking spaces shall be provided for at least three (3) automobiles.
  3. All storage of recycled materials shall be within appropriate containers, with access through doors on the sides of the container.
  4. The Planning Commission may require a totally obscuring fence or wall around the perimeter of the recycling center
  5. The hours of operation and materials accepted shall be clearly posted.
  6. A request for a recycling center shall be accompanied by an Impact Assessment.

**LL. Restaurants with Live Entertainment (not adult entertainment or dancing):**

1. The principal building shall be setback at least one hundred (100) feet from a residential district.
2. Noise shall not be apparent outside of the building in accordance with Section 429.A.
3. A wall at least five (5) feet high shall separate the site from any adjacent residential district.

**MM. Restaurants and other establishments with drive-in or drive-through facilities:**

1. Principal and accessory buildings shall be setback sixty (60) feet from any adjacent public right-of-way line or property line. Location shall be along an Arterial roadway, as classified in the Township Master Plan
2. Only one (1) access shall be provided onto any Arterial roadway.
3. Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible
4. Applicant shall provide a traffic impact assessment including projected traffic generation.

**NN. Open Front Restaurant (window service) and Outdoor Cafes:**

1. Waste containers shall be provided.
2. Fences or landscaping shall be required to control blowing debris.
3. All signs placed on the building shall be flat; and interior signs visible to patrons through glass or an opening shall not exceed twenty-five percent (25%) of that area.
4. Additional parking shall be provided based on the capacity of any outdoor seating or lounge areas.
5. Outdoor eating areas shall be illustrated on a site plan and approved by the Planning Commission.
6. Where the use abuts a residential district there shall be no outdoor amplification, such as speakers, unless the applicant demonstrates compliance with the requirements of Section 429.A.

**OO. Salvage Yard/Junk Yard:**

1. The property shall include at least six (6) acres.
2. The salvage yard shall be enclosed on all sides by a solid wall or fence at least six (6) feet in height, maintained in good repair and free of handbills or other advertising except for approved signs. Non-transparent gates not exceeding forty-eight (48) feet in width shall be permitted in the enclosure. The Planning Commission may also require landscaping, such as a berm.
3. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
4. Vehicle parts shall not be stored, loaded, unloaded or dismantled outside the fence enclosing the salvage yard.
5. No vehicle, vehicle bodies or other stored materials shall be visible from any residential use or district, business, or street, from a height at or below the top of the fence enclosing the yard.
6. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
7. The front obscuring fence shall be setback the same distance as a building in the industrial zoning district, and all such fences shall be setback a minimum of five-hundred (500) feet from any residential use or district.

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8. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours, provided that such activities shall not be conducted on Sundays or federally recognized holidays.
9. The applicant must demonstrate that the activities of the salvage yard will comply with all state and federal regulations
10. The Planning Commission may impose other conditions which have a reasonable relationship to the health, safety and general welfare of Leroy Township. These conditions can include a provision for an annual inspection by the Building Inspector to ensure continuing compliance with the above standards.

PP. **School: Colleges, Universities and Other Such Institutions of Higher Education:** Public and Private, Offering Courses in General, Technical, or Religious Education and not Operated for Profit, all Subject to the Following Conditions:

1. Minimum lot size shall be forty (40) acres.
2. Buildings and structures shall be setback at least eighty (80) feet from all property lines and street rights-of-way
3. All access shall be from an Arterial roadway, as roads are classified in the Township Master Plan.

QQ. **Schools: Public, Parochial and Private Intermediate and/or Secondary Schools Offering Courses in General Education:** All vehicular access to the site shall be onto an Arterial or Collector road, as classified in the Township Master Plan. The Planning Commission may allow secondary access onto local (residential) streets and the uses fronting the street which would be most impacted by traffic flow are predominantly non-single family homes.

RR. **Shopping Centers/ Wholesale Clubs/ Home Improvement Centers:** Shopping centers /wholesale clubs/ home improvement centers over 60,000 square feet in the C-2, Commercial Highway Interchange District shall meet the standards below. For purposes of calculation, the principal building and all outbuildings including those on outlots, shall be included in calculating the gross floor area threshold for this section.

1. A Traffic Impact Study shall be submitted.
2. The principal building with front parking shall be setback two-hundred-fifty (250) feet from any public right-of-way or property line.
3. Such shopping centers shall have access to at least one (1) Arterial roadway when.
4. The design of regional shopping centers shall ensure that vehicular circulation patterns are designed and regulated to reduce conflicts between vehicles and pedestrians on-site, and the impacts of traffic generated by the center on adjacent streets.
5. Internal circulation shall be designed such that no intersection includes more than four aisles or drives.
6. Site entrances shall be restricted to three-way movements, with unrestricted inbound movements.
7. Internal drives defined by the ends of aisles shall have raised curbed islands at appropriate locations to define circulation paths and control movements through the parking lot.
8. Loading facilities which serve the commercial establishment in the principal building shall be screened from public view (refer to Section 608).
9. Any building side facing a public street or residential district shall be constructed with brick, fluted block or similar decorative material, unless a landscaped berm is approved by the Planning Commission.
10. Any outlots shall have circulation and parking designed to complement the entire site.

SS. **Stables.**

1. General Standards Applicable to All Stables.
  - a. A fenced corral or pen sufficient to contain horses shall be provided.
  - b. The facilities and conditions shall be such as to assure that the public health, safety, and welfare is safeguarded by mitigating potential noises, odors, infestations, and insects, and by providing fences and security.
  - c. All stables shall be designed to ensure that run-off will not adversely affect adjacent lots and waters, and that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least seventy (70) feet from any property line and shall be removed from the premises or spread and cultivated at least once per week so as to control odors and flies. Manure may not be burned on site.
  - d. Provisions shall be made to ensure that the keeping of horses or ponies will not adversely affect the peaceful use of adjacent lots.
  - e. The site shall be designed to minimize potential impact on the view from neighboring lots in relationship to unsightly areas such as barnyards, manure piles, barn doors, gates, chutes and fences.
  
2. Standards for Private Stables. Private stables, are intended for the keeping of horses for the non-commercial use of the residents of the principal residential use on the site. Private stables shall comply with the following requirements:
  - a. *Location.* Private stables shall not be located on land that is a part of a recorded plat unless the subdivision was designed to accommodate stables and equestrian activity.
  - b. *Minimum Lot Area.* Private stables may only be permitted on a lot that is 2 acres or more in area.
  - c. *Number of Animals.* One horse is permitted for the first 2 acres of land, and one horse is permitted for each additional one acre of land area.
  - d. *Setbacks.* All buildings in which animals are kept and paddocks shall be located a minimum of forty (40) feet from any property line, any occupied dwelling or any other building used by the public.
 

Horses may be pastured to the property line in the side and rear yards, but may not be pastured in a front yard in the R-1 district, and may be pastured to any lot line in the AG and RA districts.

Feeding areas for animals shall be set back a minimum of 100 feet from any principal building on an adjacent property.
  
3. Standards for Public Stables. Public stables, as defined in this Ordinance, shall comply with the following:
  - a. *Location.* Public stables shall not be located on land that is a part of a recorded plat.
  - b. *Minimum Size.* Public stables shall have a minimum of one (1) acre per animal but in no event shall there be less than twenty (20) acres.
  - c. *Setbacks.* All buildings in which animals are kept and paddocks shall be located a minimum of one hundred (100) feet from any property line. Horses may be pastured no closer to the road than the front setback line unless otherwise permitted by the Planning Commission.
  - d. *Supervision.* Persons renting horses shall be properly supervised so as to avoid conflict with other nearby property owners.
  - e. *Commercial Buildings.* Public stables are commercial buildings and require a building permit for any building over 3,500 square feet.

**TT. Theaters (Indoor), Cinemas, Concert Halls and Play Houses:**

1. Access shall be from an arterial roadway.

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2. A traffic impact study shall be submitted.
3. Wrought iron fencing (or a facsimile) may be placed along the frontage to direct pedestrians to safe crossing points, if the Planning Commission determines the need.
4. The subject site shall be located with access to an existing traffic signal, or placed such that installing a traffic signal will not significantly impact through traffic flow.
5. The principal building and parking lot shall be setback at least fifty (50) feet from any adjacent residential district. This setback shall be landscaped with at least the amount of plant materials specified in Section 422.

### UU. Veterinary Clinics:

1. The use shall be operated by a licensed or registered veterinarian.
2. The principal and all accessory buildings or structures used for the treatment or holding of animals shall be setback at least one hundred (100) feet from abutting residential districts, churches or restaurants on the same side of the street; fifty (50) feet from the front property line and fifty (50) feet from all other property lines
3. All principal use activities shall be conducted within a totally enclosed principal building; no outdoor pet enclosures or runs are permitted.
4. Any indoor boarding shall be limited to that incidental to treatment or surgery.
5. Any veterinary clinic building or structure which is used for the treatment or holding of animals which is adjacent to a residential district shall have the following construction features:
  - a. walls are soundproofed to all a maximum transmission of 65 dB measured at any point on the outside of the exterior wall;
  - b. doors must be solid core;
  - c. ventilation must be forced air.
6. Outdoor exercising is allowed when the pen is accompanied by a employee provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.
7. A caretakers quarters may be permitted.

### VV. Veterinary (Animal) Hospitals:

1. Minimum lot size shall be five (5) acres.
2. The principal and all accessory buildings or structures used for the treatment and holding of animals shall be setback at least two hundred (200) feet from the front property line and at least five hundred (500) feet from any property line abutting a residential districts or use on the same side of the street
3. Outdoor enclosures or runs visible to adjacent residential districts shall be screened with fully obscuring fences, walls and/or landscaping (for landscaping, the full obscuring affect must be achieved within three years of planting.
4. A caretaker's quarters may be permitted.

# ARTICLE 10 PLANNED UNIT DEVELOPMENT OVERLAY OPTION (PUD)

## Section 1001 INTENT

The purpose of this Section is to permit the coordinated development on larger sites, where there are significant natural features present which the property owner and Township wish to preserve, for land which exhibits difficult development constraints, to provide the opportunity to mix compatible uses or residential types, and/or allow clustering of residential units to preserve common open space and natural features.

The PUD standards are provided as a design option to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership and variety in design, layout, and type of structures constructed; to preserve significant natural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide adequate housing and employment; to encourage development of recreational amenities; ensure compatibility of design between neighboring properties; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas.

The PUD standards are not intended to be used as a technique to circumvent the intent of the Zoning Ordinance, to avoid imposition of specific Zoning Ordinance standards, or the planning upon which it is based. Thus, the provisions of this section are designed to promote land use substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made to provide the developer with flexibility in design on the basis of the total PUD plan approved by the Township.

## Section 1002 QUALIFYING CONDITIONS

Planned unit developments may be allowed as an overlay of any zoning classification upon determination that the following criteria are met:

- A. The planned unit development site shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.
- B. A minimum size of twenty (20) acres of contiguous land.
- C. The site shall have significant natural or historic features which will be preserved through development under the PUD standards, as determined by the Planning Commission or the PUD will provide a complementary mixture of uses, a variety of housing types or a design which preserves common open space, not possible under the standards of another zoning district.
- D. The planned unit development will 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.
- E. In relation to the existing underlying zoning, the proposed type and density of use shall not result in an unreasonable increase in traffic or the use of public services, facilities and utilities. In addition, the PUD shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants.

## Article 10 Planned Unit Development Overlay Option (PUD)

- F. In relation to underlying zoning, the proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
- G. The proposed development shall be consistent with the Township Master Plan.

### Section 1003 PROJECT DESIGN STANDARDS

Any planned unit development shall comply with the following project design standards:

- A. **Location:** A planned unit development may be approved in any location in the Township, subject to qualifying conditions and standards for review and approval as provided for herein.
- B. **Residential Density:**
  - 1. Underlying zoning is residential: Only residential uses shall be permitted. The Planning Commission may increase the overall density that would otherwise be permitted by up to twenty percent (20%) upon a determination that significant natural features would be preserved that would be lost if the site were developed under a more traditional subdivision plan, and that township services can accommodate the increased density. The definition for density in Article 2 describes how to calculate maximum density. The Planning Commission may require a conceptual plan which illustrates that the number of units the applicant proposes as possible under a more traditional design would be feasible and meet all the dimensional and spacing standards of this ordinance.
  - 2. Underlying zoning is nonresidential: The density for any proposed residential uses in a nonresidential district may be determined by the Planning Commission. The density established by the Planning Commission shall be consistent with the Master Plan and the standards contained in this Ordinance, and upon determination by the standards contained in this Ordinance, and upon determination by the commission that such density will not adversely affect water and sewer services, storm water drainage, road capacity, traffic, parks and recreation, fire and police services, schools, character of the area, and any planned public and private improvements in this area.
- C. **Nonresidential Density:**
  - 1. Underlying zoning is residential: Where the existing underlying zoning district is residential, nonresidential uses shall be permitted for up to ten percent (10%) of the planned unit development site provided the applicant demonstrates to the satisfaction of the Planning Commission that the residential uses will be the predominant uses on the site. The Planning Commission shall determine predominance of use after taking into account the following considerations: commercial uses will not be part of the first phase; 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. If part of the underlying zoning district is nonresidential, the amount of commercial development shall be based on the acreage zoned or master planned for commercial use.
  - 2. Underlying zoning is office or commercial: The Planning Commission may permit a combination of residential, office and commercial uses, upon finding the organization of uses meets the intent and other PUD design standards.
  - 3. Underlying zoning is research and development or industrial: The Planning Commission may permit a combination of office, commercial and light industrial uses upon finding the organization of uses meets the intent and other PUD design standards.
- D. **Buffering Between Uses:** Nonresidential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good site design and planning principles, provided it is recognized that this provision may have limited application to multi-use buildings.

- E. **Natural Features:** The development shall be designed to promote preservation of natural resources and natural features, taking into consideration the local, state and national concern for the protection and preservation of natural resources and natural features.
- F. **Dimensional Standards:** The setbacks and other dimensional standards for various uses shall be based on the following:
  - 1. Single family residential uses shall comply with the regulations applicable to the R-1 district.
  - 2. Multiple family uses shall comply with the regulations applicable to the RM-1, Low Density Multiple Family District.
  - 3. Office, commercial and mixed uses shall comply with the zoning regulations for the least intensive zoning district which permits the use.
  - 4. The Planning Commission may reduce the required dimensional standards for setbacks and spacing upon determination there would be a substantial community benefit through preservation of natural features and improved buffering from adjacent uses.
- G. **Additional Considerations:** The Planning Commission shall take into account the following considerations, as the same may be relevant to a particular project; perimeter setback and berming; thoroughfare, drainage and utility design; underground installation of utilities; insulating the pedestrian circulation system from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and noise reduction and visual screening mechanisms, particularly in cases where nonresidential uses adjoin off-site, residentially-zoned property.

## Section 1004 CONCEPTUAL PUD APPLICATION AND REVIEW

The conceptual PUD review involves a preapplication meeting, review by the Planning Commission and approval of the Township Board to obtain preliminary approval and a PUD zoning designation.

- A. **Preapplication Conference.** Prior to formal submission of an application for planned unit development approval, the applicant shall meet with the Supervisor, Building Inspector, Fire Chief, and other Township personnel and consultants as deemed appropriate. The purpose of such a conference is to provide information and guidance that will assist the applicant in preparation of the application and plan.

The applicant shall present at such a conference or conferences, at minimum, a sketch plan of the proposed planned unit development, plus a legal description of the property in question; the total number of acres in the project; a statement of the approximate number of residential units and the approximate number of acres to be occupied by each type of use; the known deviations from the Ordinance regulations to be sought; the numbers of acres to be preserved as open or recreational space; and, all known natural resources and natural features to be preserved.

No formal action shall be taken at a pre-application conference. There shall be no fee for a pre-application conference.

- B. **Conceptual Site Plan.** The applicant shall prepare and submit to the Township Clerk a request for PUD approval with a Conceptual PUD Site Plan meeting the submittal requirements of Section 807 and nine (9) copies of an impact assessment. The conceptual PUD site plan shall illustrate uses within each component, road layout, parking areas and open space. Materials shall be submitted at least fourteen (14) days prior to the meeting at which the Planning Commission shall first review the request.
- C. **Planning Commission Review.** The Planning Commission shall review the rezoning request, the conceptual PUD site plan and the impact assessment, conduct a public hearing, and make a recommendation to the Township Board based on the review standards of Section 810.

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- D. **Public Hearing.** Within sixty (60) days following receipt of a recommendation from the Planning Commission, the Township Board shall conduct a public hearing on the requested PUD rezoning and the conceptual PUD site plan and either approve, deny or approve with a list of conditions made part of the approval. The Township Board may require a resubmittal of the conceptual PUD site plan reflecting the conditions for approval by the Building Inspector prior to submittal of a PUD final site plan.
- E. **Expiration.** Approval of the conceptual PUD site plan by the Township Board shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for final PUD site plan approval is not requested within this time period, resubmittal of the application shall be required. The Township Board may extend the period up to an additional two (2) years, if requested in writing by the applicant prior to the expiration date.

### Section 1005 CONCEPTUAL SUBMITTAL REQUIREMENTS

The purpose of the conceptual review is to provide a mechanism whereby the applicant can obtain a substantial review of the proposed project in order to prepare final site engineering and architecture plans, and to execute necessary agreements between the applicant and the Township. Submittal requirements are listed below.

- A. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- B. A completed application form, supplied by the Township Clerk, and an application fee. A separate escrow deposit may be required for administrative charges to review the PUD submittal.
- C. Twenty (20) copies of an impact assessment.
- D. If the size of the PUD is over 100 acres, a market study demonstrating the market demand and feasibility of the proposed PUD project shall be provided by the applicant.
- E. Sheet size of submitted drawings shall be at least 24-inches by 36 inches, with graphics at an engineers scale.
- F. Cover Sheet providing:
  - 1. the applicant's name;
  - 2. the name of the development;
  - 3. the preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the State of Michigan;
  - 4. date of preparation and any revisions;
  - 5. north arrow;
  - 6. property lines and dimensions;
  - 7. complete and current legal description and size of property in acres;
  - 8. small location sketch of the subject site and area within one-half; and scale;
  - 9. existing zoning and current land use of applicants property and all abutting properties and of properties across any public or private street from the PUD site;
  - 10. lot lines and all structures on the property and within one-hundred (100) feet of the PUD property lines;

11. location of any access points on both sides of the street within one-hundred (100) feet of the PUD site along streets where access to the PUD is proposed.
  
- G. A plans Sheet(s) labeled "Existing Site Conditions" including the location of existing buildings and structures, rights-of-way and easements, significant natural and historical features, existing drainage patterns (by arrow), surface water bodies, floodplain areas, wetlands over two acres in size, the limits of major stands of trees and a tree survey indicating the location, species and caliper of all trees with a caliper over eight (8) inches, measured four feet above grade. This sheet shall also illustrate existing topography of the entire site at two (2) foot contour intervals and a general description of grades within one-hundred (100) feet of the site. A reduced copy of this sheet may be included in the environmental assessment.
  
- H. A conceptual PUD site plan sheet including:
  1. Conceptual layout of proposed land use, acreage allotted to each use, residential density overall and by underlying zoning district (calculations shall be provided for both overall and buildable acreage), building footprints, structures, roadways, parking areas, drives, driveways, pedestrian paths and identification signs.
  2. Building setbacks and spacing.
  3. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees over eight inches in caliper to be retained, and any woodlands that will be designated as "areas not to be disturbed in development of the PUD.
  4. A preliminary layout of contemplated storm water drainage, detention pond location, water supply and wastewater disposal systems, any public or private easements, and a note of any utility lines to be removed.
  5. If a multi-phase Planned Unit Development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density proposed by phase.
  
- I. General list of anticipated deviations from applicable underlying Zoning Ordinance regulations that will be sought, and a concise statement indicating the approach proposed to ensure that any such deviations will achieve the objectives and intent of this Section.

## Section 1006 STANDARDS FOR APPROVAL OF CONCEPTUAL PUD SITE PLAN

Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the Township Board may deny, approve, or approve with conditions the proposed planned unit development. Upon approval of the conceptual PUD site plan by the Township Board, the property shall be rezoned to the Planned Unit Development Zoning District.

- A. The planned unit development meets the qualification requirements.
  
- B. The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone, or that of any other zoning district.
  
- C. The conceptual plan will be able to meet the final site plan review standards for design, setbacks, and all applicable standards of this Zoning Ordinance unless deviations are specifically requested and approved.
  
- D. The planned unit development is generally consistent with the goals, objectives and future land use map of the Master Plan.

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- E. Judicious effort has been used to protect and preserve significant natural and historical features, surface and underground water bodies and the integrity of the land.
- F. Public water and sewer facilities are available, planned or shall be provided by the developer as part of the site development.
- G. Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site is provided. Drives, streets and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.

### **Section 1007 PROCESS FOR FINAL PUD SITE PLAN**

- A. The applicant shall submit fifteen (15) copies of a detailed Final Site Plan for the entire approved conceptual PUD site plan to the Township Clerk at least thirty (30) days prior to the Planning Commission meeting at which the Planning Commission shall first review the request. For projects over one hundred (100) acres, the applicant may submit a schematic site plan illustrating general building footprints, locations, parking lot areas, road alignments, open space and general landscaping; with more detailed site plans submitted at a later date for each building or project phase in accordance with Article 8, Site Plan Review.
- B. Upon submission of all required materials and fees required by Section 807, the Planning Commission shall hold such hearings as may be required by law, and shall approve, deny, or approve with conditions in accordance with the standards and regulations of Article 8, Site Plan Review.
- C. If the final PUD site plan was approved with conditions, the applicant shall submit a revised site plan to the Building Inspector for approval prior to the issuance of any building permits.

### **Section 1008 FINAL PUD SITE PLAN SUBMITTAL PROCEDURES AND APPROVAL**

- A. The purpose of the PUD final review is to consider the Final Site Plan and Impact Statement for the entire PUD (or a phase if the PUD is over 100 acres) which is consistent with the approved conceptual PUD site plan. Receipt of a building permit shall require final approval by the Township Planning Commission.
- B. The final submittal shall include the materials required by Article 8, Site Plan Review, plus the following:
  - 1. A proposed written agreement specifying all the terms and understanding of the PUD development.
  - 2. A separately delineated specification of all the deviations from this Ordinance which would otherwise be applicable to the uses and development proposed in the absence of these planned unit development regulations. The specification should include Ordinance provisions from which deviations are sought. The reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations from which deviations are sought shall also be specified.
- C. For projects over one hundred (100) acres, the applicant may submit a schematic site plan illustrating general building footprints, parking lot areas, road alignments, open space and general landscaping; with more detailed site plans submitted for the first building or project phase. Each detailed site plan shall then be reviewed according to the procedures and standards of Article 8, Site Plan Review.
- D. The final site plan shall be reviewed by the Planning Commission according to the procedures outlined in Article 8, Site Plan Review. The design and proposed uses shall be consistent with the approved conceptual plan. The Planning Commission may receive an update of the impact assessment for an individual phase if the proposed use or layout has changed from the approved concept plan.

- E. Condominium Projects: For any condominium section of a PUD, the applicant shall provide a copy of the Master Deed and Condominium Association Bylaws for approval by the Planning Commission. The condominium documents shall provide limits on use of common areas or open space for accessory structures such as swimming pools, decks, playground equipment and buildings. A plan shall be provided indicating the limits of such accessory structures within a defined envelope.

## Section 1009 SCHEDULE OF CONSTRUCTION

- A. To ensure that planned unit developments are constructed in an orderly manner and, further, to ensure that the planned unit development approach is not used as a means of circumventing restrictions on the location or quantity of certain types of land use. For purposes of carrying out this provision, the percentage shall be approximations as determined by the Planning Commission based on the floor area and land area allocated to each use. Such percentages may be varied should the Planning Commission determine that the applicant has presented adequate and effective assurance that the residential component or components of the project shall be completed within the specified period.
- B. Final site plan approval of a PUD, PUD phase or a building within a PUD shall be effective for a period of three (3) years. Further submittals under the PUD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.
- C. In the development of a PUD, the percentage of one-family dwelling units under construction, or lots sold, shall be at least in the same proportion to the percentage of multiple family dwelling units under construction at any one time, provided that this Section shall be applied only if one-family dwelling units comprise twenty-five (25%) percent or more of the total housing stock proposed for the PUD. Non-residential buildings, excluding those where the underlying zoning permits their use, designed to serve the PUD residents shall not be built until the PUD has enough dwelling units built to support such non-residential use as determined by the Planning Commission or until at least twenty-five percent (25%) of the residential dwellings are built or under construction. The Planning Commission may modify this requirement in their conceptual or final submittal review process.

## Section 1010 APPEALS AND VIOLATIONS

- A. The Zoning Board of Appeals shall have the authority to hear and decide appeal requests by property owners for variances from the Leroy Township Zoning Ordinance. However, the Zoning Board of Appeals shall not have the authority to change conditions or make interpretations to the PUD site plan or written agreement.
- B. A violation of the PUD plan or agreement shall be considered a violation of this Ordinance.

## Section 1011 AMENDMENTS AND DEVIATIONS FROM APPROVED FINAL PUD SITE PLAN

- A. **Generally:** Deviations from the approved final PUD site plan may occur only when an applicant or property owner who was granted final PUD site plan approval notifies the Township Clerk of the proposed amendment to such approved site plan in writing, accompanied by a site plan illustrating the proposed

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change. The request shall be received prior to initiation of any construction in conflict with the approved final PUD site plan.

- B. **Procedure:** Within fourteen (14) days of receipt of a request to amend the final PUD site plan, the Building Inspector shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval, as noted below.
- C. **Minor Changes:** The Building Inspector may approve the proposed revision upon finding the change would not alter the basic design nor any conditions imposed upon the original plan approval by the Planning Commission. The Building Inspector shall inform the Planning Commission of such approval in writing. The Building Inspector shall consider the following when determining a change to be minor.
1. For residential buildings, the size of structures may be reduced; or increased by five percent (5%), provided the overall density of units does not increase and the minimum square footage requirements are met.
  2. Gross floor area of non-residential buildings may be decreased; or increased by up to five percent (5%) or 10,000 square feet, whichever is smaller.
  3. Floor plans may be changed if consistent with the character of the use.
  4. Horizontal and/or vertical elevations may be altered by up to five percent (5%).
  5. Relocation of a building by up to five (5) feet, if consistent with required setbacks and other standards.
  6. Designated "Areas not to be disturbed" may be increased.
  7. Plantings approved in the Final PUD Landscape Plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any trees to be preserved which are lost during construction may be replaced by at least two (2) trees of the same or similar species.
  8. Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
  9. Changes of building materials to another of higher quality, as determined by the Building Inspector.
  10. Slight modification of sign placement or reduction of size.
  11. Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design.
  12. Changes required or requested by the Township, County or state for safety reasons.
- D. **Major Changes:** Where the Building Inspector determines the requested amendment to the approved final PUD site plan is major, or if there is a request to expand the land area included within the PUD, resubmittal to the Planning Commission shall be required. Should the Planning Commission determine that the modifications to the final PUD site plan significantly alter the intent of the conceptual PUD site plan, a revised conceptual PUD site plan shall be submitted according to the procedures outlined in this Article. If the PUD is being expanded in size, the previously submitted impact assessment shall be updated to reflect new conditions and the expected impacts associated with the subject area.
- E. **Violations:** Any deviation from the approved PUD site plan, except as authorized in this Ordinance, shall be considered a violation of this Article and treated as a misdemeanor. Further, any such deviation shall invalidate the PUD designation.

# ARTICLE 11 OPEN SPACE PRESERVATION OPTION

## Section 1101 PURPOSE

In accordance with Section 506 of P.A. 110 of 2006, Open Space Preservation developments are permitted in the Township, subject to the standards and review procedures established herein.

The Open Space Preservation option is intended to preserve undeveloped land, maintain rural character, and allow the continued use of agricultural lands. The regulations of this Article 11 are intended to achieve those purposes by allowing for homes to be clustered on the most buildable portions of a site while conserving at least 50% of the gross site area in an undeveloped state as open or agricultural land.

## Section 1102 APPLICABILITY

The provisions of this Article shall apply to parcels having an area of ten (10) acres or greater that are located in an AG, RA, or R-1 zoning district. If the Open Space Preservation Option is selected, the property shall be developed under the conditions and requirements of this sub-section and any other applicable zoning regulations or Township ordinances.

## Section 1103 REVIEW AND APPROVAL PROCESS

Proposal for Open Space Preservation developments shall be reviewed and approved following the same procedures used for conventional subdivision or condominium proposals, with the exception that a few additional items of information must be provided as required by this Article 11.

## Section 1104 SITE INVENTORY REPORT REQUIRED

A site inventory report shall be submitted with the initial submission of any open space preservation development. The inventory shall consist of maps and a written analysis identifying existing vegetation, topography at two-foot intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils (based on U.S. Soil Conservation Survey or soil borings), MDEQ-regulated wetlands, floodplains, woodlands and tree lines, and any other features uniquely affecting the site. The site inventory report shall identify the most suitable locations for development on the site so that disturbance of existing features on the site is limited to only the extent necessary to permit development.

## Section 1105 PERMITTED DENSITY

The number of units that may be built in an Open Space Preservation development shall be based upon the number of units that could be constructed on the site in a conventional development meeting all of the requirements of the Zoning Ordinance. The applicant shall submit a parallel design for the project that is consistent with State, County and Township requirements for a tentative preliminary plat. The parallel development layout plan shall meet of the

## Article 11 Open Space Preservation Option

dimensional and layout requirements for a conventional development contained in the Zoning Ordinance (including stormwater management facilities).

The number of units permitted in an open space development shall be 105% of the number of units shown to be viable on the parallel plan.

### Section 1106 DIMENSIONAL REQUIREMENTS

- A. **Setback Requirements.** Open space preservation developments shall comply with the following minimum setback requirements:

Front Yard:	25 ft.
Side Yard (one):	15 ft.
Side Yard (total of two):	25 ft.
Rear Yard:	30 ft.
Along perimeter adjacent to public road:	75 ft.
Along perimeter but not adjacent to a road:	50 ft.

- B. **Minimum Lot Area.** Lots shall have the following minimum areas in an open space development:

AG District:	32,750 sq. ft.
RA District:	13,000 sq. ft.
R-1 District:	13,000 sq. ft.

- C. **Floor Area and Height Standards.** Buildings in an Open Space Preservation development shall comply with the floor area and height standards for the district in which the development is located.

### Section 1107 OPEN SPACE REQUIREMENTS

Open Space Preservation developments shall provide and maintain open space in an undeveloped state.

- A. **Undeveloped State Defined.** Undeveloped state means 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.
- B. **Minimum Open Space Area.** At least 50% of the gross site area shall be conserved in an undeveloped state. Submerged or other lands that are permanently under water (other than wetlands) may not be counted toward the minimum open space percentage.
- C. **Open Space Objectives.** Open space shall be located on the parcel and used to meet one or more of the following objectives:

1. To preserve distinct natural features, scenic or wooded conditions, and rural characteristics. Existing trees and other plant growth shall be preserved in areas where disturbance is not necessary. Tree removal should be confined to areas within the building envelope.
  2. To preserve farmlands.
  3. To minimize impact from development on wetlands, streams, and other sensitive environmental areas.
  4. To maintain open, rural character along main roads.
- D. **Exceptions.** Required open space shall not include the area of any public or private road right-of-way or easement or the area of any stormwater retention or detention pond.
- E. **Open Space Conveyance.** The preserved open space shall be set aside by the developer through an irrevocable legal conveyance such as a deed restriction, conservation easement, plat dedication, restrictive covenant, or other means that runs with the land. The conveyance shall indicate that all rights to develop the land have been conveyed to a land conservation organization or other public body to ensure that the open space preservation area will remain undeveloped. The conveyance shall:
1. Indicate permitted uses of the open space.
  2. Provide for privately-owned open space to be maintained by private property owners having an interest in the open space.
  3. Provide maintenance standards and a maintenance schedule, if necessary.
  4. Provide notice of possible assessment to the private property owners by Leroy Township for the maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
  5. After approval by the Township, the developer shall record with the Ingham County Register of Deeds to provide record notice of the restrictions to all persons having or seeking an interest in the property contained in the Open Space Preservation development. Evidence that the document has been recorded shall be provided to the Township prior to issuance of any permits to commence construction.



# ARTICLE 12      **STANDARDS FOR PRIVATE ROADS AND ACCESS EASEMENTS**

## **Section 1201      INTENT**

The intent of this Article is to ensure adequate access to public streets and help ensure adequate police and fire protection for roads not intended to be dedicated to the public. This Article includes standards on the design and maintenance of private roads to help meet this intent.

## **Section 1202      APPLICABILITY**

- A. The procedures and standards of this section shall apply to all private roads including those in developments regulated by the Condominium Act, Act 59 of 1978 and all private roads in the Township. For purposes of interpretation, private roads in a condominium development or multiple family development shall not include parking lot aisles or drives connecting parking lots to internal roads.
- B. No private road providing access to two (2) or more units shall be constructed, extended, improved or relocated unless a permit authorizing such activity has been issued by the Building Inspector.

## **Section 1203      REQUIRED NOTICE AND MAINTENANCE AGREEMENT**

- A. Written notice shall be given to each prospective purchaser by the seller of the divided parcel containing a legal description of any and all private roads abutting, traversing, and/or adjacent to the original parcel prior to the division, said notice shall be attached to each transmitting instrument of interest in each successive division, and said legal description of the private road shall be recorded with the Ingham County Register of Deeds at the time of land division.
- B. A private road maintenance agreement shall be provided which states that the Township of Leroy bears no responsibility to maintain the road on the private easement including snow removal and dust control. The agreement shall further hold the abutting property owners are responsible for the maintenance of the road to prevent extreme bumpy conditions, potholes or conditions that would cause vehicles to be immobilized. The agreement shall further state that adequate access for emergency vehicles will be available year round. The agreement shall also provide, that in the event the road fails to meet the conditions prescribed above, that Leroy Township may order repairs to be made and may levy said costs on the annual tax bill for the collection with the Township property tax. The Township may also collect said costs in any other manner approved by the Township Board.

## Article 12 Standards for Private Roads and Access Easements

### Section 1204 SUBMITTAL REQUIREMENTS AND REVIEW PROCEDURE

- A. **Submittal Requirements:** The following items shall be provided on a site plan, submitted either separately or combined with other required site plan submittal information, to the Township Clerk with an application for a private road construction permit:
1. Completed application form and fee;
  2. Parcel number and name of owner for all properties having legal interest in the private road;
  3. Proposed land divisions to be made from entire area including a preliminary boundary and parcel division plan showing approximate areas of the proposed parcels;
  4. Plans, designed and sealed by a Civil Engineer registered in the State of Michigan showing location, dimension, and design of the private road and existing and proposed elevation contours within all areas to be disturbed or altered by construction of the private road;
  5. Location of all public or private utilities located within the private road right-of-way or easement, or within a utility easement parallel and adjacent to the private road easement such as water, sewer, telephone, gas, electricity and television cable;
  6. Location of any lakes, streams, drainageways, 100 year floodplains or MDNR regulated wetlands within 100 feet of the proposed private road or easement;
  7. Sufficient topographical detail to indicate the road grades will be acceptable and proper drainage can be provided for the easement and road surfaces;
  8. The direction of drainage flow from the private road easement to a suitable storm water outlet shall be indicated by appropriate drainage direction arrows;
  9. The location of all existing and proposed drainage facilities and structures and any other structures and any other physical conditions existing adjacent to the subject private road; and
  10. A "Declaration of Restriction for Private Road Construction and Maintenance" in a format approved by the Township.
- B. **Review Procedure:** The private road plans shall be submitted to the Township Clerk for review and approval by the Planning Commission.

### Section 1205 DESIGN STANDARDS

- A. All private road easements shall be a minimum of sixty-six (66) feet in width, except where an access easement of record of less width existed prior to adoption of this Ordinance. The easement shall be shown on the land division records as a perpetual easement for roadway purposes leading to a public street.
- B. Maximum gradient shall be six percent (6%), or a six (6) foot rise in one hundred (100) feet of horizontal distance. Minimum gradient shall be 0.4%. Vertical curves shall be used at all changes in grade. Gradient shall not exceed three (3) percent within 50 feet of any intersection of the private road with any other road.
- C. Minimum horizontal curve radius shall be one hundred seventy-five (175) feet except a minimum of one hundred fifty (150) feet may be used where the road serves less than five (5) homes or where natural features would be preserved that would be lost if a wider radii were required.
- D. The intersection of public and private roads shall be as near perpendicular (ninety (90) degrees) as practical, but in no case will be less than seventy five (75) degrees. A clear vision zone shall be provided, as described in Section 427 "Unobstructed Sight Distance."

- E. Drainage course easements shall be provided, if required by the Township, based on the site's topography.
- F. Centerline of construction shall coincide, insofar as practical, with centerline of the private road easement.
- G. An adequate sub-grade shall be prepared by removing topsoil, muck or other surface material to a suitable sub-surface condition. The width of the stable sub-surface condition shall be a minimum cross-section of the thirty (30) feet including appropriate swaled ditching in the event drainage to a public drainage system is not available; otherwise a storm sewer is required. When a storm sewer system is included, the cross-section for sub-surface preparation need not exceed the width required for a sealed surface and drainage appurtenances.
- H. The cross-section width of the impervious surface area (asphalt or concrete), base materials, and curb or open ditch design shall be in accordance with the Ingham County Road Commission standards and specifications.
- I. Maximum length of a private road that provides sole access to properties shall be 1,500 feet, unless future access to a developable adjacent site is provided with a street stub connection.
- J. A maximum of fifty (50) single family units may be served by a single private road access. The Planning Commission may increase this requirement up to one hundred (100) units upon a finding that there is no reasonable access alternative and the Fire Department approves the design. Any further increase in the number of units shall require a variance from the Zoning Board of Appeals.
- K. The improved surface of the private road shall be setback a minimum of fifteen (15) feet from any adjoining lot or parcel which does not derive access from the easement or private road.
- L. Minimum tangent distance (straight-away) between two curves shall be fifty (50) feet.
- M. Private road design plans shall document that minimum stopping and intersection sight distances meet the design criteria outlined in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Streets."
- N. All signs within the private road or access easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Street signs shall be provided at all intersections. These signs shall contrast in terms of color with public street signs, and shall indicate the road is private.
- O. Sidewalks or bikepaths may be required by the Planning Commission. Any such facilities shall be constructed to Township specifications.
- P. Private roads and driveways (excluding driveways serving one dwelling unit) within a development shall align directly across from other private roads or driveways or be offset at least one hundred-fifty (150) feet measured centerline to centerline. If a private road is to intersect with an arterial roadway there shall be a minimum offset of two hundred fifty (250) feet.
- Q. All road design features and geometrics shall meet the standards and construction specifications of the Ingham County Road Commission, unless otherwise specified herein. A developer of a private road as herein defined is advised to use the Commission's standards in the event it is intended to request the Road Commission to assume responsibility for said road, or there is reasonable likelihood that the private road could become a public street in the future.

## **Article 12 Standards for Private Roads and Access Easements**

### **Section 1206 REQUIRED ROAD NAME**

All names shall be approved by the Township Supervisor with consultation by the County Road Commission. Road names shall not be permitted which might cause confusion with names of existing roads in or near Leroy Township. Roads that will be continuations of existing roads shall be called by the same names of such existing road. There shall be provided road signs at every road intersection meeting the specifications of the Ingham County Road Commission and as approved by the Township Board. All cost of such signs shall be borne by the developer or property owner(s) of the lots to be served by the private road.

### **Section 1207 CONSTRUCTION PERMITS**

Construction permits shall be obtained from the Ingham County Road Commission before entrances are constructed into County road right-of-way. Private roads constructed under the provisions of this Ordinance shall not require the Township or the Ingham County Road Commission to accept said area for maintenance at any future date. The Township reserves the right to require construction to higher standards where warranted by special topographic or geographic conditions.

### **Section 1208 ROAD COMPLETION REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE**

No building permit shall be issued by the Township fronting on any private road until said roadway is improved to the specifications contained in this Ordinance. The Township shall inspect and approve the private road improvements prior to issuing any building permits along said road. The Township Board shall establish a fee to cover the cost of such inspections, said fee to be paid by the developer.

### **Section 1209 VARIANCES**

An appeal may be taken to the Zoning Board of Appeals pursuant to the terms and conditions of the Leroy Township Zoning Ordinance.

### **Section 1210 EXISTING NONCONFORMING PRIVATE ROADS AND ACCESS EASEMENTS**

It is recognized that there exist private roads, service roads and access easements which were lawful prior to the adoption of this section which are inconsistent with the standards herein. Such roads are declared by this section to be legal nonconforming roads or easements. The intent of this section is to permit legal nonconforming roads and easements to continue and undergo routine maintenance for safety purposes, as determined by the Building Inspector. This section is also intended to allow new construction to occur on existing lots which front along such a road on the adoption date of this section, if the roads are reasonably capable of providing sufficient access for the uses permitted in the zoning district and for provision of emergency service vehicles.

However, this section is also intended to discourage the extension of nonconforming roads or increase the number of lots or building sites served by such a road, except in platted subdivisions, divisions of land or site condominium projects existing on the adoption date of this section, unless provisions are made to upgrade such road to comply with the standards herein. Any reconstruction, widening or extension of a non-conforming private road or access easement shall be in conformity with this Article.

For purposes of determining whether a lot along a private road or access easement qualifies as an "existing lot" as used in this section, at least one of the following conditions must have existed at the time this section was adopted.

- A. The lot consists of a "condominium unit" for which a master deed had been recorded with the Ingham County Register of Deeds in accordance with the requirements of the Michigan Condominium Act and other applicable laws and ordinances.
- B. The lot consists of a parcel that was described by metes and bounds as recorded by a deed or as a land contract, and registered with the Ingham County Register of Deeds.
- C. The lot had been assigned a unique parcel number by the Ingham County Register of Deeds and was individually assessed and taxed on that basis.



# ARTICLE 13    **RESERVED**



# ARTICLE 14 FLOODPLAIN DEVELOPMENT STANDARDS

## Section 1401 INTENT

The standards of this Article are intended to significantly reduce hazards to persons and damage to property as a result of flood conditions in Leroy Township, and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency, as published in the Federal Register.

- A. In addition, the objectives of this Article include:
- B. Protection of human life, health and property from the dangerous and damaging effects of flood conditions;
- C. Minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas;
- D. Prevention of private and public economic loss and social disruption as a result of flood conditions;
- E. Promotion of the goals and objectives of the Leroy Master Plan;
- F. Maintenance of stable development patterns not subject to the blighting influence of flood damage;
- G. Help ensure public access to information indicating the location of land areas subject to periodic flooding; and,
- H. Preserve the ability of floodplains to carry and discharge a base flood.

## Section 1402 DELINEATION OF THE FLOODPLAIN AREA

- A. The floodplain development standards of this Article shall overlay existing zoning districts delineated on the official Zoning Map of Leroy Township. The boundaries of the flood hazard area overlay zone shall coincide with the boundaries of the areas (i.e. the elevations) indicated within the limits of the 100-year flood boundary, which are termed "Special Flood Hazard Areas (SFHA's)," in the report entitled "The Flood Insurance Study Leroy Township, Ingham County, Michigan" with accompanying Flood Insurance Rate Maps (FIRM maps). The Study and accompanying maps and amendments are adopted by reference, appended and declared to be a part of this Article.
- B. If the SFHA designation is in dispute, or determined to be incorrect, the procedures for Flood Insurance Map amendment in Section 1408 shall apply.
- C. In addition to other requirements of this Article applicable to development in the underlying zoning districts, compliance with the requirements of this Article shall be necessary for all development occurring within the special flood hazard area overlay zone. Conflicts between the requirements of this Article and other requirements of this Article or any other ordinance shall be resolved in favor of this Article, except

## Article 14 Floodplain Development Standards

where the conflicting requirement is more stringent and would further the objectives of this Article to a greater extent than the requirements of this Article. In such cases, the more stringent requirement shall be applied.

### Section 1403 RESTRICTION ON USES AND PRINCIPAL BUILDINGS WITHIN THE FLOODPLAIN

All site plans and subdivision plats shall be reviewed to determine their impact upon the 100-year floodplain and floodway. Building construction within the floodway shall be prohibited. Development of lands which contain floodplain areas must be designed to minimize building construction within the SFHA.

- A. The following uses shall be permitted within the boundary of the 100-year floodplain:
1. Grading and agriculture, pasture land and animal grazing.
  2. Harvesting of a native or wild crop permitted by law such as wild rice, marsh hay, berries and seeds.
  3. Harvesting of trees.
  4. Public and private parks, picnic areas, playgrounds, playfields, athletic fields, golf courses, par three golf courses, golf driving ranges, bridle paths, nature paths, and trails
  5. Wildlife preserves.
  6. Fishing, trapping, and hunting in compliance with current laws and regulations.
  7. Hunting and conservation clubs, noncommercial archery, rifle and shooting ranges.
  8. Swimming beaches, fishing and boating docks in accord with the provisions of the Inland Lakes and Streams Act of 1972, as amended.
  9. Required open space or lot area for uses landward of the floodplain but within the same lot.

A MDNR permit may be needed for these activities if the area is also within a regulated wetland.

- B. The following additional uses shall be permitted when the applicant demonstrates there is no feasible alternative which would provide a reasonable rate of return on investment in the land. Such documentation may include engineering and appraisal analysis.
1. Historic sites, structures, markers and trails.
  2. Sand and gravel extraction.
  3. Principal residential buildings when the lowest floor is constructed at least three (3) feet above the 100-year floodplain elevation. Expansions, additions, or improvements to existing residential buildings shall also be elevated a minimum of three (3) feet above the floodplain elevation.
  4. Principal nonresidential buildings when the lowest floor is constructed at least three (3) feet above the floodplain elevation or otherwise flood-proofed. Expansion, addition, or improvements to existing buildings shall also be elevated a minimum of three (3) feet above the floodplain elevation or otherwise flood-proofed.

## Section 1404 ACCESSORY BUILDINGS, STRUCTURES AND USES

- A. Within the floodplain boundary, accessory buildings or structures shall be used only for one or more of the uses listed below when a permit is granted and only in a manner consistent with the requirements of principal uses and accessory uses, buildings and structures and uses in zoning district.
- B. Off-street parking, streets, roads, bridges, outdoor play equipment, sheds and garages, boathouses, boat hoists, utility structures, pump houses, bleachers, bank protection structures, signs, fences, gazebos and similar outdoor equipment and appurtenances; provided each of the following requirements are met:
  - 1. The building or structure shall not be used for human habitation;
  - 2. The location and design of the building or structure would not cause an increase in water surface elevation, obstruct flow, or reduce the impoundment capacity of the floodplain;
  - 3. The building must be designed to have a low flood damage potential;
  - 4. All equipment, buildings and structures shall be anchored to prevent flotation and lateral movement;
  - 5. Any electrical or mechanical service must be elevated or flood-proofed; and,
  - 6. Compliance with these requirements must be certified by a registered engineer or surveyor.

## Section 1405 FILLING AND DUMPING

Dredging and filling and/or dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be maintained or improved, and unless all applicable state regulations are met and permits obtained, including but not limited to approvals pursuant to: P.A. 245 of 1929, as amended by P.A. 167 of 1968; P.A. 347 of 1972, as amended; P.A. 346 of 1972, as amended; and P.A. 203 of 1979, as amended.

## Section 1406 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION

- A. No building or structure shall be erected, converted, or substantially improved or placed, and no land filled or building or structure used within a floodplain unless permits have been approved by the Building Inspector and the Department of Natural Resources under authority of Act 245 of the Public Acts of 1929, as amended by Act 167 of the Public Acts of 1968 has been obtained.
- B. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.
- C. Site plans shall be reviewed in accordance with Article 8.
- D. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Article 13, "Land Divisions and Combinations."
- E. The flood-carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to insure flood carrying capacity shall be maintained.
- F. Available flood hazard data from federal, state or other sources shall be reasonably utilized in meeting the standards of this Article. Data furnished by the Federal Insurance Administration shall take precedence over data from other sources.

## **Article 14 Floodplain Development Standards**

### **Section 1407 APPEALS AND VARIANCES**

The applicant may appeal a decision of the Building Inspector or request from the Township Zoning Board of Appeals a variance from these standards. The Zoning Board of Appeals shall find that all of the following be in conformance with MDNR and FEMA regulations and meet the following standards:

- A. The applicant will suffer an exceptional or unnecessary hardship unless the variance or appeal is approved;
- B. A variance or reversal of an administrative decision is needed to provide the landowner with a reasonable rate of return on investment;
- C. Approval of the request will not cause increased flood heights, additional threats to public safety, extraordinary public expense or create potential for nuisances;
- D. The requested variance or appeal is the minimum necessary to provide relief, in consideration of the potential flood hazard; and,
- E. The variance or appeal would still be in conformance with MDNR and FEMA regulations.

### **Section 1408 REVISIONS TO THE FLOODPLAIN MAP**

All requests for changes or corrections to the FEMA floodplain map boundaries, flood elevations and other information shown on the map must be made by the applicant in accordance with FEMA procedures. The township shall not approve uses, buildings or structures on the floodplain except in conformance with this Article, until FEMA officially notifies the township of any revision.

### **Section 1409 DISCLAIMER OF LIABILITY**

- A. The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Approval of the use of land under this Article shall not be considered a guarantee or warranty of safety from flood damage.
- B. This Article does not imply that areas outside the flood hazard area overlay zone will be free from flood damage. This Article does not create liability on the part of the Leroy Township or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

# ARTICLE 15 ADMINISTRATION AND ENFORCEMENT

## Section 1501 ENFORCEMENT

The provisions of this Ordinance shall be administered by the Township Clerk and enforced by the Building Inspector.

## Section 1502 DUTIES OF BUILDING INSPECTOR

The Building Inspector shall have the power to grant Zoning Compliance and Occupancy Permits, to make inspections of building or premises necessary to carry out the duties of the Building Inspector in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

The Building Inspector shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Article 5. Under no circumstances is the Building Inspector permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out the duties of the Building Inspector. The Building Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

The Building Inspector shall order discontinuance of illegal uses of land, buildings or structures, removal of illegal buildings or structures, discontinuance of any illegal construction, or shall take any other lawful action authorized by this Ordinance to ensure compliance with, or prevent violations of its provisions.

## Section 1503 PLOT PLAN

The Building Inspector shall require that all applications for Building Permits shall be accompanied by plans and specifications including a Plot Plan, in triplicate, drawn to scale, which illustrate the following:

- A. the actual shape, location and dimensions of the lot;
- B. the shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot;
- C. the existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate; and
- D. such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

## Article 15 Administration and Enforcement

### Section 1504 PERMITS

The following shall apply in the issuance of any permit:

- A. **Special Use Permits:** A special use permit shall not be issued by the Building Inspector until the use has been approved by the Planning Commission and a site plan which illustrates compliance with any conditions has been approved. No building or occupancy permit shall be issued for a use which requires a special use permit until the special use permit has been approved.
- B. **Permits Not to be Issued:** No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.
- C. **Permits for New Use of Land:** No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- D. **Permits for New Use of Buildings:** No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- E. **Permits Required:** No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit has been issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes regulated by the Leroy Township Building Code, Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

### Section 1505 CERTIFICATES

No land, building, or part thereof, shall be occupied or used unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

- A. **Certificates Not to be Issued:** No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
- B. **Certificates Required:** No building or structure, or part thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
- C. **Certificates Including Zoning:** Certificates of occupancy as required by the Township Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.
- D. **Certificates for Existing Buildings:** Certificates of occupancy shall be issued for existing buildings, structures or parts thereof, or existing use of land if, after, inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.
- E. **Record of Certificates:** A record of all certificates issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person having a propriety or tenancy interest in the property involved.

- F. **Certificates for Existing Buildings:** Buildings or structures accessory to dwelling shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the Plot Plan and when completed at the same time as such dwellings.
- G. **Application for Certificates:** Application for certificates of occupancy shall be made in writing to the Building Inspector on forms furnished by that department. Such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

## Section 1506 FINAL INSPECTION

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

## Section 1507 FEES

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Building Inspector in advance of issuance. Fees may also be established by the Township Board to cover the cost of Planning, Engineering, or other specialized consultants that may be necessary to review applications on behalf of the Township. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance along with any consultant fees.

## Section 1508 VIOLATIONS AND PENALTIES

- A. **Violation a Nuisance:** Any building erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Ordinance is declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction.
- B. **Inspection of Violation:** The Building Inspector shall inspect each alleged violation and shall order correction, in writing, of all conditions found to be in violation of this Ordinance. The order to correct a violation shall be issued by serving personally, or by sending, by registered mail, return receipt requested, such order to the last known address of the owner of the property upon which the violation occurs, or when applicable, the violator. A party who has failed to accept such registered mail shall be deemed to have been served.
- C. **Correction Period:** All violations shall be corrected within a period of ten (10) days after the order to correct is served unless, in the opinion of the Building Inspector, a lesser time period is required because of imminent danger to the health, safety or welfare of the inhabitants of the Township. A violation not corrected within the required time period shall be reported to the Township Attorney, who shall initiate prosecution procedures. Legal proceedings may be stayed during any period that such violation is pending review by the Township Zoning Board of Appeals pursuant to Article 16.

## Article 15 Administration and Enforcement

### Section 1509 PENALTIES

Every person, corporation or firm who violates, disobeys, or omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Building Inspector, Zoning Board of Appeals or Township Board issued in pursuance of this Ordinance shall be guilty of a misdemeanor. The owner of record or tenant of any building, structure premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense. Upon conviction thereof before any court of competent jurisdiction, he shall be subject to punishment by a fine not to exceed Five Hundred Dollars (\$500.00), or by imprisonment not to exceed ninety (90) days, or both, and, in addition, shall pay all costs of prosecution. Each day during which a violation continues shall be deemed to be a separate offense. The imposition of any fine, jail sentence, or both, shall not exempt the violator from compliance with the provisions of this Ordinance.

### Section 1510 REMEDIES

- A. **Responsibility:** The Building Inspector, the Township Board, the Planning Commission, the Zoning Board of Appeals or the Township Attorney, or any interested party, may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any unlawful erection, alteration, maintenance or use. The rights and remedies herein provided are civil in nature and in addition to criminal remedies.
- B. **Scope of Remedies:** The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law. All monies received from penalties assessed shall be paid into the Township treasury on or before the first Monday of the month next following receipt thereof by the court of jurisdiction. All fines collected shall belong to the township and shall be deposited in the general fund.

# ARTICLE 16 ZONING BOARD OF APPEALS

## Section 1601 ESTABLISHED; MEMBERSHIP

A Zoning Board of Appeals is hereby established in accordance with Act 110 of the Public Acts of 2006, as amended. The Board shall consist of five (5) members: The Chairman of the Planning Commission, a member of the Township Board appointed by the Township Board, and three members appointed by the Township Board from the electors residing in the unincorporated area of the Township. The term of office of the member from the Township Board shall not exceed his term of office on the Township Board. Members may be reappointed.

## Section 1602 PROCEDURES OF THE BOARD

The Zoning Board of Appeals shall adopt rules and regulations to govern its procedures. The Board of Appeals shall appoint one of its members as Chairman. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirements, decision or interpretation of the Zoning Officer, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance.

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts, and other relevant factors, including the vote of each member upon each question, or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.

## Section 1603 HEARINGS

The Board shall give due notice of a hearing according to the following procedures:

- A. Variances. Notice of a request for a variance from the dimensional requirements of this Ordinance shall be given according to the following procedures.
  1. The notice shall describe the nature of the requested variance; indicate the property that is the subject of the request; include a listing of all existing street addresses within the property or other means of identification if no street addresses exist; identify when and where the request will be considered; and indicate when and where written comments may be submitted regarding the request.
  2. Notice shall be published in a newspaper of general circulation within the Township not less than 15 days prior to the public hearing.
  3. Notice shall be sent by mail or personal delivery to the owners of the property in question and all persons to whom real property is assessed within 300 feet of the property in question not less than 15 days before the date the request will be considered for approval.
  4. Notice shall be sent by mail or personal delivery to the occupants of all structures within 300 feet of the property (including structures in neighboring communities if they are within 300 feet) not less than 15 days before the date the request will be considered for approval.
- B. Interpretation of the Zoning Ordinance or Appeal of an Administrative Decision. Notice of a request for an interpretation of the Zoning Ordinance or an appeal of an administrative decision shall be given as follows:

## Article 16 Zoning Board of Appeals

1. A notice stating the date, time, and place of the public hearing for a Zoning Ordinance interpretation or appeal of an administrative decision shall be published in a newspaper of general circulation within the Township not less than 15 days prior to the public hearing.
2. Written notice stating the date, time, and place of the public hearing for a Zoning Ordinance interpretation or appeal of an administrative decision shall be sent to the person requesting the interpretation or making appeal not less than 15 days prior to the public hearing.
3. If the request for interpretation or appeal involves a specific parcel, written notice stating the nature of the request and the date, time and place of the hearing shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the notice may be sent to "occupant."

### Section 1604 DUTIES AND POWERS

The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006 as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done. The Zoning Board of Appeals shall hear and decide ONLY those matters which it is specifically authorized to hear and decide as provided therein; administrative review, variance, and expansion of nonconforming buildings and structures.

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 power to act on those matters for which this Ordinance provides an administrative review, interpretation variance or exception including:

- A. **Review:** The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decisions or determination of the Zoning Officer.
- B. **Interpretation:** The Zoning Board of Appeals shall have the power to:
  1. Interpret, upon request, the provisions of this Ordinance in such away as to carry out the intent and purpose of this Ordinance. Where the Ordinance is clearly silent and the intent is not known, the issue shall not be acted upon but shall instead be referred to the Township Board for consideration of an Ordinance Amendment.
  2. Determine the precise location of the boundary lines between Zoning districts when there is dissatisfaction with a decision made by the Zoning Officer.
  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.
  4. Determine the parking space requirements of any use not specifically mentioned in Section by classifying it with one of the groups listed in that Section by an analysis of the specific needs.
- C. **Variations:** The ZBA shall have authority in specific cases to authorize variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done.

The ZBA may grant a dimensional variance only upon a finding that practical difficulties exist. A "dimensional" variance is a variance from any standard or requirement of the Ordinance, such as, but not limited to, a deviation from density, height, bulk, setback, or parking, landscaping and sign standards and requirements. A finding of practical difficulties shall require demonstration by the applicant of all of the following:

1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other "non-use" matters will unreasonably prevent the owner from using the property for a permitted purpose or will be unnecessarily burdensome.
2. The variance will do substantial justice to the applicant, as well as to other property owners.
3. A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
4. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
5. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.

### **Section 1605 VOIDING OF, AND REAPPLICATION FOR, A VARIANCE**

The following provisions shall apply:

- A. Granting of a variance runs with the land, not with the property owner.
- B. Each variance granted under the provisions of this Ordinance shall become null and void unless:
  1. The construction authorized by such variance or permit has proceeded to at least 10% of completion within one hundred and eighty (180) days after the granting of such variance and pursued diligently to completion; or
  2. The occupancy of land or buildings authorized by such variance has taken place within one hundred and eighty (180) days after the granting of such variance.
- C. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of three hundred and sixty-five (365) days from the date of such denial, except on grounds of new evidence of proof of changed conditions found by the Zoning Board of Appeals to be valid.

### **Section 1606 APPEALS, HOW TAKEN**

- A. Appeals to the Zoning Board of Appeals concerning interpretation and administration of this Ordinance may be taken by any person aggrieved or by any Officer of the Township Affected by any decision of the Zoning Officer. Appeals shall be taken within a reasonable time, not to exceed thirty (30) days following action by the Zoning Officer or Township Board, by filing with the Zoning Officer and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board of Appeals copies of all papers constituting the record upon which the action appealed from was taken.
- B. A fee shall be paid to the Township Treasurer, at the time of filing the notice of appeal and shall be deposited in the Township's general fund. The appeal fee shall be established by the Township Board.
- C. Any part or parties may appear at the hearing in person or by agent or attorney.
- D. The Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Zoning Board of Appeals shall be in the form of a resolution containing a full record of its findings and determinations in each case.

## Article 16 Zoning Board of Appeals

- E. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Zoning Officer from whom the appeal is taken and on due cause shown.

### Section 1607 DUTIES ON MATTERS OF APPEAL

All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Officer. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the Zoning Officer. Recourse from decisions of the Zoning Board of Appeals shall be to the courts as provided by law.

### Section 1608 TEMPORARY USES, BUILDINGS AND STRUCTURES

- A. **Temporary Buildings and Structures:** The Zoning Board of Zoning Appeals may permit temporary buildings and structures, including trailers incidental to construction work on a lot for periods not to exceed one (1) year in undeveloped areas of the Township and for a period not to exceed six (6) months in developed areas, subject to the restrictions below:
  - 1. Temporary buildings and structures may only be used for storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste or fuel facilities, related to construction activity on the same lot. No temporary building or structure shall be used as a dwelling unit, unless specifically approved by the Zoning Board of Appeals.
  - 2. A building permit for such building or structure shall be issued by the Building Inspector prior to installation.
  - 3. Temporary buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Building Inspector for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.
  - 4. The determination of "undeveloped" and "developed" shall be made by the Zoning Board of Appeals in consideration of the uses on adjacent properties, the amount of vacant land in the general area, and the expected rate of development.
- B. **Temporary Uses Without Buildings or Structures:** The Zoning Board of Appeals may permit temporary uses which do not require the erection of any capital improvement of a structural nature, and not otherwise permitted in any district (excluding garage sales, moving sales, estate sales and auctions for less than seven calendar days during any year), for up to twelve (12) months with the granting of twelve (12) month extension up to a maximum of three (3) total years being permissible, under the following conditions:
  - 1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
  - 2. The use shall be in harmony with the general character of the district.
  - 3. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit. A performance bond may be required by the Building Inspector to cover costs of site clean-up upon termination of use.

4. All setbacks, land coverage, off-street parking, lighting, signs and other requirements of this Ordinance shall be met, unless the Zoning Board of Appeals specifically modifies a requirement in consideration of protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the township.
  5. In classifying uses as not requiring capital improvement, the Board of Zoning Appeals shall determine that they are either demountable structures related to the permitted use of the land; or structures which do not require foundations, heating systems or sanitary connections.
  6. Notice shall be given to owners of adjacent property, within three (300) hundred feet, of the time and place of a public hearing to be held as further provided for in this Ordinance prior to approval of any temporary use permit.
- C. **Temporary Parking:** The Zoning Board of Appeals may delegate authority to review and approval temporary parking for temporary events to the Building Inspector in accordance with the standards of the Township. Temporary parking shall meet the standards of item B above.
- D. **Christmas Tree Sales Lots:** The Zoning Board of Appeals may permit temporary display and sale of Christmas trees in the C-1, Neighborhood Commercial and C-2, Commercial-Highway Interchange District during November and December, when meeting the following standards.
1. All Christmas trees as well as any poles, lights, wires, signs, or other items incidental to this use shall be removed from the premises by December 31st.
  2. One parking space shall be provided for each eight hundred (800) square feet of gross lot area used for display and sales, plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores.
  3. The proprietor of the Christmas tree sales business shall deposit a cash bond or similar type of performance guarantee, at an amount established by the Township Board, to cover the cost of returning the property to its state prior to commencement of the business. This fund shall be refunded to the proprietor by the Building Inspector if he or she complies with the requirements of this Ordinance.
- E. **Dwellings Outside Principal Buildings:** The Zoning Board of Appeals may permit the construction and use of a second accessory dwelling on certain lots or an accessory dwelling in agricultural, commercial and industrial districts under the following conditions (refer also to Section 415):
1. The housing is within a permitted permanent structure meeting the standards of this Zoning Ordinance, the Township Building Code, and any other appropriate regulation;
  2. A plot plan is provided illustrating the location of the dwelling; and,
  3. The dwelling is intended for the exclusive use by security or custodial personnel; a caretaker, or employee working on property for farming, raising of livestock, or training horses.
- F. **Outdoor Gatherings:** The Zoning Board of Appeals shall review requests for outdoor gatherings of large numbers of people to ensure that the requirements of this section have been met.

## Section 1609 EXCEPTIONS AND OTHER SPECIAL APPROVALS

The Board of Zoning Appeals shall review and take action on exceptions and special approvals listed below:

- A. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Planning Commission;

## **Article 16 Zoning Board of Appeals**

- B. Permit reconstruction of a nonconforming single family home and its accessory structures in any zoning district as permitted in Sections 504 and 505. The Zoning Board of Appeals may establish setbacks based on the relationship of the subject site to surrounding uses and buildings;
- C. Permit construction accessory buildings larger than otherwise permitted when such building will be used for farming or raising of livestock as described in Section 415; and,
- D. Permit parking of commercial vehicles over one (1) ton in the front yard when meeting the requirements outlined in Section 409 (E).
- E. Permit an extension of approved plans affect by amendments to this Ordinance for up to one (1) year.

### **Section 1610 FEES**

The Township Board may, from time to time, prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the notice for appeal is filed, said fee shall be paid to the Township Clerk.

# ARTICLE 17 TOWNSHIP PLANNING COMMISSION

## Section 1701 RESPONSIBILITIES AND AUTHORITY

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

## Section 1702 CREATION

The Township Planning Commission is created pursuant to Michigan Public Act 168 of 1959, as amended, the Township Planning Act. In accordance with Section 11 of Act 168, the Planning Commission shall have all the powers and duties provided for a zoning commission created pursuant to Michigan Public Act 110 of 2006, as amended.

## Section 1703 MEMBERSHIP AND OPERATION

Members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board of Trustees. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the Planning Commission shall be in accordance with Act 168 of 1959, as amended.

The Planning Commission shall consist of 7 members, who shall be representative of major interests as they exist in the Township, such as agriculture, recreation, education, public health, government, commerce, transportation and industry. All members shall be qualified electors and residents of the Township. One member of the Township Board shall be a member of the Planning Commission.

The Planning Commission shall elect a chairperson, vice-chairperson, and secretary from its members and shall create and fill other offices or committees as it considers advisable. The term of each officer shall be one (1) year. The Planning Commission may appoint advisory committees outside of its membership.

The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations. It shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

In accordance with Section 5 of Act 168, the Planning Commission by resolution shall determine the time and place of meetings. A special meeting may be called by either two (2) members upon written request to the secretary, or by the chairperson. The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

## Section 1704 JURISDICTION

The Planning Commission shall discharge the following duties pursuant to this Ordinance:

## Article 17 Township Planning Commission

- A. **Formulation of Zoning Ordinance and Amendments:** The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Township Board of Trustees.
- B. **Site Plan Review:** The Planning Commission shall be responsible for review of applications for site plan approval in accordance with Article 8. As provided for in Article 8, the Planning Commission shall be responsible for either making a determination to grant approval, approval subject to revisions, or denial of site plan approval.
- C. **Special Land Use Review:** The Planning Commission shall be responsible for holding hearings and review of all applications for special land use review in accordance with Article 9, and shall either approve, approve with conditions (as described in Article 9, Section 904), or deny the special land use.
- D. **Planned Development Review:** The Planning Commission shall be responsible for holding hearings and review of all applications for planned development in accordance with Article Ten. The Planning Commission shall be responsible for making a recommendation to the Township Board of Trustees to grant approval, approval with conditions, or denial of a Planned Development proposal.
- E. **Formulation of a Basic Plan:** The Planning Commission shall be responsible for formulation and adoption of a basic plan (i.e., the Leroy Township Master Land Use Plan) as a guide for the development of the Township, in accordance with Michigan Public Act 168 of 1959, as amended.
- F. **Review of Matters Referred by the Township Board:** The Planning Commission shall be responsible for review of plats or other matters relating to land development referred to it by the Township Board of Trustees. The Planning Commission shall recommend appropriate regulations and action on such matters.
- G. **Report on Operation of the Zoning Ordinance:** In accordance with Section 308 of Michigan Public Act 110 of 2006, as amended, the Planning Commission shall periodically prepare for the Township Board of Trustees a report on the operations of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Ordinance.

# ARTICLE 18 ORDINANCE AMENDMENTS

## Section 1801 INITIATION OF AMENDMENTS

The Township Board may, from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the Official Zoning Map and Official Zoning Data Base or the provisions of this Ordinance. Amendments to the provisions of this Ordinance may be initiated by the Township Board, the Planning Commission or by petition from one or more residents or property owners of the Township. An amendment to the zoning district boundaries contained on the Official Zoning Map and Official Zoning Data Base may be initiated by the Township Board, the Planning Commission, or by the owner or owners of property which is the subject of the proposed amendment. All proposed amendments to the provisions of this Ordinance or the Official Zoning Map and Official Zoning Data Base shall be referred to the Planning Commission for public hearing and recommendation to the Township Board, prior to consideration thereof by the Township Board.

## Section 1802 APPLICATION PROCEDURE

An amendment to this Ordinance or the Official Zoning Map and Official Zoning Data Base, except those initiated by the Township Board or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the Township, including an application fee, which shall be established from time to time by resolution of the Township Board.

In the case of an amendment to the Official Zoning Map and Official Zoning Data Base, the following information shall accompany the application form:

- A. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
- B. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property if not the owner in fee simple title.
- C. The existing and proposed zoning district designation of the subject property;
- D. A written description of how the requested rezoning meets Sec. 1805 "Criteria for Amendment of the Official Zoning Map and Official Zoning Data Base".
- E. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment shall accompany the application form.

## Section 1803 AMENDMENT PROCEDURE; PUBLIC HEARING AND NOTICE

- A. Upon initiation of an amendment, a work session and public hearing to consider the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given as follows, as required by P.A. 110 of 2006.
  1. The notice shall describe the nature of the requested variance, indicate the property that is the subject of the request, include a listing of all existing street addresses within the property (if any street addresses exist), when and where the proposed text or maps may be examined, identify when and

## **Article 18 Ordinance Amendments**

where the request will be considered, and indicate when and where written comments may be submitted regarding the request. If a rezoning request involves 11 or more adjacent properties, the notice does not have to list all of the street addresses within the property.

2. Notice shall be published in a newspaper of general circulation within the Township not less than 15 days prior to the public hearing.
  3. Notice shall be sent by mail or personal delivery to the owners of the property in question and all persons to whom real property is assessed within 300 feet of the property in question not less than 15 days before the date the request will be considered for approval.
  4. Notice shall be sent by mail or personal delivery to the occupants of all structures within 300 feet of the property (including structures in neighboring communities if they are within 300 feet) not less than 15 days before the date the request will be considered for approval.
  5. Notice for proposed amendments to the text of the Zoning Ordinance that do not relate to a specific property need not comply with items 3 and 4, above.
- B. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Township Board. In the case of an amendment to the Official Zoning Map and Official Zoning Data Base, the Planning Commission shall consider the criteria contained in Section 1805 below, in making its finding and recommendation.
- C. Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed amendment. In the case of an amendment to the text of this Ordinance, the Township Board may modify or revise the proposed amendment prior to enactment. In the case of an amendment to the Official Zoning Map and Official Zoning Data Base, the Township Board shall approve or deny the amendment, based on its consideration of the criteria contained in Section 1805 below.

### **Section 1804 AMENDMENTS REQUIRED TO CONFORM TO COURT DECREE**

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and published, without necessity of a public hearing or referral thereof to any other board or agency.

### **Section 1805 CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING MAP**

In considering any petition for an amendment to the Official Zoning Map and Official Zoning Data Base, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision:

- A. Consistency with the goals, policies and future land use map of the Leroy Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.
- B. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
- C. Evidence the applicant reasonable use of the land can not be provided through developing the property with any of the uses permitted under the current zoning.
- D. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

- E. The capacity of Township utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.
- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- G. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned and available to accommodate the demand.
- H. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the zoning district listed in the Schedule of Regulations.
- I. If a rezoning is appropriate, the requested zoning district considered to be more appropriate from the township's perspective than another zoning district.
- J. The requested rezoning will not create an isolated and unplanned spot zone.
- K. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
- L. Other factors deemed appropriate by the Planning Commission and Township Board.

**Section 1806    CRITERIA FOR AMENDMENTS TO ZONING ORDINANCE TEXT**

The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the zoning ordinance text or responding to a petitioners' request to amend the ordinance text.

- A. The proposed amendment would correct an error in the Ordinance.
- B. The proposed amendment would clarify the intent of the Ordinance.
- C. Documentation has been provided from Township Staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.
- D. The proposed amendment would address changes to the state legislation.
- E. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
- F. The proposed amendment would promote compliance with changes in other Township Ordinances and County State or federal regulations.
- G. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
- H. Other criteria as determined by the Planning Commission or Township Board which would protect the health and safety of the public, protect public and private investment in the Township, promote implementation of the goals and policies of the Master Plan and sub-area plans, and enhance the overall quality of life in Leroy Township.

## **Article 18 Ordinance Amendments**

### **Section 1807 NOTICE OF ADOPTION AND EFFECTIVE DATE**

Following adoption of the proposed text or map amendment, a notice of ordinance adoption shall be published in a newspaper of general circulation in the Township within 15 days after adoption. The approved text or map amendment shall take effect 7 days after the notice of adoption is published in the newspaper, or at a later date if specified by the Township Board.

# ARTICLE 19 CONDOMINIUM DEVELOPMENT STANDARDS

## Section 1901 INTENT

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

## Section 1902 APPLICATION OF REQUIREMENTS

Definitions contained in Article 3, Definitions, are intended to make comparison possible between the definitions of terms in the Zoning Ordinance for lots, conventional platted lots and subdivisions and to ensure that the standards in the Zoning Ordinance are properly and uniformly applied to condominiums and site condominium projects.

Site condominium projects in single family residential districts shall comply with all setback, height, coverage and area restrictions in Article 4 of the Schedule of Regulations in the same manner as these standards would be applied to lots and platted lots in a subdivision. Site condominium projects also shall conform to the design layout and improvement standards in the Leroy Township Subdivision Control Ordinance, however, the plat review and approval process required by the Subdivision Control Ordinance shall not apply to site condominiums. Multiple-family residential buildings shall meet the standards for multiple-family developments.

The relocation of boundaries as defined in Section 148 of the Condominium Act shall conform to all setback requirements of Article 3 for the district in which the project is located, shall be submitted to the Planning Commission for review and approval and these requirements shall be made a part of the bylaws and recorded in the master deed.

## Section 1903 APPROVAL OF PLANS

Prior to the issuance of any building permit, all condominium plans must be approved by the Planning Commission following the site plan review process in Article 8 of this Ordinance. In reviewing the project, the Planning Commission may consult with the Township attorney, Township planning consultant and the Township engineering consultant regarding the adequacy of the master deed, deed restrictions, utility systems, streets, project design and layout and compliance with the Condominium Act.

## Section 1904 STREETS AND NECESSARY EASEMENTS

Condominium projects with streets shall comply with all street requirements found in the Leroy Code of Ordinances. Projects which connect to public streets shall have the project street dedicated to the public. The condominium plan shall include all easements granted to the Township necessary to construct, operate, inspect, maintain, repair, alter, replace and/or remove pipelines, mains, conduits and other installations of a similar character for the purpose providing public utilities. Public utilities shall include, but not limited to, conveyance of sewage, water and storm

## **Article 19 Condominium Development Standards**

water runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.

### **Section 1905 SUBDIVISION OF UNIT SITES**

Subdivision of condominium unit sites or lots is permitted subject to Planning Commission approval and the submittal of the amended bylaws and master deed to determine the effect of the subdivision on conditions of zoning or site plan approval, and shall be made as part of the bylaws and recorded as part of the master deed.

### **Section 1906 WATER AND WASTE WATER**

The condominium project shall comply with and meet all federal, state and county standards for a fresh water system and waste water disposal.

### **Section 1907 MASTER DEED**

The project developer shall furnish the Township Clerk with three (3) copies each of the proposed consolidated master deed, bylaws and the proposed plans. The master deed and bylaws shall be reviewed for compliance with the Township's Code of Ordinances and to ensure that an assessment mechanism has been included to guarantee the financing of adequate maintenance of common elements. Master Deeds submitted to the Township for review shall not permit contraction of the condominium (whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements) without re-submittal of the master deed and bylaws to the Township Planning Commission for review and approval. Fees for these reviews shall be as established, from time to time, by the Township Board.

### **Section 1908 AS-BUILT PLAN AND OCCUPANCY**

Submission of an as-built plan of a condominium project is required prior to occupancy. The Building Inspector may allow occupancy of the project before all improvements required are installed provided that a bond is submitted to the Township Clerk, sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the Township. The amount of the bond shall be determined by the Township Board based on an estimate of the Township engineers.

### **Section 1909 FINAL BYLAWS, CONSOLIDATED MASTER DEED AND SITE PLAN**

Upon approval of the condominium site plan, the applicant shall furnish the Township Clerk a copy of the bylaws and consolidated master deed. A site plan shall be provided on a mylar sheet of at least twenty-four (24) inches by thirty-six (36) inches.

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