

**ZONING ORDINANCE
WHITE OAK TOWNSHIP
INGHAM COUNTY, MICHIGAN**

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**ZONING ORDINANCE
WHITE OAK TOWNSHIP
INGHAM COUNTY, MICHIGAN**

PREAMBLE

An Ordinance to establish zoning districts and zoning provisions governing the use of land in the unincorporated portions of White Oak Township, Ingham County, Michigan, including the administration and enforcement thereof in accordance with the provisions of Act 184 of Public Acts of 1943 as amended.

ENACTING CLAUSE

THE TOWNSHIP OF WHITE OAK, INGHAM COUNTY, MICHIGAN, PURSUANT TO THE AUTHORITY VESTED IN IT BY ACT 184 OF THE PUBLIC ACTS OF 1943, AS AMENDED, ORDAINS:

**ARTICLE I
PURPOSE AND INTRODUCTION**

SECTION 1.1 SHORT TITLE.

This Ordinance shall be known as the "White Oak Township Zoning Ordinance."

The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare, to encourage the use of lands and natural resources in the Township in accordance with their character and adaptability, to limit the improper use of land, to provide for the orderly development of the Township, to reduce hazards to life and property, to establish the location of and the specific uses for which dwellings, buildings and structures may hereafter be erected or altered, and the minimum open spaces, sanitary safety and protective measures that shall be required for such lands, dwelling, buildings and structures, to lessen congestion on the public roads and streets, all according to the White Oak Township Master Plan as adopted May 1994 and as provided by Act 184 of the Public Acts of 1943, as amended.

**ARTICLE II
CONSTRUCTION OF LANGUAGE**

SECTION 2.1. CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive and discretionary.
- 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 any other similar entity.
- 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, or provisions, or events may apply singly but not in combination.
 - 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- I. Terms not herein defined shall have the meaning customarily assigned to them.

ARTICLE III DEFINITIONS

SECTION 3.1. DEFINITIONS.

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

ACCESSORY USE, BUILDING, OR STRUCTURE: A use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and, unless otherwise specifically permitted, is located on the same zoning lot as the principal use to which it is related.

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

- A. **Adult Book Store:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and novelty items which are distinguished or relating to "specified sexual activities" or "specified anatomical areas," (as defined below), or an establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

B. Adult Mini Motion Picture Theater: An enclosed building with a capacity for less than 50 persons used commercially for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," (as defined below), for observation by patrons therein. 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.

C. Adult Motion Picture Theater: An enclosed building with a capacity of 50 or more persons used commercially 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 below), for observation by patrons herein. 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.

D. Amusement Gallery/Arcade: Any business which provides on its premises four or more machines which upon the insertion of a coin, slug or token may be operated for use as a game, contest, or amusement of any description, not including musical devices.

E. Cabaret: An establishment which features any of the following: Topless dancers and/or bottomless dancers, go go dancers, strippers, male and/or female or similar entertainers or topless and/or bottomless waitresses or employees.

F. Massage Parlor: A building, room, place or establishment other than a regularly licensed hospital or dispensary where nonmedical and nonsurgical manipulative exercises are practiced on the human body for other than cosmetic or beautifying purposes with or without the use of mechanical or bathing devices by anyone not a physician or surgeon or similarly registered status.

G. Modeling Studio: An establishment which furnishes facilities to the public for the taking of photographs of males and/or females with specified anatomical areas, as defined below, exposed or which makes such models available for any other purposes.

H. Specified Anatomical Areas as defined as:

1. Less than completely and opaquely covered:
 - a. Human genitals, pubic region,
 - b. Buttock,
 - c. Female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

I. Specified Sexual Activities are defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy; and
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

AGRICULTURE: The act or business of cultivating or using land and soils for the production of crops for the use of animals or humans, and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.

ALLEY: A dedicated public vehicular way usually between or behind buildings, which affords a secondary means of access to abutting property but is not intended for general traffic circulation.

ALTERATIONS: Any change, addition or modification in construction or type of occupancy; and change in the structural members of a building, such as wall, partitions, columns, beams, girders; any

substantial changes in the roof or exterior walls; any change in the location of a building; or any change which may be referred to herein as "altered" or "reconstructed."

ANTIQUE SHOP: A retail establishment dealing exclusively in the resale of items (objects, artwork, and furniture) of value because of the item's age.

APARTMENT: A room or suite of rooms used as a dwelling for one family which does its cooking therein.

APARTMENT HOUSE: A residential structure containing three (3) or more attached apartments.

ARCHITECTURAL FEATURES: Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

AUTOMOTIVE REPAIR: General repair, engine building, rebuilding, or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting, vehicle rustproofing and any related activities.

AUTOMOBILE SERVICE STATION: A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including pumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing, where the primary use of the premises is such, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sales related to service station use.

AUTOMOBILE WASH ESTABLISHMENT: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

BASEMENT: That portion of a building wholly or partially below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement. (See illustration entitled, "basement and story.")

BED AND BREAKFAST INN: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provision for a morning meal only for overnight guests only.

BEDROOM: A room in a dwelling unit for or intended to be used solely for sleeping purposes by human beings.

BILLBOARD: Any non-accessory sign, device, design, words, letters, number or trademark which makes anything known to the general public and is the principal use of the lot or parcel on which it is located.

BOARDING HOUSE: A dwelling where meals, or lodging and meals are provided for compensation to three (3) or more persons by pre-arrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished from a hotel, motel, or a convalescent or nursing home.

BUILDABLE AREA: The buildable area of a lot is the space remaining after the minimum open space requirements of this Ordinance have been complied with.

BUILDING: An independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, or other accessory structures.

BUILDING INSPECTOR: This term shall refer to the Building Inspector of the Township of White Oak, or his authorized representative.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot upon which it is situated.

BUILDING PERMITS: A building permit is the written authority issued by the Building Inspector of the Township of White Oak permitting the construction, removal, repair, moving, alteration or use of a building in conformity with the provisions of this Ordinance.

BUILDING SETBACK LINE: The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance. Such line when adjacent to a building is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

CLINIC: A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than one (1) professional, such as a physician, dentist, or the like.

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.

CLUSTER HOUSING: A housing development that concentrates buildings in specific areas on-site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

COMMERCIAL USE: The use of property for retail sales or similar businesses where goods or services are sold or provided directly to the consumer. As used in this Ordinance, "commercial use" shall not include industrial, manufacturing or wholesale businesses.

CONDOMINIUM: A condominium is a system of separate ownership of individual units in multi-unit projects. Such as condominium apartments, site condominiums, and mobile home condominiums. For the purposes of this Ordinance, condominium terms shall be defined as follows:

A. **Condominium Act:** Shall mean Public Act 59 of 1978, as amended.

B. **Condominium Lot:** That portion of a site condominium project designed and intended to function similar to a platted subdivision lot for the purposes of determining minimum yard setback requirements and other requirements set forth in Article VIII, Schedule of Regulations.

C. **Condominium Unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.

D. **Common Elements:** Portions of the condominium project other than the condominium units.

E. **General Common Elements:** Common elements other than the limited common elements, intended for the common use of all co-owners.

F. **Limited Common Elements:** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.

G. **Master Deed:** The condominium documents recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.

H. **Site Condominium Project:** A condominium project designed to function in a similar manner, or as an alternate to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

DENSITY: The number of dwelling units permitted on an acre of land.

DISTRICT, ZONING: A portion of the Township within which, on a uniform basis, certain uses of land and/or building are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DRIVE-IN ESTABLISHMENT: A business establishment so developed that its operation involves providing service to patrons while in motor vehicles.

DWELLING, MULTIPLE: A building used as a residence for three (3) or more facilities living independently of each other; each unit having its own cooking facilities therein. Including apartment houses, townhouses, and apartment hotels, but not including mobile home parks.

DWELLING, SINGLE-FAMILY: A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking and kitchen accommodations for one (1) family only.

DWELLING, TWO-FAMILY OR DUPLEX: A detached building, designed exclusively for and occupied by two (2) families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.

DWELLING UNIT: Any house or building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no such case shall an attached or detached garage, travel trailer, motor home, automobile chassis, tent or portable building be considered a dwelling. In cases of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings. Garage space, attached or detached, shall not be deemed a part of a dwelling for minimum floor area requirements.

EFFICIENCY UNIT: An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room.

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 term "essential services" shall mean 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 purposes 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, sales or business offices, or commercial buildings or activities.

EXCAVATION: Excavating shall be the removal of soil, sand, stone, gravel or fill dirt below the average grade of the surrounding land and/or road grade whichever shall be highest.

FAMILY: One or more persons related by blood, adoption or marriage, living and cooking together as a single non-profit housekeeping unit, inclusive of household servants. A number of persons living and cooking together as a single non-profit housekeeping unit having a continuing non-transient domestic character though not related by blood, adoption or marriage, shall be deemed to constitute a family. This definition shall not include any society, club, fraternity, sorority, group of students, association, lodge, combine, federation, group, coterie, or organization which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort/seasonal or similar to a boarding house, motel or hotel, or for an anticipated limited duration of a school term or terms on a similar determinable period.

FARM: The land, buildings, and machinery used in the commercial production of bona fide farm products by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees. Farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry or pigeon farms, field crops, fiber crops, and apiaries. 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, maple syrup, mushroom production, 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, commercial dog kennels, piggeries, slaughterhouses, stone quarries, gravel or sand pits for the removal of topsoil, fertilized works, boneyards, for the reduction of animal matter, or for the removal of garbage, sewage, rubbish, junk or offal, unless such establishments are combined with other bona fide farm operations listed above which are located on the same continuous tracts of land.

A farm permitted by this Ordinance is not intended nor implied to permit trucking, equipment and/or vehicle repair(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.

A farm which is operated as a business for the purposes of agriculture 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 "interpretive farms."

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

FEEDLOT: A confined area or structure used for feeding, breeding, or holding livestock as part of a commercial operation for eventual sale in which animal waste may accumulate but not including barns, pens, or other structures used in a dairy farm operation, pig and hog farms.

FENCE: An unroofed man-made structure designed as a barrier. It may be made of wood, metal or other material. It may be ornamental or intended for or capable of enclosing a piece of land, preventing ingress and egress, dividing, bounding or simply marking a line on the land.

FILLING: The depositing or dumping of any matter onto, or into the ground, except in the case of common household gardening and general farm care.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The "floor area" of a building shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (see "Basement" definition). Any space devoted to off-street parking or loading shall not be included in "floor area." Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included. (See illustration entitled "floor area terminology.")

FLOOR AREA, USABLE: The measurement of usable floor area shall include the portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, excluding utility or mechanical equipment rooms, or sanitary facilities. In the case of half-story, the usable floor area shall be considered to be only that portion having a clear height above it of five (5) feet or more. (See illustration entitled "floor area terminology".)

FOSTER CARE HOME: See "Residential Care Facilities."

GARAGE, COMMERCIAL: Any premises except those described as a private, community or storage garage, available to the public, used principally for the storage of automobiles or motor-driven vehicles, for remuneration, hire or sale, where any such vehicle or engine may also be equipped for operation, repaired, rebuilt or reconstructed, and where vehicles may be greased, washed or serviced.

GARAGE, COMMUNITY: A community garage is a space or structure or series of structures for the storage of motor vehicles having no public shop or service operated in connection therewith, for the use of two (2) or more owners or occupants of property in the vicinity.

GARAGE, PRIVATE: An accessory building for parking or storage of motor vehicles owned and used by the occupants of the building to which it is an accessory. Private garages shall not have public repair facilities. A private garage may be either attached to or detached from the principal structure.

GARBAGE: The word "Garbage" shall be held to include every refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables, including spoiled food, dead animals, animal manure and fowl manure.

GRADE: The building grade shall, in the case of level ground conditions, be the level of the ground adjacent to the walls. If the ground is not entirely level, the grade shall be the average elevation of the ground adjacent to the walls. (See illustration entitled, "Grade.")

GREENBELT: A strip of land which is planted with trees or shrubs in accordance with the requirements of this Ordinance.

HEIGHT, BUILDING: The vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridge of gable, studio hip and gambrel roofs; and 75 percent of the height of an "A" frame. (See illustration entitled, "Building Height Requirements.")

HOME OCCUPATION: Any occupation conducted within a dwelling unit and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby.

HOSPITAL: An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices and operating under license by the Michigan Department of Health.

HOTEL: A building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, and which typically provides hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service, the use of furniture, a dining room and general kitchen, and meeting rooms.

JUNK: For the purpose of this Ordinance, the term "junk" shall mean motor vehicles, machinery, appliances, product, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or in a condition which renders them incapable of performing the function for which the product was manufactured.

JUNKYARD: The term "junkyard" includes automobile wrecking yards, salvage areas, and any area of more than two hundred (200) square feet used for the storage, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. Junkyards do not include uses established entirely within enclosed buildings which are in conformance with all other provisions of this Ordinance.

KENNEL: Any lot or premises on which three (3) or more dogs, six (6) months or more old, are permanently or temporarily boarded, or are kept for the purpose of breeding or selling.

KENNEL, NON-COMMERCIAL: Any lot or premises less than 20 acres on which a total of four (4) or more dogs, cats, or other similar four (4) legged animals, six (6) months or more old, are permanently or temporarily housed, or are kept for the purpose of breeding or selling.

LABORATORY: A place devoted to experimental, routine study or basic study such as testing and analytical operations excluding operations in which manufacturing of product or products, except prototypes, is performed.

LIVESTOCK: Any of various bird or animal breeds, long ago domesticated by man so as to live and breed in a tame, docile, tractable condition useful to man, including horses, ponies, mules, donkeys, cattle, swine, sheep, goats, chickens, ducks, geese, and turkeys.

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

LOT: A lot is a piece or parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under the Ordinance, and having its frontage upon a public street or road either certified by the Ingham County Road Commission or designated on a recorded subdivision. Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects, and in such case, the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof. This latter parcel is then often referred to as a "zoning lot." (See illustration entitled "Corner, Interior, and Double Frontage Lots.")

LOT AREA: The total horizontal area within the lot lines, as defined, of a lot. For lots fronting or lying adjacent to private streets, lot area shall be interpreted to mean that area within lot lines separating the lot from the private street, and not the centerline of said street.

LOT, CORNER: A corner lot is a lot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than one hundred thirty-five (135) degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than one hundred thirty-five (135) degrees, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

LOT COVERAGE: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

LOT, DEPTH: The depth of the lot is the mean horizontal distance from the center of the front street line to the center of the rear lot line.

LOT, DOUBLE FRONTAGE: A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a building permit. If there are existing buildings in the

same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

LOT, INTERIOR: A lot is a lot other than a corner lot with only one (1) lot line fronting on a street.

LOT, LAKE: A lot having any frontage directly upon a lake, natural or man-made. The yard adjacent to the water shall be designated the front yard of the lot, and the opposite side shall be designated the rear yard of the lot.

LOT LINES: Any line dividing one (1) lot from another or from the right-of-way, and thus constitutes property lines bounding a lot.

A. **Lot Line, Front:** In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from the street which is designated as the front street in the plat and/or in the request for a building permit.

B. **Rear Lot Line:** That lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Zoning Board shall designate the rear lot line.

C. **Side Lot Line:** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD: A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Ingham County Register of Deeds and Township Treasurer, or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor registered and licensed in the State of Michigan and is recorded with the Ingham County Register of Deeds and Township Treasurer.

LOT, WIDTH: The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.

MANUFACTURED HOUSING: A mobile home, residential building, modular home, dwelling unit, a dwelling room or rooms, or a building component, assembly, or system that is manufactured in a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage, or destruction, which is either wholly or substantially manufactured at an off-site location, and the installation of which is to be wholly or substantially manufactured at an off-site location, and the installation of which is to be wholly or partially on-site in accordance with building standards established for the construction and installation of premanufactured units under Act No. 230 of the Public Acts of 1972, as amended, being Section 125.1501 to 125.1531 of the Michigan Compiled Law.

MOBILE HOME: A type of manufactured housing that is transportable in one (1) or more sections, that is built upon a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes plumbing, heating, air-conditioning, and

electrical systems contained in the structure. Recreational vehicles are described and regulated herein shall not be considered "mobile homes" for the purposes of this Ordinance.

MOBILE HOME PARK: A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home; and which is not intended for use as a temporary trailer park.

MOBILE HOME SITE: A designated lot within a mobile home park for the exclusive use of occupants of a single mobile home.

MOBILE HOME SUBDIVISION: A subdivision designed and/or intended for the sale of lots for residential occupancy by mobile homes in accordance with standards established under Act. No. 288 of Public Acts of 1967, as amended.

MODULAR HOME: A residential structure assembled in total or in several sections at a factory, and transported over the road by truck to its destination. A modular home shall be permanently situated on a foundation, and be compatible in design and appearance with on-site built homes.

MOTEL: A series of attached, semi-detached, or detached rental units which may or may not be independently accessible from the outside parking area, containing bedroom, bathroom and closet space and designed for or occupied primarily for transients. No kitchen or cooking facilities are to be provided without the approval of the Zoning Board with the exception of units for use of the manager and/or caretaker.

MOTOR HOME: A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not apply to mobile home.

NON-CONFORMING USE OR BUILDING:

A. **Non-Conforming Use:** A non-conforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

B. **Non-Conforming Building:** A non-conforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions (e.g., setbacks, height, lot coverage, parking) of this Ordinance in the zoning district in which it is located.

NURSERY, PLANT MATERIALS: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for wholesale or retail sale including products used for gardening or landscaping. The definition of nursery within the meaning of the Ordinance does not include any space, building, or structure used for the sale of fruits, vegetables or Christmas trees.

OCCUPIED: The word "occupied" includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

OPEN AIR BUSINESS USES: Business uses not conducted entirely within an enclosed building. Open air business uses shall include the following business uses:

- A. Retail sale of trees, shrubbery, plants, flowers, seed, soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- B. Retail sale of fruit and vegetables.
- C. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.
- D. Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale; rental or repair services.
- E. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.

OPEN SPACE: Any area (open to the sky) on a lot not covered by a principal or accessory building.

OPEN STORAGE: The keeping in an unroofed area building materials, sand, gravel, stone, lumber, equipment and other supplies.

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

PET: A domesticated dog, cat, canary, parakeet, parrot, gerbil, hamster, guinea pig, turtle, fish, rabbit, and similar animals and customarily kept for pleasure or companionship.

POND: An excavation or the altering of a water course by damming or excavation or combinations thereof, for the purpose of creating thereby a body of water greater than one thousand (1,000) square feet in area, and two (2) feet or more in depth, for the use as an irrigation source, for livestock watering, for fish or aquatic life production, or for recreational or scenic purposes.

PORCH, ENCLOSED: A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PORCH, OPEN: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with a principal building or structure to which it is attached.

POULTRY: Any of various breeds of birds long ago domesticated by man so as to live and breed in a tame, docile, tractable condition useful to man for meat and eggs, including chickens, ducks, geese, guinea fowl and turkeys and similar birds not including game fowl.

PUBLIC UTILITY: Any person, firm, municipal department or board duly authorized to furnish or furnishing under federal, state, or municipal regulations a service which is of public consequence and need. The principal distinctive characteristic of a public utility is that of a service to or readiness to serve an indefinite public (or portion of a public as such), which has a legal right to demand and receive its services or commodities. Services or commodities for the purposes of this ordinance include gas, electricity, steam, water, sewage, transportation, telephone, cable television, and microwave and mobile phone communication.

QUARRY EXCAVATION: Any breaking of the ground to hollow out by cutting or digging or removing any soil matter, except common household gardening and general farm care.

RESIDENTIAL CARE FACILITIES:

A. **Child Care Organization:** A facility for the care of children under 18 years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973, and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

1. **Child care center or day care center** means a facility, other than a private residence, receiving more than six pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two 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 organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

2. **Foster family home** is a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

3. **Foster family group home** means a private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days in a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

4. **Family day care** means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

5. **Group day care home** means a private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Including a home that gives care to an unrelated child for more than four weeks during a calendar year.

B. **Adult Foster Care:** A facility for the care of adults, over 18 years of age, as licensed and regulated by the State of Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Social Services. Such organizations shall be defined as follows:

1. **Adult foster care facility** means 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 centers, or a residential center for persons released from or assigned to a correctional facility.

2. **Adult foster care small group home** means 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.

3. **Adult foster care large group homes** means a facility with approved capacity to receive at least 13 but not more than 20 adults to be 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.

4. **Adult foster care family home** means a private residence with approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week or for 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.

RESTAURANTS:

A. **Dining Room:** A structure which is maintained, operated and advertised or held out to the public as a place where food and beverage are served, and consumed, primarily within the structure. Such food and beverage are served primarily in non-disposable (reusable by the restaurant) containers.

B. **Drive-In Restaurant:** A drive-in restaurant is any establishment where food, frozen dessert, and/or beverages are served to customers while seated in their motor vehicles upon the premises. It shall also include any establishment where the customers may serve themselves and are permitted to consume food and beverages in a motor vehicle parked on the premises or at other facilities which are provided for the use of the patron for the purpose of consumption and which are located outside of the building or structures.

C. **Fast Food Restaurant:** A structure which is maintained, operated, and/or advertised or held out to the public as a place where food, beverage, and/or desserts are served to customers from a serving counter in disposable (not reusable by restaurant) containers or wrappers. Such food, beverage, and/or desserts may be consumed: inside the buildings; outside, at facilities provided; or "carried out" for consumption off the premises.

D. **Carry-out Restaurant:** A structure which is maintained, operated, and/or advertised or held out to the public as a place where food, beverage, and/or desserts are served in disposable containers or wrappers from a serving counter for consumption exclusively off the premises.

E. **Drive-Through Restaurant:** A restaurant so developed that it is wholly or partly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons food and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.

F. Bar/Lounge: A structure or part of a structure designed, maintained, and operated primarily for the dispensing of alcoholic beverages. The selling of food and/or snacks may also be permitted. If the bar/lounge area is part of a larger dining facility, it shall be defined as that part of the structure so designated and/or operated.

ROADSIDE STANDS: A roadside stand is a temporary or permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family, and its use shall not make into a commercial district land which would otherwise be agricultural, nor shall its use be deemed a commercial activity. Such stand, if of a permanent character, shall not be more than one story high nor larger than twenty (20) feet by twenty (20) feet, and must be set back from the nearest right-of-way line at least seventy-five (75) feet.

RTFA/GAAMPS: Right to Farm Act/Generally Approved Agricultural Management Practices. Michigan Department of Agricultural directives takes precedence over local Zoning concerning farm questions and siting.

RUBBISH: The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals or any similar or related combinations thereof.

SATELLITE ANTENNA: An accessory structure which at its widest dimension is in excess of 36 inches; an earth-based station, the purpose of which is to receive signals from orbiting satellites and other extraterrestrial sources, together with other equipment related to such purposes.

SETBACK: The minimum horizontal distance required to exist between the front line of the building, including steps or unenclosed porches and the front street or right-of-way line.

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 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.

SOIL REMOVAL: Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay or similar materials, or combination thereof, except common household gardening and general farm care.

STABLE, PUBLIC: An establishment used for the breeding, rearing and housing of more than two (2) horses, ponies, and similar animals, and including riding academies and stables to which the public is admitted for a fee to ride and/or board horses.

STABLE, PRIVATE: Any building or structure and adjacent lands used for designed for the boarding, breeding, or care of not more than two (2) horses, ponies and similar animals, other than horses used for farming or other agricultural purposes. A private riding stable may include areas and facilities for training, riding, or driving of horses and for offering of lessons to teach the riding and driving of horses for a fee to a limited number of persons having a direct interest in said horses.

STATE EQUALIZED VALUATION: The value shown on the Township assessment roll as equalized through the process of State and County equalization.

STORY: That portion of a building included between the upper surface of any floor, and the upper surface of any floor above; or any portion of a building between the topmost floor and the roof having a usable floor area to at least 50 percent of the usable floor area immediately below it. A top floor area under a sloping roof with less than 50 percent of the usable floor area is a half story. The first story shall be considered the lowest story of which the ceiling is more than 4 feet above the average contact ground level at the exterior walls of the building. (See illustrations entitled "Basic Structural Terms" and "Building Height.")

STORY, HALF: The part of a building between a pitched room and the uppermost full story, said part having a floor area which does not exceed 50 percent or less than the floor area below it. (See illustration entitled "Basic Structural Terms.")

STREET: A public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfares, except an alley.

STRUCTURE: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

SWIMMING POOL: The term "swimming pool" shall mean any structure or container intended for swimming or bathing, located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches. A pond created by the excavation of an earthen pit shall not be considered a swimming pool. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

TEMPORARY BUILDING AND USE: A structure or use permitted by the Zoning Board of Appeals to exist during periods of construction of the main use or for special events, not to exceed one (1) year.

TOURIST HOME: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, without provision for meals.

TOWNSHIP BOARD: Whenever in this Ordinance appears the words "Township Board" it shall mean the Township Board of White Oak Township.

TOXIC OR HAZARDOUS MATERIALS: Waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material which because of its quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or increase in serious irreversible illness or serious incapacitation, but reversible illness, or pose a substantial present or future hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed.

TRAVEL TRAILER: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging, but which does not exceed eight (8) feet in width or twenty-five (25) feet in length. This term also includes folding campers and truck-mounted campers but not mobile homes.

USE: The purpose for which land or premises of a building thereon is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased.

VARIANCE: A modification of the literal provisions of the Zoning Ordinance which is granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.

YARD: An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line; and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves provided that an eight (8) foot height clearance is provided above the adjacent ground level. (See illustration entitled "Yard Terms and Yard Requirements.")

YARD, FRONT: A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

YARD, REAR: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

YARD, SIDE: A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

ZONING ADMINISTRATOR: This term shall refer to the Zoning Administrator of the Township of White Oak.

ZONING BOARD: Whenever in this Ordinance appears the words "Zoning Board" it shall mean Zoning Board of White Oak Township.

ZONING BOARD OF APPEALS: The words "Board of Appeals," or "Board" shall mean the Zoning Board of Appeals for the Township of White Oak.

ARTICLE IV GENERAL PROVISIONS

Except as hereinafter specifically provided, the following general regulations shall apply:

SECTION 4.1. CONFLICTING REGULATIONS.

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

SECTION 4.2. SCOPE.

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

SECTION 4.3. STREETS, ALLEYS, RAILROAD, AND PIPELINE RIGHTS-OF-WAY.

All streets and alley rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets or alleys. Where the center line of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line. No structure shall be constructed within 75' from a pipeline carrying high-pressure gas or other volatile materials.

SECTION 4.4. PERMITTED USES.

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purposes other than is permitted in the district in which the building or land is located.

SECTION 4.5. PERMITTED AREA.

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any open spaces surrounding any building or land be used, designed or arranged for any purpose other than is permitted in the district in which the building is located.

SECTION 4.6. PERMITTED HEIGHT.

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than twenty- five percent (25%) of the roof area of the building, nor shall such structure be used for any residential purpose or any commercial purpose other than a use incidental to the main use of the building.

SECTION 4.7. LOT AREA, YARDS, AND OPEN SPACE REQUIREMENTS.

Space which has been counted or calculated as part of a side yard, rear yard, front yard, court, lot area or other open space to meet the requirements of this Ordinance for a building, shall not be counted or calculated to satisfy or comply with a yard, court, lot area or other open space requirement for any other building.

SECTION 4.8. YARD ENCROACHMENTS.

Certain architectural features such as cornices, covers, gutters, chimneys, fire escapes, outside stairways, balconies of open construction and similar features may project up to a maximum of three (3) feet into the required front and side yards and five (5) feet into the required rear yard.

The minimum yard spaces, including minimum lot area per dwelling unit and maximum lot coverage required by this Ordinance for all buildings existing at the time of the passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building. (See Schedule of Regulations, Article VII.)

SECTION 4.9. USE OF YARD SPACES AND OTHER OPEN AREAS FOR STORAGE.

There shall be no outside storage of unlicensed vehicles, which are required to be registered by law, permitted in any residential lot. This shall not be applicable to new or used car lots and junk yards. No machinery, equipment, vehicles, lumber piles, crates, boxes, building blocks or other materials either discarded, unsightly or showing evidence of a need for repairs, with or without a current license, shall

be stored, parked, abandoned or junked in any open area that is visible from the street, public place or adjoining residential property; and should such use of land occur, it shall be declared to be a nuisance. If such nuisance is not abated within ten (10) days after the owner of such land is notified by the Township, then the Township may perform the necessary work to eliminate the nuisance at the expense of the property owner; and in the event the property owner fails to reimburse the Township within thirty (30) days after receiving notice of the amount due from the Township Treasurer, then the amount shall become a lien upon said property.

SECTION 4.10. ESSENTIAL PUBLIC SERVICE FACILITIES.

Essential public service facilities reasonably necessary for the furnishing of adequate service by public utilities or departments or commissions, or for the public health or safety or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential public service equipment shall be permitted as authorized and regulated by law and other ordinances of the Township of White Oak in any use district, it being the intention hereof to exempt such erection, construction, alteration and maintenance from the application of this Ordinance.

SECTION 4.11. STREET ACCESS.

No dwelling, building or use shall be erected on any lot or parcel of land in the Township of White Oak that does not abut on a public street, road or highway certified by the Ingham County Road Commission (ICRC), or an existing private road.

This Ordinance shall not be the basis for preventing the issuance of a building permit for ordinary repair or maintenance of any building that is already erected on the date of the adoption of this Ordinance upon a lot or parcel of land that does not so abut such a street or highway, except those which were part of a platted subdivision as of the date of adoption of this Ordinance.

SECTION 4.12. OBSTRUCTIONS TO VISION.

No structure, wall, fence, shrubbery or trees shall be erected, maintained or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shrubbery and low retaining walls and fences not exceeding thirty-six (36) inches in height above the curb level and shade trees where all branches are not less than eight (8) feet above the street level will be permitted. For residential corner lots, this unobstructed area will be a triangular section of land formed by the two street curb lines and a line connecting them at points twenty-five (25) feet from the intersection of said curb lines.

SECTION 4.13. DWELLINGS IN NON-RESIDENTIAL DISTRICTS.

No dwelling unit shall be erected in the C-1 or M-1 Districts. However, the sleeping quarters of a watchman or a caretaker may be permitted in said districts in conformance with the specific requirements of the particular district.

SECTION 4.14. ONE SINGLE-FAMILY OR MANUFACTURED HOME STRUCTURE PER LOT.

On lots located outside of mobile home parks, no single-family dwelling may be erected upon the same lot with another single-family dwelling, except as may be permitted with an approved condominium and except as allowed on a temporary basis under Section 4.20.

SECTION 4.15. OCCUPANCY: TEMPORARY GARAGES, ACCESSORY BUILDINGS, BASEMENT APARTMENTS PROHIBITED.

Buildings erected after the effective date of this Ordinance as garages or accessory buildings shall not be occupied for dwelling purposes. No basement or cellar apartment shall be used or occupied for dwelling purposes at any time (except when a one-year permit is issued by the Board of Appeals).

SECTION 4.16. ACCESSORY BUILDINGS, STRUCTURES AND USES IN SINGLE FAMILY RESIDENTIAL AND AGRICULTURAL ZONES.

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

A. Except when structurally attached to a principal building, accessory buildings shall not be erected in any required yard, (i.e., between the required minimum setback line and the lot line).

B. Where the residential accessory building is structurally attached to a principal residential building, it shall be subject to and must conform to all building codes and regulations of this Ordinance applicable to main or principal buildings.

C. A detached, non-agricultural accessory building shall not exceed twenty (20) feet in height, provided, that the total ground floor area of all detached accessory buildings on any lot shall not exceed 1,200 square feet in area. If the total of all accessory buildings exceeds 750 square feet in ground floor area, then any additional accessory building shall be located no closer to any lot line or principal building than a distance equal to the height of the accessory building.

D. In any residential District where the primary use is residential, the total area of all residential accessory buildings, including attached and detached may not exceed a total of 1,500 square feet, except on lots with an area of 2 acres or greater. On lots of two acres or greater, an accessory building may exceed the area requirements identified above, provided that such buildings:

1. Shall not exceed 2,400 square feet in total floor area.
2. Shall be located in a rear yard no less than one hundred and twenty (120) from the front lot line and must be consistent with the neighboring dwelling locations.
3. Shall be set back fifteen (15) feet from any side or rear lot line.

E. An accessory building may exceed area requirements (and exceptions) identified above if special approval, in accordance with the conditions and procedures established in this ordinance, is granted by the Township Board.

F. An accessory building shall be located to the rear of the building line of the principal building on the lot except when structurally attached to the principal building, and except that in a row house development or apartment buildings, off-street parking in the form of covered bays may be permitted in the rear of principal buildings if the location is approved by the Zoning Board.

G. No detached accessory building shall be located closer than ten (10) feet to a principal building.

H. In the case of double frontage or corner lots, accessory buildings shall observe front yard set-back requirements on both street frontages.

I. Satellite antennae shall be permitted in all districts only as an accessory use to a principal building subject to the following:

1. **Permit Required.** The construction or placement of a satellite antenna shall not commence before a building permit is issued in accordance with this Ordinance.
2. **Limitation.** Only one satellite antenna per lot shall be permitted.
3. **Grounding.** All such antennae shall be bonded to a grounding rod.

4. No satellite antenna shall be:
 - a. Located in any front yard or required side yard.
 - b. Taller than the height of principal building.
 - c. Supported by structural supports other than corrosion resistant metal.

5. **Wind load.** All such antennae shall be designed to meet wind load standards of the building code.

6. **Glare.** The surface of the antenna shall be painted or treated so as not to reflect glare from sunlight.

J. All accessory buildings shall be also built in accordance with the Ingham County Sanitary code and be located so as not to infringe on an existing septic tank filter field or preclude the adequate area which may be required for a replacement septic tank filter field in the future.

SECTION 4.17. PARKING AND STORAGE OF CAMPERS, TRAVEL TRAILERS, AND BOATS.

Campers, travel trailers, motorized homes, snowmobiles and trailers of any type, and boats may be parked or stored outdoors in any residential zoning district on occupied lots subject to the following requirements:

A. No more than one (1) camper or travel trailer, and no more than one (1) boat, and no more than two (2) snowmobiles may be parked on a lot of record which is zoned and used for residential purposes, and ownership of same must be in the name of a member of the immediate family of the lot's owner, tenant or lessee.

B. Campers and travel trailers may be parked anywhere on the premises for loading or unloading purposes for a period not to exceed forty-eight (48) hours.

C. Campers, travel trailers, snowmobiles, trailers, boats and the like, where parked or stored, shall be located only in the rear yard and, in addition, shall conform to the required yard space requirements for accessory buildings in the zoning district wherein located.

D. The maximum permitted lot coverage of all buildings plus any camper, travel trailer, or boat parking or storage space, shall not be exceeded.

E. Recreational equipment parked or stored shall not be connected to electricity, water, gas or sanitary facilities, and at no time shall same be used for living, lodging or housekeeping purposes in any zoning district outside of a recognized recreational travel trailer park.

F. The parking or storage of a manufactured home unit outside of a mobile home park, under these provisions, is expressly prohibited, except in conformance with this Ordinance.

SECTION 4.18. AUTOMOBILE SERVICE STATIONS AND PUBLIC GARAGES.

In order to regulate and control the problems of noise, odor, light, fumes, vibrations, dust, danger of fire and explosion, and traffic congestion which result from the unrestricted and unregulated construction and operation of automobile service stations; to regulate and control the adverse effects which these and other problems incidental to the automobile service station may exercise upon adjacent and surrounding areas; the following additional regulations and requirements are provided herein for automobile service stations located in any zone. All automobile service stations erected after the effective date of this Ordinance shall comply with all requirements of this section.

- A. An automobile service station shall be located on a lot having a frontage along the principal street of not less than one hundred fifty (150) feet, and having a minimum area of not less than fifteen thousand (15,000) square feet.
- B. An automobile service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line.
- C. All driveways providing ingress to or egress from an automobile service station shall not be more than thirty (30) feet wide at the property line. No more than one (1) curb opening shall be permitted for each fifty (50) feet of frontage or major function thereof along any street, and no more than two (2) curb openings are permitted on any street. No driveway or curb opening shall be located nearer than twenty-five (25) feet to any corner or exterior lot line, as measured along the property line.
- D. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building.
- E. An automobile service station located on a lot having an area of fifteen thousand (15,000) square feet shall include not more than eight (8) gasoline pumps and two (2) enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two (2) gasoline pumps and/or one (1) enclosed stall may be included with the provision of each additional two thousand (2,000) square feet of lot area.
- F. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line.
- G. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.
- H. All automobile service stations shall conform to the regulations set forth in Act 207 of the Public Acts of 1941, State of Michigan, as amended, pertaining to the regulations of flammable liquids.

SECTION 4.19. 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 shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades.

SECTION 4.20. TEMPORARY AND PORTABLE BUILDINGS, USES, STRUCTURES AND SPECIAL EVENTS

- A. The Zoning Board of Appeals may permit temporary buildings, structures, and uses for a period not to exceed six (6) months provided that all requirements and conditions relative to the type of structure and use, and timing and arrangements for termination and removal, are met. At the Township's discretion, the temporary building, structure, or use may be extended for a period not to exceed an additional six (6) months. The Zoning Board of Appeals may require safeguards related to setbacks, screening off-street parking, and other factors considered necessary to protect the health, safety, welfare and comfort of inhabitants of the Township. Further, the Zoning Board of Appeals may require site plan approval by the Township and performance guarantees as conditions of approval.

B. Mobile homes, mobile or temporary offices, trucks, truck trailers, vans or other passenger vehicles or trailers shall not be used for storage, warehousing, retail sales, services or offices, except by approval of the Zoning Board of Appeals and subject to conditions imposed by the Zoning Board of Appeals.

C. No temporary building shall be erected in any residential district unless a building permit has been issued for a permanent building on the same site. Before a certificate of occupancy shall be issued, any temporary building shall be removed from the site.

D. The Zoning Board of Appeals may permit one mobile home per lot in addition to an existing single family residence in the AG or RE districts for the exclusive use by a dependant parent of the owner of the lot. Such mobile home shall be temporary in nature, to be removed within six (6) months after the need for the dependant parent to remain no longer exists. The mobile home shall fully comply with the provisions of Section 4.44.

SECTION 4.21. BUILDINGS TO BE MOVED.

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

SECTION 4.22. REMOVAL OF SOIL, SAND, CLAY, GRAVEL OR SIMILAR MATERIALS; QUARRY EXCAVATION; FILLING OPERATIONS.

From and after the effective date of this Ordinance or amendment thereto, it shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to engage in or conduct a quarry excavation as defined, or strip any topsoil, sand, clay, gravel or similar material or to use lands for filling within White Oak Township without first submitting an application as prescribed to the White Oak Township Zoning Board, and procuring a permit therefore from the Township. The following regulations shall be applicable:

A. **PERMITS.** No permits shall be required for excavation or filling for building construction purposes, pursuant to a duly issued building permit under the White Oak Township Building Code.

B. **APPLICATION.** Prior to the approval and authorization of a building permit, the White Oak Township Zoning Board shall review and approve such application. A separate permit shall be required for each separate site. Each application for a permit shall be made in writing to the Township and shall contain the following information:

1. Names and addresses of parties of interest in said premises setting forth their legal interest in said premises.
2. Full legal description of the premises wherein operations are proposed.
3. Location of all buildings on the site and within five hundred (500) feet of any activity proposed for the site.
4. Detailed proposal as to method of operation, what type of machinery or equipment will be used, estimated period of time that such operation will cover, and all haul roads and truck entrance locations to be used.
5. Detailed statement as to exactly what type of deposit is proposed to be extracted or deposited.
6. A detailed restoration/relocation plan indicating how the natural resources area will be reused in a manner compatible with the Township's Land Use Plan.

7. Topographical survey map showing existing grades, maximum interim grades and final grades to be prepared by a registered civil engineer.

8. Location of all public drains on the site.

9. Such other information as may be reasonably required by the Township Zoning Board to determine whether a permit should be issued.

C. FEES. Application for a permit under this section shall be accompanied by a permit fee as established by the Township Board, the sum of which shall be used to defray administrative expenses occasioned by processing such application. A receipt shall be issued to the applicant showing the payment of said fee. Upon issuance of any permit, the fee therefor shall be paid into the General Fund of the Township.

Quarry excavation permits issued by White Oak Township shall be for a period of one (1) year from the date of the issuance, and shall be renewable upon payment of an annual inspection fee, the sum of which shall be established by the Township Board. Such permits shall be renewed as herein established, provided the permittee complies with all the provisions of this Ordinance and any other conditions set forth in the permit.

D. ISSUANCE OF PERMIT. The Township Zoning Board shall review, and approve or disapprove said application. A permit shall be issued only if the Zoning Board has determined that the issuance of the permit would not detrimentally affect the public health, safety, morals and general welfare of the citizens of White Oak Township.

E. MANDATORY REQUIREMENTS. The following requirements shall be mandatory:

1. Quarry Excavation.

a. Where an excavation in excess of five (5) feet will result from such operations, the applicant shall erect a fence with warning signs completely surrounding the portion of the site where the excavation extends, said fence will be of wire mesh or other suitable material and is to be not less than five (5) feet in height complete with gates, which gates shall be kept locked when operations are not being carried on.

b. When operations cease at any quarry, the entire quarry excavation shall be fenced with a suitable fence, as required above and approved by the Zoning Board upon which there shall be placed and maintained appropriate signs warning the public of danger.

c. When quarrying operations result in a body of water, the owner, operator and/or permittee shall place appropriate "KEEP OUT - DANGER" signs around said premises not more than two hundred (200) feet apart.

d. Any roads used for the purpose of ingress or egress to said excavation site within three hundred (300) feet of occupied residences shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.

e. No cut or excavation shall be made closer than one hundred (100) feet from the nearest street or highway right-of-way line nor nearer than five hundred (500) feet to the nearest residence, nor closer than one hundred (100) feet to any property line; provided however, that the Zoning Board

may prescribe more strict requirements in order to give sub-lateral support to surrounding property where soil or geographic conditions warrant it.

f. The recommended slope of the banks within the second one hundred (100) feet measuring from the near edge of a public highway, or within the second one hundred (100) feet measuring from the property line of an adjoining land owner shall not exceed a minimum of one (1) foot vertical drop to each four (4) feet horizontal distance and where permanent ponded water results from the quarry operation the slope of all banks adjoining the pond must be maintained at the 1 to 4 ratio and must be extended into the water of such permanent pond to a water depth of at least five (5) feet.

g. The Zoning Board may require such other performance standards where, because of peculiar conditions, they deem it necessary for the protection of health, safety, morals and well being of the citizens of White Oak Township.

2. Regulations for Stripping or Removal Operations.

a. No soil, sand, gravel, clay or similar materials shall be removed below a point twelve (12) inches above the mean elevation of the centerline of the nearest existing or proposed street or road established or approved by the Ingham County Road Commission, except as required for the installation of utilities and pavements; provided further that where approved county drain ditches exist and/or are adjacent to the property under permit, that the grade and slope of removal will meet all requirements and approval of Ingham County Drain Commission.

b. Any roads used for the purpose of ingress or egress to said excavation site which are located within three hundred (300) feet of occupied residences shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.

c. No soil, sand, clay, gravel or similar materials shall be removed in such manner as to cause water to collect or to result in a place of danger or a menace to the public health or safety. The premises shall at all times be graded so that surface water drainage is not interfered with.

d. Wherever topsoil exists, suitable for growing turf or for other land use, at the time the operations begin a sufficient quantity of topsoil shall be stockpiled on said site so that the entire site, when stripping or removal operations are completed, may be re-covered with a minimum of four (4) inches of topsoil and the replacement of such topsoil shall be made immediately following the termination of the stripping or removal operation. In the event, however, that such stripping or removal operations continue over a period of time greater than thirty (30) days, the operator

shall replace the stored topsoil over the stripped areas as he progresses. Such replacement shall be in a manner suitable for growing turf or for other land uses.

e. The Zoning Board may require such other and further requirements as is deemed necessary in the interest of the public health, safety, morals and general welfare of the citizens of White Oak Township.

3. Regulations for Filling Operations.

a. The filling of land with rubbish or garbage or any other waste matter is hereby prohibited in areas of White Oak Township except that, such may be permitted pursuant to the terms and conditions of a permit that may be granted in a proper case by the Zoning Board.

b. No rubbish or garbage shall be burned, permitted to burn or smolder as a result of voluntary igniting of said material or as a result of involuntary internal combustion of said rubbish or fill material deposited at the site of the permitted operation.

c. The Zoning Board may require a temporary fence to be erected to prevent the scattering of rubbish, garbage and other waste material.

d. All rubbish and garbage fill when deposited must be thoroughly compacted with heavy equipment weighing not less than ten (10) tons.

e. All rubbish or garbage fill, within twenty-four (24) hours of depositing in the place or places authorized in the permit shall be covered with a layer of soil matter eighteen (18) inches thick of a kind and texture that will be suitable for growing of turf or for other land uses permitted within the District. Provided that under certain acceptable circumstances applying the standards of public health, sanitation and welfare of White Oak Township and Ingham County, the Zoning Board may extend the above twenty-four (24) hour period to such longer period as satisfactory under the circumstances.

f. All conveyance vehicles for rubbish or garbage shall not be open lid and while in transit shall be closed or covered so as to reduce odor and the scattering of the matter being carried. Any rubbish or garbage that is nevertheless dropped in transit shall be recovered by the carrier operator and the affected area restored to its prior condition. Further, any undue collection of soil matter deposited on the street or public highways by the tracking of the vehicles shall be removed by the carrier operator and the affected area restored to its prior condition.

g. Any roads used for the purpose of ingress or egress to said excavation site which are located within three hundred (300) feet of occupied residences shall be kept dust free by

hard-topping with cement, bituminous substance or chemical treatment.

h. The Township may waive the regulations for filling operations above and waive the review by the Zoning Board after conducting an independent review to permit those filling operations which meet all of the following requirements:

(1) The fill material does not include garbage, rubbish, or any other waste matter.

(2) The actual area on which the filling operation is to be performed does not exceed ten thousand (10,000) square feet and does not lie within fifteen (15) feet of any property line.

(3) The fill does not alter the topography of drain easements or other public or private easements of record or cause an increase in stormwater runoff to adjacent properties. Final grades of the perimeter of the filled area must be compatible to existing grades off site.

(4) All requirements of the Michigan Department of Natural Resources must be met.

(5) The Township may require such other requirements deemed necessary for the public safety, health and welfare of the citizens of White Oak Township.

4. General Regulations: The following general regulations apply to any quarry excavation operation, stripping or removal operation, or filling operation:

a. All buildings, structures, fuel storage, active excavation areas, mining operations and storage of equipment shall be visually screened from view from all adjacent public roadways and adjacent parcels by means of a combination of earthen berms and dense year-round vegetative screening.

b. All activities including the removal of sand and gravel, ingress or egress by large vehicles or equipment, the mining or extracting of sand and gravel, processing and stockpiling, or any other operation of motor-driven vehicles, or equipment maintenance and repair shall be carried on exclusively between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday; Saturday 7:00 a.m. and 1:00 p.m.

c. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding the limits stated in Section 13.4, Table 13B, measured anywhere outside the lot line of its source.

d. Portland cement concrete batching plants and asphalt concrete mixing plants are not included in any form as a part of the operations included in this Section and are not permitted on premises.

F. SURETY BOND. The Township Zoning Board shall, to insure strict compliance with any regulations contained herein and required as a condition of the issuance of a permit either for quarrying, topsoil stripping and removal or filling operations, require the permittee to furnish a surety bond executed by a reputable surety company authorized to do business in the State of Michigan in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder. In fixing the amount of such surety bond, the Township Board shall take into account the size and scope of the proposed operation, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

SECTION 4.23. EXCAVATIONS OR HOLES.

The construction, maintenance or existence within the Township of White Oak of any unprotected, unbarricaded, open or dangerous excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to public health, safety or welfare, is hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued pursuant to this Ordinance, and provided further, that this Section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County of Ingham, the Township or other governmental agency.

SECTION 4.24. FARM PONDS.

Farm ponds which, unless otherwise determined by the Zoning Board of Appeals, shall be considered to be excavations more than two (2) feet in depth and/or more than one thousand (1,000) square feet in area which are used in support of agricultural pursuits shall be permitted by the Zoning Administrator on any farm (as defined in Article III) in the Agricultural District, subject to the issuance of a zoning permit and provided they are set back at least one hundred (100) feet from all property lines, road right-of-ways, and any dwellings, and further subject to applicable Department of Natural Resources and Conservation Service design standards.

SECTION 4.25. RECREATIONAL OR SCENIC PONDS.

Ponds excavated for recreational or scenic purposes (as distinct from farm ponds regulated under Section 4.24) will require issuance of a zoning permit. Issuance of a permit will require the applicant to provide a site plan consistent with engineering standards as put forth by applicable Department of Natural Resources and USDA Natural Resources and Conservation Services design standards.:

A. The pond must be located on a parcel of at least four (4) acres in size. Not more than one recreational or scenic pond shall be located on any one lot.

B. The pond must not have an area greater than thirty thousand (30,000) square feet and must be set back one hundred (100) feet from any property lines, road right-of-ways, or dwellings. The pond must not have an area greater than thirty thousand (30,000) square feet and must be set back one hundred (100) feet from any property lines, road right-of-ways, or dwellings.

C. The pond shall not be permitted in any required front yard area.

D. The pond shall be constructed in conformance with the design standards of the Soil Conservation Service.

E. For the protection of the general public, appropriate safety measures shall be provided such as warning signs, rescue facilities, fencing, safety ramps, and so forth. Ponds with stabilized side slopes steeper than five (5) horizontal to one (1) vertical shall be completely enclosed by a chain-link fence not less than four (4) feet in height. All openings in any such fence shall be equipped with a self-closing, self-latching gate or door.

F. Written evidence shall be provided from the Ingham County Health Department that the separation distance between the pond and any septic system is sufficient, but in no case shall a pond be located closer than one hundred (100) feet to a septic system.

G. All earth excavated during construction of the pond shall not be removed from the parcel, unless it is determined by the Zoning Board that containment on the parcel could not be adequately accommodated.

SECTION 4.26. RESTORING UNSAFE BUILDINGS.

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector or required to be brought into compliance with the Building Inspector's lawful order, except as provided in Article V.

SECTION 4.27. CONSTRUCTION BEGUN PRIOR TO ADOPTION OF ORDINANCE.

Nothing in this Ordinance shall be deemed to require any change in the plans, construction, design or use of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance, and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within two (2) years from the date of passage of this Ordinance.

SECTION 4.28. VOTING PLACE.

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

SECTION 4.29. APPROVAL OF PLATS OR CONDOMINIUMS.

No proposed plat of a new subdivision or condominium development shall hereafter be approved by either the Township Board or the Zoning Board, unless the lots within such plat equals or exceeds the minimum size and width requirements set forth in the various districts of this Ordinance, and unless such plat fully conforms with the statutes of the State of Michigan and all other provisions of the White Oak Township Code.

SECTION 4.30. COMMUNICATION TOWERS.

All commercial radio and television, microwave, mobile phone, public utility television, and other transmitting or relay towers shall be permitted in the agricultural district subject to the following standards:

- A. Such towers will be located on lots which have access to a major thoroughfare.
- B. The setbacks for such towers from all abutting streets or adjacent property lines shall be a distance equal to the height of such tower.
- C. An open weave, six (6) foot high chain link fence shall be constructed around the entire perimeter, in accordance with Section 4.34.
- D. Such towers shall be monopoles, shall be limited in height to 100 feet and shall be of a white or silver color (not a blue or dark color) so as to blend in to the sky.

E. Such towers shall be designated and legally permitted to accommodate the co-location of other communication devices so as to minimize the number of towers in the Township thereby preserving the horizon from pollution as much as practical.

SECTION 4.31. OPEN AIR BUSINESS USES.

Open air business uses, where permitted in this Ordinance, shall be subject to the following regulations:

- A. The minimum area of the site shall be ten thousand (10,000) square feet.
- B. The minimum street frontage shall be one hundred (100) feet.
- C. There shall be provided around all sides of the site, except at entrances, and along sides of premises enclosed by buildings, a fence five (5) feet in height in order to intercept wind-blown trash and other debris. Where the site abuts any residentially zoned district, the requirements for protective screening shall apply as specified in Section 4.32.
- D. Off-street parking areas and aisles, as required under Article VI, shall be paved in accordance with the requirements of Section 6.3.
- E. Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or which will cast direct illumination on adjacent properties.
- F. Before approval is given for any use, a site plan shall be first submitted to the Building Inspector for review as to suitability of location of entrances and exits to the site, parking area, fencing, lighting, and other design features.
- G. All open air business uses shall comply with all Township and County health regulations regarding sanitation and general health conditions.

SECTION 4.32. PROTECTIVE SCREENING OF NON-RESIDENTIAL AREAS FROM RESIDENTIAL AREAS.

In order to provide adequate protective screening for residential areas adjacent to non-residential areas:

- A. Where a C-1 or M-1 District abuts directly upon a residential district, those districts shall be screened from such contiguous, residentially zoned district by a solid, ornamental masonry wall five (5) feet in height above grade on the property line of the commercial or industrial use in the C-1 or M-1 District.
- B. If a legal commercial or industrial use existing prior to the effective date of this Ordinance is expanded, enlarged, moved or altered, the provisions of Section 4.32.A shall be enforced.

SECTION 4.33. LANDSCAPING REQUIREMENTS AND PLANT MATERIALS, BUFFER STRIP AND GREENBELT STANDARDS.

Whenever landscaping is required, it shall be in accordance with the specific standards as provided in this Section. All plant materials shall be installed within six (6) months of the date of issuance of a temporary certificate of occupancy. In the instance where such completion is not possible, a cash bond, letter of credit or corporate surety bond in an amount equal to the estimated cost of the landscape plan or portion thereof shall be deposited in accordance with Section 4.43.

A. **GREENBELT OR BUFFER STRIP PLANTING:** Whenever a greenbelt or buffer strip is required by this Ordinance or as a requirements of a site plan or special approval, it shall be installed so as to provide, within a reasonable time, an effective barrier to vision, light, physical encroachment, and sound. Maintenance shall be required to ensure its permanent effectiveness.

1. **Greenbelt:** Where required, greenbelts shall conform to the following standards:

- a. The greenbelt area will be no less than twenty (20) feet in width.
- b. A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of required greenbelt length, or alternatively, eight (8) large deciduous shrubs may be substituted for each required tree. Trees may be planted at uniform intervals, at random, staggered or in groupings.
- c. Plantings should form an uninterrupted vegetative screen within two (2) years of planting.
- d. The remaining ground surface area shall be seeded, sodded or planted with ground cover. Innovation and design of landscaping and berm placement is encouraged.
- e. For the purposes of calculating required plant material, greenbelt length shall be measured along the exterior edge of the greenbelt.

2. Berms where provided, shall be at least two (2) feet in height and shall have a slope no greater than 1:2.5, i.e., 1 foot of vertical rise for each 2.5 feet of horizontal distance.

3. The owner of landscaping required by this Ordinance shall perpetually maintain such landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. All diseased and/or dead material shall be removed within thirty (30) days following Township notification and shall be replaced within the next appropriate planting season or within one (1) year, whichever comes first.

In the event the owner fails to maintain the landscape area in a neat and orderly manner, free from debris, the Township shall mail to the owner a written notice setting forth the manner in which there has been failure to maintain said landscaping and require that the deficiencies of maintenance be cured within thirty (30) days from date of said notice. If the deficiencies set forth in the notice shall not be cured within thirty (30) days, or any extensions thereof granted by the Township shall have the right to enter upon such property and correct such deficiencies and the costs thereof shall be charged, assessed and collected.

4. In instances where healthy plant materials exist on a site prior to its development, the Zoning Board may adjust the application of the above standards to allow credit for such plant material if such an adjustment is in keeping with, and will preserve the intent of this Ordinance.

B. PLANTING, SOIL AND DRAINAGE REQUIREMENTS: Whenever landscaping is required, the plant materials will be installed in fertile soil with good surface drainage and provided maintenance as required to ensure their health and permanence.

SECTION 4.34. FENCES, WALLS AND OTHER PROTECTIVE BARRIERS.

All fences, walls and other protective barriers (referred to in this Section as "fences") of any nature, located in the Township of White Oak shall conform to the following regulations:

A. Except on farms (as defined herein) and in the AG District, the erection, construction or alteration of any fence shall be approved by the Zoning Administrator in compliance with the provisions of this Ordinance.

B. Fences in other than AG or M-1 Districts, unless specifically provided otherwise, shall conform to the following requirements:

1. No fence shall hereafter be erected in any required yard space in excess of six (6) feet in height above the grade of the surrounding land, unless the Board of Zoning Appeals shall approve.

2. All fences hereafter erected shall be of an ornamental nature. Barbed wire, spikes, nails or any other sharp instrument of any kind are prohibited on top or on the sides of any fence, except that barbed wire cradles may be placed on top of fences enclosing public utility buildings or equipment in any district or wherever deemed necessary in the interests of public safety, or protection of private property.

C. Fences in the AG and M-1 Districts may be located on property or road right-of-way lines of a lot provided that such fences shall be maintained in a good condition and shall not constitute a hazard.

D. No fence shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, with the exception that shade trees shall be permitted where all branches are not less than eight (8) feet above the road level.

SECTION 4.35. OUTDOOR TRASH CONTAINERS.

Outdoor trash containers shall be permitted in the C-1 and M-1 Districts provided that they comply with the following requirements:

A. Adequate vehicular access shall be provided to such containers for truck pickup which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby.

B. A solid ornamental screening wall or fence shall be provided around all sides of trash containers (if the container is in public view) which shall be provided with a gate for access and be of such height as to completely screen said containers, the maximum height of which shall not exceed six (6) feet.

C. There shall be compliance with all Township, County and State health ordinances and statutes.

D. Unless otherwise allowed by the Zoning Board of Appeals, any trash container shall not be located in the rear yard of the property.

SECTION 4.36. PRIVATE SWIMMING POOLS.

All swimming pools erected in the Township of White Oak shall comply with the requirements of this Section.

A. **APPLICATION.** The application for a building permit to construct and maintain a swimming pool shall include the name of the owner, a plot plan and location of adjacent buildings, fencing, gates, public utilities, plan and specifications to scale of pool walls, slope, bottom, walkways, and diving boards, type and rating of auxiliary equipment, piping and valve layout, and any other detailed information affecting construction and safety features affecting the public health deemed necessary by the Township.

B. **POOL LOCATION.** Minimum side yard setback shall comply with the provisions of the respective districts as set forth in this Ordinance. Furthermore, the pool or its fence shall not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than four (4) feet as measured from the outside wall of the pool to the rear property line, or less than the established easement width at the rear

property line. There shall be not less than four (4) feet between the wall of the pool and any building on the lot.

C. **FENCE.** For the protection of the general public, all swimming pools shall be completely enclosed by wood, chain link, 2" by 4" welded wire, or masonry fence, of not less than four (4) feet in height nor more than six (6) feet in height and located not less than four (4) feet and not more than fifteen (15) feet from the outside perimeter of any pool wall, provided that if a building not having any means of access thereto is located on the lot not more than fifteen (15) feet from any side of the pool, a fence shall not be required on any such side. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked with a tamper-proof lock when the pool is not in use. The conditions described herein regarding the materials, height and setback of a fence shall not apply when said pools are located in a yard which is completely enclosed by an existing fence which is in a satisfactory condition and/or repair.

Where all parts of all sides of an above-ground pool exceed four feet above grade, a fence shall not be required if a ladder or stairs, which lifts or retracts either manually or automatically and is in good operating condition, is attached to the pool. The intent is to prevent accidental access to small children.

D. **WIRING.** All electrical installations or wiring in connection with below-grade swimming pools shall conform to the provisions of the White Oak Township Electrical Code. If service drop conductors or other utility wires cross under or over the proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of the swimming pool.

E. **PERMIT.** Upon compliance with all requirements of this Section and upon determination by the Building Inspector and the Ingham County Health Department that the proposed swimming pool will not be injurious to the general public health, safety and welfare of the Township and its citizens, the Building Inspector shall issue a permit conditioned upon compliance of the permit holder with the requirements of this Section.

F. **SUPERVISION.** No person shall maintain an outdoor swimming pool on his or her premises without providing adequate supervision at all times when the pool is in use so that no person may be injured or drowned therein.

G. **SANITATION.** No outdoor swimming pool shall be used unless adequate public health measures are periodically taken to insure that the use thereof will not cause the spread of disease. The water of all pools shall be sterilized by chlorinated water. The current standards set by the State Department of Public Health to protect public health in the use of such swimming pools are hereby adopted and made a part of this Ordinance.

SECTION 4.37. COMMERCIAL BULK STORAGE OF FLAMMABLE SUBSTANCE.

No commercial bulk storage of gasoline or flammable liquid or toxic/hazardous substance, as defined in this Ordinance, shall be made in tanks or other containers unless said tanks or containers are completely below the ground level and are leak proof unless local authority is superseded by state or federal agencies. This provision shall not apply to storage of hazardous substances on bona fide farms, as defined herein, designed for use on the same farm or by the same farm operator.

SECTION 4.38. SITE PLAN REVIEW AND APPROVAL PROCEDURES

A. **STATEMENT OF PURPOSE.** The purpose of site plan review is to provide for consultation and cooperation between the land developer and the Township in order to accomplish the developer's land utilization objectives in harmony with the existing and

prospective use and development of adjacent properties. It shall further be the purpose of this section to insure that each proposed use and its components, appearance, and function is in compliance with this ordinance, other township ordinances and state and federal statutes. Further purposes of site plan approval shall include: privacy, efficiency for the public and local government servicing, preservation of the natural landscape, emergency access, effective drainage, vehicular and pedestrian safety and conveniences, control of temporary flooding, preventing stagnant water and ponding in intensively used areas; prevention of air, water and noise pollution; limitation of obnoxious odors, reduction of glare; exposure to toxic particles, substances and wastes.

B. SITE PLAN REVIEW REQUIRED. In the district and uses cited, no erection of any building, structural alteration of use, creation or the addition of a new use, expansion of off-street parking, or filling, grading or excavation shall be undertaken until the Township has reviewed and approved a site plan for each use. A structural alteration shall be defined as one that changes the location of the exterior walls and/or the area of the building. Filling, grading or excavation which causes more than five cubic yards of earth material to be disturbed shall require a site plan approval, unless a building permit is in effect.

C. DISTRICTS AND USES REQUIRING SITE PLAN REVIEW

1. Permitted and Special Approval Uses except single family residential or home occupations in:

Multiple-Family Residential District

Local Commercial District

Light Industrial District

General Industrial District

2. All special approval uses in all districts
3. Any use abutting a major thoroughfare except single family residential.
4. Any rezoning petition which, in the opinion of the Planning Commission, may produce a subsequent request to the Board of Appeals for a difficult or complex variance or numerous variances.
5. Uses which are regulated elsewhere in this ordinance where site plan approval is specifically required.

D. REQUIRED INFORMATION. The site plan shall contain the following information:

1. Name of development, general location sketch, name, address and phone number of owner(s), developer and designer. Date drawn and revision dates shall be indicated on the site plan.
2. The seal of one of the following professionals registered in the State of Michigan: Registered Architect, Registered Civil Engineer, Registered Landscape Architect, or Registered Professional Community Planner. The architectural plans of the buildings shall be prepared by and bear the seal of the Registered Architect. A site plan for an alteration or addition to existing structures may be prepared by the builder or contractor.
3. A legal description and address of the property in question.
4. Boundary dimensions (to the nearest foot) of the property clearly indicated on the site plan, differentiated from other contiguous property.
5. Existing zoning classification of the parcel and adjacent land uses and zoning. If the parcel is a part of a larger parcel, boundaries of total land holding.

6. To facilitate determination of off-street parking needs and similar matters, the applicant shall indicate the name and nature of the establishments proposed to occupy the buildings if this has been determined, and should indicate cases where exact occupancy has not yet been determined.
7. All plans shall include a north arrow and scale. The scale of the site plan shall be not less than 1" = 20' if the subject property is less than 3 acres, and 1" = 100' if three acres or more. All plans shall include the area of the site in square feet and acres excluding all existing and proposed public rights-of-way.
8. The dimensions of all lots and property lines, showing the relationship of the subject property to abutting properties and all required minimum setbacks from the existing or proposed right-of-way and from adjacent properties.
9. The location and dimension of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
10. The location and right-of-way widths of all abutting streets and alleys, and driveway locations across abutting public streets.
11. Traffic and pedestrian circulation patterns, both within the site and on the public streets adjacent to the site and the proposed location and dimensions of any required pedestrian sidewalks.
12. Parking lots including layout and typical dimensions of parking spaces, number of spaces provided (including how computed, per ordinance requirements) and type of surfacing. (If carports, so designate).
13. Existing ground elevations on the site of an appropriate grid or contours, including existing ground elevations of adjacent land within 100 feet of the subject property and existing building, drive and/or parking lot elevations or any adjacent unusual surface conditions.
14. Proposed finish grade of buildings, driveways, walkways, parking lots and lawned areas.
15. With nonresidential proposals, the number of offices, number of employees, the number of floors and typical floor plans and cross sections.
16. Proposed sanitary sewer facilities and location of all existing utilities, easements, vacations and the general placement of lines, manholes, tap ins, pump stations, and lift stations.
17. Proposed storm sewer facilities (sewers and appurtenances) including outlets (enclosed or open ditches) and proposed methods of storm water retention on site, if any.
18. Sufficient off-site drainage basin data and estimated run off in cubic feet per second to permit review of any proposed retention of off-site drainage swale.
19. Proposed water service.
20. Locations of existing and proposed fire hydrants with reasonable access thereto for fire fighting, police and other emergency equipment.
21. Location and typical dimensions of rubbish storage areas and screening construction.

22. Elevations of proposed buildings and proposed type of building materials, roof design, projections, canopies and overhangs, screen walls and accessory buildings, and any other outdoor mechanical equipment, such as: air conditioning, heating units and transformers that will be visible from the exterior.
23. Required easements for public right-of-way, utilities, access and shared access.
24. Notation of any variances which have been secured.
25. Performance guarantees to be provided, amounts, type and length of time.
26. Soil erosion and sedimentation control measures.
27. Detailed landscaping plan indicating location, types and sizes of material, a maintenance plan and schedule for pruning, mowing, watering, fertilizing, and replacement of dead or diseased materials. Cross section of berms shall be provided.
28. Location of all existing trees over 12 inches in diameter.
29. The dimensions and locations of all signs, free-standing signs and lighting structures and shielding.
30. Types of soils; location of floodplain and wetland, if any.
31. All proposed screen and free standing architectural walls, including typical cross-sections and the height above ground on both sides.
32. The location of any outdoor storage of material(s) and the manner in which it shall be screened or covered.
33. Proposed toxic and/or hazardous waste storage and disposal plan.
34. Inventory of toxic/hazardous substances stored on site, quantity of substances, and substance names and characteristics.
35. Information on proposed method of toxic/hazardous waste storage. If an underground tank is used, the location, size, construction and use of the tank shall be specified in the site plan. A monitoring plan for underground tank usage and safety shall be included for tanks in excess of 500 gallons.
36. Proximity of toxic/hazardous waste storage facilities to natural features such as groundwater aquifers, wetlands, surface waters, etc.
37. Proximity of toxic/hazardous waste storage facilities to existing man-made features such as wells, storm sewers, storm drains, sanitary sewers, and similar underground utility lines. Proximity to planned man-made features should also be reviewed.
38. Plan for the transfer and/or transport of toxic/hazardous wastes by a licensed toxic/hazardous waste hauler to a licensed disposal facility or to a local holding facility if one exists.
39. Information and special data which may be critical to the adequate review of the proposed use and its impact on the site or Township. Such data requirements may include traffic studies, market analysis, environmental assessments (including inventory and impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services and estimates of potential costs to the Township due to failures as a basis for performance guarantees.

40. Information and statement of how applicant proposes to comply with State, Local and Federal laws, as applicable to this site or use.

41. The names of any Township officials or employees who will benefit financially from the approval of the site plan shall be disclosed.

42. Other data which the Township may reasonably deem necessary for adequate review.

E. CRITERIA FOR TOWNSHIP APPROVAL OF SITE PLANS. The following criteria shall be used by the Zoning Board as a basis upon which site plans will be reviewed and approved.

The Township shall adhere to sound planning principles, yet may allow for design flexibility in the administration of the following standards:

1. All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding properties for uses permitted on such property.

2. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements as set forth in the Schedule of Regulations unless otherwise provided in this ordinance.

3. The existing natural landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.

4. There shall be reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users.

5. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

6. Where possible and practical, drainage design shall recognize existing natural drainage patterns.

7. There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system.

8. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. Streets and drives that are a part of an existing or planned street system serving adjacent developments shall be of an appropriate width to the volume of traffic they are planned to carry and shall have a dedicated right-of-way equal to that specified in a Township recognized source of reference. The applicant may be required to dedicate adequate land and improvements to the Township in order to achieve access which is safe and convenient.

9. Appropriate measures shall be taken to insure that the removal of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm-water facilities, and the prevention of erosion and dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the

flow of vehicles or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties.

10. Off-street parking, loading and unloading areas and outside refuse storage areas, or other storage areas that face or are visible from adjacent homes, or from public thoroughfares, shall be screened by walls or landscaping of effective height. Dumpster enclosures shall have gates.

11. Exterior lighting shall be arranged so that it is deflected from adjoining properties and so that it does not impede vision of drivers along adjacent streets.

12. Adequate services and utilities including sanitary sewers shall be available or provided, located and constructed with sufficient capacity and durability to properly serve the development.

Any use permitted in any zoning district must also comply with all applicable Federal, State, County and Township health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation and drifting and airborne matter, toxic and hazardous materials, erosion control, floodplains, water management and requirements of the State Fire Marshall.

13. An objective of the site plan review shall be to prevent any discharge into the ground waters of any substance that is, or may become, injurious to the public health, safety, or welfare, or to the domestic, commercial, industrial, agricultural, recreational, or other uses which are or may be made of the groundwater.

14. An objective of site plan review shall be to protect and to promote public health, safety and general welfare by requiring the screening, buffering and landscaping of sites and parking lots which will serve to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to preserve underground water reservoirs and return precipitation to the ground water strata; to act as a natural drainage system and solve storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent soil erosion; to provide shade; to conserve and stabilize property values, to conserve energy, provide visual and sound privacy and to otherwise facilitate the creation of a convenient, attractive and harmonious community; to relieve the stark appearance of parking lots; and to generally preserve a healthful and pleasant environment in keeping with Township character.

15. It is an objective of site plan review to improve the quality of existing developments as they are expanded, contracted, redeveloped or changed in keeping with the predominant site development standards of the Township in rough proportion to the changes proposed.

16. All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon improvements of a potential subsequent development.

17. All sites shall be designed to comply with State and local barrier-free requirements and to reasonably accommodate the handicapped and elderly.

F. APPLICATION FOR SITE PLAN APPROVAL. Application for site plan approval shall be made to the Township by filing of not less than ten (10) copies of the detailed site plan with the office of the Township Clerk at least 15 days in advance of the regularly scheduled Zoning Board meeting at which the plan is to be first considered are required to be paid within the fee schedule in effect as established by the Township at time application is made.

G. REVIEW OF SITE PLANS. The Clerk shall review and forward all site plans along with comments to the Township Zoning Board and Zoning Administrator for its review. The Zoning Board and Zoning Administrator shall review the plans and may solicit further comments from the Township Building Inspector and Township Engineer, Planning Consultant and other agencies, groups or persons.

H. SITE PLAN APPROVAL AND RECORD. The Zoning Board is hereby authorized to review and approve, to approve with conditions or review and deny approval, all site plans submitted under this ordinance. Guidelines for consideration of each case shall follow the zoning ordinance and any other applicable ordinances. Each action taken with reference to site plan review and approval shall be duly recorded in minutes of the Zoning Board. When the Zoning Board approves a site plan with conditions from the applicant, the Zoning Administrator shall require a revised site plan with a revision date, indicating said conditions on the site plan.

When a site plan approval is required, no building permit shall be issued until four copies of the final site plan, which includes all conditions of approval, a revision date and notation of all variances has been signed by the Zoning Board Chair, the Zoning Administrator and/or their designees. Prior to issuance of a permit, one copy of the final signed plan shall be filed with each of the following: Clerk, Zoning Administrator and the Applicant.

I. CONSTRUCTION UNDER PLAN. When an applicant receives site plan approval as provided previously herein, the applicant shall develop the site in complete conformity with the approved site plan. Complete construction plans including component phases, shall be submitted for review by the Building Inspector. Upon review and finding by the Building Inspector that the construction plans meet the requirements of Zoning Boards' site plan approval and applicable ordinances of the Township, the Building Inspector shall issue a building permit for said construction. Site Plan approval hereunder shall be valid for one year from the date of Zoning Board approval.

J. ZONING PERMIT shall be withheld by the Zoning Administrator in any case where the site plan and major conditions as approved by the Township have not been complied with. Any minor variations may be approved by the Zoning Administrator and shall be reported within ten (10) days to the Zoning Board after the issuance of a zoning permit.

SECTION 4.39. SPECIAL APPROVAL REQUIREMENTS

A. INTENT. The types of uses requiring special approval shall be deemed to be permitted uses in their respective districts, subject, as to each specific use, to satisfaction of the procedures, requirements and standards set forth in this section. Each specific use for which a permit is sought shall be considered as an individual case and shall conform to the detailed application of the following procedures and standards in a manner appropriate to the particular circumstances of such use. Each use as listed in any district requiring special approval for a permit shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is suggested and will not be detrimental to the orderly development of adjacent districts and uses.

B. PUBLIC HEARINGS. Upon the request for special land use authorization, a public hearing with notification as required for a notice of a request for special land use approval as provided in 4.39.C below shall be held before a decision is made on a special land use request. No decision on a special land use request shall be made unless notification of a public hearing on a special land use request is given as required.

C. PROCEDURE OF NOTICE. Upon receipt of an application for a permitted principal use permitted subject to special approval, one notice of a public hearing shall be published in the newspaper of general circulation in the Township; said notice shall be posted in the Township offices, and shall be sent by mail or personal delivery to the owners of the property for which approval is being considered, 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, except that the notice shall be given not less than 5 and not more than 15 days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

1. Describe the nature of the special land use request.
2. Indicate the property which is the subject of the special land use considered.
3. State when and where the special land use request will be considered.
4. Indicate when and where written comments will be received concerning the request.

D. REVIEW AND APPROVAL. The Zoning Board shall review and recommend to the Township Board action on the request. The Township Board may deny, approve, or approve with conditions, requests for special land use approval. The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision, and any conditions imposed.

E. SITE PLAN REVIEW AND INFORMATION REQUIRED. For all special approval uses, a site plan shall be required and submitted in accordance with Section 4.38 of this ordinance. Approval shall run with the land and shall not be issued for specified periods, unless the use is temporary or time-related in nature.

F. PERFORMANCE GUARANTEES. Performance guarantees may be required by the Township Board to insure compliance with special approval conditions, in accordance with Section 4.43.

G. STANDARDS. In addition to specific standards which may be applicable, the following standards shall serve the Township Board as the basis for decisions involving special land uses and other discretionary decisions contained in this ordinance. Each proposed use or activity shall:

1. In location, size and intensity of the principal and/or accessory operations, be compatible with adjacent uses and zoning of land;
2. Be consistent with and promote the intent and purpose of this ordinance;
3. Be compatible with the natural environment and conserve natural resources and energy;

4. Be consistent with existing and future capabilities of public services and facilities affected by the proposed use;
5. Protect the public health, safety, and welfare as well as the social and economic well-being of those who will use the land use or activity, residents, businesses and landowners immediately adjacent and the Township as a whole;
6. Promote the use of land in a socially and economically desirable manner;
7. Not be in conflict with convenient, safe and normal neighborhood vehicular and pedestrian traffic routes, flows, intersections, and general character and intensity of neighborhood development.
8. Be of such a design and impact that the location and height of buildings; the location, nature and height of walls or fences; and the nature and extent of landscaping on the site shall not hinder nor discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
9. In the nature, location, size and site layout of the use, be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and characteristic groupings of uses of said district.
10. In the location, size, intensity and site layout be such that operations will not be objectionable to nearby dwellings, by reason of noise, fumes, glare or flash of lights.

H. RECORD. All conditions imposed with respect to the approval of a use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Township Board and the applicant. The Township Board shall maintain a record of changes granted in conditions.

SECTION 4.40. KEEPING OF HORSES, LIVESTOCK AND OTHER ANIMALS

A. 1. In the RE and RM districts, horses and other livestock may be kept on any lot with a minimum area of two (2) acres. The maximum number of animals allowed shall be in accordance with the following schedule:

HORSES, Two (2) acres for the first animal and one (1) animal per

PONIES, each one (1) acre thereafter.

COWS & OTHER

SIMILAR FOUR-

LEGGED ANIMALS:

PIGS, SHEEP, GOATS: Two (2) per acre. If a combination of horses, cows, sheep, goats and pigs are to be maintained two (2) sheep, goats or pigs may replace either cow or a horse in the total number allowed as indicated above.

POULTRY: Thirty-five (35) per acre, in any combination, in addition to other livestock.

2. In the Agricultural district the number of horses, livestock and other animals permitted shall be consistent with RTFA/GAAMPS: Right to Farm Act/Generally Approved Agricultural Management Practices.

B. All animals shall be properly fenced and contained.

C. 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 this Ordinance. All barns and outbuildings shall require a zoning permit. When such buildings abut a residentially zoned or used lot, barns and outbuildings shall conform to minimum setback requirements for principal residential buildings.

D. Lots on which animals are kept shall be fenced. Special training or exercising corrals shall be located not less than one hundred (100) 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 150 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. All manure and stable refuse shall be treated and handled in a manner so as to control odor and flies and shall be screened from view off-site.

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 4.41. SIGNS.

A. **FINDINGS PERTAINING TO SIGNS.** It is hereby determined that regulating the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards to life and property and to assure the continued attractiveness of the community and to protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this Ordinance are consistent with customary usage.

B. DEFINITIONS

1. **On-Premises Sign**, means a sign which advertises only goods, services, facilities, events or attractions available on the premises where located, or identified the owner or occupant or directs traffic on the premises. All other signs are off-premises signs.

2. **Premises**, means a lot as otherwise used in this Ordinance.

3. **Temporary Signs** are signs for which a permit has been issued by the Zoning Administrator for a maximum period of two (2) months.

4. **Political Signs:** A sign commenting on the election or appointment of a person, or an issue or a matter to be voted upon by a public body.

C. DISTRICT REGULATIONS

1. **Signs Permitted in the AG District.** On-premises signs are permitted having an area not exceeding 1 square foot for each ten (10) feet of street frontage with a maximum of 100 square feet for each sign. Signs permitted by this section are exempt from the front setback requirements.

2. **Signs Permitted in the RE, R-M Districts.** One sign identifying each subdivision or mobile home park per vehicle entrance, having an area not exceeding 20 square feet and a height not exceeding 8 feet, is permitted. During development of a subdivision or other property for a period not exceeding two years, one sign, having an area not exceeding 50 square feet and a height not exceeding 12 feet, is permitted in the subdivision, together with signs having an area not exceeding 6 square feet each and a

height not exceeding 6 feet, directing the public to or identifying models. Signs permitted by this section are exempt from the setback requirements.

3. Signs Permitted in the C-1 District. On-premises signs are permitted having an area not exceeding 3 square feet for each 10 feet of street frontage or 30 square feet for each acre (or fraction) of area of the lot, whichever is larger. Where any lot has more than one occupant, permitted area shall be divided among them in the same proportion as floor space and outdoor sales space is occupied by them. The minimum height and setback rules pertaining to buildings are applicable to signs.

4. Signs Permitted in the M-1 District. On-premises signs are permitted having an area not exceeding 6 square feet for each 10 feet or fraction thereof of street frontage, or 60 square feet for each acre or fraction thereof of the premises, whichever is larger. No sign shall have an area exceeding 100 square feet. Where any lot has more than one occupant, the total permitted sign area shall be divided among the occupants in the same proportion as floor space and outdoor sales space on the premises is occupied by them. Signs shall be subject to the height and setback rules applicable to buildings in the zoning district where located.

D. OTHER SIGN PROVISIONS

1. Exemptions From Sign Regulations. Signs having an area of not more than 6 square feet each, the message of which is limited to warning of any danger, prohibition or regulation of the use of property or traffic or parking thereon, or advertising the premises for sale or rent; signs located on motor vehicles or trailers bearing current license plates which are traveling or lawfully parked upon public highways, or lawfully parked upon any other premises where the primary purpose of such parking is not the display of any sign and where the number of vehicles bearing a sign or signs of any one advertiser does not exceed one; church or institutional bulletin board without interior illumination having an area not exceeding 32 square feet; on any election day, signs advocating or opposing a candidate for public office or a position on an issue to be determined at the election located at least 100 and not more than 200 feet from any entrance to a polling place; signs visible only from the premises on which located or visible off the premises only through a window or windows; signs posted by duly constituted public authorities in pursuance of their public duties are exempt from regulation under this ordinance.

2. Temporary Signs. Temporary signs other than political signs covered under Section 4.40(d)11., shall be authorized by the Building Inspector for not more than two months at a time by written permit which shall show the size, shape, content, height, number, type of construction and location of such signs and the period during which authorized, upon a finding by the Building Inspector, on the basis of written information furnished by the applicant that the proposed sign or signs are for the direction and/or information of the public and not contrary to the spirit and purpose of this Ordinance, and upon payment of a fee set by the Township Board of each permit and renewal. If such signs are placed on public property the Building Inspector shall remove them without notice.

3. Non-Conforming Signs

a. It is intended to eliminate nonconforming signs, except as otherwise specifically set forth in this section, as rapidly as the police power of the Township permits. Any lawfully erected sign maintenance of which is made unlawful by this Ordinance may continue to be maintained exactly as such existed at the time when the maintenance thereof became otherwise unlawful under the provisions of this Ordinance.

b. No non-conforming sign:

(1) Shall be changed to another non-conforming sign;

(2) Shall have any changes made in the words or symbols used or for message displayed on the sign unless the sign is an off-premises advertising sign, or a bulletin board, or substantially similar type of sign, specifically designed for periodic change of message;

(3) Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign;

(4) Shall be re-established after the activity, business or usage to which it relates has been discontinued for 60 days or longer; or

(5) Shall be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the reproduction cost.

c. The Zoning Board of Appeals shall permit variances from subsection (2) of this section or variances permitting the erection or maintenance of a non-conforming sign only upon the grounds established by law for granting of zoning variances upon a finding that the grant of a variance will reduce the degree of non-conformance of an existing sign or will result in the removal of one or more lawfully non-conforming signs and replacement by a sign or signs more in keeping with the spirit, purpose and provisions of this Ordinance.

4. Obsolete Signs. It is unlawful to maintain for more than 30 days any sign which has become obsolete because of discontinuance of the business, service or activity which it advertises, removal from the location to which it directs or for any other reason. The fact that an obsolete sign is non-conforming shall not be construed as modifying any of the requirements of this section.

5. Permission of Owner or Occupant. It is unlawful to erect or maintain any sign on any property, public or private, without the consent of the owner or occupant thereof.

6. Restrictions on Movement. It is unlawful to erect or maintain any sign, except a cloth flag moved only by natural wind, which moves or has any visible moving or animated parts or image, whether movement is caused by machinery, electronics or otherwise, including swinging signs. It is unlawful to erect or maintain strings of flags or streamers.

7. Illumination. It is unlawful to erect or maintain any illumination sign where the light source moves or is not of constant intensity and color, or where any light bulb can shine directly into the eyes of any occupant of any vehicle traveling upon any highway, driveway or parking area or into any window of any residence within 200 feet, of where the illumination interferes with the visibility or readability of any traffic sign or device.

8. Exceptions. Paragraphs 6. and 7. shall not be applied to prevent the erection or maintenance of Christmas lights each year or signs which convey changing information such as time or temperature.

9. Signs Located on or Projecting Over Public Property. It is unlawful to erect or maintain any sign on, over or above any public land or right-of-way if any part of such sign extends more than four feet over such land or right-of-way, is less than nine feet above ground level or has an area exceeding eight square feet. Signs placed upon a public right-of-way contrary to the provisions of this Ordinance shall be removed by the Building Inspector without notice. This Ordinance does not apply to signs posted by duly constituted public authorities in the performance of their public duties. A provision of this sort allows small signs to enable pedestrians walking down a sidewalk to look ahead for the store they are seeking without creating an unattractive sign alley.

10. Billboards. All off-premises signs placed contrary to the provisions of these regulations, but in accordance with the Highway Advertising Act of 1972 (P.A. 106 of 1972) shall be set back 75 feet from any public right-of-way.

11. Political Signs: Political signs shall be permitted subject to the following conditions:

a. Maximum Area and Number: No more than four (4) political signs shall be placed on any lot, and the area of each sign shall not exceed sixteen (16) square feet. Political signs shall not be located closer than fifteen (15) feet to the edge of the traveled portion of the roadway and not in a dedicated right-of-way or attached to any utility pole. Political signs shall be ground or wall signs. No ground sign shall be higher than forty-eight (48) inches above average mean grade of the yard on which it is placed.

b. Political signs shall be removed within ten (10) calendar days after the election or event to which it relates. Signs that express an opinion unrelated to an election date are limited to a period of display not to exceed thirty (30) days (whether consecutive or not) in one (1) calendar year on any premises.

- c. Such signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.

SECTION 4.42. MANUFACTURED HOUSING OUTSIDE MOBILE HOME PARKS.

A. **Intent** Manufactured houses shall be permitted in all zoning districts wherein conventionally on-site built single-family dwellings are a principal permitted use, subject to the following standards, which are intended to:

1. establish Township aesthetic standards for manufactured houses in a reasonable code; and,
2. assure that the manufactured house will be comparable with site-built housing in size, safety and attractiveness; and,

B. **Regulations** Said manufactured houses shall:

1. comply with all the minimum requirements of Article VIII, Schedule of Regulations.
2. in order to have a minimum core living area, a minimum width of twenty (20) feet along all exterior elevations, with minimum of twenty (20) feet at the required front set-back and a minimum of interior floor to ceiling height of seven and one-half (7 1/2) feet;
3. be firmly attached to a permanent 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 applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a masonry perimeter wall;
4. be so placed and situated so that all wheels shall be removed and the towing mechanisms, underside, or chassis of mobile homes shall be completely enclosed and connected to the foundation;
5. be connected to public sewer and water service or to private facilities approved by the Ingham County Health Department.
6. have no additions of rooms or other areas which are not constructed of similar materials, appearance, and quality of workmanship as the original structure, including foundation and permanent attachment to the principal structure;
7. be constructed to the most current State or Federal Building Standards. These include the Michigan Construction Code Act of 1972 (Act 230, P.A. 1972, as amended) and the National Manufactured Housing Construction and Safety Standards Act of 1979, as amended;
8. be aesthetically compatible in design and appearance with on-site built homes; and all dwellings include:
 - front and rear or front and side exterior doors,
 - permanently attached steps or porch where a difference in elevation requires same,
 - a pitched roof no less than 12:4;

9. have construction commenced only after a building permit has been obtained in accordance with the Township Building Code;

10. be placed upon the site in such a way that its design and appearance shall be compatible with surrounding single-family dwellings constructed on-site in compliance with the district's zoning regulations.

11. The foregoing standards shall not apply to a mobile home single-family dwelling located within a licensed mobile home park except to the extent required by State law or otherwise specifically set forth in the Township ordinance pertaining to such parks.

C. Any use of a manufactured home for other than a single-family dwelling is not permitted, such prohibition shall include: motels, rowhouses, apartments, use for the sale or processing of farm products, housing of seasonal employees, dairying, kennels, greenhouses, nurseries, multiple (including two-family) family dwellings and similar non-single family residential uses.

SECTION 4.43. PERFORMANCE GUARANTEES.

A. To insure compliance with this Zoning Ordinance and any conditions imposed under this Zoning Ordinance, including conditions of the site plan approval, special approval and street access approval, the Township Zoning Board may require that financial security acceptable to the township Treasurer be deposited with the Township Treasurer to insure faithful completion of improvements as defined in (B) below. The amount of the cash deposit, certified check or irrevocable bank letter of credit shall be determined by the Township Zoning Board, and shall cover the estimated cost of improvements associated with a project and other reasonable incidental costs associated therewith, for which approval is sought.

B. "Improvements" means those features and actions associated with a project which are considered necessary by the Township Zoning Board to protect natural resources, or the health, safety, and welfare of the residents of the Township and future uses or inhabitants of the proposed project or project area, including roadways, lighting, utilities, landscaping, paving of parking and circulation areas, sidewalks, screening, and drainage. "Improvements" does not include the entire project which is the subject of the approval.

C. The performance guarantee shall be deposited with the Township Treasurer at the time of the issuance of the permit authorizing the activity or project.

D. The applicant shall be required to provide the performance guarantee or financial security in one or a combination of the following arrangements, whichever the applicant elects.

1. **Irrevocable letter of credit:** An irrevocable letter of credit issued by a bank authorized to do business in Michigan in an amount to cover the cost of the contemplated improvements as estimated by the Township.

2. **Escrow fund:** A cash deposit, or deposit by certified check sufficient to cover the cost of the contemplated improvements as estimated by the Township shall be deposited with the Township Treasurer. The escrow deposit shall be for the estimated time period necessary to complete the required improvements.

E. In the case of cash deposits, the Township Clerk shall rebate or release to the applicant, as the work progresses, amounts equal to the ratio of the completed and accepted work to the entire project, after approvals described below.

F. Completion of Improvements and Acceptance for Maintenance of Required Public Improvements.

1. **Certification by the Developer's Engineer.** The applicant shall furnish the Township Treasurer a letter or document signed by a registered engineer indicating satisfactory completion of the required improvements.
2. **Inspection of Public Improvements by the Township's Engineer.** After the completion of the construction of the required public improvements, the Township Engineer or the County, State or Federal agency with jurisdiction to grant approval or accept, shall conduct a final inspection. This inspection shall be made to assure the improvements are completed according to the approved plans and specifications.
3. **Partial Street.** In no case will a partial street be accepted for maintenance.

G. In case the applicant shall fail to complete the required improvements within such time period as required by the conditions or guarantees as outlined above, the Township Board may proceed to have such work completed and reimburse itself for the cost thereof by appropriating the cash deposit or certified check, or by drawing upon the letter of credit.

H. Prior to the acceptance by the Township of public improvements, a three year maintenance bond in an amount equal to 35 percent of the total cost of the public improvements shall be deposited with the Township Treasurer by the applicant.

I. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to the Subdivision Control Act, No. 288 of the Public Acts of 1967, as amended, being section 560.101 to 560.293 of the Michigan Compiled Laws.

SECTION 4.44. HOME OCCUPATION.

This type of business shall be permitted in AG and RE zoning districts subject to the following conditions:

- A. No article or service shall be sold or offered for sale on the premises except such as is produced by such occupation.
- B. No home occupation shall be conducted in any accessory building.
- C. Such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customarily in residential areas.
- D. No home occupation shall generate other than normal residential traffic either in amount or type.
- E. Parking needs generated by a home occupation shall be provided for in an off-street parking area, located other than in a required front yard.
- F. Employees shall be limited to those people residing in the primary structure.
- G. One (1) non-illuminated nameplate, not more than six (6) square feet in area is permitted and shall contain only the name and occupation of the resident of the premises.
- H. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- I. Child-care centers, adult-regulated uses, tea-rooms, veterinarian's office, tourist homes, animal hospitals, kennels, millinery shops, barbershops and beauty shops among others, shall not be deemed to be home occupations.

J. Home occupations shall include, but not be limited to, such businesses as insurance sales and adjusting, consulting, professionals such as a certified public accountant, taxidermy, tradesperson, electrician, and similar professions, provided that 4.44.A through G above are met.

SECTION 4.45. ADULT-REGULATED USES.

A. INTENT AND RATIONALE. In the development and execution of this Ordinance and this Section, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated under certain circumstances, thereby having deleterious effect upon adjacent areas. Special regulations of these uses is necessary to insure that these adverse effects will not contribute to the blighting, deterioration and/or down-grading of the area, and that area adjacent thereto. These special regulations are itemized in this Section.

It is recognized in the development of this Ordinance that the prohibition against the establishment of more than one adult-regulated use within 1,200 feet of each other serves to avoid the clustering of a blighted or deteriorated area frequented by vagrants, and the like; such prohibition further serves to avoid the deleterious effects of blight and devaluation of both business and residential property values resulting from the establishment of Adult-Regulated Uses (as defined in this Ordinance) immediately adjacent to residential neighborhoods; such prohibition further serves to prevent the deleterious effect of blight and devaluation of recreational, educational and/or religious uses. It is further recognized in the development of this Ordinance and this Section that concern for, and pride in, the orderly planning and development of the neighborhood and area should be encouraged and fostered in those persons who comprise the business and residential segments of that neighborhood and area.

B. ITEMIZATION OF "ADULT REGULATED USES". Uses as defined in this Ordinance, subject to the controls set forth in this Section shall be as follows, and are referred to herein as "Adult Regulated Uses".

1. Adult Book Store
2. Adult Mini-Motion Picture Theater
3. Adult Motion Picture Theater
4. Amusement Gallery
5. Cabaret
6. Massage Parlor
7. Modeling Studio

C. REQUIREMENTS:

1. The adult regulated use shall be located only in a C-1, Local Commercial District and shall not be located within 400 feet of the property line of any other zoning district.
2. The structure of any adult regulated use shall be at least 2,640 feet from the nearest property line of any public, private or parochial school, library, park, playground or other recreational facility which admits minors, day-care center, or nursery schools; and at least 2,640 feet from the nearest property line of any church, convent, monastery, synagogue, or other similar place of worship, except as provided below.
3. Application to establish any adult regulated use shall not be approved if there is already in existence, or a site plan approved and effective for one

or more adult regulated use within 1,200 feet of the boundaries of the site of the proposed adult regulated use, except as provided below.

4. The measurement used to determine the application of any of the above restrictions shall be made from the nearest boundary line of the proposed adult regulated use on a plane to the nearest boundary line of the use in connection with which the measurement is being taken.

D. APPLICATION AND REVIEW:

1. Any person desiring to establish an adult regulated use shall submit an application for special use approval to the Township Clerk, who shall place the application on the Zoning Board agenda for formal receipt at the next regular meeting.

2. A date for public hearing shall be set by the Zoning Board. The public hearing of the Zoning Board shall be conducted as soon as reasonably possible, and in any event shall not exceed forty-five (45) days from the filing of the application.

3. Notice of public hearing shall be published, mailed and delivered as required by Section 4.39.B and C of this ordinance.

4. The Zoning Board shall recommend to the Township Board approval of the application at the public hearing if all of the following findings are made:

a. All locational requirements of this Section 4.45.C above are met.

b. The site layout and its relation to streets giving access to it, shall be such that vehicular and pedestrian traffic to and from the use or uses, and the assembly of persons in connection therewith, will not be clearly hazardous, endangered, or inconvenient to the neighborhood. In applying this standard the Zoning Board shall consider, among other things: convenient routes for pedestrian traffic, the relationship of the proposed use to main vehicular traffic thoroughfares and to streets and road intersections, and the intensity of the existing and potential development of the neighborhood. The Zoning Board shall determine that the proposed use will not have a clear detrimental effect.

c. The proposed use will not clearly cause a nuisance, and/or harm the public health, safety and general welfare and/or an unreasonable diminution to the value of other property in the immediate area.

5. The Zoning Board shall waive the locational provision requiring minimum distances between adult regulated uses and a public, private or parochial school, library, park, playground, or other recreational facility, which admits minors, day-care center or nursery school, church, or other similar place or worship, if all of the following findings are made after public hearing:

a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed; and,

b. That the proposed use will not contribute to, create, enlarge and/or encourage a blighted or deteriorated area; and,

c. That all applicable regulations of this Ordinance will be observed; and

d. There is no other reasonable location in the Township at which the use is suited.

6. Prior to granting a permit for any adult regulated use, the Township Board may impose any such conditions or limitations authorized by law in connection with the granting of special uses.

E. **DISCONTINUANCE.** An adult regulated use granted pursuant to the terms of this Ordinance may not be re-established after discontinuance for a period of 90 consecutive days without a new grant of special use approval by the Township Board pursuant to the procedures of Section 4.39.

SECTION 4.46. CONDOMINIUM PROJECTS.

The following regulations shall apply to all condominium projects within the Township:

A. **PRELIMINARY REVIEW-INITIAL INFORMATION REQUIRED.** The following information with respect to any condominium project shall be provided to the Township Clerk for preliminary review by the Zoning Board, Zoning Administrator and Building Inspector prior to formal site plan review, by any persons intending to develop a condominium project, concurrently with the notice required to be given the Township pursuant to Section 71 of Public Act 59 of 1978, as amended (MCL 559.171):

1. The name, address and telephone number of:

a. All persons with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, leasee, or land contract vendee).

b. All engineers, attorneys, architects or registered land surveyors associated with the project.

c. The developer or proprietor of the condominium project.

2. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.

3. The acreage area of the land on which the condominium project will be developed.

4. The purpose of the project (for example, residential, commercial, industrial, etc.).

5. Approximate number of condominium units to be developed on the subject parcel.

6. Whether or not a community water system is contemplated.

7. Whether or not a community septic system is contemplated.

B. **SITE PLAN REVIEW AND ENGINEERING REVIEW.** After preliminary review by the Zoning Board and prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval pursuant to Section 5.41 of this Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.

C. INFORMATION TO BE UPDATED. All information required to be furnished under this section shall be kept updated until such time as a Zoning Permit has been issued pursuant to Section 14.4 of this Ordinance.

D. SITE PLAN REVIEW FOR EXPANDABLE OR CONVERTIBLE PROJECTS. Prior to expansion or conversion of a condominium project to additional land the new phase of the project shall undergo site plan review and approval pursuant to Section 4.38 of this Ordinance.

E. MASTER DEED, RESTRICTIVE COVENANTS AND "AS BUILT" SURVEY. The condominium project developer or proprietor shall furnish the Building Inspector with the following: One (1) copy of the proposed Master Deed, one (1) copy of all proposed restrictive covenants and two (2) copies of an "as built survey" for review by the Zoning Board prior to site plan approval. The "as built survey" shall be reviewed by the Township Engineer for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board. One (1) copy of the recorded Master Deed and all restrictive covenants shall be filed with the Township prior to the issuance of any Zoning Permit.

F. MONUMENTS REQUIRED - SITE CONDOMINIUM PROJECTS. All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.

1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
2. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
4. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
6. All required monuments shall be placed flush with the ground where practicable.
7. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.

8. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit running to the Township, whichever the proprietor selects, in an amount not less than Twenty-Five dollars (\$25.00) per monument and not less than One Hundred Dollars (\$100.00) in total. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

G. MONUMENTS REQUIRED - ALL CONDOMINIUM PROJECTS. All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section F.2 above.

H. COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAW. All condominium projects shall comply with Federal and State Statues and local ordinances.

I. STATE AND COUNTY APPROVAL. The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed project and with regard to the waste water disposal system for the proposed project.

J. TEMPORARY OCCUPANCY. The Township may allow temporary occupancy of the Condominium project for a period of no longer than six (6) months before all improvements required by this Ordinance are installed, provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.

K. SINGLE FAMILY DETACHED CONDOMINIUMS. Single family detached condominiums (also referred to as site condominiums) shall be subject to all requirements and standards of the applicable RE and R-M Districts including minimum floor area requirements, but not including minimum lot size. For the purpose of computing density, the number of condominium units per gross acre shall not exceed the following:

<u>Zoning District</u>	<u>Maximum Number of Dwelling Units Per Acre</u>
RE	1.00
R-M	4.80

Building envelopes and condominium lot boundaries shall be depicted on the site plan to assure that the minimum requirements set forth in Article VIII for front yard, rear yard, side yard (least one), and total of two (2) side yards can be met.

L. STREET AND ROAD REQUIREMENTS IN ALL CONDOMINIUM PROJECTS. All streets and roads in a condominium project shall, at a minimum, conform to the standards and specifications promulgated by the Ingham County Road Commission.

M. After submittal of the condominium plan and by-laws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not to exceed ten and one-half by fourteen (10 1/2 x 14) inches.

SECTION 4.47 STATE LICENSED RESIDENTIAL CARE FACILITIES

A. State licensed child and adult care facilities, as defined in Article 3, Definitions, are allowed within a residential structure only as provided for in the following table.

Type of facility	Zoning District	
	AG and RE	RM
Adult foster care family home (6 or fewer adults)	Permitted	Permitted
Adult foster care small group home (12 or fewer adults)	Special Use	Special Use
Adult foster care large group home (13 to 20 adults)	Not Allowed	Special Use
Foster family home (4 or fewer children 24 hours per day)	Permitted	Permitted
Foster family group home (5 to 6 children 24 hours per day)	Special Use	Permitted
Family day care home (6 or fewer children less than 24 hours per day)	Permitted	Permitted
Group day care home (7 to 12 children less than 24 hours per day)	Special Use	Special Use

Permitted: Permitted by right.

Special Use: May be allowed upon review and approval of a Special Land Use Permit, in accordance with the standards of Section 4.39, Special Approval Requirements.

Not Allowed: Not allowed in zoning district.

B. The Township Board shall not grant special use approval for an adult foster care large group home or small group home unless the following conditions can be met:

1. The lot containing the proposed adult foster care large group home or small group home shall not be located closer than 1500 feet to any other lot containing an adult foster care group home or foster care family home.
2. The facility will not result in an excessive concentration of adult care facilities within a neighborhood.

C. Child care centers, and day care centers shall be subject to the minimum requirements of the District in which they are located , State licensing requirements, and the following additional standards.

1. The number of children permitted for child care centers and day care centers shall not exceed one child per five hundred (500) square feet of usable lot area. The number of children permitted for group day care homes shall be subject to the provisions of State licensing requirements.
2. A fenced play area of one hundred (100) square feet per child shall be provided.
3. The site shall be designed to minimize nuisance to adjoining property and protect the safety of children using the facility.

SECTION 4.48 EXOTIC ANIMALS

No person shall sell, keep, board, house, possess or maintain within the Township any of the following life forms: lions, tigers, bears, poisonous reptiles, alligators, crocodiles, poisonous fish, insects,

arachnids or any other wild, undomesticated or untamed animals. This section shall not be deemed to prohibit a circus, zoo, menagerie, serpentarium, aquarium, laboratory or department or agency of community and human services from keeping the above where the same are securely confined under the care and custody of an attendant insuring the public that the public will not be harmed; provided further that this section shall not apply to the keeping of birds, dogs, cats or other harmless and domesticated pets as defined herein.

SECTION 4.49 WELLS

A. Special Use Approval Required

1. Any structure associated with a well whose regulation is not preempted by the Michigan Department of Natural Resources, the Environmental Protection Agency or the Ingham County Health department shall be permitted in any zoning district only after special use approval.
2. Special use approval for such structures shall be granted by the Zoning Board subject to the conditions and standards of section 4.39, parts G1 through G10.
3. Special use approval may include a provision for an "abandonment or reclamation plan" and may require a financial performance guarantee for removal of any associated structures following well abandonment as allowed under Section 4.43 Performance Guarantees.

B. Exceptions Any structure associated with any water supply well is not subject to the above (Section 4.49 paragraph A) requirements.

ARTICLE V

NON-CONFORMING STRUCTURES AND LOTS

SECTION 5.1. NON-CONFORMANCE REGULATED.

Any lawful use of the land or buildings existing at the date of passage of this Ordinance and located in a district in which it would not be permitted as a new use under the regulations of this Ordinance, is hereby declared to be a "non-conforming use" and not in violation of this Ordinance; provided, however, that a non-conforming use shall be subject to, and the owner comply with, the regulations of this Article.

SECTION 5.2. NON-CONFORMING USES OF LAND.

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a State Equalized Valuation exceeding \$500, the use may be continued so long as it remains otherwise lawful provided:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. If any such non-conforming use of land ceases for any reason for a period of more than six (6) months, such land shall conform to the regulations specified by this

Ordinance for the district in which such land is located. This shall not apply to seasonal uses such as farm produce stands.

D. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

SECTION 5.3. NON-CONFORMING USES OF STRUCTURES.

If lawful use involving individual structures with a State Equalized Valuation of five hundred (\$500.00) dollars or more or of structure and premises in combination, exists at the effective date of adoption of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. If any such non-conforming use of a structure ceases for any reason for a period of more than six (6) months, such use shall conform to the regulations specified by this Ordinance for the district in which such use is located.

C. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

D. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. Whenever a non-conforming use has been changed to a conforming use, or to a use permitted in a more restricted district, it shall not thereafter be changed to a non-conforming use or a use not permitted in the more restricted district.

E. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the entire structure shall eliminate the non-conforming status of land.

SECTION 5.4. NON-CONFORMING STRUCTURES.

Except as allowed under Sections 5.12 and 5.13, where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

A. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

B. If any such non-conforming structure ceases being used for any reason for a period of more than six (6) months, any subsequent use of such structure shall conform to the regulations specified by this Ordinance for the district in which such structure is located.

SECTION 5.5. NON-CONFORMING LOTS OF RECORD.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on a single lot of record and may be utilized for single-residence purposes, provided that the lot size meets County health standards.

The purpose of this provision is to permit utilization of recorded lots which lack adequate required width or depth as long as reasonable living standards can be provided. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. An application for such construction shall be submitted to the Building Inspector and must be approved by both the Building Inspector and the Ingham County Health Department prior to issuance of any permit. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of such lots do not meet the requirements in Article VIII for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in any manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates lot width or area below the requirements stated in this Ordinance.

SECTION 5.6. REPAIRS AND MAINTENANCE.

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding the current State Equalized Valuation multiplied by a factor of two (2) of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

SECTION 5.7. RECONSTRUCTION OF DAMAGED NON-CONFORMING BUILDINGS AND STRUCTURES.

Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any non-conforming building or structure damaged by fire, collapse, explosion, acts of God or acts of public enemy, subsequent to the effective date of this Ordinance, wherein the expense of such reconstruction does not exceed the State Equalized Valuation multiplied by a factor of two (2) of the entire building or structure at the time such damage occurred; and provided that such restoration and resumption shall take place within six (6) months of the time of such damage and that it be completed within one (1) year from time of such damage, and provided further, that said use be identical with non-conforming use permitted and in effect directly preceding said damage. Where pending insurance claims require an extension of time, the Building Inspector may grant a time extension provided that the property owner submit a certification from the insurance company attesting to the delay. Until such time as the debris from the fire damage is fully removed, the premises shall be adequately fenced or screened from access by children who may be attracted to the premises.

SECTION 5.8. MOVING.

No non-conforming building or structure shall be moved in whole or in part to another location unless such building or structure and the off-street parking spaces, yard and other open space provided are made to conform to all the regulations of the district in which such building or structure is to be located.

SECTION 5.9. CHANGE OF TENANCY OR OWNERSHIP.

There may be a change in tenancy, ownership or management of an existing non-conforming use, provided that there is no change in the nature or character of such non-conforming use.

SECTION 5.10. CERTIFICATE OF OCCUPANCY FOR NON-CONFORMING USES.

A. At any time after the adoption of this Ordinance should the Township become aware of a non-conforming use, the owner of said non-conforming use shall be notified by the Township Clerk of the provisions of this Section, and that his property constitutes a non-conforming use. Within thirty (30) days after receipt of said notice, the owner shall apply for and be issued a Certificate of Occupancy for the non-conforming use. The application for such Certificate shall designate the location, nature, and extent of the non-conforming use and such other details as may be necessary for the issuance of the Certificate of Occupancy. If the owner of a non-conforming use fails to apply for a Certificate of Occupancy within thirty (30) days after receipt of the foregoing notice, the use ceases to be non-conforming and is hereby declared to be in violation of this Ordinance. The Township Clerk and the Township Attorney shall take appropriate action to enjoin such violation.

If the Building Inspector shall find, upon reviewing the application for a Certificate of Occupancy, that the existing use is illegal or in violation of any other ordinance or law or, if he finds that the building for which the Certificate is requested has been constructed or altered for the existing use or any other use without full compliance with the Building Code or the Zoning Ordinance in effect at the time of construction or alteration, he shall not issue the Certificate of Occupancy but shall declare such use to be in violation of this Ordinance.

B. After the adoption of this Ordinance, or any amendments thereto, the Building Inspector shall prepare a record of all known non-conforming uses and occupations of lands, buildings and structures, including tents and trailer coaches, existing at the time of such ordinance or amendment. Such record shall contain the names and addresses of the owners of record of such non-conforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Such list shall be available at all times in the office of the Township Clerk.

SECTION 5.11. PLANS ALREADY FILED.

In any case where plans and specifications for a building or structure have been filed, which would conform with the zoning regulations effective at the date of such filing but not with the regulations of this Ordinance, and where a building permit for such building or structure has been issued and construction work started at the effective date of this Ordinance, such work may proceed provided it is completed within one (1) year of said date.

SECTION 5.12. NON-CONFORMING HISTORIC STRUCTURES.

Historic buildings and structures built or located in 1930 or before 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, extension or location is approved by the Zoning Board and further subject to site plan approval in accordance with Section 4.38 Site Plan Review and Approval. In approving or disapproving site plans, the Zoning Board shall consider off-site impacts of the structure on abutting and surrounding uses, especially residences.

SECTION 5.13 NON-CONFORMING 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 Zoning Board and further subject to site plan approval in accordance with Section 4.38 Site Plan Review and Approval. In approving or disapproving

site plans, the Zoning Board shall consider off-site impacts of the farm on abutting and surrounding uses, especially residences.

ARTICLE VI OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 6.1. REQUIRED OFF-STREET PARKING, GENERAL.

Off-street parking in conjunction with all land and building uses shall be provided as herein prescribed:

A. For the purposes of this Article, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisle except that the standard shall be three hundred twenty-five (325) square feet where parking is perpendicular to the access aisle, and except that one hundred eighty (180) square feet of lot area which has a direct means of ingress and egress from an alley or street may also be deemed a parking space.

B. When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including one-half shall be disregarded and fractions over one-half shall require one (1) parking space.

C. The minimum number of off-street parking spaces shall be determined in accordance with the following table in Section 6.2. For uses not specifically mentioned therein, off-street parking requirements shall be interpreted by the Board of Zoning Appeals from requirements for similar uses.

D. Any area once designated as required off-street parking shall never be changed to any other use unless and until equally required facilities are provided elsewhere. 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 would hereinafter be required for such building or use.

E. Required off-street parking shall be for the use of occupants, employees, visitors, and patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited. All off-street parking, whether public or private, for non-residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.

F. A residential off-street parking space shall consist of a parking strip, garage, or a combination thereof and shall be located on the premises it is intended to serve and not closer than three (3) feet from any street lot line.

G. Nothing in this Article shall be construed to prevent collective provision of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table.

H. In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty-four (24) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under this Article.

SECTION 6.2 PARKING REQUIREMENTS FOR AGRICULTURAL USES.

An adequate amount of parking for temporary or permanent bonafide agriculturally-related activities as defined herein, shall be required at the discretion of the Zoning Administrator. For temporary parking,

such as for seasonal temporary labor, the parking lot standards of Section 6.4 may be relaxed at the discretion of the Zoning Administrator.

SECTION 6.3. TABLE OF OFF-STREET PARKING REQUIREMENTS.

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

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
(a) Residential	
1. Residential, One-Family and Two-Family	Two (2) for each dwelling unit.
2. Trailer Park and Mobile Home Courts	Two (2) for each trailer or mobile home site and one (1) for each employee of the trailer or mobile home court.
3. Bed-n-Breakfast Inns and Tourist Homes	One (1) for each sleeping room.
4. Residential Care Facility	One (1) for each non-resident employee, plus one (1) for each three (3) beds.
(b) Institutional	
1. Churches, Temples or Synagogues	One (1) for each three (3) seats, based on maximum seating capacity in the main unit or workshop.
2. Private Clubs or Lodge Hall	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local County, or State fire, building, or health code.
3. Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or Other Similar Uses	One (1) for each two (2) member families or individuals.
4. Golf Courses open to the public, except miniature or "par 3"	Six (6) for each one (1) golf hole and one (1) for each one (1) employee.

courses

- | | |
|--|---|
| 5. Stadium, Sports Arena, or similar place of outdoor assembly | One (1) for each three (3) seats or six (6) feet of benches. |
| 6. Theaters and Auditoriums (indoor) | One (1) for each three (3) seats plus one (1) for each two (2) employees. |
| 7. Libraries, Museums, and Non-Commercial Art Galleries | One (1) for each four hundred (400) square feet of gross floor area. |

(c) Business and Commercial

- | | |
|---|---|
| 1. Automobile Service Stations | Two (2) for each lubrication stall, rack or pit; and one (1) for each employee. |
| 2. Auto Wash | One (1) for each one (1) employee. |
| 3. Beauty Parlor or Barbershop | Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 ½) spaces for each additional chair. |
| 4. Bowling Alleys | Seven (7) for each one (1) bowling lane. |
| 5. Dance Halls, Pool or Billiard Parlors, Roller or Ice Skating Rinks, Exhibition Halls and Assembly Halls without fixed seats | One (1) for each three (3) seats or one (1) for each one hundred (100) square feet of gross floor area. |
| 6. Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and Other Similar Uses | One (1) for each eight hundred (800) square feet of floor area, exclusive of the floor area occupied in processing or manufacturing for which requirements see industrial establishments below. |
| 7. Laundromats and Coin Operated Dry Cleaners | One (1) for each two washing machines. |
| 8. Miniature Golf Courses | Three (3) for each one (1) hole plus one |

	(1) for each one (1) employee.
9. Mortuary Establishments	One (1) for each one hundred (100) square feet of gross floor area.
10. Motel, Hotel or Other Commercial Lodging Establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms based upon maximum occupancy load.
11. Motor Vehicle Sales and Service Establishments, Trailer Sales and Rental, Boat Showrooms	One (1) for each four hundred (400) square feet of gross floor area of sales room.
12. Open Air Businesses	One (1) for each six hundred (600) square feet of lot area.
13. Restaurants:	
a. Dining room including banquet area	One (1) per sixty five (65) sq. ft. of usable floor area.
b. Carry Out Restaurant	One (1) per eighty (80) sq. ft. of usable floor area or ten (10) spaces, whichever is greater.
c. Fast Food with drive-through window	15.0 spaces per 1000 sq. ft. gross leasable floor area, or .6 spaces per seat, whichever is greater, plus 5.0 designated drive-through short term waiting spaces, plus 10.0 stacking spaces for drive-through service which do not conflict with use of required spaces, plus at least 2.0 longer spaces designated for recreational vehicles and semi-trucks.
d. Fast Food without drive-through window	17.0 spaces per 1,000 sq. ft. gross leasable floor area or 0.7 spaces per seat, whichever is greater.

14. Retail Stores, Except as Otherwise Specified Herein One (1) for each two hundred (200) square feet of gross floor area.

(d) Offices

1. Business Offices or Professional Offices, including Banks. Except as Indicated in the following Item (2). One (1) for each two hundred (200) square feet of gross floor area.

2. Medical or Dental Clinics, Professional Offices of Doctors, Dentists or Similar Professions Ten (10) for the first doctor plus one (1) for each two hundred square feet of gross floor area.

(e) Industrial

1. Industrial or Research Establishments One (1) for every one and one-half (1 ½) employees in the largest working shift. space on-site shall also be provided for all construction workers during periods of plant construction.

2. Wholesale or Warehouse Establishments One (1) for every one (1) employee in the largest working shift, or one (1) for every two thousand (2,000) square feet of gross floor area whichever is greater.

SECTION 6.4. OFF-STREET PARKING LOT LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE.

Wherever a parking lot is built as required off-street parking, such parking lot shall be designed, constructed, and maintained in accordance with the following standards and regulations.

A. The building of a parking lot is subject to the requirements for a building permit. The Building Inspector in reviewing the application may request the findings of the Township Engineer on the basis of the requirements, set forth in (B) through (L) below.

B. Each parking space shall constitute a net land area of at least one hundred eighty (180) square feet. The total parking lot space, including access lanes, shall constitute at least three hundred (300) square feet land area per parking space.

C. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.

**Where the parking lots abuts
a residential district**

**Required Setback of parking
spaces:**

- | | |
|---|---|
| 1. Side Lot Lines | Two (2) feet from such side lot line. |
| 2. Contiguous Common Frontage in Same Block | Five (5) feet from the street lot line. |
| 3. Rear Lot Line | None. |

E. Bumper stops or wheel chocks shall be provided, so located as to prevent any vehicle from projecting over the lot line and to protect walls and landscape materials.

F. The parking lot shall be drained to eliminate surface water.

G. The surface of the parking lot, including drives and aisles shall be constructed of a concrete or asphalt surfacing. Lighting shall be arranged to reflect away from residential areas or public rights-of-way.

H. Parking structures may be built to satisfy off-street parking requirements, when located in Commercial or Industrial zone districts, subject to the area, height, bulk and placement regulations of such districts in which located.

I. The surface of any parking area shall begin a minimum of twenty (20) feet from future right-of-way lines.

J. Automotive Sales Areas. Every parcel of land hereafter used as an automobile or trailer sales area or as an automobile service station shall be subject to the above requirements of this Section.

K. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements: (See illustration entitled "parking layouts".)

<u>Parking Pattern</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space Width</u>	<u>Total Width of One Tier of Spaces Plus Maneuvering Lane</u>	<u>Total Width of Two Tiers of Spaces Plus Maneuvering Lane</u>
0° (parallel parking)	12 ft.	8 ft.	20 ft.	28 ft.
30° to 50°	12 ft.	9 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	9 ft.	36 ft. - 6 in.	58 ft.
75° to 90°	20 ft.	9 ft.	40 ft.	60 ft.

L. Off-street parking reserved for the handicapped shall be provided in accordance with the following table and identified by signs bearing the international symbol for the handicapped as being reserved for physically handicapped persons. A maximum of two (2) spaces may be designated by a single sign when the sign displays arrows specifically delineating each space. Signs shall be installed approximately seven (7) feet above grade. Each reserved parking space shall not be less than twelve (12) feet in width, or, in those cases in which the Zoning Board has approved a site plan which does not restrict the direction of parking, be not less than ninety-six (96) inches wide and be adjacent to an access aisle not less than sixty (60) inches wide.

Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary indicating the direction of travel to an accessible entrance.

<u>Total Parking in Lot</u>	<u>Required Number of Handicapped Spaces</u>
Up to 25	1
25 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 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000

SECTION 6.5. OFF-STREET LOADING AND UNLOADING.

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehousing, retailing, display, or other uses, similarly involving the receipt of distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services adjacent to the opening used for loading and unloading, designed to avoid interference with public use of the street or alleys. Such loading and unloading space shall be an area in minimum twelve (12) feet in width by fifty (50) feet in length with a fifteen (15) foot height clearance, and shall be provided according to the following table:

<u>Gross Floor Area in Square Feet</u>	<u>Loading and Unloading Spaces Required in Terms of Square Feet or Gross Floor Area</u>
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0 - 2,000	None
2,001 - 20,000	One Space
20,001 - 1000,000	One space plus one space for each 20,000 square feet in excess of 20,000 square feet.
100,001 - 500,000	Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet.
Over 500,000	Fifteen spaces plus one space for each 80,000 square feet in excess of 500,000 square feet.

No loading space shall be located closer than fifty (50) feet from any residentially zoned district within a completely enclosed building, or enclosed on all sides facing a residential zoning district by a solid masonry wall or ornamental fence of a type approved by the Zoning Board not less than six (6) feet in height.

ARTICLE VII MAPPED DISTRICTS

SECTION 7.1. DISTRICTS.

For the purpose of this Ordinance the Township of White Oak is hereby divided into the following districts:

AG, Agricultural District
 RE, Rural Estate District
 R-M, Multiple-Family District
 C-1, Neighborhood Commercial District
 M-1, Light Industrial District

SECTION 7.2. ZONING MAP.

A. The boundaries of these districts are shown upon the map attached hereto and made a part of this Ordinance, which map is designated as the Zoning Map of the Township of White Oak. The Zoning Map attached hereto and on file in the office of the Clerk of the Township of White Oak and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if said Zoning Map and all such notations, references, and other information shown thereon were fully set forth or described herein.

B. Except where referenced on said Map to a street or other designated line by the dimensions shown on said Map, the district boundary lines follow lot lines or the centerlines of the streets or alleys or such lines extended and the Township boundaries, as they existed at the time of the adoption of this Ordinance.

C. Questions concerning the exact location of district boundary lines shall be determined by the Board of Zoning Appeals according to rules and regulations which may be adopted by it.

ARTICLE VIII

SECTION 8.1 SCHEDULE OF REGULATIONS

Zoning District	Minimum Lot Width (in Feet)	Minimum Lot Area	Maximum Lot Coverage (percent)	Maximum Height of Building		Minimum Yard Requirements In Feet (unobstructed)			Area Per Dwelling Unit ^B (In sq. ft.)
				In Stories	In Feet	Front ^A	At Least One Side ^E	Rear	
AG	200 ^I	2 Acres	--	2 - 1/2 ^C	35 ^C	75	25	50	1200
RE	165 ^I	49,500 sq.ft.	30	2 - 1/2	35	75	25	50	1200
R-M	70 ^{F,G,I}	9,000 sq. ft. ^D	30	2 - 1/2	35	75	25	50	960
C-1	-- ^I	H	40	2	30	75	25	50	--
M-1	100 ^I	20,000 sq. ft. ^H	50	2 - 1/2	35 ^C	75	25	50	--

NOTE: See footnotes to Schedule of Regulations for specifications assigned to letters.

SECTION 8.2 FOOTNOTES TO SCHEDULE OF REGULATIONS

A. In all residential and industrial districts, the required front yard shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or vehicle access drives.

B. The minimum floor area per dwelling unit shall not include areas of basements, breeze-ways, unenclosed porches, terraces, attached garages, attached shed or utility rooms.

C. Maximum height of non-residential agricultural structures shall not exceed one hundred and ten (110) feet. Petroleum storage structures in the Light Industrial Zone will not exceed sixty-five (65) feet in height, nor be closer than two hundred (200) feet from any property line.

D. If public sewer and water is not available, minimum lot area shall be forty-nine thousand five hundred (49,500) square feet, subject to valid County Health Department permit prior to house construction.

E. The side yard abutting upon a street shall not be less than the required side yard when there is a common rear lot line. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required front yard of that district. Off-street parking shall not be permitted in a side yard setback abutting a street. (See accompanying diagram)

F. For mobile home parks, minimum Park lot width shall be four hundred (400) feet.

G. For mobile home parks, minimum park lot area shall be twenty (20) acres.

H. Every lot in the C-1, and M-1 Districts, used as a business, shall have an area sufficient in size to comply with the requirements pertaining to the particular use with an adequate and safe water supply and a safe and adequate sewage disposal system as established by standards required by the State or County Health Department rules and regulations. In no case shall a business lot be less than four thousand (4,000) square feet in area.

I. All new lots of less than forty acres created for building permit purposes shall not exceed a width to depth ratio of 1 to 4. Any parcel 40 acres or more will not be required to meet this ratio providing the parcel has the required 200 feet of road frontage.

**ARTICLE IX
AG, AGRICULTURAL DISTRICT**

SECTION 9.1. STATEMENT OF PURPOSE.

The Agricultural District is intended to conserve and enhance the low-density character and agricultural use of substantial portions of the Township. By conserving such rural character, the municipality and other public agencies will save money and public expenditures by minimizing scattered demand for urban types and levels of services, utilities and facilities in otherwise predominantly rural areas.

SECTION 9.2. PRINCIPAL PERMITTED USES.

Farming operations meeting the RTFA/GAAMPS (Right to Farm Act/Generally Approved Agricultural Management Practices) will be acceptable under this ordinance. In the Agricultural District no uses shall be permitted, unless otherwise provided in this Ordinance, except the following:

- A. Single-family dwellings.
- B. Farm buildings. Main farm barn buildings shall not be located nearer than seventy-five (75) feet from the front property line.
- C. General farming including livestock and poultry raising, dairying, horticulture, farm forestry and similar bona fide agricultural enterprises or use of land and structure, except that no farm operated wholly or in part for the disposal of garbage, sewage, rubbish, offal or wastes from rendering plants or slaughterhouses shall be permitted.
- D. Truck gardening, nurseries, and greenhouses.
- E. Roadside stands for the display and sale of produce raised on the same premises, which shall be located not less than twenty-five (25) feet from the street or highway right-of-way line and further provided that an open space for parking, twenty-five (25) feet off the highway or street right-of-way be provided for patrons of such roadside produce stand. A maximum of one (1) roadside stand shall be permitted on any premise.
- F. Accessory buildings and uses customarily incidental to the above principal permitted uses.
- G. Off-street parking in accordance with the requirements of Article VI.
- H. State licensed residential care facilities as provided for in Section 4.47.

SECTION 9.3. PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review of the Zoning Board and approval of the Township Board based on the standards of section 4.39, parts G1 through G10.

A. Publicly-owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity, and such use is not injurious to the surrounding area.

B. Private parks, country clubs, gun clubs, golf courses, and golf driving ranges. Any structure on said parcel must be located at least two hundred and fifty (250) feet from a lot line of any adjacent residential district: all ingress and egress from said parcel shall be directly onto a major thoroughfare.

C. The raising of fur bearing animals in kennels, commercial or non-commercial, provided that no building wherein animals are kept shall be nearer than one hundred (100) feet to any dwelling unit, and that no dog run or exercise area shall be located in any required yard area.

D. Cemeteries, subject to the following conditions:

1. The site shall be so located as to have at least one (1) property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto said major thoroughfare.

2. The perimeter of the site shall be fenced in accordance with Section 5.36.

3. Any structure located on the site shall be at least one hundred (100) feet from any lot line.

4. Compliance with state laws regulating the use of cemeteries.

E. Airports, landing fields and platforms, hangers, masts and other facilities involving the operation of aircraft including commercial and/or non-profit parachutist groups or clubs. The site shall have a minimum of 80 acres, shall be so located as to have at least one (1) property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto said major thoroughfare.

F. Churches and other facilities normally incidental thereto subject to the following conditions:

1. Unless established prior to the enactment of this Ordinance, a church site shall contain an area of at least two (2) acres.

2. The site shall be so located as to have at least one (1) property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto said major thoroughfare.

G. State licensed residential care facilities as provided for in Section 4.47.

H. Temporary uses and buildings, including temporary buildings or structures for use incidental to construction work.

I. Public and private stables and riding academies provided that any building used as a stable shall not be located nearer than sixty (60) feet to any property line and not nearer than one hundred (100) feet to any dwelling unit.

J. Contractors yards serving local community. Contractors providing essential services to residents of White Oak Township will be permitted office space, parking, storage, and repair of equipment and trucks. Limited storage of petroleum products, fertilizer, aggregates, and fill materials for sale may be included under this use.

- K. Offices of a veterinarian and animal clinic.
- L. Publicly owned and operated parks, playfields, and other recreational facilities.
- M. Publicly parochial or private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit.
- N. Outdoor recreational uses, institutional or community recreation centers.
- O. Residential retreat facilities.
- P. Dog clubs with or without facilities.
- Q. Antique shops.
- R. Beauty and barbershops.
- S. Mining, excavating, or other removal of sand, earth, minerals, or other material naturally found in the earth. Subject to the provisions of Section 4.22 and meeting all standards of Section 13.4.
- T. Repair of small engines and motorized vehicles.
- U. Other uses similar to the above principal permitted and special approval uses.

SECTION 9.4. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Article VIII, "Schedule of Regulations".

ARTICLE X RE, RURAL ESTATE RESIDENTIAL DISTRICT

SECTION 10.1. STATEMENT OF PURPOSE.

The Rural Estate Residential District is established to permit single-family residential development of a rural non- farm nature in areas without public sewer and water facilities. For the Rural Estate Residential District, in promoting the general purpose of this Ordinance, the specific intent of this Section is:

- A. To encourage the construction of, and the continued use of the land for single-family dwellings.
- B. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district.
- C. To encourage the discontinuance of existing uses, except farms, that would not be permitted as new uses under the provisions of this Ordinance.
- D. To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.

E. To discourage any use which, because of its character or size, would create requirements and costs for public services, such as water supply, and sewerage substantially in excess of such requirements and costs of the district were developed solely for single-family dwellings.

SECTION 10.2. PRINCIPAL PERMITTED USES.

In the Rural Estate Residential District no uses shall be permitted, unless otherwise provided in this Ordinance, except the following:

- A. Single-family detached dwellings.
- B. Non-commercial growing of vegetables, fruit, flowers, trees and shrubs.
- C. Publicly-owned and operated museums, parks, playfields, libraries, and other recreational facilities.
- D. Public, parochial or private elementary, intermediate and/or high schools offering courses in general education, not operated for profit.
- E. Accessory buildings, structures and uses customarily incidental to the above Principal Permitted Uses.
- F. Off-street parking in accordance with the requirements of Article VI.
- G. State licensed residential care facilities as provided in Section 4.47.

SECTION 10.3. PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the of the Zoning Board and approval of the Township Board based on the standards of Section 4.39 parts G1 through G10.

- A. Churches and other facilities normally incidental thereto subject to the following conditions:
 - 1. Unless established prior to the enactment of this Ordinance, a church site shall contain an area of at least two (2) acres.
 - 2. The site shall be so located as to have at least one (1) property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto said major thoroughfare.
 - 3. Wherever the off-street parking area is adjacent to land zoned for residential purposes, obscuring greenbelt shall be provided along the sides of the parking area adjacent to the residentially zoned land in accordance with Section 4.33.
- B. Publicly owned buildings not listed under subsections 10.2.C or D, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity, and such use is not injurious to the surrounding neighborhood.
- C. State licensed residential care facilities as provided in Section 4.47.
- D. Cemeteries, subject to the following conditions:
 - 1. The site shall be so located as to have at least one (1) property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto said major thoroughfare.
 - 2. The perimeter of the site shall be fenced in accordance with Section 4.34.
 - 3. Any structure located on the site shall be at least one hundred (100) feet from any lot line.
 - 4. Compliance with applicable state laws regulating the use of cemeteries.

E. Private parks, country clubs, golf courses, and golf driving ranges, when located on a continuous parcel of five (5) acres or more in area; when any structure on said parcel is located at least two hundred and fifty (250) feet from a lot line of any adjacent residential district; and when all ingress and egress from said parcel is directly onto a major thoroughfare.

A. Temporary uses and buildings, including buildings and structures for use incidental to construction work for a period not to exceed one (1) year.

B. Beauty and barber shops.

SECTION 10.4. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Area, Height, Bulk, and Placement Requirements unless otherwise specified are as provided in Article VIII, "Schedule of Regulations".

ARTICLE XI

R-M, HIGHER DENSITY RESIDENTIAL DISTRICT

SECTION 11.1. STATEMENT OF PURPOSE.

The Higher Density Residential District is designed to permit more intensive residential use of land. The R-M District shall provide for two-family residences, multiple family housing and mobile home park developments. The multiple-family district shall abut a major thoroughfare for good accessibility and may be located between single-family residential areas and other non-residential uses. It is intended that various sizes of residential accommodations, for ownership and rental, shall be provided to meet the varied needs of the community.

SECTION 11.2. PRINCIPAL PERMITTED USES.

In the R-M District, no uses shall be permitted, unless otherwise provided in this Ordinance, except the following:

A. All Principal Permitted Uses, except single-family detached dwellings, and Permitted Uses After Special Approval in the RE District subject to the terms and conditions therein.

B. Multiple-family dwellings provided that all such dwellings shall have at least one (1) property line abutting a major thoroughfare. All ingress and egress shall be directly onto said major thoroughfare.

C. Two-family dwellings.

D. Community garages serving the principal residential building(s).

E. Maintenance and management buildings to serve multiple dwellings.

F. Private swimming pools designed and operated as an accessory use only for occupants of the main building or buildings and their personal guests in accordance with Section 4.36.

G. Convalescent and/or nursing home, not to exceed a height of two and one-half (2 ½) stories, when the following conditions are met:

1. All such convalescent or nursing homes shall be developed only on sites consisting of at least five (5) acres in area.

2. The proposed site shall have at least one property line abutting a major thoroughfare. All ingress and egress to the off-street parking area, for guests, employees, staff as well as any other uses of the facilities, shall be directly onto said major thoroughfare.

3. No building shall be closer than forty (40) feet from any property line.

H. Bed-n-Breakfast Inn and/or Tourist Home not to exceed a height of three stories.

- I. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
- J. Off-street parking in accordance with the requirements of Article VI.
- K. Residential care facilities as provided in Section 4.47.

SECTION 11.3. PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review of the Zoning Board and approval of the Township Board based on standards of Section 4.39, parts G1 through G10.

A. Mobile Home Parks, subject to the requirements as established and regulated by Act 243 of the Public Acts of 1959, as amended and subject to the requirements in Article VIII, Schedule of Regulations and to the following:

1. **Site Area:** The minimum parcel size for a mobile home park shall be twenty (20) acres).
2. **Minimum Site Area:** The mobile home park shall be developed with sites averaging 7,500 square feet per mobile home unit.
3. **Setbacks:** Mobile homes shall comply with the following minimum setbacks:
 - a. Mobile homes and accessory structures in the mobile home park shall be set back fifty (50) feet from any park boundary line including the future right-of-way of any abutting street and highway.
 - b. Mobile homes and accessory structures shall meet all setback requirements in Article VIII, Schedule of Regulations, for interior park roadways.
4. **Roads:** Roads shall satisfy the minimum dimensional, design, and constriction requirements as set forth in the Mobile Home Commission Rules.
5. **Screening:** All mobile home parks shall be screened from existing adjacent residential land use by either a five (5) foot solid ornamental masonry wall or a greenbelt in compliance with Section 4.33

B. Residential care facilities as provided in Section 4.47.

SECTION 11.4. REQUIRED CONDITIONS.

A. Wherever a parking lot for any use permitted in a R-M District is erected such that the headlights of the cars in the parking lot will face into a single-family residence district, a planting strip not less than three (3) feet in height as determined by the Zoning Board shall be required along that parking lot boundary line facing the single-family residence district.

B. For all uses permitted in the R-M District, a site plan shall be submitted to the Zoning Board in accordance with Section 4.38.

1. All site plans shall show two means of ingress and egress to the project to permit adequate circulation for safety equipment, except that for projects under ten (10) acres one (1) boulevard entranceway may be sufficient.
2. In all multiple projects of over 100 dwelling units, parking shall not be allowed along the main circulation drive.
3. All townhouse units must include an individual outdoor paved patio area not less than one hundred (100) square feet in area.

4. There shall be no more than five (5) townhouses in any attached row.
5. An apartment house shall not exceed two hundred (200) feet in length.
6. Townhouse units with attached garages may not include the space in front of the garage door as part of the parking requirement. Townhouse units with attached garages may reduce their parking requirement to one and one-half (1 ½) spaces per dwelling unit.
7. Apartment houses with underground parking or garages, excluding carports, may reduce their parking requirement to one and one-half (1 ½) spaces per dwelling unit.

SECTION 11.5. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.

Area, Height, Bulk and Placement Requirements are as provided in Article VIII, "Schedule of Regulations".

ARTICLE XII

C-1, NEIGHBORHOOD COMMERCIAL DISTRICT

SECTION 12.1. STATEMENT OF PURPOSE.

The C-1, Neighborhood Commercial District, is intended to permit retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business developments so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, or heavy truck traffic. The intent of this District is also to encourage the concentration of local business areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations and to avoid marginal strip, business development along major thoroughfares.

SECTION 12.2. PRINCIPAL PERMITTED USES.

In the C-1 District, no uses shall be permitted unless otherwise provided in this Ordinance, except the following:

- A. Retail establishments for the sale of alcoholic beverages, baked goods, bicycles, books, confections, drugs, flowers, groceries, hardware, hobby equipment, jewelry, music, notions, plants, periodicals, sundries, small household articles, tobacco; and similar establishments.
- B. Personal service establishments performing services on the premises, such as barber and beauty shops; watch, radio, television, clothing and shoe repair, tailor shops, locksmith; and similar establishments.
- C. Laundry or dry cleaning customer outlets, coin-operated laundromats, self-serve dry cleaning centers and the like. Dry cleaning or laundry plants serving more than one customer service outlet are prohibited.
- D. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building.
- E. Carry-out restaurants, without a drive through window.
- F. Executive, administrative, professional, accounting, banking, writing, clerical, stenographic and drafting offices or establishments.
- G. Medical or dental clinics, not including veterinarian hospitals or any type of medical facility permitting overnight patients.
- H. Photography studios.
- I. Furriers, dressmaking and tailoring establishments.

- J. Churches and other places of worship, public schools, public libraries, private schools and educational institutions.
- K. Nursery schools, day nurseries or day care centers.
- L. Public utility buildings and uses but not including storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
- M. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.
- N. Off-street parking in accordance with the requirements of Article VI.
- O. Other uses similar to those listed above in 12.3.A through N.

SECTION 12.3. PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review of the Zoning Board and approval of the Township Board based on the standards of Section 4.39, parts G1 through G10.

- A. Planned neighborhood shopping centers subject to the following requirements:
 1. Minimum site size shall be two (2) acres.
 2. A wall or barrier or suitable material not less than five (5) feet high shall be constructed along those property lines which abut a residential district.
 3. No main or accessory building shall be located nearer than twenty- five (25) feet to any perimeter property lines.
 4. A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
 5. All signs shall be affixed to the face of the building and shall be a uniform design throughout except for one ground pole sign advertising the name of the shopping center.
 6. All off-street parking shall be within its own area, as specified in Article VII, and an internal system of roads and walks which will effectively separate pedestrian and vehicular traffic is required.
- B. Hospitals, nursing homes, or convalescent homes.
- C. Automobile service stations in accordance with Section 4.18.
- D. Drive-through restaurants.

SECTION 12.4. REQUIRED CONDITIONS.

The following conditions are required:

- A. All business, service or processing shall be conducted wholly within a completely enclosed building, provided further that all lighting in connection with permitted business uses shall be so arranged as to reflect the light away from all adjoining residence buildings or residentially zoned property.
- B. All business or service establishments shall be for the purpose of dealing directly with consumers. All goods produced and processed on the premises shall be sold at retail on the premises where produced and/or processed.

SECTION 12.5. SITE PLAN REVIEW.

For all uses permitted in the C-1 District, a site plan shall be submitted to the Zoning Board, and no building permit shall be issued until after the Zoning Board has reviewed and approved the site plan in accordance with Section 4.38.

SECTION 12.6. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.

Area, Height, Bulk, and Placement Requirements unless otherwise specified are as provided in Article VIII, "Schedule of Regulations".

ARTICLE XIII M-1, LIGHT INDUSTRIAL DISTRICT

SECTION 13.1. STATEMENT OF PURPOSE.

In the M-1 District, the intent is to permit certain industries consistent with the rural and agricultural character of the Township located in planned areas of the Township. So that such uses may be integrated with nearby residential and agricultural land uses, limitations are placed upon the degree of noise, smoke, glare, waste, and other features of industrial operations so as to avoid adverse effects. Certain commercial uses which are desirable to service the employees and visitors of the industrial uses are also permitted in this District.

SECTION 13.2. PRINCIPAL PERMITTED USES.

Any of the following uses when the manufacturing, compounding or processing is conducted entirely within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, and final product storage of processing shall be a minimum of one hundred (100) feet from any residential property line and be totally obscured by a six (6) foot obscuring fence or masonry wall on those sides abutting any residential district.

A. 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 goods; hardware, plumbing, heating equipment and supplies; machinery and equipment; petroleum bulk stations and terminals; tobacco and tobacco products; paper and paper products; furniture and home furnishings, and any commodity the manufacture of which is permitted in this District; truck terminals.

B. Industrial Establishments:

1. The assembly, fabrication, manufacture, packaging or treatment of such products as food products (excluding butchering and animal slaughtering), candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances; radio and phonographs; pottery and figurines or other ceramic products using only previously pulverized clay.
2. The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fibre, glass, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, wax, wire, wood (excluding saw and planing mills) and yarns.
3. Tool and die shops; metal working machine shops involving the use of grinding or cutting tools; manufacturing of tools, dies, jigs and fixtures; publishing, printing or forming of box, carton and cardboard products.
4. Laboratories - research or testing.
 1. Central dry cleaning plants and laundries.
 2. Contractors yards - Parking, storage, repair of heavy equipment and trucks used in service or excavating business in the township. Also allow for storage of aggregate, fuel, and fill materials.

C. **Public Utility Uses.** Electric transformer station and substation; electric transmission towers; municipal buildings and uses; gas regulator and municipal utility pumping stations.

D. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.

E. Off-street parking in accordance with Article VI.

SECTION 13.3. PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses may be permitted subject to the conditions hereinafter imposed and subject further to the review of the Zoning Board and approval of the Township Board.

A. The following retail and service establishments, provided that such establishments are clearly ancillary to the permitted industrial uses and are in keeping with the intent of this District:

1. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character or drive-in or open front store are prohibited.
2. Truck tractor and trailer sales, rental and repair.
3. Automobile service stations in accordance with Section 4.18 .

B. Dog Kennels subject to the following:

1. All kennels shall be located on a lot large enough so that no pens, cages, runs or other kennel structures are closer than two hundred (200) feet from any property line.
2. Dogs shall be kept within an enclosed building during the normal sleeping hours of ten p.m. and seven a.m. Such enclosed building shall be constructed with sound-deadening walls and ceiling.
3. During the hours of seven a.m. until ten p.m., dogs shall be permitted in covered outdoor runs or pens. Dogs shall be kept confined and not allowed to run at large on the property, except as part of supervised field training.
4. All outdoor animal areas shall be screened from view from off-site with a sound-deadening masonry wall, six (6) feet in height.
5. The level of noise emitted from the property shall not exceed the levels identified in Section 13.4.
6. Kennel facilities shall be established and maintained in accordance with all applicable County and township sanitation regulations. Kennels shall be constructed with a drained concrete and approved septic system, or other provision for the safe, sanitary collection and disposal of wastes.
7. The Township Board may specifically limit the number of adult dogs housed in a kennel. Any expansion in the adult dog population of twenty-five percent (25%) or more shall require special approval of the Zoning Board.

C. Natural gas and oil processing plants.

The following regulations shall apply to oil and gas processing or sweetening plants:

1. Setbacks

- a. Oil and gas processing plants shall be located a minimum of 1,300 feet from any existing residential, commercial, or industrial establishments, wetlands, or surface water.

b. Oil and gas processing plants shall be located a minimum of 2,640 feet from population concentrations, such as subdivisions, apartment buildings, residential developments, or mobile home parks, and from uses whose occupants would be difficult to evacuate, such as hospitals or nursing homes.

2. Density

Such facilities shall be designed and located to service all oil and gas wells that are expected to need such service within a two (2) mile radius.

3. Screening

Oil and gas processing facilities shall be screened in accordance with Section 4.32.

4. Air Pollution Control

Emissions from the plant shall meet or exceed all applicable state and federal pollution standards. Monitors/sensors shall be installed in at least four locations along the perimeter of the site. In addition, monitors shall be installed in all process buildings. These monitors shall be set to alarm and automatically cause the plant to be shut down upon detection of excessive concentrations of hydrogen sulfide, sulfur dioxide, methane, or other gases. The plant operator shall provide the Township with the instrument shut down set points, which shall be subject to review and approval. All monitors shall be maintained in proper working order at all times.

5. Fire Detection

The fire detection and suppression system shall be constructed and maintained in accordance with state and local fire and building codes, and as approved by the Fire Chief. Fire eyes shall be installed in storage tank areas and in process buildings.

6. Noise

Oil and gas processing plants shall comply with the noise standards set forth in Section 13.4.

7. Automatic Alarm System

In the event that instruments, sensors, or monitors detect a malfunction of the system, including but not limited to the detection of gas leaks, odors, fire, flare failure, or improper operation of the processing equipment, an alarm system shall be set to automatically operate.

The alarm system shall be operated through a bonded alarm company approved by the Township. The alarm company shall be instructed to contact the Township Fire Department dispatcher and plant operating personnel.

8. Site Security

The following security measures shall be maintained on the site:

a. Fencing

The site shall be fully enclosed with a six foot high chain link fence with three strands of barbed wire along the top of the fence.

b. Locking of the Facility

All building doors and fence gates shall be kept closed and locked, except when personnel are at the site during the daytime hours.

c. Signs

"Poisonous Gas" or other appropriate warning signs shall be placed at fifty (50) foot intervals along the fence surrounding the facility. The warning signs shall have a reflective surface.

d. Lighting

The site shall be adequately lighted.

e. Telephone Monitoring System

In the event of a break-in or other lapse of security, the bonded alarm system shall automatically be put into operation, and operating personnel and local law enforcement officials shall be notified.

9. Preventative Maintenance

The facility shall be maintained in proper operating condition at all times. Manufacturer's recommendations concerning periodic maintenance shall be adhered to.

10. Site Closure

In the event that operation of the facility is terminated for a period exceeding six (6) months, all equipment and surface piping shall be removed and foundations shall be destroyed to a depth of 36 inches below grade. The entire site shall be evenly graded and re-seeded.

11. Other Approvals

The applicant shall submit proof of permits and approvals from all state or county agencies having jurisdiction, including but not limited to: the Michigan Department of Natural Resources (MDNR) Waste Management Division, Michigan Pollution Control Commission, Ingham County Health Department, Ingham County Road Commission, Ingham County Drain Commission, MDNR Environmental Response Division, and Michigan Department of State Police Fire Marshall Division.

12. Performance Guarantee

Prior to issuance of a building permit, the Township may require submission of a performance guarantee.

D. Agriculture product warehousing, processing and related wholesaling and retailing, provided that the use is located on a state highway or other arterial road, and provided further, that no main or accessory building is located within two hundred (200) feet of any residential property line.

E. Mining, excavating or other removal of sand, earth, minerals, or other material naturally found in the earth. Subject to the provisions of Section 4.22.

SECTION 13.4. INDUSTRIAL PERFORMANCE STANDARDS.

Any use established in the Township 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 hard to humans or human activity.

A. **Noise.** No operation or activity shall be carried out in the M-1 District which causes or creates measurable noise levels exceeding the maximum sound intensity levels prescribed below, as measured on or beyond the boundary lines of said District.

A sound level meter and an octave band analyzer shall be used to measure the intensity and frequency of the sound or noise levels encountered. Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise and analyzer; and the measurements so obtained may be permitted to exceed the maximum levels provided in Table 13A by no more than five (5) decibels. For purposes of this Ordinance, impact noises shall be considered to be those noises whose peak values are more than seven (7) decibels higher than the values indicated on the sound level meter.

Where street traffic noises directly adjacent to the property line exceed these maximum permitted levels, the intensity levels permitted may then exceed those levels specified in the table but may not exceed the level of the subject adjacent street traffic noises.

In addition, sounds of an intermittent nature, or characterized by high frequencies, which the Building Inspector deems to be objectionable in adjacent districts, shall be controlled so as not to generate a nuisance in adjacent districts, even if the decibel measurement does not exceed that specified in the table.

**TABLE 13A
MAXIMUM PERMITTED SOUND
INTENSITY LEVELS IN DECIBELS
(Post-1960 Preferred Frequencies)**

Cycle Frequency (Cycles Per Second) M-1
31.5 72
63.0 68
125.0 62
250.0 57
500.0 50
1,000.0 46
2,000.0 39
4,000.0 32
8,000.0 28

B. **Smoke, Dust, Dirt and Fly Ash.** The emission of smoke, dust, dirt and fly ash shall in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable State and County health laws as pertaining to air pollution and smoke abatement.

A person shall not discharge into the atmosphere, from any single source of emission, any smoke of a density equal to, or greater than that density described as No.2, on the Ringelmann Chart as published by the United States Bureau of Mines; provided that the following exceptions to the provisions of this rule shall be permitted:

1. Smoke the shade or appearance of which is equal to but not darker than No.2 on the Ringelmann Chart for a period or periods aggregating four (4) minutes in any thirty (30) minutes.

2. Smoke the shade or appearance on which is equal to, but not darker than No. 3 on the Ringelmann Chart for a period or periods aggregating three (3) minutes in any fifteen (15) minutes when building a new fire or when breakdown of equipment occurs such as to make it evident that the emission was not reasonably preventable.

C. Glare and Heat. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such a manner as to be completely imperceptible from any point beyond the lot lines of the lot upon which the source of glare or heat is located.

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. Vibration. Machines or operations which cause vibration shall be permitted, but no operation shall be permitted to produce ground transmitted oscillations which cause a displacement exceeding that specified in the following Tables 13B and 13C as measured at the property line. These vibrations shall be measured with a seismograph or accelerometer; preferable the former.

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

**TABLE 13B
MAXIMUM PERMITTED STEADY STATE
VIBRATION IN INCHES**

Cycle Frequency (Cycles Per Second)	Permitted Vibration
10 and below	0.001
10 to 19	0.0008
20 to 29	0.0005
30 to 39	0.0003
40 and above	0.0001

**TABLE 13C
MAXIMUM PERMITTED IMPACT
VIBRATION IN INCHES**

Cycle Frequency (Cycles Per Second)	Permitted Vibration
10 and below	0.002
10 to 19	0.0015
20 to 29	0.001
30 to 39	0.0005
40 and above	0.0002

Between the hours of 8:00 p.m. and 6:00 a.m., all of the above maximum vibration levels, as measured on or beyond the boundary line of residentially used areas adjacent to an M-1 District, shall be reduced to one-half (1/2) the indicated permissible values.

F. Fire and Safety Hazards. The storage and handling of flammable liquids, liquefied petroleum gases, and explosives 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 liquid materials above ground shall be located at least one hundred fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes or other types of retaining walls which will contain the total capacity of all tanks so enclosed.

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

G. Gases. The escape of or erosion of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated. Sulphur dioxide gas, as measured at the property line at ground elevation, shall not exceed an average of 0.3 p.p.m., hydrogen sulfide likewise shall not exceed one (1) p.p.m., fluorine shall not exceed 0.1.p.p.m., nitrous fumes shall not exceed five (5) p.p.m., and carbon monoxide shall not exceed fifteen (15) p.p.m.; all as measured as the average intensity during any twenty-four (24) hours sampling period.

H. Electromagnetic Radiation. Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this Ordinance.

I. Drifting and Airborne Matter, General. The drifting or airborne transmission beyond the lot line of dust, particles or debris from any open stock pile shall be unlawful and shall be summarily caused to be abated.

SECTION 13.5. COMPLIANCE WITH COUNTY AND STATE REGULATIONS.

Any use permitted in the M-1 District must also comply with all applicable County and State health and pollution laws and regulations.

SECTION 13.6. SITE PLAN REVIEW.

For all uses permitted in an M-1 District, a site plan shall be submitted to the Zoning Board, and no building permit shall be issued until after the Zoning Board has reviewed and approved the site plan in accordance with Section 4.38.

SECTION 13.7. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.

Area, Height, Bulk, and Placement Requirements unless otherwise specified are as provided in Article VIII, "Schedule of Regulations".

ARTICLE XIV ADMINISTRATION AND ENFORCEMENT

SECTION 14.1. ENFORCEMENT.

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the Township Board of White Oak Township, or any other employees, inspectors, and officials as the Zoning Administrator with approval of the Township Board may delegate to enforce the provisions of the Ordinance.

SECTION 14.2. DUTIES AND QUALIFICATIONS OF ZONING ADMINISTRATOR.

A. The Zoning Administrator shall be appointed by the Township Board for a term and compensation as determined by the Board. The Zoning Administrator shall be generally knowledgeable in the areas of fire prevention, safety, health, sanitary and protective measures; shall be physically capable of discharging the duties of the position; and shall not be engaged or employed directly or indirectly in the sale or purchase of real estate in the Township.

B. The Zoning Administrator shall have the power to grant zoning and land use permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

C. 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 the Zoning Administrator has inspected such plans in detail and found them to conform with this Ordinance.

D. The Zoning Administrator shall require that all applicants for zoning permits be accompanied by plans and specifications including a plot plan in duplicate, which shall agree with the site plan approved by the Zoning Board, when required, under Section 4.38 of this Ordinance. Required plot plan to include a statement that this Land Division Meets the requirements of the Michigan Land Division Act as enacted and amended October 1, 1997. The Zoning Administrator may require the plot plan to be prepared, signed, and sealed by a registered professional civil engineer or a registered professional land surveyor, and shall show the following:

1. The actual shape, location and dimensions of the lot, and the lines of the lots or parcels under separate ownership contained therein.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. The width and alignment of all abutting streets, alleys, easements of access and public open space.
5. In the case of an application for other than a residence, the applicant shall also furnish a sworn statement stating all uses to which he proposes to put the property or any proposed building on the property.
6. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

E. If the proposed excavation, construction, moving, alteration, or use of land as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a zoning or land use permit within ten (10) days after the receipt of completed application. If any application for such permit is not approved, the Zoning Administrator shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case shall be construed as waiving any provisions of this Ordinance. A record of all such applications shall be kept on file by the Zoning Administrator.

F. Whenever an application for a building permit indicates the necessity for constructing an on-site sewage disposal system and/or water well system on the premises, the Zoning

Administrator shall not issue such permit unless the Ingham County Health Department shall have approved the site for the construction of such facilities.

G. The Zoning Administrator is under no circumstance permitted to grant exceptions to the meaning of any clause, order, or regulation contained in this Ordinance or any person making application to excavate, construct, move, alter, or use buildings, structures or land within the Township.

SECTION 14.3. ZONING PERMITS.

The following shall apply in the issuance of any permit:

A. Zoning Permits Required. It shall be unlawful for any person to commence excavation for, construction of any building or structure, structural changes, or repairs in any existing building or structure, or moving of an existing building, without first obtaining a Building Zoning Permit from the Zoning Administrator. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance showing that the construction proposed is in compliance with the provisions of this Ordinance, with the Building Code, and with other applicable ordinances.

B. Permits for New Use of Land. A Zoning Permit shall also be obtained for the new use of land, whether the land is presently vacant or a change in land use is proposed. A site plan shall be completed for each proposed land use subject to the requirements of Section 4.38.

C. Permits for New Use of Buildings or Structures. A Zoning Permit shall also be obtained for any change in use of an existing building or structure to a different class or type of use. A site plan shall be completed for each proposed land use subject to the requirements of Section 4.38.

D. Accessory Buildings. Accessory buildings when erected at the same time as the principal building on a lot and shown on the application thereof shall not require a separate zoning permit, provided the accessory building is built in conformance to this Ordinance.

E. Permits Valid for One Year. All permits, when issued, shall be valid for a period of one (1) year only but may be extended for a further period not to exceed one year, if the Zoning Administrator shall find good cause shown for failure to complete work for which said permit was issued; provided that the exterior of any such structure must be completed within one (1) year from the date of the original issuance of a permit.

F. Should the holder of a Permit fail to complete the work for which said permit was issued within the time limit as set forth above, any unfinished structure is hereby declared a nuisance, per se and the same may be abated by appropriate action before the Circuit Court of the County. The Board of Zoning Appeals, the Township Board, or any aggrieved person may institute a suit to have the nuisance abated.

SECTION 14.4. FEES.

Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Zoning Administrator in advance of the issuance of such permits or certificates. The amount of such fees shall be established by the Township Board and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.

SECTION 14.5. TICKETS.

The Zoning Administrator may issue appearance tickets for violations pursuant to this Ordinance.

ARTICLE XV AMENDMENTS

SECTION 15.1. INITIATION OF AMENDMENT

The Township Board may amend, supplement, or change the district boundaries or the regulations herein, pursuant to the authority and procedures set forth in Michigan Public Act 184 of 1943, as amended. Text amendments may be proposed by any governmental body or any interested person or organization. Changes in district boundaries may be proposed by any governmental body, any person having a freehold interest in the subject property, or by the designated agent of a person having a freehold interest in the property.

SECTION 15.2. ZONING BOARD REVIEW

A rezoning petition shall be placed on the agenda of the next regularly scheduled meeting of the Zoning Board. The Zoning Board shall review the petition for amendment in accordance with the procedures and public hearing and notice requirements set forth in Section 14 and other applicable sections of Michigan Public Act 184 of 1943, as amended.

Accordingly, the Zoning Board shall hold not less than one (1) public hearing, notice of which shall be given by two (2) publications in a newspaper of general circulation in the Township, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of the hearing. Not less than twenty (20) days' notice of the time and place of the hearing shall be given to each electric, gas, pipeline and telephone public utility company, and to each railroad operating within the district or zone affected, that registers its name and mailing address with the Township. In addition, if an individual property or several adjacent properties are proposed for rezoning the Zoning Board shall give a notice of the proposed rezoning to the owner of the property in question, to all persons to whom any real property within 300 feet of the premises in question is assessed, and to the occupants of all single and 2-family dwellings within 300 feet. The notice shall be given not less than eight (8) days before the hearing, and shall state the time, place, date, and purpose of the hearing.

SECTION 15.3. ACTION BY THE ZONING BOARD

Following the hearing on the proposed amendment, the Zoning Board shall make written findings of fact which it shall transmit to the Township Board, together with the comments made at the public hearing and its recommendations.

SECTION 15.4. REVIEW CONSIDERATIONS

The Zoning Board and Township Board shall at minimum, consider the following before taking action on any proposed amendment.

- A. Will the proposed amendment be in accordance with the basic intent and purpose of the Zoning Ordinance?
- B. Will the proposed amendment further the comprehensive planning goals of the Township?
- C. Have conditions changed since the Zoning Ordinance was adopted or was there a mistake in the Zoning Ordinance that justifies the amendment?
- D. Will the amendment correct an inequitable situation created by the Zoning Ordinance, rather than merely grant special privileges?
- E. Will the amendment result in unlawful exclusionary zoning?

- F. Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
- G. If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?
- H. If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?
- I. If a rezoning is requested, is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?
- J. Will the proposed amendment be consistent with the purposes of this Ordinance as stated in the Preamble, and in particular, will the proposed amendment promote the public health, safety and welfare?

SECTION 15.5. NOTICE OF RECORD OF AMENDMENT ADOPTION

Following adoption of an amendment by the Township Board, one notice of adoption shall be filed with the Township Clerk and one notice shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption, in accordance with Section 11a of Michigan Public Act 184 of 1943, as amended. A record of all amendments shall be maintained by the Township Clerk. A master Zoning Map shall be maintained by the Township, which shall identify all map amendments by number and date.

ARTICLE XVI BOARD OF ZONING APPEALS

SECTION 16.1. CREATION OF BOARD OF ZONING APPEALS.

There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its power as provided by Act 184 of Public Acts of 1943, as amended, in such a way that the objectives of this Ordinance shall be attained, public safety secured and substantial justice done.

SECTION 16.2. BOARD MEMBERSHIP.

The Board of Zoning Appeals shall be composed of five (5) members appointed by the Township Board to staggered, three year terms.

Members of the Board of Zoning Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing by the Township Board. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

SECTION 16.3. MEETINGS.

All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such times as the Board of Zoning Appeals may determine. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall maintain a record of its proceedings, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record.

SECTION 16.4. NOTICE OF HEARING.

The Board of Zoning Appeals shall make no recommendation except in a specific case and after a public hearing, conducted by the Board of Zoning Appeals, has been held. Notice of the hearing of the appeal shall be given to all owners of record of property and occupants within a radius of three hundred (300) feet of the premises involved, such notice to be delivered personally or by mail addressed to the respective owners or occupants at the addresses given in the latest assessment roll. A notice of the time

and place of such public hearing shall be published in a paper of general circulation in the Township of White Oak at least five days prior to the hearing, and no more than 15 days prior to the hearing. Such notice shall contain the address, if available, and location of the property for which a variation or other ruling is sought of the Board of Zoning Appeals as well as brief description of the nature of the appeal.

SECTION 16.5. POWERS OF BOARD OF ZONING APPEALS CONCERNING VARIANCES.

The Board of Zoning Appeals shall have the following specific powers and duties concerning appeals and requests for variances:

A. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcement and of any provisions of the Ordinance. They shall also hear and decide all matters referred to them or upon which they are required to pass under this Ordinance. The concurring vote of a majority of the members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.

B. The Board of Zoning Appeals shall have the power to:

1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
2. Determine the precise location of zoning district boundary lines on the Zoning Map accompanying this Ordinance.
3. To classify a use which is not specifically mentioned so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.

C. The Board of Zoning Appeals shall have the power to permit the erection and use of a building or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure, or use; if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service, provided such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

D. The Board of Zoning Appeals shall have the power to permit the modification of the off-street automobile parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements.

E. The Board of Zoning Appeals shall have the power to permit temporary buildings and uses for periods not to exceed one (1) year.

F. Where owing to special conditions, a literal enforcement of the use provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modifications of the use provisions of this Ordinance with such conditions and safeguards as it may determine to be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the use provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
3. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.
4. That the granting of such variance will not adversely affect the purposes or objectives of this Ordinance.
5. In consideration of all appeals and all proposed variations to this Ordinance, the Board of Zoning Appeals shall, before making any variations from the Ordinance in a specific case, first determine that proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township of White Oak. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Township Board of the Township of White Oak in the manner provided by law.

G. In exercising the above powers, the Board of Zoning Appeals may reverse, or affirm wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

SECTION 16.6. BOARD OF ZONING APPEALS APPROVAL.

The Board of Zoning Appeals may require the appellant or applicant requesting a variance to submit all necessary surveys, plans, or other information the Board may reasonably require. The Board of Zoning Appeals may impose such conditions or limitations in granting a variance as it may deem necessary to comply with the spirit and purposes of this Ordinance.

SECTION 16.7. APPROVAL PERIOD.

No order of the Board of Zoning Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board of Zoning Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within

such period and such erection or alterations are started and proceed to completion in accordance with the terms of such permit.

SECTION 16.8. FILING FEE.

Application for a Board of Zoning Appeals hearing shall be in writing and shall be accompanied by a filing fee as established by the Township Board which shall be paid over to the Township Treasurer at the time the notice of appeal or request for special approval is filed.

SECTION 16.9. ZONING BOARD OF APPEALS BYLAWS.

The following rules of procedure are hereby adopted by the White Oak Township Zoning Board of Appeals to facilitate the performance of its duties as outlined in the Township Zoning Act, Public Act 184 of 1943, as amended.

SECTION 1: Officers

A. Selection and Tenure—At the first regular meeting in (month) of each year, the zoning board of appeals shall select from its membership a chairperson, vice chairperson and secretary. An elected township official shall not serve as chairperson. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in B and C below. All officers shall be eligible for reelection for consecutive terms for the same office.

B. Chairperson—The chairperson shall preside at all meetings, appoint committees and perform such other duties as ordered by the zoning board of appeals or township board.

C. Vice Chairperson—The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term and the zoning board of appeals shall select a successor to the office of vice chairperson for the unexpired term.

D. Secretary—The secretary shall execute documents in the name of the zoning board of appeals, perform the duties hereinafter listed below and shall perform such other duties as the zoning board of appeals may determine.

1. Minutes—The secretary shall be responsible for a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records retained by the township clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions, or recommendations made on any action and record of attendance.

2. Correspondence—The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the zoning board of appeals. All communications, petitions, reports, or other written materials received by the secretary shall be brought to the attention of the zoning board of appeals.

3. Attendance—The secretary will be responsible for maintaining an attendance record for each zoning board of appeals member and report those records annually to the zoning board of appeals for inclusion in the annual report to the Township Board.

4. Notices—The secretary shall issue such notices as may be required by the zoning board of appeals.

E. The planning commission representative to the zoning board appeals shall report the actions of the Zoning Board of Appeals to the planning Commission and update the Zoning board of appeals on actions by the Planning Commission that relate to the functions and duties of the zoning board of appeals.

SECTION 2: Meetings

A. Meetings—Meetings of the zoning board of appeals shall be held on (*day of week*) of each month, or as noted below. All meetings shall take place at (*location, street address*) at (*time*).

B. Notice—Meetings shall be noticed in accordance with the requirements of the zoning ordinance. Meeting notices shall state the purpose, time, and location of meetings and shall be posted in accordance with the Open Meetings Act.

C. Public Records—All meetings, minutes, records, documents, correspondence and other materials of the zoning board of appeals shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

D. Quorum—A majority of the membership of the zoning board of appeals shall constitute a quorum for transacting business and taking official action for all matters. The zoning board of appeals shall not conduct business unless a majority of the regular members is present.

E. Voting—To pass or deny any variance, appeal or other official action required by the zoning ordinance, an affirmative vote of at least a majority of the total membership of the zoning board of appeals is required. Voting shall be by voice vote; a roll call vote shall be required if requested by any zoning board of appeals member or directed by the chairperson. All zoning board of appeals members, including the chairperson, shall vote on all matters, but the chairperson shall vote last.

F. Agenda—The chairperson shall be responsible for preparing an agenda for zoning board of appeals meetings. The order of business for meetings shall be as follows:

1. Call to Order
2. Roll Call
3. Approval of Minutes
4. Approval of Agenda
5. Scheduled Public Hearings
6. Other Matters to be Reviewed by the Zoning Board of Appeals a. Correspondence Received b. Zoning Board of Appeals Members
7. Report of Planning Commission Representative
8. Adjournment

G. Public Hearings—All public hearings held by the zoning board of appeals must be held as part of a regular or special meeting of the zoning board of appeals. The following rules of procedure shall apply to public hearing held by the zoning board of appeals:

1. Chairperson opens public hearing and announces the subject.
2. Chairperson summarizes procedures/rules to be followed during the hearing.
3. Applicant presents request.
4. Township zoning administrator/planning consultant presents a summary or analysis of the request.
5. Persons wishing to comment on the request are recognized.
6. Chairperson closes public hearing and returns to the regular/special meeting.
7. Zoning board of appeals deliberates and decides.

To ensure that everyone has the opportunity to speak, the zoning board of appeals may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the chairperson allows. The chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the chairperson, in his/her discretion, may permit additional comments.

All comments by the public and the zoning board of appeals shall be directed to the chairperson.

H. Special Meetings—Applicants to the zoning board of appeals may request a special meeting, of which all costs shall be paid by the applicant: if there is more than one applicant, the costs shall be shared equally between all applicants. The business the zoning board of appeals may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. Special meetings shall

also be noticed as required by the Township Zoning Act, as amended, the Open Meetings Act and these bylaws.

SECTION 3: Duties of the Zoning Board of Appeals

The zoning board of appeals shall perform the following duties:

- A. Act on applications for variances, appeals, interpretations, or other matters as required by, the zoning ordinance and Township Zoning Act, Public Act 184 of 1943, as amended.
- B. Prepare an annual budget for the zoning board of appeal's activities and submit to the township board. (Some communities also require the zoning board of appeals to prepare an annual report to the township board.)
- C. Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of a zoning board of appeals member, and for which appropriations of funds have been approved by the township board, as needed.
- D. Perform other duties and responsibilities as requested by the township board or as may be specified in another township ordinance.
- E. Conduct site visits as deemed necessary to evaluate an application and supporting material. Site visits shall be conducted individually.

SECTION 4: Duties of the Zoning Administrator and Planning Consultant

- A. The zoning board of appeals shall be assisted by the zoning administrator and planning consultant in the performing the duties of the zoning board of appeals, as noted in section 3.
- B. The zoning administrator and planning consultant shall be responsible for the professional and administrative work in coordinating the functions of the zoning board of appeals.
- C. The zoning administrator shall:
 1. Supervise and review the work of the planning consultant and township staff.
 2. Accept applications for matters to be reviewed by the zoning board of appeals and ensure that such applications are complete.
 3. Forward application materials to the zoning board of appeals at least one week prior to the meeting at which such matters will be considered.
 4. Inform the zoning board of appeals of administrative and enforcement actions taken on behalf of the township related to the zoning ordinance or other appropriate ordinance.
- D. The planning consultant shall:
 1. Attend zoning board of appeals meetings, if requested.
 2. Consult with the zoning board of appeals, zoning administrator and other township officials concerning interpretation, procedural questions, and other matters arising from the zoning ordinance, as requested.
 3. Conduct one planning/zoning workshop each year for the township board, zoning board of appeals, and zoning administrator.
 4. Prepare and forward to the zoning administrator written reviews and recommendations, if appropriate, for all requests and development proposals to be considered by the zoning board of appeals, if requested by the chairperson of the zoning board of appeals. Perform other duties as may be directed by the zoning board of appeals.
- E. The zoning board of appeals may be assisted by other professional or township staff as needed, including the build inspector, township attorney, township engineer, or other person or agency.

SECTION 5: Absences, Removals, Resignations, Vacancies, and Alternates

- A. To be excused, zoning board of appeals members shall notify the township supervisor, zoning board of appeals chairperson or other zoning board of appeals member when they intend to be

absent from a meeting. Failure to make this notification prior to a meeting shall result in an unexcused absence.

B. Members of the zoning board of appeals may be removed by the township board, after written charges have been prepared and a hearing conducted, for nonperformance of duty, misconduct in office, or upon failure to declare a conflict of interest. For purposes of this section, nonperformance of duty shall mean two or more consecutive, unexcused absences. Alternates shall be notified to attend a meeting any time a regular member will be absent for two or more regular meetings or more than 30 days.

C. A member may resign from the zoning board of appeals by sending a letter of resignation to the township supervisor, township board or zoning board of appeals chairperson.

D. Vacancies shall be filled by the township board within one month of resignation or removal of a member of the zoning board of appeals. Successors shall serve out the unexpired term of the member being replaced, with the exception of the planning commission representative, whose term shall run consecutively with the term as planning commissioner.

E. The township board may appoint not more than two alternates to the zoning board of appeals. The alternate member may be called to sit as a regular member as provided in the zoning ordinance and the Township Zoning Act.

SECTION 6: Conflict of Interest

A. Zoning board of appeals members shall declare a conflict of interest and abstain from participating in a hearing or deliberations on a request when:

1. A relative or other family member is involved in any request for which the zoning board of appeals is asked to make a decision;
2. The zoning board of appeals member has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency or association;
3. The zoning board of appeals member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the zoning ordinance or other applicable ordinance, or
4. There is a reasonable appearance of a conflict of interest as determined by the zoning board of appeals member declaring such conflict.

B. The zoning board of appeals member declaring a conflict of interest should state the nature of the conflict and whether he or she believes he or she could impartially consider the request before the zoning board of appeals. He or she should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. *(If he or she prefers, the member declaring a conflict may ask the other zoning board of appeals members to decide if he or she should abstain, although this is not required. The zoning board of appeals should establish the procedure it will follow in its bylaws if this is requested.)* The member declaring a conflict may absent him/herself from the room in which the discussion takes place, unless doing so would violate his or her constitutionally protected rights to participate. He or she should not make any presentations to the zoning board of appeals as a representative of the proposal.

SECTION 7: Amendments

These bylaws may be amended at any meeting by a vote of a majority of the membership of the zoning board of appeals.

Adopted by the *White Oak* Township Zoning Board of Appeals at a regular meeting on May 23, 2000 . Minutes of the May 23rd meeting approved at a meeting of the Board of Appeals June 1, 2000.

**ARTICLE XVII
INTERPRETATION AND APPLICATION**

SECTION 17.1. INTERPRETATION, PURPOSE AND CONFLICT.

In interpreting and applying the provisions of this Ordinance, said provisions shall be held to be a minimum requirements for the promotion of the public safety, health, convenience, comforts, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or land or upon height of buildings, or requires larger open spaces, or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this Ordinance shall govern.

**ARTICLE XVIII
VIOLATIONS AND PENALTIES**

SECTION 18.1. TOWNSHIP MUNICIPAL CIVIL INFRACTION

The words "municipal civil infraction" mean an act or omission that is prohibited by this Ordinance or any ordinance of the Township, but which is not a crime under this Ordinance or other ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of this Ordinance than it is a criminal offense.

SECTION 18.02 PENALTIES

- A. Unless a violation of this Ordinance is specifically designated in this Ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.
- B. The penalty for a misdemeanor violation shall be a fine not exceeding \$500.00 (plus costs of prosecution), or imprisonment not exceeding 90 days, or both, unless a specific penalty is otherwise provided for the violation by this Ordinance.
- C. The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.
 - 1. Unless otherwise specifically provided for a particular municipal civil infraction violation by this Ordinance, the civil fine for a violation shall be not less than \$50.00, plus costs and other sanctions, for each infraction.
 - 2. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Ordinance. As used in this Section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision:
 - a. committed by a person within any 6 month period (unless some other period is specifically provided by this Ordinance) and
 - b. for which the person admits responsibility or is determined to be responsible.

3. Unless otherwise specifically provided by this Ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

a. The fine for any offense which is a first repeat offense shall be not less than \$250.00, plus costs.

b. The fines for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$500.00, plus costs.

D. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this Ordinance; any omission or failure to act where the act is required by this Ordinance.

E. Each day on which any violation of the Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

F. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Ordinance.

SECTION 18.03 NUISANCE *PER SE*

Use of land, dwellings, buildings, or structures including tents and trailer coaches, used, erected, altered, razed or converted in violation of any provision of this Ordinance, are hereby declared to be a nuisance *per se*. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach or land shall be adjudged guilty of maintaining a nuisance *per se*. Costs of abating such nuisance shall become a lien upon the land.

ARTICLE XIX VALIDITY

SECTION 19.1. VALIDITY

This ordinance and the various articles, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

ARTICLE XX CONFLICTING PROVISIONS REPEALED

SECTION 20.1. CONFLICTING PROVISIONS REPEALED

All other ordinances and parts or ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed. This ordinance specifically replaces Ordinance No. 3.1, effective March 12, 1971, in its entirety.

ARTICLE XXI SAVINGS CLAUSE, SEVERABILITY AND EFFECTIVE DATE

SECTION 21.1. SAVINGS CLAUSE

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

SECTION 21.2. SEVERABILITY

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 21.3. EFFECTIVE DATE

This Ordinance and map are hereby declared to have been enacted by the White Oak Township Board of the Township of White Oak, Ingham County, Michigan at this meeting thereof, called and held on the 14th day of August, 1995. This Ordinance shall be effective 30 days following its publication pursuant to law.