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ZONING ORDINANCE

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ADRIAN CHARTER TOWNSHIP

LENAWEE COUNTY, MICHIGAN

THE CHARTER TOWNSHIP OF ADRIAN ORDAINS:

**ARTICLE 1
TITLE, PURPOSE, SCOPE, CONSTRUCTION,
CALIDITY, SEVERABILITY, CONFLICT AND VESTED RIGHT**

Section 1.1 Title.

This Ordinance shall be know and cited as the Zoning Ordinance of the Adrian Charter Township.

Section 1.2 Purpose.

The purpose of this Ordinance is to promote, protect, regulate, restrict, and provide for the use of land and buildings within Adrian Charter Township; to meet the needs of the state’s residents for places of residence, recreation, industry, trade, service, and other uses of the land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare.

The Township is divided into districts which include regulations designating land uses or activities that shall be permitted or subjected to special regulations.

It is also the purpose of this Ordinance to provide for the establishment of a Zoning Board of Appeals and its powers and duties; to provide for the administration and enforcement hereof and for penalties for its violation; and to provide for the repeal of any and all ordinances inconsistent herewith.

Section 1.3 Scope and Construction of Regulations.

(a) This Ordinance shall be liberally construed in such manner as to best implement its purpose. In interpreting and applying the provisions of this Ordinance, the requirements shall be held to be the minimum for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare.

(b) No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered, and no new use or change shall be made of any building, structure, or land, or part thereof, except as permitted by the provisions of this Ordinance.

Section 2.1

Rules Applying to Text.

The following rules shall apply to the text and language of this Ordinance:

- (a) The particular shall control the general.
- (b) In case of any difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Words used in the present tense shall include the future, words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- (e) The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- (f) Any word or term not defined herein shall be used with a meaning of common or standard utilization.

Section 2.2

Definitions.

For the purpose of this Ordinance, certain words and terms are herewith defined.

Accessory Building or Structure. A detached or attached subordinate building or structure located on the same lot as an existing principal building, the use of which is clearly incidental or secondary to that of the principal building. But not limited to a private garage, carport/cover or implement shed.

Accessory Use. A use or activity normally and naturally incidental to, subordinate to, and related exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; including, but not limited to garages, sheds, barns, television satellite dishes, and designed surface structures and areas.

Adult Day-Care Facility. Includes all of the following:

- (1) *Adult Family Day-Care Home.* A private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
- (2) *Adult Group Day-Care Home.* A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
- (3) *Adult Day-Care Center.* A facility, other than a private residence, receiving one or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.

Adult Foster Care Facility. A state-licensed 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 convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et. seq.; MSA 16.610 (61), et. seq., as amended. The following additional definitions shall apply in the application of this Ordinance:

- (1) *Adult Foster Care Family Home:* A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

- (2) *Adult Foster Care Small Group Home:* An owner-occupied facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
- (3) *Adult Foster Care Large Group Home:* A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
- (4) *Adult Foster Care Congregate Facility:* An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

Adult Regulated Uses. Includes all of the following:

- (1) *Adult Book or Supply Store.* An establishment having twenty percent (20) or more of its stock-in-trade or its sales devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas.
- (2) *Adult Cabaret.* An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees, or any other form of nude or partially nude service or entertainment.
- (3) *Adult Motion Picture Theater.* An enclosed building or structure wherein still or motion pictures, video tapes, or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- (4) *Adult Motion Picture Theater, Adult Live Stage Performing Theater.* An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.
- (5) *Adult Physical Culture Establishment.* An "Adult Physical Culture Establishment" is any establishment club or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide

as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included with the definition of any adult physical culture establishment:

- A. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
 - B. Electrolysis treatment by a licensed operator of electrolysis equipment;
 - C. Continuing instruction in material or performing arts or in organized athletic activities,
 - D. Hospitals, nursing homes, medical clinics or medical offices; and
 - E. Barber shops or beauty parlors and/or salons that offer massage to the scalp, the face, or the neck and shoulders only.
- (6) *Burlesque Show.* An establishment which features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, where beer or intoxicating liquors are not sold on the premises.
- (7) *Nude Modeling Studio.* An establishment used for housing and exhibiting persons in the nude acting as models for other persons to paint, photograph or draw.
- (8) *Specified Anatomical Areas.* Specified anatomical areas means and includes any one (1) or more of the following: (a) less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or (b) human male genitals in a discernible turgid state, even if completely and opaquely covered.
- (9) *Specified Sexual Activities.* Specified sexual activities means and includes any one (1) or more of the following: (a) the fondling or erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (b) human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, and sodomy; (c) human masturbation, actual or simulated; (d) human excretory functions as part of, or as related to, any one of the activities described above, and (e) physical violence, bondage, mutilation, or rape, actual or simulated, as part of, or as related to, any of the activities described above.

Agricultural Land. Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees and other similar uses and activities.

Aircraft. As defined in the Michigan Aeronautics Code, any contrivance now known, or hereafter invented, used, or designed for navigation of or flight in the air.

Airfield. The landing field of an airport.

Airport. As defined in the Michigan Department of Transportation, Bureau of Aeronautics under Section 86 of the Aeronautics Code, any location, either on land or water, which is used for the landing and take-off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established.

Airstrip. The runway without normal airport facilities.

Alteration. Any modification, addition, or change in construction or type of occupancy; any change or rearrangement in the structural parts of a building, whether by increasing the height or extension or diminution; or the moving of a building from one location to another.

Alterations.

1. **Structural.** A change, addition, or modification to; or enlargement, rearrangement, replacement, or removal of; the construction of structural parts, means of egress, or supporting members of a building, such as bearing walls, columns, beams, girders, roof, or exterior walls.
2. **Building.** A change, addition, modification to, enlargement of, or rearrangement of the type of occupancy, height, area, location, design, or approved method of functioning.
3. **Sign.** A change, addition, or modification to, enlargement, rearrangement, replacement, or removal of any part of any sign, including the sign copy area.

Animals.

- (1) *Class I Animal.* Domesticated animals which are not Class II, III, or IV, or Class V animals and which are customarily considered household pets.
- (2) *Class II Animal.* An animal which is normally part of the livestock maintained on a farm, including:
 - A. bovine and like animals, including, but not limited to the cow, buffalo, elk, lama, and alpaca;
 - B. equine and like animals, including, but not limited to the horse;
 - C. swine and like animals, including, but not limited to the hog which are in excess of six (6) months in age;

- D. bovine and like animals, including, but not limited to the sheep and goat;
 - E. other animals weighing in excess of seventy-five (75) pounds and not otherwise specifically included in Class II including, but not limited to the ostrich and the emu.
- (3) *Class III Animal.* Rabbits which are not maintained or kept as domesticated household pets, animals considered as poultry, and other animals weighing less than seventy-five (75) pounds not specifically treated herein.
 - (4) *Class IV Animal.* Wild or undomesticated animals which are not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country. Such animals would generally weigh less than one hundred (100) pounds and would not cause a reasonable person to be fearful of bodily harm or property damage.
 - (5) *Class V Animal.* Dangerous wild or undomesticated animal which is not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country. Such animals would cause a reasonable person to be fearful of bodily harm or property damage.

Animal Rescue or Shelter. A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

Apartment. A dwelling unit within a multiple-family residential dwelling (see Dwelling, Multiple Family).

Arcade. Any place, premises, establishment, or room within a structure within which are located three (3) or more amusement devices. For purposes of this section, amusement devices shall mean any device, machine, or apparatus operated by a patron who plays, exhibits, emits, produces, or displays, entertainment, or amusement in the form of a game, motion picture, music, performance, or similar entertainment. The term does not include vending machines used to dispense food, toys, or other products for use and consumption, kiddy rides, jukeboxes, bowling alleys, or pool tables.

Architectural Features. Architectural features of a building shall include but not limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Assembly or Dance Hall. A public or semi-public building, room, or structure in which a group of people can gather together for worship, meetings, instruction, banquets, exhibits or entertainment.

Automobile Dealer. A building or premises used primarily for the sale of new or used automobiles, not including farm equipment and recreational vehicles.

Automobile Repair Shop or Garage. General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, including, but not limited to body, frame, or fender straightening and repair, overall painting, and vehicle rust proofing.

Automobile Service Station. A place that is used or designed to be used for the retail supply of gasoline and other fuels used for the propulsion of motor vehicles, kerosene, motor oil, lubricants or grease, including sale of accessories and services, including, but not limited to: polishing, washing, cleaning, greasing, undercoating, and minor repairs, but not including body work, painting, or refinishing thereof. In addition to automobile service, towing, convenience stores and carry out restaurants may be included.

Automobile Washes or Car Wash Establishment. A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

Awning. Any overhead protective structure that is constructed in such a manner as to allow pedestrians or vehicles to pass under.

Balcony. An exterior floor projecting from and supported by a structure without additional independent supports.

Bar. An establishment containing tables and chairs, and a counter at which alcoholic beverages and sometimes food are served to be consumed on the premises.

Barn. A building for the storage of farm products, for feed, or for the housing of farm animals or farm equipment.

Basement. That portion of a building having more than one-half (1/2) of its height below finished grade.

Basin.

- (1) *Detention.* A basin wherein water is stored for a relatively brief period of time, part of its being retained until the outlet can safely carry the ordinary flow plus the released water. Some basins have outlets usually without control gates, and are use for flood regulation.
- (2) *Retention.* A basin wherein water is stored for a period of time until the outlet can safely carry the released water. Such basins have control gates which can be released at a given time. This type of basin is used for flood regulation.

Bed and Breakfast Operations. A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

Bedroom. A bedroom is a dwelling room used for or intended to be used solely for sleeping purposes by human beings.

Block. The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or stream; or between any of the foregoing and any other barrier to the continuity of development.

Brewpub. A restaurant or tavern (as defined in this ordinance) licensed by the State of Michigan to produce and manufacture not more than 5,000 barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises as provided for in MCLA 436.31b and 436.31c.

Building. A structure having a roof supported by columns or walls.

Building Code. The currently adopted code or codes regulating building construction in Adrian Charter Township.

Building, Farm. Any building or structure other than a dwelling, maintained, used or built on a farm which is essential and customarily used on farms of that type in the Township for the pursuit of their agricultural activities, including the storage or housing of farm implements, produce or farm animals.

Building Height. The building height is the vertical distance measured from the finished grade level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridges of gable, hip, and gambrel roofs. Where the building may be situated on sloping terrain, this height shall be measured from the average level of the finished grade at the building wall. When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Building Inspector. The person(s) designated by the Township Board to enforce the Building Code.

Building Official. The officer or other designated authority charged with the administration and enforcement of the Building Code, or a duly authorized representative.

Building Setback Line. The line established by the minimum required setbacks forming the area within a lot in which a building may be located.

Cemetery. Property used for the interring of the dead. May include a structure for the cremation of remains and facilities for storing ashes of remains that have been cremated of the

dead. Also may include structures for the interment of the dead in sealed crypts or compartments.

Change Structure. A structure is any pieces of work artificially built up or composed of parts joined together in some definite manner – any construction, including dwellings, garages, buildings, signs, sign board, etc. erected aboveground.

Child Day-Care Facilities. The following definitions shall apply in the construction and application of this Ordinance:

- (1) *Child Family Day-Care Home.* A private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- (2) *Child Group Day-Care Home.* A private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- (3) *Child Day-Care Center.* A facility, other than a private residence, receiving more than one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

Child Foster Family Facilities. Means the following:

- (1) *Child Foster Family Home.* A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act No. 288 of the Public Acts of 1939, being sections 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- (2) *Child Foster Family Group Home.* A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to Chapter X of Act No. 288 of Public Acts of 1939, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

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

Clinic, Medical .A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional; including, but not limited to, a physician, dentist, or the like, except that the patients are not lodged therein overnight.

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

Cocktail Lounge or Night Club. An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where MORE than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room, pool tables, poker tables, and similar mechanical amusement devices.

Commercial Recreation. A recreational type of business that is primarily operated for profit and that can be subdivided into either indoor or outdoor types, including, but not limited to an indoor or outdoor golf driving range.

Community Wastewater Utility System or Systems (CWUS). A facility which is owned by a non-governmental entity and is designed, constructed, operated, and maintained to transport, collect, process, and treat sanitary sewage from more than one (1) dwelling unit or structure. The system shall include any individual septic tanks, pumps, lines, and appurtenances serving each dwelling unit or structure in addition to facilities, sewers, and appurtenances that serve more than one (1) dwelling unit or structure.

Composting. A controlled process of degrading compostable materials which shall include typical yard wastes and clippings, such as and limited to leaves, grass clippings, vegetable, garden, or agricultural plantings, debris, shrubbery or brush, weeds, tree trimmings less than four (4) feet in length and two (2) inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, animal waste, sewage, sludge, or garbage.

Condominium. A building or lot governed under Act 59, Public Acts of 1978, as amended. The following condominium terms shall apply in the application of this Ordinance:

- (1) *Condominium Documents.* The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- (2) *Condominium Lot.* The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.

- (3) *Condominium Subdivision Plan.* The drawings and information prepared in accordance with Section 66 of the Condominium Act.
- (4) *Condominium Unit.* The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- (5) *Consolidating Master Deed.* The final amended master deed for a contractible or expandable condominium project or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
- (6) *Contractible Condominium.* A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 7 of the Condominium Act.
- (7) *Expandable Condominium.* A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.
- (8) *General Common Elements.* A portion of the common elements reserved in the master deed for the use of all of the co-owners.
- (9) *Limited Common Elements.* A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- (10) *Master Deed.* The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.
- (11) *Notice of Proposed Action.* The notice required by Section 71 of the Condominium Act, to be filed with Adrian Charter Township and other agencies.
- (12) *Site Condominium.* A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which the condominium development is located, in which each co-owner owns the exclusive right to a volume of space within which each co-owner may construct a structure or structures.

Conservation Easement.

- (1) A conservation easement provides limitation on the use of land or a body of water or development of structures or site improvements.
- (2) A conservation easement defines the responsibilities of all parties for retaining and maintaining in its natural, scenic, or open condition, or in an agricultural, farming, open space or forest use, or similar use or condition.

- (3) A conservation easement may require or prohibit certain acts on or with respect to the land or body of water.
- (4) Also see definition of “conservation easement” in Section 2140 of the Natural Resources and Environmental Protection Act (PA 451 of 1994, as amended).

Construction. Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private right-of-way, structures, utilities or similar property.

Convalescent or Nursing Home. A state licensed facility for the care of children, of the aged or infirm, or a place of rest for those suffering bodily disorders. Said home shall conform and qualify for license under State law even through State law has different size regulations.

Convenience Grocery Store. A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience grocery stores are designed to attract a large volume of stop-and-go traffic.

Corner Clear Zone. The portion of a corner lot which shall be maintained free of any structures, grade change (i.e. berm), or plantings to ensure sufficient visibility for motor vehicles (see Section 5.12).

County Road, Gravel. Any gravel road which has been dedicated to and accepted for maintenance by the Lenawee County Road Commission, the State of Michigan, or the federal government, but which is subject to Township approval.

County Road, Paved. Any paved road which has been dedicated to and accepted for maintenance by the Lenawee County Road Commission, the State of Michigan, or the federal government, but which is subject to Township approval.

Deck. A platform which is typically attached to a dwelling unit, and which is typically used for outdoor leisure activities.

Depth-to-Width Ratio. The ratio of the lot depth to the lot width.

Detached. A self contained and enclosed building which does not depend on shared or common walls with adjacent building or buildings.

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

Drive-In Business. Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions and is so developed that its principal retail or service character is dependent

on providing a driveway approach or parking spaces for motor vehicles to service patrons while in said vehicle.

Drive Through Establishments. A business establishment that provides facilities or spaces for the purpose of serving patrons in or who momentarily step away from their motor vehicles, to facilitate consumption within motor vehicles.

Driveway. A paved or unpaved road intended for vehicular access to an individual lot. A circular and/or continuous drive with up to two (2) access points shall be considered a single driveway.

Dry-Cleaners, Coin Operated. A building or part of a building where the services of coin operated dry cleaning machines, using only non-combustible and non-flammable solvents, is made available to the public for the purpose of dry cleaning.

Dry Cleaners, Distribution Station. A building or part of a building used only for the purpose of collection and distribution of articles to be subjected to the process of dry cleaning, washing, dry dyeing, cleaning and spotting and stain removing, and for the pressing of any such articles or goods which have been subjected to any such process elsewhere at a dry cleaners' plant.

Dry Cleaning or Laundry Outlet. A building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected to a process, carried out on-site, of cleaning or dyeing. Such establishment may also be used for pressing and/or distributing any articles or goods of fabric that have been received therein.

Dumpster enclosure. Any exterior space that secures or screens containers, structures, or receptacles intended for the temporary storage of solid waste materials.

Dwelling. A dwelling is a building used exclusively as a residence by not more than one (1) family but in no case shall a travel trailer, motor home, trailer coach, automobile chassis, tent or other portable building is considered a dwelling.

Dwelling. A residential unit providing complete, independent living facilities for one (1) family, including permanent living, sleeping, cooking, eating, and sanitation facilities.

- (1) *Apartment.* A suite of rooms or a room in a multiple-family or commercial building arranged and intended as a place of residence for one (1) family or a group of individuals living together as a single housekeeping unit.
- (2) *Accessory Dwelling.* A dwelling unit for one (1) family located within a principal building occupied by a permitted use in the district with separate bath and toilet facilities, and a separate and distinct private entrance (mother-in-law apartment).
- (3) *Efficiency Apartment.* A dwelling unit with a bathroom and principal kitchen facilities designed as a self-contained unit for living, cooking, and sleeping purposes, and having no separate designated bedroom.

- (4) *Attached Dwelling.* A dwelling unit attached to one (1) or more dwelling units by common major structural elements.
- (5) *Detached Dwelling.* A dwelling unit that is not attached to any other dwelling unit by any means.
- (6) *Farm Dwelling.* A dwelling used to house the principal family operating a farm, and which is accessory to the operation of the farm, which is the principal use of the land upon which it is located.
- (7) *Manufactured Dwelling.* A building or portion of a building designed for long-term residential use and characterized by all of the following:
 - A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended.
 - B. The structure is designed to be transported to the site in a nearly completed form, where it is placed on a foundation and connected to utilities.
 - C. The structure is designed to be used as either an independent building or a module to be combined with other elements to form a complete building on the site.
- (8) *Modular Dwelling.* A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed truck and assembled for permanent location upon a permanent foundation on the site, and to which such major elements as the heating system or substantial portion of the siding is installed after transported to the site.
- (9) *Multiple-Family Building.* A building divided into apartments or townhouses and designed for residential occupancy by three (3) or more families and so designed and arranged to provide cooking and kitchen accommodations and sanitary facilities for three (3) or more families.
- (10) *Site-Built Dwelling.* A dwelling unit that is substantially built, constructed, assembled, and finished on the lot intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of precut materials, and paneled walls, roof, and floor sections where such sections require substantial on-site assembly and finishing.
- (11) *Single-Family Dwelling.* A building designed exclusively for residential occupancy by not more than one (1) family.

Dwelling, Multiple-Family. A building consisting of three (3) or more dwelling units.

Dwelling, Single-Family. A building designed for, or occupied exclusively by, one (1) family.

Dwelling, Two-Family. A building consisting of two (2) dwelling units.

Dwelling Unit. One (1) or more rooms with kitchen and sanitary facilities designed as a unit for occupancy by not more than one (1) family for cooking, living and sleeping purposes.

Easement. A grant by the owner of the use of a strip of land by the public, a corporation, or persons, for specific uses and purposes, to be designated as a “public” or “private” easement depending on the nature of the use.

Efficiency Apartment. A dwelling unit with a bathroom and principal kitchen facilities designed as a self-contained unit for occupancy for living, cooking and sleeping purposes and having no separate, designated bedroom.

Emergency Vehicle, Machinery, or Alarm. Any machinery, vehicle, or alarm used, employed, performed or operated in an effort to protect or restore safe conditions in the community or for the citizenry or work by private or public utilities when restoring utility service.

Emergency Work. Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency or work by private or public utilities when restoring utility services.

Erected. Build, construct, alter, reconstruct, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential Services. Services and utilities needed for the health, safety, and general welfare of the community, including, but not limited to underground, surface, or overhead electrical, gas, telephone, water, sewerage, and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which it is located.

Excavation. Any breaking of ground, except common household gardening and ground care.

Extractive Operation. Premises from which any rock, gravel, sand, topsoil, or earth in excess of five hundred (500) cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

FAA. Federal Aviation Administration.

FCC. Federal Communications Commission.

Family. A family shall be defined by one (1) of the following:

- (1) One (1) or more persons related by blood, marriage, adoption, or guardianship, plus not more than two (2) persons not so related, who are either domestic employees, caregivers, including, but not limited to a nurse, nanny, or physical therapist, or persons who occupy rooms for which compensation may or may not be paid, living together as a single housekeeping unit.
- (2) Two (2) persons and their children by natural birth or adoption, plus not more than two (2) persons not so related, who are either domestic employees, care givers, including, but not limited to a nurse, nanny or physical therapist, or persons who occupy rooms for which compensation may or may not be paid.
- (3) A functional family living together as a single housekeeping unit.

Family, Functional. A group of no more than four (4) persons, plus their minor children, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. A functional family shall not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals, exceeding four (4) persons in number, where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

Family, Immediate. An immediate relative related by blood, marriage, adoption or guardianship, including a parent, child, grandparent or grandchild.

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

Farm Buildings. Any structure constructed, maintained, and used on a farm, including barns, silos, granary, milk house, and similar structures, but not including any building used as a dwelling.

Farm Dwelling. A residential dwelling unit solely for farm workers which shall be occupied by persons or families, at least one of whom derives substantial income from agricultural and/or floricultural work and work incidental thereto.

Farmer. A person whose principal occupation and source of income is farming.

Farmers Market. The seasonal or year round sale of such locally grown products as fruits, vegetables and plants, farm products including, but not limited to honey, eggs and milk, and homemade foods including, but not limited to jams, jellies, pies, and breads.

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

- (1) Marketing produce at roadside stands or farm markets.
- (2) The generation of noise, odors, dust, fumes, and other associated conditions.
- (3) The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
- (4) Field preparation and ground and aerial seeding and spraying.
- (5) The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- (6) Use of alternative pest management techniques.
- (7) The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
- (8) The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- (9) The conversion from a farm operation activity to other farm operation activities.
- (10) The employment and use of labor.

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

Farm Supply, Wholesale/Retail. A building, structure or area where farm equipment and farm supplies are kept for sale, but shall not include any other establishment defined or classified herein.

Fence. Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to ingress or

egress, a screen from objectionable vista or noise, an enclosure in carrying out the requirements of this Ordinance; or for decorative uses.

Filling. Filling shall mean the depositing or dumping of ground, soil, gravel, stone, or fill dirt, except common household gardening, farming, and general ground care of a residential or agricultural character.

Flag Lot. Flag lot means a lot, the major portion of which has access to a street by means of a comparatively narrow strip of land.

Flea Market. An outdoor facility for the sale, barter, trade, or exchange of goods.

Flood Insurance Study. The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

Floodplain. That portion of land adjacent to or connected to a water body or water course which is subject to periodic inundation in accordance with the one hundred (100) year flood cycle as determined by the U.S. Army Corps of Engineers or other applicable federal agency.

Floodway. The channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study that must be reserved in order to discharge the base flood.

Floor Area. For the purpose of computing, the minimum allowable floor area in a residential dwelling unit, which is the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, non-habitable attached accessory buildings (garages), breezeways and enclosed and unenclosed porches.

Floor Area, Gross (GFA). The sum of the gross horizontal areas of the several floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) dwelling units. The gross floor area of a building shall include the basement (see definition) floor area when more than one half (1/2) of the basement height is above the established curb level or finished lot grade and of interior finished construction similar to first or main floor. Any space devoted to off-street parking or loading shall not be included in gross floor area. Areas of dwelling basements, unfinished attics, breezeways, porches (enclosed or unenclosed) or attached garages are not included.

Floor Area, Usable (UFA). The measurement of usable floor area shall be as follows:

- (1) *Nonresidential.* The measurement of usable floor area for nonresidential uses shall be the sum of the area of the first floor, as measured by the exterior face of the exterior walls plus that area similarly measured, of all other stories that are accessible by the fixed stairway, ramp, escalator or elevator, which may be made fit for use, the measurement shall include the floor area of all accessory buildings measured similarly.

- (2) *Residential.* The measurement of usable floor area for residential uses shall be the sum of the area of the first floor, as measured by the exterior face of the exterior walls plus the area, similarly measured, of all other stories having more than ninety (90) inches of headroom, that are accessible by the fixed stairway and which may be usable for human habitation, but excluding the floor area of uninhabitable basements, cellars, garages, accessory buildings, attics, breezeways and unenclosed porches.

Garage, Commercial. Any garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles.

Garbage. Refuse, accumulation of fall 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.

Garden Center. An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, landscaping materials, and equipment.

Generally Accepted Agricultural and Management Practices (GAAMPS). Those practices as defined by the Michigan Commission of Agriculture. The Commission shall give due consideration to available Michigan Department of Agriculture information and written recommendations from the Michigan State University Experiment Station in cooperation with the United States Department of Agricultural Natural Resources Conservation Service and the Consolidated Farm Service Agency, the Michigan Department of Natural Resources, and other professional and industry organizations.

Grade. The degree of rise or descent of a sloping surface.

Grade, Finished. The final elevation of the ground surface after development.

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

Greenhouse, Commercial, Non-Farm Related. A building, room, or area usually of transparent material in which the temperature is maintained within a desired range, used for cultivating tender plants or growing plants out of season for retail sale to the general public.

Habitable Space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Hazardous Substance. Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshall Division; hazardous materials as defined by the U.S. Department of Transportation; and critical

materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources. Petroleum products and waste oil are subject to regulation under this Ordinance are also hazardous substances.

Historical Building, Site or Area. Those parcels and/or uses of land and/or structures whose basic purpose is to (a) safeguard the heritage of the Township by preserving or allowing a structure or use which reflects elements of the community's cultural, social, economic, political, or architectural history; (b) stabilize and improve property values in the area; (c) foster civic beauty; (d) strengthen the local economy; and (e) promote the use of such sites for the education, pleasure, and welfare of the local residents and of the general public.

Home Business. An occupation, profession, activity, or use that is clearly incidental and secondary but integrated into a dwelling unit. The business may also employ one non-resident of the home.

Home Improvement Center. A facility of more than 30,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, including, but not limited to tools, builder's hardware, paint and glass, house wares and household appliances, garden supplies and cutlery

Hospital. An institution providing health services, primarily for inpatients 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.

Hotel or Motel. A building or group of buildings in which lodging is provided to the transient public.

Improvements. Those features and actions associated with a project which are considered necessary to protect natural resources or the health, safety, and welfare of the Township, and future users or inhabitants of the proposed project or project area; including parking areas, landscaping, roadways, lighting, utilities, screening, and drainage. Improvements do not include the entire project subject to zoning approval.

Intensive Livestock Operations. An agricultural operation in which livestock are bred and/or raised within a confined area, either inside or outside an enclosed building. While the density of confined livestock varies, it significantly exceeds that of traditional farming operations and includes both the number of confined livestock in the confined area and the amount of land which serves as the waste disposal receiving area.

Junk. Any motor vehicle, machinery, appliance, product, merchandise with parts missing, scrap material that is damaged, deteriorated or in a condition which cannot be used for the purpose for which the product was manufactured.

Junk Yard. A place, structure, parcel or use of land where junk, waste, discard, salvage, or similar materials including, but not limited to old iron or metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged,

stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, housing wrecking, and structural steel materials and equipment and including establishments for the sale, purchase, or storage or salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

Kennel, Commercial. An establishment wherein or whereon three (3) or more dogs, cats or other domestic animals are confined and kept for sale, boarding, breeding or training purposes, for remuneration.

Kennel, Private. Any building and/or land used, designed or arranged for the temporary or permanent boarding, breeding, training or care of dogs, cats, or other domestic animals belonging to the owner thereof and kept for purposes of show, hunting, or as pets (but not to include riding stables, or animals raised for agricultural purposes). The keeping of such animals shall be strictly incidental to the principal use of the premises and shall not be for the purposes of remuneration or sale.

Laboratory. A place in which the principal use is devoted to experimental, routine, or basic study including, but not limited to testing and analytical operations.

Landfill. Any disposal area or tract of land, building, unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse.

Landing Field. A field where aircraft may land and take off.

Landing Strip. An airstrip.

Landscaping. The following definitions shall apply in the application of this Ordinance:

- (1) *Berm.* A landscaped mound of earth which blends with the surrounding terrain.
- (2) *Buffer.* A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.
- (3) *Conflicting non-residential land use.* Any non-residential use, including, but not limited to office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.
- (4) *Conflicting residential use.* Any residential land use developed at a higher density which abuts a residential land use developed at a lower density.
- (5) *Greenbelt.* A landscaped area, established at a depth of the minimum required front yard setback within a Zoning District, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.

- (6) *Opacity.* The state of being impervious to sight.
- (7) *Plant material.* A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.

Lighting. Define: fixture, floodlight, fully shielded fixture, glare, types of bulbs, incandescent, LPS (low sodium lamp), mercury vapor lamp, laser source light, light trespass, lumen, recessed fixture.

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

Lot. A lot is a parcel of land, excluding any portion in a street or other right-of-way, of at least sufficient size to meet minimum requirements for use, coverage, lot area, and to provide such yards and other open spaces as herein required. Such lot shall have frontage on a public street, or on an approved private street, and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) Any combination of complete and/or portions of lots of record;
- (4) A parcel of land described by metes and bounds.

Lot Area, Gross. The net lot area plus any public road right-of-way or private road easement contained within the property boundary.

Lot Area, Net. The total horizontal area within the lot lines of the lot, exclusive of any public road rights-of-way or private road easements. Net lot area shall be used to determine compliance with minimum lot area requirements.

Lot, Corner. A lot with frontage on two (2) intersecting streets.

Lot Coverage. That part or percentage of the lot occupied by buildings, including attached and detached accessory buildings.

Lot Depth. The mean horizontal distance from the front line to the rear lot line; or in the case of a waterfront lot, from the lake frontage line to the street frontage line; or in the case of an acreage lot, from the front right-of-way line to the rear lot line.

Lot, Interior. An interior lot is a lot other than a corner lot with only one (1) lot line fronting on a street.

Lot, Through (Double Frontage). A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting one or both of the streets, the required front yard setback shall be observed on those streets where structures presently front.

Lot Line. Any line dividing one (1) lot from another or from a public or private right-of-way, and thus constitutes the property lines bounding a lot.

Lot Line, Front. In case of an interior lot, the lot line separating said lot from the street or private road.

Lot Line, Rear. The lot line opposite and most distance from front lot line. In the case of an irregularly shaped lot, such lot line shall be an imaginary line parallel to the front lot line but not less than ten (10) feet long and measured wholly within said lot.

Lot Line, Side (Interior or Exterior). Any lot line which is not a front lot line or a rear lot line. A lot line separating a lot line from the side street is an exterior side lot line while a lot line separating a lot from another lot, or lots, is an interior side lot line.

Lot of Record. A lot of record is a lot, the dimensions of which are shown on a subdivision plat recorded in the Office of the Register of Deeds for Lenawee County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Registered Surveyor, so designated by the State of Michigan, and said description so recorded or on file with the County.

Lot, Waterfront. Any lot which abuts and faces onto a lake, river or similar body of water.

Lot, Width. The horizontal distance between the side lot lines measured at the two (2) points where the required front yard setback line intersects the side lot lines. Where the side lot lines are not parallel, lot width shall be the length of a straight line perpendicular to the lot axis, measured where the lot axis crosses the building line. The lot axis shall be a straight line, located within the lot lines of the lot, joining the midpoints of the front and rear lot lines.

Lot, Zoning. A single tract of land, located within a single block which, at the time of applying for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control and which tract satisfies the applicable requirements of this Ordinance in every respect. A zoning lot may, therefore, not coincide with a lot of record, but may include one (1) or more lots of record.

Lumber Yard. A building, structure, or area used for the storage of or the sawing or planing wood into beams, planks or boards of convenient size that are for sale with other related retail items and services for construction purposes. May include facilities for kiln drying of lumber.

Manufactured Housing Unit. A dwelling unit manufactured in one (1) or more sections, designed for year-round, temporary or transient dwelling purposes, capable of being transported

upon its own or a separate wheeled chassis, not motorized or self-propelled, built for the purpose of being located in a licensed manufactured housing community or mobile home park, meets the requirements of the FHA Standards of the United States Department of Housing and Urban Development (HUD) or the American National Standards Institute (ANSI), if built prior to 1976, and installed in accordance with this Ordinance and the State Construction Code. Such dwellings do not include recreational vehicles including, but not limited to travel trailers, motor coaches, motor homes, campers and the like.

Manufactured Housing Community. A specifically designated parcel of land constructed and designed to accommodate three (3) or more manufactured housing units for residential dwelling use, and licensed by the State of Michigan in accordance with Act No. 96 of the Public Acts of Michigan of 1987 (MCL 125.2301 et seq., MSA 19.855(101) et seq.), the Mobile Home Commission Act.

Massage Therapist. An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Foundation, or successor organizations.

Master Land Use Plan. The plan prepared and adopted by the Township Planning Commission in accordance with Public Act 33 of 2008 relative to the agreed upon desirable physical land use pattern for future Township development. The Plan consists of a series of maps, plans, charts, and written material, representing in summary form, the soundest planning direction to the Township as to how it should grow in order to realize the very best community living environment in the Township.

Master Right-of-Way Plan. The right-of-way and/or thoroughfare plan officially adopted by the Township, the County of Lenawee and/or the Inter-County Highway Commission.

Mixed Use. A structure or project containing residential and non-residential uses.

Night Club. A place of entertainment, open at night for eating, drinking, and dancing, usually having live entertainment.

Non-Conforming Building or Structure. A nonconforming building or structure is a complete building or structure or portion thereof lawfully existing at the effective date of this Ordinance, or subsequent amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

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.

Non-Habitable. A building or a portion of a building which cannot be defined as a dwelling unit whether attached or detached from the main building.

Nuisance. An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics

of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people - particularly at night, passing traffic, or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities. Farm operations, as defined by the Michigan Right To Farm Act, P.A. 93 of 1981, as amended, shall not be considered nuisances where generally accepted agricultural and management practices of the Michigan Commission of Agriculture are adhered to.

Nursery. A space, structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for sale on the premises, including products used for gardening or landscaping (including the sale of Christmas trees).

Occupied. The use of any structure, parcel or property for human endeavor, but not including the preparation of any structure of land for occupancy.

Off-Street Parking Area. A land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

Open Air Business Use. A business use operated for profit, substantially in the open air, usually without buildings or structures, including uses, but not limited to the following:

- (1) Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
- (2) Outdoor display and sales or garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar products.
- (3) Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer.
- (4) Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving range, children's amusement park or similar recreation uses (transient or permanent).

Open Front Store. A business establishment other than a restaurant, bank, automobile service or repair station, so developed that service to the patrons may be extended beyond the walls of the building, not requiring the patrons to enter said building.

Open Space. All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state, or similar use.

Open Storage. A land area occupied and used for outdoor storage of building materials, sand gravel, stone, lumber, equipment and other supplies.

Ordinary High Water Mark. The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is distinguished from the upland as evidenced in the soil, the configuration of the surface of the soil and vegetation.

Parcel. A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate recorder. This includes a lot, lot of record, or a piece of land created through other methods.

Park, Private. A parcel of land used by a limited group of people, an organization, or an institution for recreational purposes which may include, but not be limited to such uses as pools, playgrounds, picnic areas, camping grounds, nature trails, driving ranges, etc.

Park, Public. A parcel of land use for recreation purposes by the community-at-large, which may include similar activities as outlined under “Private Parks”.

Parking Lot. A facility located outside of the road right-of-way providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided for unrestricted access and egress.

Parking Space. One (1) unit of a parking area provided for the parking of one (1) vehicle, and shall be exclusive of driveways, aisles, or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

Pavement or Hard Surface. Plant-mixed bituminous material, concrete, brick, masonry pavers, or similar durable materials approved by the Township.

Pawnbroker. Any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any article of personal property as security for the payment or repayment of money.

Pawn Shop or Collateral Loan and/or Exchange Establishments. Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

Permitted Use. Any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

Person. Person shall include any individual, firm, association, partnership, joint venture, corporation, limited liability company or other entity.

Personal Service Establishment. A business where personal services are provided for profit and where the sale, of goods is only accessory to the provisions of such services, including but not limited to the following: barber shops, beauty shops, tailor shops, laundry or dry cleaning shops, shoe repair shops.

Pet. Shall mean only such animals as may commonly be housed within domestic living quarters.

Planned Unit Development. A land area having both building sites and open spaces including, but not limited to parks held in common ownership, and which is developed by one proprietor as a separate neighborhood.

Planning Commission. An appointed Commission empowered to help administer the provisions of this Ordinance.

Plat. A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act 288 of 1967; The Subdivision Control Act and the Subdivision regulations of the Township.

Plant Nursery. A lot and/or structure or combination thereof for the growing, storage, wholesale sale, or retail sale, of live trees, shrubs, and plants, and including as incidental sales, the sale of products used for gardening or landscaping. This definition of nursery does not include a roadside or temporary sales facility for Christmas trees.

Playground. An area of landscaped open space equipped with children's play equipment including, but not limited to slides, swings, wading pools or similar equipment and game areas.

Pond. Any excavation, or the alternating of a watercourse by damming or excavation, or combination thereof, for the purpose of creating thereby a body of water greater than fifty (50) square feet in area, and eighteen (18) inches in dept, except for detention or retention basins.

Pool or Billiard Hall. An establishment wherein the substantial or significant portion of all usable area is devoted to the use of pool or billiard tables.

Porch, Enclosed (includes patio). 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 (includes patio and deck). 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 the principal building or structure to which it is attached.

Premise. All portions of contiguous land in the same ownership that are not divided by any public highway, street, or alley, and upon which is located a residence or place of business.

Principal Building or Structure. The main building or structure in which the primary use is conducted.

Principal Use. The primary, or chief purpose for which a lot is used.

Property Line. The imaginary line which represents the legal limits of property, including an apartment, condominium, room or other dwelling unit, owned, leased, or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street or other public right-of-way, the "property line" shall be the nearest boundary of the public right-of-way.

Public Service. Public service facilities within the context of this Ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses include essential services.

Public Utility. Any person, firm, corporation, or municipal agency authorized under Federal, State, County or municipal regulations to furnish electricity, gas, communications, transportation, water, or sewer services.

Recreation Area. Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, fishing, or other recreational purposes.

Recreational Facilities. Recreational facilities shall include the following:

- (1) *Active Recreation.* An area of land dedicated to recreational activities that require intensive development of facilities and often involve cooperative or team activities.
- (2) *Passive Recreation.* An area of land dedicated to recreational activities that require a low-level of development and preservation of natural areas, and often involve solitary or small group, unstructured activities.

Recreational Facility, Indoors. A public or privately owned facility designed and equipped for the conduct of sports or leisure activities and any other customary recreational activities within an enclosed building, such as gymnasiums and fitness centers, indoor soccer facilities, racquetball and tennis clubs, ice and roller-skating rinks.

Recreational Facility, Outdoor. A public or privately owned facility designated and equipped for the conduct of sports or leisure activities and other customary recreational activities outside of an enclosed building, such as tennis clubs, golf courses, golf driving ranges, and skateboarding parks.

Recreational Vehicle. "Recreational Vehicles" shall include the following:

- (1) *Boats and Boat Trailers.* "Boats" and "boat trailers" shall include boats, floats, rafts, canoes, jet skis, waverunners plus the normal equipment to transport them on the highway.

- (2) *Folding Tent Trailer.* A canvas folding structure mounted on wheels and designed for travel and vacation use.
- (3) *Motor Home.* A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- (4) *Other Recreational Equipment.* Other recreational equipment includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.
- (5) *Pickup Camper.* A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- (6) *Travel Trailer.* A portable vehicle on a chassis, not exceeding thirty-six (36) feet in length or nine (9) feet in width, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

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

- (1) *Restaurant, Carry-Out.* A carry-out restaurant is a restaurant whose method of operation involved sale of food, beverages, and/or frozen deserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off of the premises.
- (2) *Restaurant, Drive-In/Drive-Through.* A drive-in/drive-through restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.
- (3) *Restaurant, Fast-Food.* A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside or outside of the structure, or for consumption off the premises, but not in a motor vehicle at the site.
- (4) *Restaurant, Sit Down.* A standard restaurant is a restaurant whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or the

prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

- (5) *Bar/Lounge.* A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Retail Stores and Retail Sales. A showroom, sales floor, display area, or similar facility for the selling, trading, and exchanging of goods, wares, or merchandise for direct consumption directly to the consumer within an enclosed building.

Rezoning. The amendment of this Ordinance to change the official Zoning Map classification on land from its existing district to a new district classification.

Right-of-Way, Public. A legally dedicated public strip or area of land which may be varying widths allowing the right of passage and upon which a public road may be constructed, and having the minimum width as depicted on the Right-of-Way Master Plan as adopted by the Lenawee County Road Commission.

Right-of-Way, Private. A strip or area of land which may be varying widths allowing passage in accordance with Ordinance No. 97-6, Land Division, Section 275.008, as amended.

Road. A public or private thoroughfare which affords the principal means of access to abutting property. The road types are defined as follows:

- (1) *Arterial:* Provides the highest level of service at the greatest speed for the longest uninterrupted distance, with some degree of access control.
- (2) *Collector:* Provides a less highly developed level of service at a lower speed for shorter distances by collecting traffic from local roads and connecting them with arterials.
- (3) *Local:* Consists of all roads not defined as arterials or collectors; primarily provides access to land with little or no through movement.

Road Frontage. The legal line which separates a dedicated road right-of-way or easement from abutting land to which it provides over-the-curb vehicular access.

Road, Frontage Access. A public or private road paralleling and providing ingress and egress to adjacent lots and parcels but connected to the major highway or road only at designated intersections or interchanges.

Road, Hard Surface. A highway or road built to the concrete or asphalt surface road building specifications of the County Road Commission, the Michigan Department of Transportation, or the Adrian Charter Township engineering design standards.

Roadside Stand or Market. A roadside stand or market is a temporary use of property or facilities for the selling of produce.

Roomer or Boarder. A person who occupies a rooming unit or occupies a room unit and receives meals for compensation in a rooming house or in a dwelling unit.

Rooming and Boarding House. A portion of an owner-occupied, single-family dwelling unit or accessory building, not to exceed a total of 1,000 square feet in area, with or without separate kitchen facilities, for not more than six (6) individuals other than family, for an extended period of time, for compensation.

Rooming Unit. Any room or group of rooms, forming a single habitable unit used for living and sleeping, but which does not contain cooking or eating facilities.

Screen. A structure providing enclosure, including, but not limited to a fence, and/or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials including, but not limited to trees and shrubs.

Secondhand Store. Any building, structure, premises, or part thereof used solely or partially for the sale of secondhand clothing, furniture, books, or household goods, or solely or primarily for the sale of secondhand household appliances.

Self-Storage Facility. A building or group of buildings, each of which consists of several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Such facilities are typically, but not necessarily, contained within a fenced, controlled access compound.

Senior Housing. An institution, other than a hospital or hotel, which provides room and board to non-transient persons primarily fifty-five (55) years of age or older. Housing for the elderly may include:

- (1) *Assisted Living Facility.* A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance.
- (2) *Interim Care Housing.* A semi-independent housing facility containing congregate kitchen, dining, and living area, but with separate sleeping rooms. Such facilities typically provide special support services such as transportation and limited medical care.
- (3) *Convalescent or Nursing Home.* A home for the care of two (2) or more children, the aged or infirm persons suffering serious or chronic bodily disorders, who need a wide range of health and support services, including personal nursing care and which are licensed under applicable state laws.

- (4) *Senior Apartments.* Multiple-family dwelling units containing dwellings where the occupancy is restricted to persons fifty-five (55) years of age or older, or where couples either the husband or wife is fifty-five (55) years of age or older.

Setback. The minimum required horizontal distance between the building or structure and the front, side, and rear lot lines and natural features.

School. A building used for the purpose of public or private elementary or secondary, special or higher education, which meets all requirements of the compulsory education laws of the State of Michigan.

Shed. A self contained and enclosed single story building of less than or equal to 200 square feet which does not depend on shared or common walls with adjacent building or buildings.

Shoreline. The line which separates land from a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County Drain Commissioner in the State Department of Natural Resources. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

Shopping Center. More than one (1) commercial establishment, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

Sign. A device which is affixed to, or otherwise located or set upon a building, structure or parcel of land which directs attention to an activity, or business. The definition includes interior signs, which are directed at persons outside the premises of the sign owners, and exterior signs, but not signs primarily directed at persons within the premises of the sign owner. The definition does not include goods for sale displayed in a business window. The following additional definitions are provided:

- (1) *Abandoned Sign.* A sign accessory to or associated with a use that has been discontinued or terminated for more than one hundred and eighty (180) days
- (2) *Banners and Flags.* Considered part of a sites signage and shall include all removable fabric, cloth, paper or other non-rigid material suspended or hung from light poles, buildings or other site amenities. These signs may or may not include a business logo or symbol.
- (3) *Billboard.* A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted (an off-site sign) and is regulated in accordance with regulations governed by the Highway Advertising Act, P.A. 106 of 1972 as amended.
- (4) *Canopy Sign.* Means a sign displayed and affixed flat on the surface of a canopy and does not extend vertically or horizontally beyond the limits off the canopy.

- (5) *Changeable Copy Sign.* A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the structural integrity of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time, temperature or stock market information shall be considered a "time, temperature and stock market" portion of a sign and not a changeable copy sign for purposes of this ordinance.
- (6) *Digital/Electronic Sign.* A sign that uses changing lights or other electronic media to form a sign message wherein the sequence of messages and the rate of change is electronically programmed and can be modified by an electronic process.
- (7) *Directional Sign.* A sign directing and guiding vehicular or pedestrian traffic or parking but bearing no advertising matter.
- (8) *Ground Sign.* A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary.
- (9) *Menuboard.* A sign that displays menu items and may contain a communication system for placing food orders or other items at an approved drive-through facility.
- (10) *Nameplate Sign:* A single face sign directly attached/affixed to to a single family residence which only identifies the name and address of the residents.
- (11) *Temporary Sign:* A single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, easily movable, and not permanently attached to the ground or a building. Political signs are included within the definition for portable temporary signs.
- (12) *Projecting Sign:* A sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign. Marquee signs are included within the definition for projecting signs.
- (13) *Promotional Banner.* A sign made of fabric, cloth, paper or other non-rigid material that is typically not enclosed in a frame and advertises a product or service offered on the premises.
- (14) *Real Estate Sign:* A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.

- (15) *Roof Sign:* Any sign wholly erected to, constructed/or maintained on the roof structure of any building.
- (16) *Sign Structure:* That part of the sign which structurally supports the sign message area whether integrated into the message area through the use of the same materials or through the use of complementing but different materials.
- (17) *Sign Surface:* That part of the sign upon, against, or through which the message is displayed or illustrated.
- (18) *Sign Message Area.* A sign message is the area, computed in square feet, within which the letters, figures, numbers or symbols are contained. The area is determined by measuring the height of the extreme perimeters of all letters, figures, numbers or symbols, by the width of the same. The area of all changeable copy signs shall be determined by measuring the total area within which the copy can be altered.
- (19) *Subdivision Entryway Sign:* A ground mounted single or double sided sign which identifies the name of the subdivision/development and street address only.
- (20) *Suspended Sign.* A sign that is suspended or hung from the underside of an eave, porch roof or awning.
- (21) *Wall Sign:* Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.
- (22) *Window Sign:* A sign installed inside a window and intended to be viewed from the outside.

Single Ownership. Ownership by one (1) person or by two (2) or more persons jointly, as tenants by the entirety, or as tenants in common, or a separate parcel of real property not adjacent to land in the same ownership.

Site Plan. A scaled drawing which shows the intended and/or existing location and dimensions of improvement or structures upon a parcel of property, including buildings, driveways, parking areas, parking spaces, landscaping, landscaped areas, sidewalks, signs, drainage facilities, utilities or similar physical improvements.

Slaughter House. A building used for the slaughtering of animals and the scalding, butchering and storage of carcasses for human consumption, but not including the rendering, smoking, curing or other processing of meat, fat, bones, offal, blood, or other byproducts of the permitted operation.

Sludge. Solid or liquid waste extracted in the process of sewage treatment and/or agricultural operations.

Special Land Use. A use which is subject to special land use approval by the Planning Commission. A special land use may be granted only when there is a specific provision in this Ordinance. A special land use is not considered to be a nonconforming use.

Stable, Commercial. A structure that is used for the shelter and care of horses, llamas, mules or donkeys which are rented, hired, or used on a commercial basis for compensation, also to include the renting of stable space, for the above mentioned animals not owned by the owner/proprietor(s) of a commercial stable.

Stable, Private. A structure that is used for the shelter, riding and care of horses, llamas, mules or donkeys which are kept or boarded for the sole enjoyment of the owners, and does not include the renting or hiring of the above mentioned animals on a commercial basis or the renting of stable space.

State Licensed Residential Facility. A structure constructed for residential purposes that is licensed by the State under the Adult Foster Care Facility Act, and provides residential services for six (6) or fewer persons under 24-hour supervision or care.

Story. That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

Story, One-Half. A story under the gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story and the floor area shall not exceed one-half (1/2) of the area of the floor below.

Street. See Road.

Structure. Anything constructed or erected above ground level or which is attached to something located on the ground. Structures typically include such things as buildings, amateur radio towers, sheds, carports/covers and decks.

Subdivision. A partitioning or dividing of a parcel or tract of land by the owner or any legal representatives for the purpose of sale, or lease for more than one year, or building development.

Supermarket. A retail establishment primarily selling food as well as other convenience and household goods to the general public, which operates on a self-service, cash and carry basis and may include facilities for parcel pickup. Supermarkets commonly have a gross floor area of between thirty-five thousand (35,000) and seventy-five thousand (75,000) square feet.

Swimming Pool. Any structure or container located either above or below grade designed to hold water to depths greater than 24 inches, intended for swimming or bathing, including swimming pools, hot tubs, jacuzies, whirlpools and ponds.

Swimming Pool, Private. A swimming pool and/or wading pool, including structures necessary and incidental thereto, owned and operated by the landowner of the parcel on which situated, for use only by the residents of the parcel on which situated, and their guests.

Tavern. An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated to the use of stages, dance floors, standing-room areas, pool tables, poker tables, and other amusement devices.

Temporary Use of Building or Land. A use of a building or premises permitted to exist during construction of the main building, or for special events.

Tent or Carport Shelter. A structure of canvas or the like supported by poles and fastened by cords or pegs driven into the ground, and not intended for permanent use on-site.

Thoroughfare. A roadway contained within the limits of a right-of-way, having a high degree of continuity throughout a municipality or geographic region and used primarily for the conveyance of large volumes of traffic.

Time Limits. Unless otherwise specified, time limits stated in this ordinance shall be measured from midnight of the date on which the cause of action arises. Specific units of measure shall be as follows:

- (1) *Days.* Consecutive periods of twenty-four (24) hours.
- (2) *Weeks.* Consecutive periods of seven (7) days.
- (3) *Months.* Consecutive periods of twenty-eight (28) to thirty-one (31) days,
- (4) *Years.* Consecutive periods of three hundred sixty-five (365) days.

Township. The geographical area and governmental entity encompassing Adrian Charter Township (Lenawee County) Michigan: as governed by an elected Township Board.

Township Board. The duly elected legislative body of Adrian Charter Township.

Transit and Temporary Amusements. Uses that are temporary and not part of an established business or where no permanent or physical structures or facilities are used such as: circuses, carnivals, music festivals, other similar amusements and similar gatherings of people.

Travel Trailer Park/Campground. Land intended to house travel trailers, tents, or other similar temporary methods of travel, recreation or vacation housing.

Use. The lawful purpose for which land or premises or a structure or building thereon is designed, arranged, intended, or for which is occupied, maintained, let or leased for a use or activity.

Veterinary Clinic. An enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short time boarding incidental to clinic or hospital use. Such clinics include only those under direction of a licensed veterinarian registered in the State of Michigan. Such animal clinics shall be constructed in such a manner that noise and odor are not discernible beyond the property upon which it is located.

Wall. An obscuring structure of definite height and location, constructed of masonry, concrete or similar approved material.

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

- (1) *Private WECS:* Any WECS that is accessory to a principal non-farm, non-agricultural use located on the same lot, and is designed and built to serve the needs of the principal use.
- (2) *Commercial WECS:* Any WECS that is designed and built to provide electricity to the electric utility's power grid as an ongoing commercial enterprise and/or profit.
- (3) *Authorized Factory Representative:* An individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.
- (4) *Facility Abandonment:* An out of production WECS for a period of time not less than one (1) year.
- (5) *Manual and Automatic Controls:* Give protection to power grids and limit rotation of WECS blades to below the designed limits of the conversion system.

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

- (1) *Attached Wireless Communications Facilities.* Any wireless communication facility affixed to an existing structure, including, but not limited to a building, tower, water tank, utility pole, or other feature utilized to receive and transmit federally or state licensed communication services via duly licensed segments of the radio frequency spectrum. This definition shall not include support structures.

- (2) *Wireless Communication Support Structures.* Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
- (3) *Collocation.* The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

Yard. An open space which is unoccupied except for certain structures which are specifically permitted by the Ordinance.

Yard, Front. The required open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building in which the principal use is located. Parcels fronting on two (2) public roadways shall be deemed to have two (2) front yards.

Yard, Front, Road, and Waterfronts. Both are defined as front yards or setbacks from road right-of-way lines.

Yard, Rear. The required open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the back lot line and the nearest point of the main building in which the principal use is located.

Yard, Required. An open space of prescribed width or depth adjacent to a lot or property line on the same land with a building or group of buildings, which open space lies in the area 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.

Yard, Side. The required open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the main building in which the principal use is located.

Zoning Administrator. This Zoning Ordinance shall be administered and enforced by the zoning administrator or by such person as the Township Board may delegate to enforce this Zoning Ordinance.

Zoning Appeal. An entreaty or demand for a hearing and/or review of facts and/or actions conducted by the Zoning Board of Appeals in accordance with the duties and responsibilities specified in this Ordinance.

Zoning Board of Appeals. As used in this Ordinance, means the Adrian Charter Township Zoning Board of Appeals.

Zoning District. A portion of the Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance and designated on the Zoning District Map.

Zoning Interpretation. A review which is necessary when the provisions of this Ordinance are not precise enough to all applications without interpretation, and such review of the provisions of this Ordinance are therefore required in accordance with the procedures and provisions of this Ordinance.

Zoning Permit. A permit for commencing construction issued by the Zoning Administrator in accordance with all the provisions of this Zoning Ordinance and/or an approved site plan.

ARTICLE 3

ADMINISTRATION AND ENFORCEMENT

Section 3.1 Zoning Administration.

This Zoning Ordinance shall be administered and enforced by the Zoning Administrator or by such deputies as the Administrator may delegate to enforce this Zoning Ordinance.

Section 3.2 Duties.

The Zoning Administrator shall:

- (a) Receive and review for completeness all applications for site plan review and special land uses which the Planning Commission is required to decide under this Ordinance and refer such applications to the Planning Commission for determination.
- (b) Receive and review for completeness all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.

- (c) Receive and review for completeness all applications for amendments to this Ordinance and refer such applications to the Planning Commission and Township Board for determination.
- (d) Make site inspections to determine Ordinance compliance, and answer complaints on Zoning Ordinance violations.
- (e) Implement the decisions of the Planning Commission and Township Board.

Section 3.3 Certificate of Zoning Compliance

- (a) Certificates of Zoning Compliance are required of all structures, uses, or lots, erected, used, or created after the effective date of this Ordinance.
- (b) Applications for Certificates of Zoning Compliance shall be made to the Zoning Administrator or delegated official. Each application shall include a site plan as required in Section 3.5, herein, and all information necessary to determine zoning compliance.

(c) In all cases in which a Certificate of Occupancy is required, but a Building Permit is not required, the Certificate of Occupancy shall not be issued unless a Certificate of Zoning Compliance has been issued by the Township Zoning Administrator and is in effect.

(d) A Certificate of Zoning Compliance shall not be issued for any use or structure, unless said use or structure and the lot upon which it is situated meets all the requirements of this Ordinance. A Certificate of Zoning Compliance may be issued for a legally existing non-conforming use, structure, or lot. In such case, the Certificate of Zoning Compliance shall clearly list each and every legal non-conformity. A Certificate of Zoning Compliance shall not be issued for any use, structure, or lot if any illegal non-conformity exists thereon.

(e) The owner or lessee of the structure or lot, or agent of either, may make application for a Certificate of Zoning Compliance by the licensed engineer or architect employed in connection with the proposed work or operation. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work or operation is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

(f) Subject to the limitations of Section 3.5, herein, amendments to a plan, application or other records accompanying the same may be filed at any time before completion of the work for which the certificate was approved and before a Certificate of Occupancy is issued. Such amendments shall be deemed part of the original application and shall be filed therewith.

(h) The Zoning Administrator or delegated official shall examine or cause to be examined all applications for a Certificate of Zoning Compliance and amendments thereto within a reasonable time after filing. If the application or the plans do not conform to all requirements of this Ordinance, the Zoning Administrator shall reject such application in writing, stating the reasons therefore. If the application or plans do so conform, the Zoning Administrator shall issue a Certificate of Zoning Compliance as soon as practical. The signature of the Zoning Administrator shall be attached to every certificate, or a subordinate may be authorized to affix such signature thereto. The Zoning Administrator shall stamp or endorse all sets of corrected and approved plans submitted with such application as "Approved." The Township Board of Trustees shall determine any fees associated with the issuance of a certificate of compliance.

(i) An application for a Certificate of Zoning Compliance shall be deemed to have been abandoned six (6) months after the date of filing unless such application has been diligently pursued or a Building Permit shall have been issued, or a Certificate of Occupancy shall have been issued for a use not requiring a building permit. The Zoning Administrator may, for reasonable cause grant not more than two (2) extensions of time, for periods not exceeding ninety (90) days each. Any certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after time of commencing the work.

(j) In the case of any false statement or misrepresentation of fact in the application or on the plans on which the certificate was based, any Zoning Compliance Certificate shall be deemed null and void at the discretion of the Zoning Administrator.

(k) Issuance of a Certificate of Zoning Compliance shall be subject to the following conditions:

- A. No certificate shall be issued until the required fees have been paid.
- B. All work or use shall conform to the approved application and plans for which the certificate has been issued and any approved amendments thereof.
- C. All work or use shall conform to the approved final site plan, if required.

(l) An application for a Certificate of Zoning Compliance shall be accompanied by a site plan as required in this Section, unless a site plan is required under Section 3.5, Site Plan Review, in which case the provisions of this Section shall not apply. Such site plan shall be drawn to a measurable scale, submitted in four (4) copies, and shall provide the following information:

- A. Scale, date, and north arrow.
- B. Location, shape, dimensions of the lot, and rights-of-way.
- C. Dimensioned location, outline, and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures.
- D. A clear description of existing and intended uses of all structures.

Section 3.4 Special Land Uses

(a) Applications for a special land use authorized in this Zoning Ordinance shall be submitted to the Planning Commission by filling in the official special use permit application form. Such application shall be accompanied by a fee as determined by the Township Board; provided however, that no fee shall be required of any governmental body of agency. The fee shall be charged to the applicant to defray the cost of the notification requirements of this Zoning Ordinance associated with the proceedings required on the application. No part of such fee shall be returnable to the applicant. Approvals of special land use requests will be at the discretion of the Planning Commission.

(b) An application for a special land use shall contain the following information:

- (1) The applicant's name, address, and telephone number.
- (2) The names and addresses of all owners of record and proof of ownership.

- (3) The applicant's interest in the property, and if not the fee simple owner, a signed authorization from the owner(s) for the application.
- (4) Legal description, address, and tax parcel identification number of the property.
- (5) A scaled and accurate survey drawing, correlated with the legal description, and showing all existing buildings, drives and other improvements.
- (6) A detailed description of the proposed use.
- (7) A conceptual site plan which includes adequate information to evaluate the functionality of the site.

(c) When the Planning Commission receives an application for a special land use, the following procedure shall be followed:

- (1) One (1) notice indicating that a request for a special land use has been received shall be published in a newspaper of general circulation within the Township. Notices shall also be sent by mail or personal delivery to the owners of property for which approval is being considered.
- (2) Notices indicating that such a request has been received will also be sent by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property for which a special land use has been requested. Notices will also be sent by mail or personal delivery to the owners of property, to persons to whom real property is assessed, and the occupants of all structures located within three hundred (300) feet of the property in question whether the property or occupant is located in the zoning jurisdiction. If the name of an occupant is not known, the term "Occupant" may be used in making notification. Notices shall be given not less than fifteen (15) days before the either the date of the public hearing or the date the special land use application will be considered by the Planning Commission.
- (3) The notice shall include the following:
 - A. Describe the nature of the special land use request;
 - B. Indicate the property that is the subject of the special land use request, including a listing of all existing street addresses within the property, if applicable;
 - C. State when and where the special land use request and/or public hearing will be held; and

- D. Indicate when and where written comments will be received concerning the request.
- E. The notice of receipt of a special land use application shall indicate that a public hearing on the special land use application may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for a special land use regardless of whether the property or occupant is located in the Township.

(d) A public hearing on a special land use application may be requested by the Planning Commission the applicant, a real property owner whose real property is assessed within 300 feet of the property, or the occupant of a structure located within 300 feet of the property. Notification as required in Section 3.4 (c) hereof, shall be provided before a decision is made on the special land use request.

(e) Following the public hearing, if requested, the Planning Commission may deny, approve, or approve with conditions, requests for special land use. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

(f) The Planning Commission shall review the proposed special land use in terms of the following standards:

- (1) Will be harmonious and in accordance with the general objectives or any specific objectives of the Land Use Plan;
- (2) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area;
- (3) Will not be hazardous or disturbing to existing or future nearby uses;
- (4) Will be an improvement in relation to property in the immediate vicinity and to the community as a whole;
- (5) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility;
- (6) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the community; and
- (7) Will be consistent with the intent and purposes of this Zoning Ordinance.

(g) The Planning Commission may impose conditions and safeguards deemed necessary for ensuring that the purposes of this Zoning Ordinance. Conditions imposed shall meet all of the following requirements:

- (1) Be designed to protect natural resources, the health, safety, and welfare, as well as the social economic well being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
- (2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity; and
- (3) Be necessary to meet the intent of the purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

(h) Any special land use approval given by the Commission, shall become null and void unless construction and/or use are commenced within one (1) year from the date of approval. Any special land use that has been commenced but abandoned for a period of one (1) year, shall lapse and cease to be in effect unless the Planning Commission approves a one (1) year extension of the special land use approval. Only one (1) extension may be granted per application.

Section 3.5 Site Plan Review.

Site plan review and approval of all development proposals within specific zoning districts shall be required as provided in this Section. The intent of this Section is to provide for consultation and cooperation between the developer and the Planning Commission so that both parties might realize maximum utilization of land and minimum adverse effect upon the surrounding land uses. Through the application of the following provisions, the attainment of the Land Use Plan will be assured and the Township will develop in an orderly fashion.

(a) Site Plan Review Required. A site plan shall be submitted to the Commission for review and approval for the following:

- (1) Any permitted use or special land use within the Township, including one-family detached and two-family dwellings and their accessory buildings and uses;
- (2) Any use or development for which the submission of a site plan is required by any provision of the Township's Ordinances;
- (3) Any change and/or conversion of use as permitted and regulated by this Ordinance that may result in a modification to off-street parking, traffic circulation, services, facilities or other physical conditions on the site;

- (4) Any use or development subject to the Michigan Condominium Act, Act 59 of the Public Acts of 1978, as amended; and
- (5) Any addition to an existing principal or accessory building within the Township, except one-family detached and two-family dwellings, and their accessory buildings and uses.

(b) Site Plan Review Standards. The site plan shall be reviewed in accordance with the following standards: *A Certificate of Occupancy will not be issued until all site improvements have been made.*

- (1) The proposed design will not be injurious to the surrounding neighborhood or impede the normal and orderly development of surrounding property for uses permitted by the Township's Ordinances.
- (2) The location, design and construction materials of all buildings and structures will be compatible with the topography, size and configuration of the site, and the character of the surrounding areas.
- (3) There will be a proper relationship between streets, sidewalks, service drives, driveways, and parking areas protecting the safety of pedestrians and motorists.
- (4) The location of buildings, outside storage receptacles, parking areas, screen walls, and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and the occupants of surrounding areas.
- (5) Township requirements and standards for streets, lighting, driveway approaches, grading, surface drainage, storm sewers, storm water retention facilities, water mains, sanitary sewers, and necessary easements will be met.
- (6) All buildings or groups of buildings will be so arranged as to permit emergency vehicle access by some practical means to all sides.
- (7) Appropriate site design measures have been taken which will preserve and protect the landscape, existing topography, natural resources, and natural features including, but not limited to lakes, ponds, streams, wetlands, steep slopes, groundwater recharge areas, and woodlands.
- (8) Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, ground water or nearby water bodies.
- (9) Landscaping, including greenbelts, trees, shrubs, and other vegetative materials, is provided to maintain and improve the aesthetic quality of the site and the area.
- (10) The proposed use is in compliance with the Township's Ordinances and any other applicable standards and laws.

(c) Information Required on Site Plan. A site plan submitted for review shall contain all of the following data prior to its submission to the Commission for review and approval:

(1) General Information.

- A. Plans drawn to a scale of not less than one (1) inch equals fifty (50) feet for property less than three (3) acres or not less than one (1) inch equals one hundred (100) feet for property three (3) acres or more;
- B. The proprietors', applicants' and owners' names, addresses and telephone numbers;
- C. The date (month, day, year), title block, scale and north arrow;
- D. The signed professional seal, name and address of the architect, engineer, surveyor, landscape architect or planner responsible for the preparation of the plan;
- E. The zoning district classification of the petitioner's parcel and all abutting parcels;
- F. Pertinent area, height, lot coverage and setback requirements of the zoning district in which the parcel is located; and
- G. A legal description, including a gross acreage figure.

(2) Physical Features.

- A. Existing and proposed lot lines, building lines, structures and parking areas on the parcel and within one hundred (100) feet of the site;
- B. The location of existing and proposed traffic and pedestrian circulation facilities, including:
 - i. Centerline and existing and proposed right-of-way lines of abutting streets;
 - ii. Access drives;
 - iii. Service drives;
 - iv. Fire lanes;
 - v. Street intersections;
 - vi. Acceleration, deceleration and passing lanes and approaches;
 - vii. Sidewalks and pedestrian paths; and
 - viii. Curbing.

- C. The location of existing and proposed service facilities above and below ground, including:
 - i. Chemical and fuel storage tanks and containers;
 - ii. Storage, loading and disposal areas of chemicals, hazardous substances, salt and fuels;
 - iii. Water mains, hydrants, pump houses, standpipes and building services and sizes;
 - iv. Sanitary sewers and pumping stations;
 - v. Stormwater control facilities and structures, including storm sewers, swales, retention/detention basins, drainage ways and other facilities, including calculations for sizes;
 - vi. Existing and proposed easements; and
 - vii. Public utility distribution systems.
- D. Dimensioned floor plans, finished floor elevations, typical elevation views and specifications of building materials of all buildings;
- E. Dimensioned parking spaces and calculations, drives and type of surfacing;
- F. Exterior lighting locations, type of light and illumination patterns;
- G. The location and description of all existing and proposed landscaping, berms, fencing and walls;
- H. The trash receptacle pad location and the method of screening;
- I. The transformer pad location and the method of screening;
- J. Sign locations, height and size; and
- K. Any other pertinent physical features.
- L. Compliance with Adrian Charter Township engineering design standards.

(3) Natural Features.

- A. For parcels of more than one (1) acre, existing and proposed topography with a maximum contour interval of two (2) feet on the site and beyond the site for a distance of one hundred (100) feet in all directions. Spot elevations shall be required for parcels of less than one (1) acre in size;
- B. The location of existing drainage courses and associated bodies of water, on and off site, and their elevations; and

- C. The location of natural resource features, including wetlands and woodlands.

(4) Additional Requirements for Multiple Family Developments.

- A. Density calculations by type of unit;
- B. Designation of units by type and number of units in each building;
- C. Carport locations and details where proposed; and
- D. Details of community building and recreational facilities.
- E. Master Deed, Bylaws, and Exhibit B for all condominium developments.

(5) Additional Requirements for Non-Residential Districts.

- A. Loading/unloading areas;
- B. Total and usable floor area; and
- C. Number of employees, customers, clients or patients in peak usage.
- D. Master Deed, Bylaws, and Exhibit B for all condominium developments.

(d) Application Procedure. An application for site plan review shall be processed in the following manner:

- (1) All site plans shall be submitted to the Township with the completed application form and payment of a fee established by resolution of the Township Board by the second Tuesday of each month and must contain the following to be accepted:
 - A. A completed application signed by the owner. If the owner is not the applicant, the signature of the owner required on the application shall constitute authorization for representation by the applicant. If the owner is a corporation, the application must be signed by a corporate officer. If the owner is a partnership, the application must be signed by a general partner. If the owner is an individual, each individual owner must sign the application.
 - B. The applicant shall file four (4) copies of the site plan as well as all of the required fees with the Township. One (1) copy shall be submitted to the Drain, Road and County Commissions. The applicant shall also submit one (1) copy to any other appropriate agency.

- C. All items required by Section 3.5 hereof.
- (2) Upon receipt of the site plan, the following shall apply:
- A. The Township shall forward a copy of the site plan and application to the appropriate Township departments and consultants.
 - B. Prior to submission to the Commission, the Township may schedule a meeting with the applicant and applicable staff to determine informational completeness and general compliance with the Ordinance.
 - C. If applicable, the applicant shall submit revised plans based upon the comments from the pre-Planning Commission meeting with staff and consultants.
 - D. The Township shall place review of the site plan on the next available Commission agenda.
- (e) Planning Commission Review. The Commission shall consider the application for approval, conditional approval, or denial at the scheduled meeting.
- (1) Upon a determination by the Commission that a site plan is in compliance with the Township's Ordinances, Planning Commission shall grant approval. In this case, the basis for the decision shall be indicated in the official minutes from the proceedings.
 - (2) Upon a determination by the Commission that a site plan is in compliance, except with minor revisions, the Commission may grant conditional approval. In this case, the basis for the decision shall be indicated in the official minutes from the proceedings.
 - (3) If the site plan does not comply with the provisions of the Township's Ordinances, it shall be denied. In this case, the basis for the action shall be indicated in the official minutes from the proceedings.
- (f) Effect of Approval. When an applicant receives final site plan approval, he or she must develop the site in complete conformity with the approved site plan. If the applicant has not obtained a building permit and commenced construction within one (1) year of site plan approval, the site plan approval becomes null and void and the developer shall make a new application for approval.
- (g) Certificate of Zoning Compliance. Within thirty (30) days of Planning Commission approval, but prior to receiving a certificate of occupancy, the applicant shall submit a revised set of plans which address all of the conditions of site plan approval. Upon verification of compliance with the conditions of Planning Commission approval, the Zoning Administrator or

delegated official may sign the plans and submit a letter to the applicant indicating compliance with all applicable zoning provisions. The signed plans and associated letter shall become part of the official record which shall be retained by the Township.

(h) Amendment of a Site Plan. If an applicant seeks an amendment to an approved site plan or seeks an extension of time in which to commence building from an approved site plan, the approved site plan shall be amended or the time extension granted only upon the mutual agreement of the Commission and the applicant.

(i) Administrative Review. In the following cases, the Zoning Administrator shall have the authority to approve a site plan without submission to the Planning Commission, but subject to all the criteria set forth in Sections 3.5 (a) to (c) hereof.

(1) Where Applicable.

- A. Accessory uses incidental to a conforming existing use where said use does not require any variance or further site modifications;
- B. The conversion of an existing building from one permitted use to another permitted use within the same district, provided there is no substantial modification necessary to the building or the site;
- C. Expansion and/or addition of five hundred (500) square feet or less to an existing conforming structure or use; and
- D. Provision for additional loading/unloading spaces and landscape improvements as required by this section.

(2) Information Required. The Zoning Administrator shall require all applicable criteria set forth in Sections 3.5 (a) to (c) hereof to be met and shall have the authority to waive information required in Section 3.5 (c) hereof which is not necessary to determine whether site plan review requirements have been met. The Zoning Administrator shall also have the authority to refer any site plan eligible for administrative review under Section 3.5 hereof to the Planning Commission and/or any consultants employed by the Township for the purposes of site plan review

Section 3.6 Condominium and Site Condominium Project Regulations.

(a) Intent. Pursuant to the authority conferred by Section 141 of the Condominium Act, preliminary and final site plans shall be regulated by the provisions of this Ordinance and subject to the review by the Planning Commission and approval by the Township Board.

(b) General Requirements.

- (1) Each condominium lot shall be located within a zoning district that permits the proposed use.
- (2) For the purposes of this Ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located, and the provisions of any other statutes, laws, ordinances, and/or regulations applicable to lots in subdivisions.
- (3) In the case of a condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use. Required yards shall be measured from the boundaries of a condominium lot.
- (4) Each condominium lot shall front on and have direct access to a public road or a private road approved by the Township. An approved private road shall comply with the same standards for public subdivision streets as established and in accordance with Lenawee County Road Commission standards.
- (5) All condominium project plans shall conform to the plan preparation requirements, design, layout and improvement standards, and all other requirements as established by the Township.

(c) Site Plan Approval Requirements. Preliminary approval of the site plan and final approval of the site plan and condominium documents by the Planning Commission shall be required as a condition to the right to construct, expand or convert a site condominium project. No permits for erosion control, building construction, grading, or installation of public water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan has been approved by the Township Planning Commission and is in effect. Preliminary and final approval shall not be combined.

(1) Preliminary Approval.

- A. Each preliminary site plan submitted for review shall provide the following information:
 - i. property owner's and applicant's name and address;
 - ii. scale, north arrow, and date of plan;
 - iii. location, description, dimensions, and area of the site; zoning classification; and, demonstration of compliance with lot area, width, coverage and setback requirements.
 - iv. general topography and soils information and existing natural and man-made features to be retained or removed;
 - v. location and dimensions of proposed buildings/structures; including floor area, number of floors, height, number and type of dwelling units (where applicable);

- vi. proposed streets/drives; including general alignment, right of way, surface type, and width;
- vii. proposed parking; including location and dimensions of spaces and aisles, and surface type;
- viii. adjacent land uses, property owners, and zoning and location of adjacent buildings and drives/streets;
- ix. proposed phasing;
- x. location and width of any easements on the site.

- B. If the site plan conforms in all respects to applicable laws, ordinances, and design standards, preliminary approval shall be granted by the Planning Commission.
- C. If the site plan fails to conform, the Planning Commission shall either deny the application, or grant preliminary approval with conditions, provided such conditions are met before final approval.

(2) Final Approval.

- A. Following preliminary approval, the applicant shall submit a final site plan pursuant to the standards and procedures set forth in Section 3.5 of this Ordinance. In addition to the final site plan, the Condominium Documents shall be submitted to the Township for the review by the Township Attorney and other appropriate staff and consultants. The Condominium Documents shall be reviewed with respect to all matters subject to regulation by the Township including, without limitation: ongoing preservation and maintenance of drainage, retention, wetland and other natural and/or common area; maintenance of private roads, if any; and maintenance of stormwater, sanitary, and water facilities and utilities.
- B. The applicant shall also submit engineering plans in sufficient detail for the Township to determine compliance with applicable laws, ordinances and design standards for construction of the project.
- C. Upon completion of the review of the Condominium Documents and engineering plans and receipt of the recommendations and findings from the Township Attorney, Engineer, and Planner, the site plan shall be submitted to the Township Board for final review.
- D. If the site plan, Condominium Documents, and/or engineering plans conform in all respects to applicable laws, ordinances, and design standards, final approval shall be granted by the Township Board.
- E. If the site plan, Condominium Documents and/or engineering plans fail to conform, final approval shall be denied by the Township Board.

(d) Required Improvements.

- (1) All design standards and required improvements that apply to a subdivision, under the Subdivision Regulations adopted by the Township Board, shall apply to any condominium development.
- (2) Utility standards stated in Building Code shall apply to all condominium units proposed for location on property which is not subdivided and recorded, or property which is to be further subdivided.
- (3) Monuments shall be set at all boundary corners and deflection points and at all road right of way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.
- (4) Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall declare easements to the Township for all public water and sanitary sewer lines and appurtenances.
- (5) All improvements in a site condominium shall comply with the design specifications as adopted by the Township Board and any amendments thereto.

(e) Information Required Prior to Occupancy. Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the Zoning Administrator:

- (1) A copy of the recorded Condominium Documents (including exhibits).
- (2) A copy of any recorded restrictive covenants.
- (3) A copy of the site plan on laminated photostatic copy or mylar sheet.
- (4) Evidence of completion site plan and improvements associated with the proposed use including two copies of an “as-built survey”.

(f) Revision of Site Condominium Plan. If the site condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission before any building permit may be issued, where such permit is required.

(g) Amendment of Condominium Documents. Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the Township Attorney and Planning Commission before any building permit may be issued, where such permit is required.

The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the site plan.

(h) Relocation of Boundaries. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.

(i) Subdivision of Condominium Lot. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which it is located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

Section 3.7 Use of Consultants.

From time to time, at the cost of the applicant, the Township may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of special use permits, site plans, rezonings, or other matters related to the planning and development of the Township.

Section 3.8 Fees.

The Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure, for all zoning and building permits, certificates of occupancy, appeals, and other matters pertaining to the Zoning Ordinance. The Township shall have the authority to include fees for the use of engineering, planning, legal or other special consultants. The schedule of fees shall be posted in the Township Offices, and may be altered or amended only by the Township Board. No permit, certificate, special use approval, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

Section 3.9 Violations and Penalties.

Unless otherwise expressly provided, whoever (including, but not limited to owner, tenant, occupant, or person) violates any of the provisions of this Zoning Ordinance is guilty of a misdemeanor and upon conviction thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offence, or by both such fine and imprisonment in the discretion of the court, together with the cost of such prosecution. In addition to all other remedies, including the penalties provided in this Section of the Ordinance,

the Township may commence and prosecute appropriate actions or proceedings in a court of competent jurisdiction, to restrain or prevent any noncompliance with or violation of any of the provisions of this Ordinance, or to correct, remedy or abate such noncompliance or violation. Buildings erected altered, razed or converted, or uses carried on in violation of any provision of this Ordinance or in violation of any regulations made under the authority of Act 184 of the Michigan Public Acts of 1943, as amended, are hereby declared to be a nuisance per se, and the court shall order such nuisance abated.

Section 3.10 Amendments.

An amendment to the zoning district boundaries contained on the official zoning map (rezoning) and to the text of this ordinance may be initiated by the Township Board or the Planning Commission. An amendment to the zoning district boundaries may also be initiated by the owner or owners of property that is the subject of the proposed rezoning. An amendment to the text of this ordinance may also be initiated by petition of one (1) or more residents or property owners of the Township.

(a) Rezoning and Zoning Ordinance Text Amendment Application Procedure.

- (1) Application Information for Amendments. An amendment to the official zoning map or this ordinance, except those initiated by the Township Board or Planning Commission, shall be initiated by submission of a complete application on a form supplied by the Township, including an application fee, which shall be established from time to time by resolution of the Township Board. Said application shall explicitly describe the proposed amendment and shall be signed by the applicant.

- (2) Application Information for Zoning Map Amendment. In the case of an amendment to the official zoning map (rezoning), the following information shall accompany the application.
 - A. Information to indicate the dimensions, location and size of the subject property including, but not limited to a sketch plan, property identification number, a legal description, street address of the subject property, a map identifying the subject property in relation to surrounding properties, or other method required by the Planning Commission.

 - B. The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, or proof of consent from the property owner.

 - C. The existing and proposed zoning district designation of the subject property.

 - D. A written description of how the requested rezoning meets Section 3.10 Criteria for Amendment of the Official Zoning Map (Rezoning).

- E. At the Planning Commission's discretion the following additional information may be required.
- i. A site analysis illustrating existing conditions on the site and adjacent properties; including, but not limited to woodlands, wetlands, soil conditions, steep slopes, drainage patterns, views, existing buildings, any sight distance limitations, and relationship to other developed sites and access points in the vicinity.
 - ii. A conceptual plan to scale demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, wetland buffers access spacing, any requested service drives and other site design factors.
 - iii. A traffic impact analysis if any use permitted in the requested zoning district could generate one hundred (100) or more peak hour directional trips, or 1,000 or more vehicle trips per day; the traffic study should contrast the daily and peak hour trip generation rates for representative use in the current and requested zoning district; the determination of representative uses shall be made by the Planning Commission with input from Township staff and consultants.
 - iv. The site to be staked to clearly indicate the location of the requested amendment. Flagged stakes shall be placed at each parcel corner.

(b) Rezoning and Zoning Ordinance Amendment Process.

- (1) Public Hearing. Upon initiation of a rezoning or zoning ordinance text amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the Township, not less than fifteen (15) days before the date of the hearing, and in accordance with the provisions of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
- (2) Planning Commission Review and Recommendation. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Township Board. In the case of an amendment to the official zoning map (rezoning), the Planning Commission shall consider the criteria contained in Section 3.10 criteria for Amendment of the Official Zoning Map (Rezoning), above, in making its finding and recommendation. In addition, the Township Planning Commission shall submit its recommendation to the Lenawee County Planning Commission.

- (3) Township Board Review and Action. Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed ordinance map or text amendment. In the case of an amendment to the text of this zoning ordinance, the Township Board may modify or revise the proposed amendment as recommended by the Planning Commission, prior to enactment. In the case of an amendment to the official zoning map (rezoning), the Township Board shall approve or deny the amendment, which may be based on consideration of the criteria contained in Section 3.10(c) Criteria for Amendment of the Official Zoning Map (Rezoning).
- (4) Notice of Adoption. Following adoption of a zoning text or map amendment the Township Board, a notice will be published in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
- (5) Resubmittal. No petition for rezoning or zoning ordinance text amendment that has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission.

(c) Criteria for Amendment of the Official Zoning Map (Rezoning). In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission and the Township Board shall consider the following criteria in making its findings, recommendations and decision.

- (1) Consistency with the goals, policies and Land Use Plan Map of the Adrian Charter Township Land Use Plan, including all applicable sub-area and corridor studies. If conditions have changed since the Land Use Plan was adopted, the consistency with recent development trends in the area.
- (2) Compatibility of the site's physical, geological, hydrological, and other environmental features with the potential uses allowed in the proposed zoning district.
- (3) The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- (4) The capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township;

- (5) The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned to accommodate the demand.
 - (6) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.
- (d) Criteria for Amendment of the Official Zoning Ordinance Text. The Planning Commission and Township Board shall, at minimum, consider the following before taking action on any proposed amendment.
- (1) Compatibility with the basic intent and purpose of the Zoning Ordinance.
 - (2) Consistency with the goals and objectives and future land use map of the Adrian Charter Township Land Use Plan, including any sub-area or corridor studies.
 - (3) The requested amendment will correct an error in current appropriate documentation.
 - (4) The requested amendment will resolve an inequitable situation created by the Zoning Ordinance and does not grant special privileges.
 - (5) The requested amendment will not result in unlawful exclusionary zoning.
 - (6) There is documentation from Township staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.
 - (7) The requested amendment will address changes in state legislation, other Township ordinances, or federal regulations.
 - (8) The requested amendment will resolve potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
- (e) Conditional Rezoning of Land. As an alternative to a rezoning amendment as described in Section 3.10 (b) of this Ordinance, the Township may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with Act No. 110 of Public Acts of Michigan of 2006, as amended. It is recognized that, in certain instances, it would be an advantage to both the Township and petitioners seeking rezoning of land if a site plan, along with conditions and limitations that may be relied upon by the Township, could be proposed as part of a petition for rezoning. Conditional rezoning of land must follow the standards and procedures as noted below.

- (1) The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to Section 3.10(a).
- (2) In addition to the procedures as noted in Section 3.10(a), the following specific procedures, standards, and requirements apply to all proposed conditional rezoning requests.
 - A. A conditional rezoning request must be voluntarily offered by an owner of land within the Township. All offers must be made in writing and must provide the specific conditions to be considered by the Township as a part of the rezoning request. All offers shall be in the form of a written agreement approvable by the Township and property owner, incorporating the conditional rezoning site plan and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought.
 - B. Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
 - C. Conditional rezoning shall not alter any of the various zoning requirements for the use(s) in question, i.e. parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezonings shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of Article 12 of this Ordinance.
 - D. Conditional rezoning shall not grant special land use approval. The process for review and approval of special land uses must follow the provisions of Section 3.4 of this Ordinance.
 - E. All conditions offered by a land owner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning shall not be construed to allow rezoning by exaction.
 - F. In addition to the informational requirements provided for in Section 3.10(a)(2) of this Ordinance the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this Ordinance, that may show the location, size, height or other measures for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property that is the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the Township. A conditional rezoning site plan shall not replace the requirement under this Ordinance for site plan review

and approval, or subdivision or site condominium approval, as the case may be.

(3) Time Limits and Reversion of Land to Previous District.

- A. If the proposed conditions of rezoning are acceptable to the Township, the Township may establish a time period during which the conditions apply to the property and must be met. Said time limit shall be from year to start with a 6 month review after the first year. At the two year point, the permit will revert to the start and will have to be resubmitted. If the conditions are not satisfied within the time specified under this section, the property shall revert to its former zoning classification unless an extension is granted as noted below. Reversion of a property back to its former classification must follow the rezoning amendment provisions as provided in Section 3.10(b) of the Zoning Ordinance.
- B. Unless a reversion of the zoning takes place as described in the section above, the approved conditional rezoning shall be binding upon the subject property owner, their heirs, successors, assigns, and transferees.
- C. Upon approval of a conditional zoning, a copy of the written agreement between the property owner and Township shall be filed with the Lenawee County Register of Deeds, which shall act to provide notice to all subsequent owners of the property of the conditions approved and agreed to by the Township.
- D. The Township may not add to or alter any conditions approved as a part of a rezoning during the time period specified above.
- E. The time limits specified and approved by the Township may be extended upon the application of the landowner and approval of the Township.

(4) Review Procedures. The factors found in Section 3.10(c) of this Ordinance must be considered in any conditional rezoning request.

(f) Amendments Required to Conform to Court Decree. Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and published, without necessity of a public hearing.

ARTICLE 4
ZONING DISTRICT REGULATIONS

Section 4.1 Establishment of Zoning Districts

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

- RA** - Agricultural District
- R** - Residential District
- R-1** - Urban Residential District
- R-2** - Multiple Family Residential District
- C-P** - Business Professional District
- C-R** - Restricted Commercial District
- C-H** - Highway Business District

- M** - Industrial District
- SP** - Special Purpose District
- PUD** - Planned Unit Development District

A. Section 4.2 Provisions for Official Zoning Map

These districts, so established, are bounded and defined as shown on the map entitled: "Zoning Map of Adrian Charter Township" adopted by the Township Board, and which with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the districts shown thereon were fully set forth herein.

Section 4.3 Changes to Official Zoning Map

If, in accordance with the procedures of this Ordinance and of Public Act 110 of 2006, as amended, a change is made in a zoning district boundary, such change shall be made by the Township Board with the assistance of the Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published by the Township Board. Other changes in the Zoning Map may only be made as authorized by this Ordinance and such changes, as approved, shall also be promptly made by the Township Board with the assistance of the Zoning Administrator.

Section 4.4 Authority of Official Zoning Map

Regardless of the existence of other copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Township Supervisor, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

Section 4.5 Interpretation of Zoning Districts

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

- (a) A boundary indicated as approximately following the centerline of a highway, road, alley, railroad or easement shall be construed as following such centerline.

- (b) A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- (c) A boundary indicated as approximately following the corporate boundary line of the Township shall be construed as following such line.
- (d) A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- (e) A boundary indicated as following the centerline of a stream, river, canal, lake, or other body of water shall be construed as following such centerline.
- (f) A boundary indicated as parallel to or an extension of a feature indicated in Sections 4.3 through 4.4 above shall be so construed.
- (g) A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- (h) All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the Official Zoning Map shall be determined by the Zoning Board of Appeals consistent with the intent and purpose of this Ordinance.

Section 4.6

AG, Agricultural District

Intent and Purpose

This district is established to preserve the rural character and support stable and viable agricultural operations. The primary use of this district area is considered to be agriculture. The regulations of this district are designed to conserve and protect farm operations, including dairy farming, pasturage, cash cropping, stables (public and private), orchards, as well as other agricultural and related uses. The regulations of the district are designed to exclude or discourage uses and buildings that demand substantial public or private services, including, but not limited to major thoroughfares, water supply, waste water treatment facilities, drainage, and other public or private utility type services. This district includes areas where the largest concentration of undeveloped agricultural soils exist.

Section 4.6.1 Principal Permitted Land Uses

- (a) Adult Family Day-Care Homes, subject to Section 6.2.
- (b) Adult Foster Care Family Homes and Adult Foster Care Small Group Homes (six or fewer adults), subject to Section 6.3.
- (c) Agricultural and farming operations considered to be generally accepted farming practices, and covered under the Michigan Right to Farm Act.
- (d) Child Family Day-Care Homes, subject to Section 6.2.
- (e) Child Foster Family Homes, subject to Section 6.3.
- (f) Commercial Farm Implement and vehicle repair and maintenance.
- (g) Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements.
- (h) Governmental and municipal buildings and structures.
- (i) Intensive livestock operations, subject to Section 6.25.
- (j) Livestock auction yards/markets, subject to Section 6.29.
- (k) Single-family dwelling.
- (l) Stables, private.
- (m) Uses similar to the above permitted principal land uses.

Section 4.6.2 Permitted Principal Special Land Uses

The following special land uses are permitted, subject to the provisions of Section 3.4, Special Land Uses:

- (a) Accessory Building for habitable space
- (b) Adult Day-Care Centers& Group Day-Care Homes, subject to Section 6.2.
- (c) Adult Foster Care Small Group Homes (seven to twelve adults), subject to Section 6.3.
- (d) Airports, airstrips and heliports, subject to Section 6.5.
- (e) Animal rescues or shelters, subject to Sections 6.6.
- (f) Auction Facilities, subject to Section 6.7.
- (g) Bed and Breakfast, subject to Section 6.10.
- (h) Cemeteries, subject to Section 6.11.
- (i) Child Group Day Care Homes and Centers, subject to Section 6.2.
- (j) Child Foster Family Group Homes, subject to Section 6.3.
- (k) Churches, subject to Section 6.12.
- (l) Extracting, removing, filling, depositing or dumping operations, subject to review.
- (m) Funeral homes and mortuaries, subject to Section 6.17.
- (n) Home Businesses, subject to Section 5.6.
- (o) Kennels, commercial, subject to Sections 6.26.
- (p) Outdoor recreational facilities, subject to Section 6.33.
- (q) Parochial and private schools and their recreational activities and facilities.
- (r) Plant nurseries and retail greenhouses, subject to Section 6.32.
- (s) Public and private parks, playgrounds and recreational activities.
- (t) Two-family dwellings.

- (u) Public and private areas for nature study, forest preserves, hunting and fishing reservations, game refuges, fishing, boating, and other water related activity sites, non-intensive recreation facilities related to the natural environment, organized camping and campgrounds which are located on an area of at least twenty (20) contiguous acres of land.
- (v) Riding stables, commercial, subject to Section 6.36.
- (w) Veterinary hospitals or clinics, subject to Section 6.46.
- (x) Wind Energy Conversion Systems (WECS), commercial, subject to Section 6.47.
- (y) Wireless Communication Facilities, subject to Section 6.48.
- (z) Uses similar to the above permitted principal special land uses.

Section 4.6.3 Permitted Accessory Land Uses

The following permitted accessory uses are permitted, subject to the provisions of Section 5.2, Accessory Buildings, Structures and Uses:

- (a) Buildings, structures, and uses customarily incidental to the operation of a permitted principal or special land use in this District.
- (b) Grain, feed, cold, and other storage of agricultural products in conjunction with farming or other principal agricultural use located on the same parcel.
- (c) Herbicide, insecticide, and fertilizer sales and application in conjunction with a farming or other principal agricultural use located on the same parcel.
- (d) Kennels, private, subject to Section 6.27.
- (e) Roadside stands selling seasonal farm produce. Subject to Section 6.37.
- (f) Sales of seed and other product in conjunction with farming or other principal agricultural use located on the same parcel.

Section 4.7 R, Residential District

Intent and Purpose

This district is established to provide an area that is primarily single family residential development. The regulations of the district are designed to encourage uses and buildings that have adequate public services, including, but not limited to major thoroughfares, water supply, and wastewater treatment facilities/plants, drainage, and other public or private utility type services.

Section 4.7.1 Principal Permitted Land Uses

- (a) Adult Family Day-Care Homes, subject to Section 6.2.
- (b) Adult Foster Care Family Homes and Adult Foster Care Small Group Homes (six or fewer adults), subject to Section 6.3.
- (c) Child Family Day-Care Homes, subject to Section 6.2.
- (d) Child Foster Family Homes, subject to Section 6.3.
- (e) Churches, subject to Section 6.12.
- (f) Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements.
- (g) Governmental and municipal buildings and structures.
- (h) Single-family dwellings, detached.
- (i) Uses similar to the above permitted principal land uses.

Section 4.7.2 Permitted Principal Special Land Uses

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.4, Special Land Uses:

- (a) Adult Group Day-Care Homes, subject to Section 6.2.
- (b) Adult Day-Care Centers, subject to Section 6.2.
- (c) Adult Foster Care Small Group Homes (7 to twelve adults), subject to Section 6.3.
- (d) Accessory Buildings for habitable space.
- (e) Animal rescues or shelters, subject to Sections 6.6.

- (f) Cemeteries, subject to Section 6.11.
- (g) Child Group Day Care Homes and Centers, subject to Section 6.2.
- (h) Child Foster Family Group Homes, subject to Section 6.3.
- (i) Home Businesses, subject to Section 5.6
- (j) Parochial and private elementary, middle or high schools.
- (j) Public and private parks, playgrounds and recreational activities.
- (k) Uses similar to the above permitted principal special land uses.

Section 4.7.3 Permitted Accessory Land Uses

The following permitted accessory uses are permitted, subject to the provisions of Section 5.2, Accessory Buildings, Structures and Uses:

- (a) Buildings, structures and uses customarily incidental to the operation of a permitted principal or special land use in this District.
- (b) Kennels, Private, subject to Section 6.27.
- (c) Roadside stands selling seasonal farm produce, subject to Section 6.37.

Section 4.8

R-1, Urban Residential District

Intent and Purpose

This district is established to provide areas in which the primary use is single-family and two family dwelling(s). The regulations of the district are to provide areas for single family residential uses and buildings where necessary urban services and facilities are provided. Including, but not limited to major thoroughfares, public sewer or water facilities, drainage, and other public services.

Section 4.8.1 Permitted Principal Land Uses

- (a) Adult Family Day-Care Homes, subject to Section 6.2.
- (b) Adult Foster Care Family Homes and Adult Foster Care Small Group Home (six or fewer adults), subject to Section 6.3.
- (c) Child Family Day-Care Homes, subject to Section 6.2.
- (d) Child Foster Family Homes, subject to Section 6.3.
- (e) Churches, subject to Section 6.12.
- (f) Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements.
- (g) Single-family dwellings, detached or attached.
- (h) Uses similar to the above permitted principal land uses.

Section 4.8.2 Permitted Principal Special Land Uses

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.4, Special Land Uses:

- (a) Adult Group Day-Care Homes, subject to Section 6.2.
- (b) Adult Day Care Centers, subject to Section 6.2.
- (c) Adult Foster Care Small Group Homes (seven to twelve adults), subject to Section 6.3.
- (d) Accessory building for habitable space
- (e) Bed and Breakfast accommodations, subject to Section 6.10.
- (f) Home Business, subject to Section 5.6

- (g) Child Group Day Care Homes, subject to Section 6.2.
- (h) Child Day Care Centers, subject to Section 6.2.
- (i) Child Foster Family Group Homes, subject to Section 6.3.
- (j) Parochial, and private elementary, middle or high schools.
- (k) Public libraries.
- (l) Public and private parks, playgrounds and recreational activities.
- (m) Rooming and Boarding facilities, subject to Section 6.38.
- (n) Uses similar to the above permitted principal special land uses.

Section 4.8.3 Permitted Accessory Land Uses

The following permitted accessory uses are permitted, subject to the provisions of Section 5.2, Accessory Buildings, Structures and Uses:

- (a) Buildings, structures and uses customarily incidental to the operation of a permitted principal or special land use in this District.

Section 4.9

R-2, Multiple Family Residential District

Intent and Purpose

This district is established to provide areas for higher density attached single family or multiple family dwellings. These areas are typically served by a central sewage system, which abut or are adjacent to other non-residential uses, amenities, and facilities which support such density and population. Normally accessory and compatible uses supportive uses are also permitted within the areas.

Section 4.9.1 Permitted Principal Land Uses

- (a) Housing for the Elderly and Nursing Homes/Convalescent Centers, subject to Sections 6.22.
- (b) Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements.
- (c) Multiple-family dwellings.
- (d) Public and private parks, playgrounds and recreational activities.
- (e) Single-family attached dwellings.
- (f) Two family dwellings.
- (g) Uses similar to the above permitted principal land uses.

Section 4.9.2 Permitted Principal Special Land Uses

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.4, Special Land Uses:

- (a) Adult and Child Day Care Centers, subject to Section 6.2.
- (b) Churches, subject to Section 6.12.
- (c) Parochial and private elementary, middle or high schools.
- (d) Public or private golf courses, subject to Section 6.20.
- (e) Public or private recreation centers, swimming pools, community centers, clubhouses, etc.
- (f) Public libraries.

- (g) Uses similar to the above permitted principal special land uses.

Section 4.9.3 Permitted Accessory Land Uses

The following permitted accessory uses are permitted, subject to the provisions of Section 5.2, Accessory Buildings, Structures and Uses:

- (a) Buildings, structures and uses customarily incidental to the operation of a permitted principal or special land use in this District.

Section 4.10

MH, Manufactured Housing District

Intent and Purpose

All manufactured housing shall be located in the Manufactured Housing District and shall comply with the Mobile Home Commission Act 96 of the Public Acts of 1987, as amended.

Intent and Purpose

This district is established to accommodate low-intensity, office-type professional and administrative services necessary for the normal conduct of a community’s activities. These areas shall have the following characteristics: allowable activities to take place in attractive buildings in landscaped settings, they generally operate during normal daytime business hours, they produce a minimal amount of traffic, and their use characteristics make them compatible with adjacent residential uses. A limited range of convenience and service businesses is permitted within larger office developments for the benefit of office personnel and visitors, provided that office remains the predominant use within the district.

Section 4.11.1 Permitted Principal Land Uses

- (a) Business service establishments, including, but not limited to typing services, photocopying services, office supply stores, and similar establishments.
- (b) Credit unions, banks, savings and loan offices, and similar financial institutions.
- (c) Data processing and computer centers including the servicing and maintenance of electronic data processing equipment.
- (d) Day care centers, subject to Section 6.2.
- (e) Government and municipal buildings and structures.
- (f) Meeting halls, clubs, and similar uses designed to serve the needs of the members rather than of the general public.
- (g) Medical and dental offices including clinics but not for the care or boarding of a person on an around-the-clock basis.
- (h) Medical or dental laboratories that provide testing services or provide medical or dental devices including, but not limited to artificial limbs, organs, teeth, etc.
- (i) Office-type business related to executive, administrative, or professional occupations including, but not limited to, offices of a lawyer, accountant, tax consultant, financial advisor, insurance/real estate agent, architect, engineer and similar occupations.
- (j) Pet grooming facilities for small household pets.
- (k) Studios for professional work and/or teaching of interior decorating, photography, music, drama, and/or dance.
- (l) Veterinary hospitals or clinics, subject to Section 6.46.

- (m) Uses similar to the above permitted principal land uses.

Section 4.11.2 Permitted Principal Special Land Uses

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.4, Special Land Uses:

- (a) Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements.
- (b) Funeral homes and mortuaries, subject to Section 6.17.
- (c) Permitted principal use with a drive-through, subject to Section 6.16.
- (d) Uses similar to the above permitted principal special land uses.

Section 4.11.3 Permitted Accessory Land Uses

The following permitted accessory uses are permitted, subject to the provisions of Section 5.2, Accessory Buildings, Structures and Uses:

- (a) Buildings, structures and uses customarily incidental to the operation of a permitted principal or special land use in this District.
- (b) Health and fitness facilities when associated with a permitted principal use.
- (c) Medical supply stores limited to the sale or rental of medical devices including, but not limited to wheel chairs, crutches, etc., corrective garments, prostheses, optical corrective lens, etc.
- (d) Pharmacies limited to the sale of prescription drugs, patent medicines, and products for the treatment of illnesses or injuries.
- (e) Retail business normally associated with and complementary to office districts, including, but not limited to stationary shops, office supplies, and office machine repair, so long as there is no entrance and exit directly to the outside of the building to and from such retail businesses.

Section 4.12

C-R, Restricted Commercial District

Intent and Purpose

This district is established to serve the convenience shopping and personal service needs of persons residing in adjacent residential areas, but with the restrictions necessary to minimize any disturbance to those areas. These regulations are intended to discourage strip or linear development, and to encourage stable and desirable development in a cluster or planned pattern.

Section 4.12.1 Permitted Principal Land Uses

- (a) All permitted principal land uses in the C-P, Office and Professional District.
- (b) Dry cleaners (coin operated or distribution station) and dry cleaning/laundry outlet.
- (c) Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements.
- (d) Funeral homes and mortuaries, subject to Section 6.17.
- (e) Health and fitness clubs.
- (f) Libraries and museums.
- (g) Housing for the Elderly and Nursing Homes/Convalescent Centers, subject to Sections 6.22.
- (h) Personal service establishments including, but not limited to watch, small appliance, shoe, and television repair shops, and beauty and barber shops, tailor and seamstress shops, upholstery shops.
- (i) Restaurants, carry-out or sit down.
- (j) Retail businesses of less than 30,000 square feet in gross floor area and supplying commodities, including, but not limited to antiques, automobile parts, tire stores, baked goods, books, candy, clothing, delicatessen products, dairy products, drugs (with or without pharmacy), florist, furniture, gifts, groceries, magazines and newspapers, party store items (including package liquor), meats, notions, hardware, and other similar commodities.
- (k) Uses similar to the above permitted principal land uses.

Section 4.12.2 Permitted Principal Special Land Uses

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.4, Special Land Uses:

- (a) All drive-in or drive through facilities, subject to Section 6.16.
- (b) Automobile filling stations, repair garages, and service stations, subject to Section 6.8.
- (c) Automobile washes or car wash establishments, subject to Section 6.9.
- (d) Bars, lounges and night clubs.
- (e) Commercial recreational facilities, indoor or outdoor.
- (f) Large scale retail facilities, subject to Section 6.28.
- (g) Kennels, Commercial, subject to Section 6.26.
- (h) Transient and temporary amusements, subject to Section 6.44.
- (i) Wireless Communication Facilities, subject to Section 6.48.
- (j) Uses similar to the above permitted principal special land uses.

Section 4.12.3 Permitted Accessory Land Uses

The following permitted accessory uses are permitted, subject to the provisions of Section 5.2, Accessory Buildings, Structures and Uses:

- (a) Buildings, structures and uses customarily incidental to the operation of a permitted principal or special land use in this District.
- (b) Temporary buildings for construction projects.
- (c) Seasonal outdoor dining, operated by a restaurant or other food establishment that sells food for immediate consumption.

Section 4.13

C-H, Commercial Highway

Intent and Purpose

This district is established to serve the overall shopping needs of the population both within and beyond the Township boundaries, including both convenience and comparison goods. This district is intended to provide areas for retail businesses which are located along Federal and State highways and major arterial streets designated as such in the “Highway Plan” of the County of Lenawee of current adoption.

Section 4.13.1 Permitted Principal Land Uses

- (a) All permitted principal land uses in the C-R, Local Business District.
- (b) Automobile filling stations, repair garages and service stations, subject to Section 6.8.
- (c) Automobile washes or car wash establishments, subject to Section 6.9.
- (d) Commercial recreational facilities, indoor or outdoor, subject to Section 6.33.
- (e) Large scale retail facilities subject to Section 6.28.
- (f) Veterinary hospitals and clinics, subject to Section 6.46.
- (g) Uses similar to the above permitted principal uses.

Section 4.13.2 Permitted Principal Special Land Uses

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.4, Special Land Uses:

- (a) All drive-in or drive through facilities, subject to Section 6.16.
- (b) Animal rescues or shelters, subject to Sections 6.6.
- (c) Assembly and dance halls.
- (d) Auto body and paint shops, subject to Section 6.8.
- (e) Automobile and farm equipment sales (new, used and rental), subject to Section 6.8.
- (f) Banquet halls and similar rental facilities.
- (g) Bars, lounges and night clubs.
- (h) Commercial greenhouses or plant nurseries, subject to Section 6.32.

- (i) Health clinics.
- (j) Hospitals, subject to Section 6.19.
- (k) Kennel, Commercial, subject to Section 6.26.
- (l) Mobile home and recreational vehicle sales, service and repair, subject to Section 6.8.
- (m) Motels and hotels, subject to Section 6.31.
- (n) Outdoor sales, storage lots, and display areas, subject to Section 6.34.
- (o) Quick lube/oil change operations, subject to Section 6.8.
- (p) Self storage facilities, subject to Section 6.41.
- (q) Theatre, when fully enclosed.
- (r) Transient, temporary amusements, subject to Section 6.44.
- (s) Wireless Communication Facilities, subject to Section 6.48.
- (t) Uses similar to the above permitted principal special land uses.

Section 4.13.3 Permitted Accessory Land Uses

The following permitted accessory uses are permitted, subject to the provisions of Section 5.2, Accessory Buildings, Structures and Uses:

- (a) Buildings, structures and uses customarily incidental to the operation of a principal or special land use permitted in this District.
- (b) Temporary buildings for construction projects.
- (c) Warehouse/indoor storage associated with a retail sales business.
- (d) Seasonal outdoor dining, operated by a restaurant or other food establishment that sells food for immediate consumption.

Section 4.14

M, Industrial District

Intent and Purpose

This district is established to make available resources and services essential to various industrial uses that range from light to heavy industrial development. These may include manufacturing, office/research, warehousing and distribution, assembly and fabrication. It is intended that this District be located where adequate utilities and suitable road access are available.

Section 4.14.1 Permitted Principal Land Uses

- (a) Business research, development and testing laboratories and offices.
- (b) Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements.
- (c) Industrial park, subject to Section 6.24.
- (d) Industrial research, development, and testing laboratories and offices.
- (e) Manufacturing, compounding, processing, packaging or treatment of the following uses when conducted completely within a building, structure or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located:
 - (1) Electrical appliances, electronic instruments and devices.
 - (2) Food, cosmetics, pharmaceuticals, toiletries, hardware and cutlery.
 - (3) Jewelry, silverware and plated ware, metal or rubber stamps, or other small molded products, musical instruments and parts, toys, amusement, sporting and athletic goods, office and artists materials, notions, signs and advertising displays.
 - (4) Office, computing and accounting machines.
 - (5) Previously prepared materials including, but not limited to bone, canvas, cellophane, ceramic, clay, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings including, but not limited to automobile fenders or bodies), shell, textiles, wax, wire, wood, (excluding saw and planing mills), and yarns.
 - (6) Professional, scientific and controlling instruments, photographic and optical goods.
- (f) Printing, publishing and allied industries.

- (g) Research, development and testing laboratories and offices.
- (h) Uses similar to the above permitted principal land uses.

Section 4.14.2 Permitted Principal Special Land Uses

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.4, Special Land Uses:

- (a) Adult regulated uses, subject to Section 6.4.
- (b) Airports, airstrips, helicopters and other vertical landing take off craft landing ports and aircraft landing fields, subject to Section 6.5.
- (c) Auction House, subject to Section 6.7.
- (d) Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumers at retail.
- (e) Commercial outdoor storage, subject to Section 6.32.
- (f) Construction and farm equipment sales, subject to Section 6.34.
- (g) Flea markets and open air businesses.
- (h) Major vehicle repair shops and overhauling facilities, vehicle bump and paint shops and the like, subject to Section 6.8.
- (i) Manufacturing, compounding, processing, packaging, or treatment of the uses not previously mentioned above.
- (j) Metal fabrication, and tool and die shops.
- (k) Open storage of building materials, sand, gravel, stone, lumber, open storage or construction contractor's equipment and supplies, subject to Section 6.18.
- (l) Public or private waste or water treatment facilities, subject to Section 6.15.
- (m) Radio, television, telephone, transmitter towers.
- (n) Self-storage facilities, subject to Section 6.41.
- (o) Salvage yards, scrap waste and wholesaling, subject to Section 6.39.

- (p) Slaughterhouses, subject to Section 6.42.
- (q) Sludge processing and similar resource recovery operations, subject to Section 6.43.
- (r) Incineration of any refuse, industrial, hazardous, or other wastes when conducted within an approved and enclosed incineration plant, subject to Section 6.23.
- (s) Storage of commercial and recreational vehicles subject to Section 6.14.
- (t) Tennis houses, ice arenas, soccer complexes and other similar uses involving large structures of the type than can be easily converted to industrial usage.
- (u) Trucking and transit terminals.
- (v) Vocational training facilities, subject to Section 6.13.
- (w) Warehousing and materials distribution centers.
- (x) Wholesale of goods and materials.
- (y) Wireless Communication Facilities, subject to Section 6.48.
- (z) Uses similar to the above permitted principal special land uses.

Section 4.14.3 Permitted Accessory Land Uses

The following permitted accessory uses are permitted, subject to the provisions of Section 5.2, Accessory Buildings, Structures, and Uses:

- (a) Buildings, structures and uses customarily incidental to the operation of a permitted principal or special land use in this District.
- (b) Temporary buildings for construction projects.

- (c) The following uses are permitted when they are an integral part of the building or structure or are included as a part of the site development upon which the permitted principal use is located:
- (1) Banking.
 - (2) Education, library and training facilities.
 - (3) Medical and health care facilities.
 - (4) Recreation and physical fitness facilities.
 - (5) Restaurants and cafeteria facilities for employees.
 - (6) Sales display facilities and areas.
 - (7) Truck and equipment service, maintenance, repair and storage facilities.
 - (8) Warehouse and storage facilities.
 - (9) Work clothing sales and service facilities.
 - (10) Wind Energy Conversion Systems (WECS), private, subject to Section 6.47.

Section 4.15 SP, Special Purpose District

Intent and Purpose

This district is established to provide for uses which cater to the general public, some of which require substantially large sites. These uses do not fit readily into other districts and must be given special consideration.

Section 4.15.1 Permitted Principal Land Uses

- (a) Colleges, universities, technical training and other such institutions of higher learning or specialized training, public and private, offering courses in general, technical or religious education, subject to Section 6.13.
- (b) County and regional parks and recreation facilities.
- (c) General hospitals and mental health facilities, subject to Section 6.19.
- (d) Government and municipal buildings and structures.
- (f) Public or private parks and recreation facilities, subject to Section 6.33.
- (g) Public or private golf courses and driving ranges, subject to Section 6.20.
- (h) Uses similar to the above permitted principal land uses.

Section 4.15.2 Permitted Principal Special Land Uses

The following special uses of land, building and structures are permitted, subject to the provisions of Section 3.4, Special Land Uses:

- (a) Outdoor recreational facilities, subject to Section 6.33.
- (b) Essential services and structures of public utility companies, transmission, distribution lines and pipelines of public utility companies, when new rights-of-way or easements, subject to Section 3.4.
- (c) Transient temporary amusement establishments, subject to Section 6.44.
- (d) Travel trailer parks and campgrounds, subject to Section 6.45.
- (e) Wireless Communication Facilities, subject to Section 6.48.

- (f) Uses similar to the above permitted principal special land uses.

Section 4.15.3 Permitted Accessory Land Uses

The following permitted accessory uses are permitted, subject to the provisions of Section 5.2, Accessory Buildings, Structures and Uses:

- (a) Buildings, structures and uses customarily incidental to the operation of a permitted principal or special land use in this District.
- (b) Temporary buildings for construction projects.

Intent and Purpose

This district is established to permit greater flexibility and consequently more creative design of various types of development than are possible under conventional zoning regulations. It is the intention of the associated provisions to allow flexible land use composition and design without sacrificing the basic principles of sound zoning practice. The basic zoning districts and their permitted uses as established in this Ordinance will form the land use base for designing a combination of uses permitted in each district in the form of clustering principal uses and activities at a higher density than would otherwise be possible under the respective district regulations on a preferred portion of a parcel while maintaining the overall density of development of the parcels consistent with the district regulations. Another option would be to combine the planning of land uses and activities from several districts as one project on the same clustering principle.

See Article 8 for specific use regulations.

Section 4.17 Schedule of Area, Height, and Placement Regulations.

The following regulations regarding lot sizes, yards, setbacks, lot coverage, structure size, and densities apply within the zoning districts as indicated, including those “additional regulations” referred to in the following table.

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

Schedule of Area, Height, Width, and Setback Regulations.

Zoning District	Minimum Lot Size		Maximum Building Height Space		Minimum Yard Setback			Max. Lot Coverage (principal plus attached accessory bldg.) Percent
	Area	Lot width	Stories	Feet	Front (l)	Side	Rear	
RA, Agricultural District	1 acre	200 ft.	2.5	35 (75 for farm structures)	40 ft.	30 ft.	40 ft	---
R, Residential District	1/2 acre	100 ft	2.5	25	40 ft.	10 ft.	30 ft.	35%
R-1, Urban Residential District	¼ acre for detached single family dwelling	100 ft.	2.5	25	40 ft.	10 ft.	30 ft.	35%
R-2, Multiple Family Residential District	1/2 acre	100 ft.	2.5	25	40 ft.	10 ft.	30 ft.	35%
MHP, Manufactured Housing Park District	10 acres				(see Section 6.31)			
CP, Office and Professional District	15,000 sq. ft.	100 ft.	2	25	66 ft.	10 ft.	25 ft.	---
C-R, Restricted Commercial District	15,000 sq. ft	100 ft.	2	25	30 ft.	10 ft.	25 ft.	---
C-H, Highway Business District	15,000 sq. ft.	100 ft.	2	25	35 ft.	10 ft.	25 ft.	---
M, Industrial District	25,000 sq. ft.	125 ft.	1 1/2	30	66 ft.	15 ft.	25 ft.	50%
SP, Special Purpose District	---	---	2	30	50 ft.	50 ft.	50 ft.	---
PUD, Planned Unit Development District					(see Article 8)			

Section 4.17.1. Footnotes to Schedule of Area, Height, Width, and Setback Regulations.

- (a) All parcels located within 200 feet of a public sewer service must connect.
- (b) The distance between single family dwellings on adjacent parcels shall be no less than twenty (20) feet when the side of said dwelling contains an attached garage.
- (c) All multiple family dwellings shall comply with the following dimensional requirements:
 - (1) Lot Area and Density. Every lot or parcel of land occupied by a multiple-family structure shall contain no less than the following lot area (excluding existing public road right-of-way):

<u>Unit Type</u>	<u>Lot Area/Dwelling Unit</u>
Efficiency	4,800 square feet
One bedroom	6,000 square feet
Two bedroom	6,700 square feet
Every additional bedroom	1,300 square feet

- (2) Building Length. The maximum overall horizontal length of any one building or group of buildings attached together over any portion of a common party wall, shall not exceed two hundred (200) feet.
- (3) Distance between Buildings. In addition to the required setbacks from property boundaries, the following minimum distances shall be required between each multiple family structure:
 - A. Where buildings are front to front or front to rear, three (3) times the height of the taller building, and not less than seventy (70) feet.
 - B. Where buildings are side to side, one and one-half (1.5) times the height of the taller building, but not less than twenty (20) feet.
 - C. Where buildings are front to side, rear to side, or rear to rear, two (2) times the height of the taller building but not less than thirty-five (35) feet.

In applying the above standards, the front of the building shall mean that the face of the building having greatest length and contains the primary entrance to the building; the rear is that face opposite the front. The side is the face having the smallest dimension.

- (4) The minimum distance of any principal building from the ordinary high water mark shall be fifty (50) feet.
- (e) When located adjacent to or abutting a residential zoning district, the minimum setback shall be no less than fifty (50) feet
- (f) The required front yard setback may be reduced to twenty-five (25) feet on internal streets in an industrial park, provided there is no front yard parking. Otherwise, off-street parking may be permitted in a portion of the required front yard provided that such off-street parking, including the maneuvering lane, is not located within the twenty-five (25) feet of the existing or proposed right-of-way line whichever is closer.
- (g) The minimum floor area of dwelling units shall be as follows:

Type of Dwelling	Total Usable Floor Area (sq. ft.)
One-family	1200
Two-family, per dwelling unit	800
Multiple-family:	
Efficiency Unit	500
1 bedroom unit	700
2 bedroom unit	900
3 bedroom unit	1,100
4 bedroom unit	1,300
Each additional bedroom	90

- (h) Farm structures shall comply with the following setback provisions:

Front: Forty (40) feet from the road right-of-way.

Side: Structures housing farm animals or animal by-products shall be located no less than one hundred (100) feet from the adjacent parcel perimeter and no less than two hundred (200) feet from a residential buildings located on an adjacent parcel.

The remaining structures shall be located no less than fifty (50) feet from the adjacent parcel perimeter and no less than one hundred (100) feet from a residential building located on an adjacent parcel.

Rear: Same as side setback.

- (i) All corner lots and through lots shall be deemed to have two (2) front yards and shall thus be subject to the front yard setback requirements for both parcel perimeters fronting on a public roadway.

ARTICLE 5

GENERAL PROVISIONS

Section 5.1 Intent.

The intent of this Article is to provide for those regulations that generally apply regardless of the particular zoning district and to those conditional uses that may be permitted in certain zoning districts.

Section 5.2 Accessory Buildings, Structures and Uses.

- (a) Detached Accessory Buildings. Except as otherwise permitted in this Zoning Ordinance, all detached accessory buildings located in a residential district, and less than six hundred (600) square feet in area, are subject to the

<u>Districts</u>	<u>Location</u>		<u>Minimum Yard Setbacks</u>		
			<u>Side (ft.)</u>	<u>Rear (ft.)</u>	<u>Btw. Bldgs. (ft.)</u>
R-A	Rear Yard	Non-livestock	10	10	
R	Rear Yard	¹	5	5	See footnote 2
R-1	Rear Yard	¹	5	5	See footnote 2
R-2	Rear Yard	¹	5	5	See footnote 2
MH	Rear Yard		See footnote 2	See footnote 2	See footnote 2

1. If located on a corner lot, the detached accessory building may be located in the non-addressed front yard providing the front yard setback is comparable to the principal building on the adjacent lot.

2. No detached accessory building of greater than two hundred (200) square feet shall be located closer than ten (10) feet from a principal building, nor closer than (10) feet from any other accessory building, regardless of whether or not the buildings are on the same or adjacent lots.

- (1) No detached accessory structure shall be more than 2 ½ stories or twenty (25 feet) excluding agricultural buildings (up to 75 ft.) in R-A zoned districts.
- (2) Habitable space is allowed within an accessory building/structure subject to the special land use criteria and procedures of Section 3.4 and the following:
 - A. No more than 50% of the total floor area may be occupied as habitable space.
 - B. The space may only be occupied by an immediate family member (i.e. father, mother, daughter, son, grandparent, and grandchild).
 - C. All such detached accessory buildings shall be located no less than twenty (20) feet from a rear or (10) feet from a side property line and no less than ten (10) feet from another building.
- (3) The following detached accessory buildings are exempt from the above provisions:
 - A. One (1) shed of up to two hundred (200) square feet in area, no more than fourteen (14) feet tall located within the rear yard.
 - B. School bus shelters.
 - C. Temporary building for the incidental sale of crops or products grown on the premises.
- (4) Before a building permit can be issued, a certificate of zoning compliance shall be sought and will be issued if determined by the Zoning Administrator that all ordinance provisions have been satisfied.
- (5) All habitable accessory buildings must comply with State of Michigan Residential Building Code and receive an Occupancy Permit.

(b) Attached Accessory Buildings. Except as otherwise permitted in this Zoning Ordinance, all attached accessory buildings located in a residential district are subject to the following regulations:

Districts	Maximum Building Height	
	Stories ¹	Feet ¹
R, R-1	2 1/2	25
R-2	2 1/2	25
MH	See Section 6.34	See Section 6.34

(1) The minimum yard setbacks shall be the same as the main structure and governed by Section 4.17, Schedule of Area, Height and Placement Requirements. Section 6.30, Manufactured Housing Development Standards, shall apply within the MH district.

(2) Before a building permit can be issued, a certificate of zoning compliance shall be sought and will be issued if determined by the Zoning Administrator that all ordinance provisions have been satisfied.

(c) Decks. Decks requiring a foundation shall be subject to the following:

- (1) The total square footage, excluding steps, shall not exceed the ground floor area of the principal building.
- (2) The deck shall comply with the side and rear yard requirements of the district in which it is located.
- (3) Before a building permit can be issued, a certificate of zoning compliance shall be sought and will be issued if determined by the Zoning Administrator or delegated official that all ordinance provisions have been satisfied.

(d) Private Swimming Pools. Except as otherwise permitted in this Zoning Ordinance, all private swimming pools (above or below ground) shall be subject to the following:

- (1) Only permitted in the rear or side yard.

- (2) No swimming pool shall be located within ten (10) feet of any building or property line.
- (3) No swimming pool shall be located less than forty-eight (48) feet from a front lot line.
- (4) No less than a twenty-five (25) foot separation is required between a pool and a private water well and seventy-five (75) feet from a public or semi-public water well.
- (5) The pool shall be three (3) feet horizontally from any sewer line and ten (10) feet from any septic field.
- (6) The pool shall be at least ten (10) feet horizontally from any point directly under any overhead electrical or telephone line.
- (7) No swimming pool shall be located in an easement.
- (8) All pools shall be protected by a four (4) foot pool wall or fence as defined in State law guidelines. Any gate or access to the pool shall be equipped with a lock. The fencing material shall be such so that it is not easy for children to climb. The stair or ladder, if it can be locked in an up position so that one cannot climb into the pools, can be used to secure an above ground pool.
- (9) Before a building permit can be issued, a certificate of zoning compliance shall be sought and will be issued if determined by the Zoning Administrator that all ordinance provisions have been satisfied.

Section 5.3 Essential Services.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township. The construction of buildings associated with essential services shall be subject to the provisions of Section 3.4, Site Plan Review. Otherwise, the construction, maintenance, and alteration of essential services shall be exempt from the provisions of this Ordinance.

Section 5.4 Fences, Walls and Screens.

Except as otherwise required by this Ordinance, the following regulations shall apply:

- (a) All Districts: Fences, walls and screens shall not to be located in any public right-of-way, clear zone (see Section 5.12, Visibility at Intersections) or any easement granted

for the purposes of ingress or egress. These structures may be located on the property line, provided they do not interfere with underground utilities.

(b) R-A District. Within the limits of the required front yard of a lot in the R-A district, no fence wall, or other screening structure shall exceed six (6) feet in height in the rear unless at least fifty (50) percent of the surface area is open as determined by the Zoning Administrator.

(c) Residential Districts. Within the limits of the required front yard of a lot within a residential district, no fence wall, or other screening structure shall exceed four (4) feet in height. No such fence, wall or other screening structure located within a side or rear yard shall exceed six (6) feet in height. Refer to Article 2, Definitions, for the definition of required front, side and rear yards and setbacks.

(d) Non-Residential Districts. Within the limits of the required front yard of a lot within a non-residential district, no fence wall, or other screening structure shall exceed four (4) feet in height. No fence, wall, or other screening structure shall exceed ten (10) feet in height.

(e) The use of barbed wire, spikes, nails, or any other sharp pointed instrument of any kind on top or on the sides of any fence, electric current, or charge in said fences is prohibited except in conjunction with agricultural operations. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.

(f) On waterfront lots, fences that are located between the rear of the principal building and the shoreline shall be of an open-air type, permitting visibility through at least eighty (80) percent of its area.

(g) Retaining walls shall be designed and constructed in accordance with applicable building code requirements.

(h) Fenced dog runs and/or pens shall be located no less than twenty (20) feet from all property lines in all residential zoning districts.

(i) Open Storage.

(1) There shall be no outdoor storage of any industrial or commercial equipment, vehicles and/or other materials, including wastes, unless otherwise provided by this Ordinance. Any storage shall be screened from public view from a public street and from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored, except in the Industrial, I District and unless specifically covered in this Ordinance. Whenever such open storage is adjacent to a residential zone, special purpose or manufactured housing development in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone,

there shall be provided an obscuring masonry wall or wood fence of at least six (6) feet in height.

- (2) Such masonry wall or wood fence shall be repaired, maintained and kept in good condition by the owners.

Section 5.5 General Exceptions.

The regulations in this Ordinance shall be subject to the following interpretations and exceptions:

(a) Essential Services. Essential services shall be permitted as authorized and regulated by law and other Ordinances of Adrian Charter Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.

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

(c) Height Limit. The height limitations of this Ordinance shall not apply to chimneys, church spires, flagpoles, essential services or public monuments; provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires special land use approval. The Planning Commission shall only give approval if the total height is not adverse to the character of the area, detrimental to the use and/or value of the surrounding properties, and not injurious to the health, safety, and welfare of Adrian Charter Township. In addition, any height requirement, variance, or waiver in excess of seventy (70) feet shall require mandatory approval of the Federal Aviation Agency.

(d) Yard Regulations. When yard regulations cannot reasonably be complied with, as in the case of a planned unit development in the multiple-family district, or where their application cannot be determined on lots existing and of record at the time this Ordinance became effective, and on lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified as determined by the Board of Appeals by the granting of a variance.

(e) Multiple Dwelling Side Yard. For the purpose of side yard regulations, a two-family or multiple dwelling shall be considered as one (1) building occupying one (1) lot.

(f) Projections into Yards. Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details that are normally demountable.

Section 5.6 Home Businesses.

It is the intent of this section to establish standards for a home business, which will insure compatibility with adjacent land uses and maintain the rural and agricultural character of the Township.

- (a) Home businesses shall be allowed in the following districts: R-A, R and R-1 and subject to Section 5.6. Home businesses shall not be allowed in multiple family (R-2).
- (b) Home businesses shall conform to the requirements of Section 5.2, Accessory Buildings, Structures and Uses and all applicable provisions of Section 4.17, Schedule of Area, Height and Placement Regulations.
- (c) Home businesses must be operated solely within a single (1) building or structure, and be located on the same parcel as the operating family's residence. The family operating the family business must reside in the residence.
- (d) Home businesses must be incidental and secondary to the principal use, therefore they shall not occupy a space within any building or structure that is greater in gross square footage than 49% of the gross square footage of the principal residential structure located on the subject property.
- (e) The Township may limit the type of home business. It may also require that the particular business be operated only for a specified period of months or years unless an additional permit is granted. The Township may impose additional conditions and regulations, as it deems necessary, to adequately protect adjoining residents and property owners, and the values of the adjoining properties.
- (f) One family member and up to one (1) additional employee shall be allowed to work in the business.
- (g) Home businesses shall not be established on a vacant lot or parcel.
- (h) Any expansions to the building or structure approved to contain the home business, or any additional buildings or structures proposed to be built on the subject property that will increase or expand the home business shall be considered an amendment to the original permit, subject to review and approval by the Zoning Administrator.
- (i) Home businesses shall not diminish the value of the land, buildings or structures, in the immediate area, or on the whole.
- (j) The nature, location and size of the use shall not change the essential character of the surrounding area, and not disrupt the orderly and proper development of the R-A, R,

R-1 districts. The use shall also not be in conflict with, or discourage the development of the adjacent or neighboring lands or buildings.

(k) Home businesses shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibration, dust, fumes, odor, smoke, glare, lights, or disposal of waste, than the operation of any principal permitted use, nor shall the conditional land use increase hazards from fire or other dangers to either the property or adjacent property.

(l) Outdoor storage is subject to review and approval by the Zoning Administrator. No outdoor storage shall be allowed, unless it is adequately screened to effectively block all views from the adjoining, roads and properties. Screening shall consist of evergreen plantings at least six (6) feet in height and spaced so as to form a solid screen, or it may consist of a solid fence made of new materials and attractive in design, and maintained at all times.

(m) The hours of operation of the home business shall be specified on the application and depending on the type of use and proximity to adjacent single family homes, may be limited at the discretion of the Zoning Administrator.

(n) The use shall not increase traffic hazards or cause congestion on the public roads or streets of the area.

(o) Signs not customarily found in residential areas shall be prohibited, provided however that one non-illuminated name plate, not more than four (4) square feet in area, may be attached to the building, and which sign shall contain only the name, occupation, and address of the premises. See Article 9 for additional information on a sign for a home occupation.

(p) No article shall be sold or offered for sale on the premises except as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted there.

(q) All requests for a home business will be submitted to the Planning Commission with application of a Special Land Use Permit.

Section 5.7 Open Space Preservation Option.

At the option of the owner, land may be developed for detached single-family residential subdivisions and condominiums in the fashion established under P.A. 177 of 2001, as amended. Land developed under this option must adhere to the following requirements:

(a) Minimum Open Space Required. In all developments proposed under the standards of this option, up to fifty (50%) percent of the “gross buildable area” of the subject property may be perpetually preserved as open space. “Gross buildable area” is

defined as that portion of the gross site area that is buildable and specifically excluding areas that are not buildable including, but not limited to open bodies of water, streams, floodplains, wetlands and other such non-buildable areas as defined by the MDEQ.

(b) The following land areas shall not be applied toward satisfaction of the open space provision stated under Section 5.8(a) above:

- (1) Unbuildable land, including wetlands, floodplain area, open bodies of water and streams.
 - i. The area of any public road right-of-way or private road easement.
 - ii. Areas within established lots or units within the development.
 - iii. Public or private golf courses.
 - iv. Any other area that is not buildable.

(c) The following land areas may be applied toward satisfaction of the open space provision stated under Section 5.8(a) above:

- (1) Un-cleared areas of the site left in their natural condition.
- (2) Landscaped greenbelts.
- (3) Public and private parks developed with recreational amenities including but not limited to landscaping, gazebos, benches, play equipment, pathways (woodchip or paved), and wildlife enhancements.
- (4) Storm water management facilities, including detention, retention and sedimentation basins, up to twenty-five (25%) percent of the total amount of open space required under Section 5.8(a) above.
- (5) Buildable areas.

(d) Open Space Standards. Open space intended to satisfy the provisions stated under Section 5.8(a) must adhere to the following standards:

- (1) Open space shall be centrally located, located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.
- (2) Open space must be left in its natural condition, provided with recreational amenities, or landscaped. Preserved open space shall not be left primarily as lawn. This subsection shall not apply to storm water management basins.

(3) Open space provided along exterior public roads shall generally have a depth of at least one hundred (100) feet, and be either landscaped or left in a natural wooded condition. In either case, open space along exterior public roads shall be provided with a minimum of one (1) evergreen or canopy tree for each forty (40) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into natural groupings to provide a natural appearance. Preservation of existing trees may be credited towards meeting this frontage landscaping requirement.

- (4) Open space must be accessible. Access can be provided via sidewalks and pathways throughout the development or where open space abuts road rights-of-way within the development.
- (5) The Planning Commission may require connections with adjacent open space, public land or existing or planned pedestrian/bike paths.
- (6) Views of open spaces from lots (or units) and roads within the development are encouraged. For larger developments (over one hundred (100) residential units or golf course communities), the Planning Commission may require view sheds of lakes or other areas as a condition of site plan approval. A view shed shall be composed of at least one hundred (100) lineal feet of road frontage having an unobstructed view of a lake or other landscape feature found acceptable to the Planning Commission.
- (7) Where lakes and ponds are located within or abut a development, the Planning Commission may require open space to provide lake access.
- (8) Preservation of Open Space. Open space shall be set aside by the developer through an irrevocable recorded document that is found acceptable to the Planning Commission and Township Board. The following are examples of acceptable means of conveyance:
 - A. Recorded deed restrictions.
 - B. Covenants that run perpetually with the land.
 - C. Conservation easements including, but not limited to those established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
 - D. Land Trust.
- (9) Preservation of open space as described above under Section 5.8(c), shall assure that open space will be protected from all forms of development,

except as shown on an approved plat or site plan, and shall never be changed to another use. The recorded document utilized shall indicate the proposed allowable use(s) of the preserved open space. The Planning Commission and Township Board may require the inclusion of open space restrictions that prohibit or require the following:

- A. Prohibit dumping or storing of any material or refuse.
- B. Prohibit activity that may cause risk of soil erosion or threaten any living plant material.
- C. Prohibit cutting or removal of live plant material, except for removal of dying or diseased vegetation or seasonal pruning and necessary maintenance.
- D. Prohibit use of motorized off-road vehicles.
- E. Prohibit cutting, filling or removal of vegetation from wetland areas;
- F. Prohibit use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
- G. Require that parties who have an ownership interest in the open space maintain the preserved open space.
- H. Require for the provision of standards for scheduled maintenance of the open space.
- I. Require for the provision of maintenance to be undertaken by Adrian Charter Township, at the Township's option, in the event that the preserved open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

(10) Continuing Obligation. The preserved open space shall remain perpetually in an undeveloped state subject only to uses approved by the township on the approved site plan or plat. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited.

(11) Allowable Structures. Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the preserved open space, subject to the approved site plan. Accessory structures may include:

- A. Maintenance buildings;
- B. Clubhouse;
- C. Recreation structures (gazebos, boardwalks, docks, etc.);
- D. Other structures as approved by the Planning Commission.

These accessory structure(s) or building(s) shall not exceed, in the aggregate, one (1%) percent of the required open space area.

(e) Lot Size Reduction.

- (1) The minimum width and area for lots or units in single-family detached residential developments, as prescribed in the Schedule of Area, Height and Placement Regulations, under Section 4.17 of the Zoning Ordinance, may be reduced by up to fifty (50%) percent when developed using the option provided under this section.
 - (2) Every square foot of lot area reduction proposed below the minimum lot area normally permitted for the district must be preserved as open space, and may be counted toward the open space described above under Section 5.8(a).
- (f) Required yard setbacks shall not be reduced.
- (g) Land shall not be developed using this option in a manner that would necessitate the extension of public sewer or water outside of the Township's established utility district(s).

Section 5.8 Similar Permitted Principal and Special Land Uses.

Land uses which are not contained by name in a zoning district list of uses permitted by right, special land uses, or accessory uses may be permitted by the Zoning Administrator provided that such uses are clearly similar in nature and/or compatible with the listed or existing uses in that district. However, the Zoning Administrator may refer any or all such uses to the Planning Commission when there is a question of compatibility.

- (a) Determination of Compatibility. In the evaluation of a proposed use, the Zoning Administrator shall consider specific characteristics of the use in question and compare

such characteristics with the characteristics of uses expressly permitted in the district. Such characteristics shall include, but not be limited to, daily traffic generation, types of merchandise or service provided, type of goods produced, expected hours of operation, and building characteristics.

(b) Type of Use. If the Zoning Administrator finds that the proposed use is similar in nature and/or compatible with permitted or existing uses, the Zoning Administrator shall determine whether the proposed use shall be permitted by right, a special land use, or permitted as an accessory use. Uses that possess unique characteristics or unusual features that serve an area larger than the Township, or require large tracts of land shall be designated as special land uses, subject to the provisions set forth in Section 3.4. Uses permitted by right or as accessory uses shall be subject to the review and approval requirements of the district in which they are located.

Section 5.9 Single Family Dwellings, Manufactured Housing, Prefabricated Housing.

(a) Construction Standards. Minimum construction standards for all one-family dwellings shall be pursuant to all applicable State, Federal and/or local laws, codes and ordinances.

(b) Unit Size and Dimensions. Each dwelling unit shall have a minimum width on all elevations of twenty-four (24) feet. A one-story dwelling shall be a minimum of 1,100 square feet; a two-story dwelling a minimum of 900 square feet on the first floor and a minimum of 300 square feet on the second floor.

(c) Foundation and Anchoring.

- (1) Single family dwellings must be installed on a permanent foundation. At a minimum, this shall include a cement block or poured foundation with cement footings around the complete outside perimeter of the dwelling. A basement, in accordance with applicable Township Codes, may be substituted for equivalent portions of the foundation. If the foundation or basement does not meet specifications for imposed load capacity, adequate additional support shall be provided.
- (2) A crawl space of not less than twenty-four (24) inches shall be provided between the bottom of the home and the ground level. The crawl space shall not be utilized for storage purposes.
- (3) A minimum of two (2) exterior doors must be provided. All means of access, including, but not limited to porches, steps and ramps, shall be fixed to the foundation of dwellings.

(d) Roof Design. The roof must be permanently attached to and supported by the dwelling and not by exterior supports. All dwellings shall have roof drainage systems concentrating roof drainage at collection points. Eaves troughs must be provided where appropriate.

Exceptions to roof design may be granted when said roof design is typical of a particular architectural style and/or are compatible with dwelling units in the surrounding area. Sealed architectural plans shall be furnished to the Zoning Administrator for his or her review as to this exception.

(e) Sewer and Water Service. All single family dwellings shall be served by public sewer and water service, where available, or approved on-site systems in the case where public sewer and water service are not available.

(F) Compatibility Determination. **subject to deed restrictions, subdivision rules and regulations**

Section 5.10 Storage of Vehicles, Machinery, and Materials.

(a) No motor vehicle shall be kept, parked or stored in any district zoned for residential use unless it shall be in operating condition and properly licensed, or kept inside a building. The purpose of this provision is to prevent the accumulation of junk motor vehicles.

(b) All travel trailers, boats, recreational vehicles, and similar vehicles owned by residents of the Township and kept on their individual lots, shall be kept in the rear or side yard, unless prohibited by association or subdivision codicils. Guests are allowed three (3) days parking in a driveway

(c) The storage of vehicles exceeding one (1) ton rated capacity shall be permitted in R-A (Agricultural) Districts when such vehicles are utilized for farming purposes, licensed as such, and meet the following conditions:

- (1) The parcel of land on which it is stored shall be five (5) acres or more which is actively being farmed.
- (2) The vehicle shall be owned and/or operated by a resident of the premises.
- (3) It shall not be parked in the front or along the side of the residence, but shall be parked so that it is screened from the road or adjacent properties. Screening may include topographic features, woods, building, and plantings.

(d) The open parking and/or storage of a vehicle exceeding one (1) ton capacity shall be explicitly prohibited.

(e) Likewise, no old, rusty and unsightly machinery, machines or parts of machines not suited for use upon the premises, or quantities of old and used materials, shall be kept or stored outside of a building in a Residential District.

(f) No semis shall be parked at any time in Residential Districts.

(g) The open parking and/or storage of a vehicle exceeding one (1) ton rated capacity shall be explicitly prohibited.

Section 5.11 Temporary Building and Structures.

(a) No temporary dwelling, whether of a fixed or movable nature, may be erected, altered, or moved upon or used in whole or in part for any dwelling purpose whatsoever for any time whatsoever except as permitted in the following situations:

(1) If a permanent principal residential structure is destroyed in whole or in part by a natural or man-made event, including, but not limited to fire, flood, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a mobile home, travel trailer or motor home may be occupied as an emergency temporary structure by the family so displaced during repair or replacement of the permanent dwelling for a period of up to six (6) months. The Zoning Administrator may renew the permit for the use of a temporary dwelling for such purposes for a second six (6) month period, however, in any case, the use of a temporary dwelling for such purpose shall not exceed one (1) year.

(b) Requirements and Procedures. A temporary dwelling, when permitted, shall conform to the following requirements and procedures. No permit shall be issued and no temporary dwelling occupied until requirements (1) through (4) listed below are met.

(1) An application for a permit for the temporary use and installation of a mobile home, modular, or prefabricated dwelling unit shall be made to the Zoning Administrator. The application shall be accompanied by a plot plan showing the location of the proposed structure to verify compliance with all yard requirements of the zoning district in which it is located, unless a more restrictive provision exists herein.

(2) The application shall be reviewed by a committee composed of the Zoning Administrator and two (2) Township Board members. Approval of the application may be granted by a majority vote of the committee upon a finding that all of the following conditions are met:

- A. The principal residential structure has been destroyed in whole or in part by fire, explosion, or natural disaster and therefore is uninhabitable.
 - B. The temporary dwelling unit shall be connected to public sewer and water.
 - C. The temporary dwelling unit shall comply with all applicable zoning district requirements including setback, area, bulk, and other requirements, except minimum house size requirements.
- (3) The granting of a permit for an emergency temporary dwelling unit shall be for a period of up to one (1) year from the date of approval by the committee. Up to one (1) six (6) month extension may be requested in accordance with the same provisions noted above. Any conditions of approval shall be specified in writing on the permit.

When occupancy in a non-emergency temporary dwelling is anticipated to last longer than three (3) months, the dwelling shall be connected to private water supply and sewage disposal systems approved by the Lenawee County Health Department, or to a public water supply or sanitary sewer system.

- (4) The permit shall establish a reasonable date for the vacation or removal of the temporary emergency structure; whichever is applicable, said date shall be within two (2) weeks of the date of occupancy of the constructed, replaced, or repaired dwelling, with the date of occupancy to be as listed on the Certificate of Occupancy of the permanent dwelling. A performance or cash bond, in an amount to be determined by resolution of the Township Board shall be provided to the Zoning Administrator to insure the vacation or removal of the temporary structure, whichever is applicable.
- (5) The Zoning Administrator shall provide a written statement setting forth the conditions of the use permit to the residents of a temporary dwelling and shall retain a copy in the files of the Zoning Administrator. Upon receiving the permit, the owner/occupant shall indicate by his/her signature that he/she has full knowledge of the terms of the permit and penalty pertaining thereto.
- (6) Any permit issued under this section shall not be transferable to any other owner or occupant.
- (7) The Zoning Administrator shall promptly notify the Township Board and Planning Commission in writing of each approval granted and all conditions attached thereto under this section.

Section 5.12 Visibility at Intersections.

On any corner lot in any district having front and side yards, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of thirty (30) inches and twelve (12) feet above the road grade in an area bounded points which are thirty (30) feet back from the corner along the street (see illustration in Article 2).

ARTICLE 6

SPECIAL PROVISIONS

Section 6.1 Intent.

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the Zoning District in which they are permitted to be located. This Article provides standards for both permitted and special uses which must be adhered to in addition to other standards of this ordinance. See Article 2 (Definitions) and Article 4 (Zoning District Regulations) for additional information related to the uses denoted within this Article.

Section 6.2 Adult and Child Day-Care Facilities.

(a) Family day-care homes serving six (6) or fewer adults or children shall be considered a residential use of property and a permitted use in all residential districts. The family day-care home shall receive minor children for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Such facilities also include homes that give care to an unrelated minor child for more than four (4) weeks during a calendar year.

(b) Adult group day-care home with greater than six (6) adults is subject to the following:

- (1) The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance in fact or law relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
- (2) Where outdoor areas are provided, they shall be enclosed by a fence that is at least four (4) feet in height, but no higher than six (6) feet.
- (3) The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00 PM and 6:00 AM shall be limited so that the drop-off and pick-up is not disruptive to neighboring residents.
- (4) Appropriate license with the State of Michigan shall be maintained.

(c) Adult day-care centers are subject to the following conditions:

- (1) The property is maintained in a manner that is consistent with the character of the neighborhood.

- (2) A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
 - (3) Where outdoor activity areas are provided, they shall be enclosed by a fence that is at least four (4) feet in height but no higher than six (6) feet.
- (d) Child group day-care homes with greater than six (6) children are subject to the following:
- (1) The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
 - (2) There shall be an outdoor play area of at least five hundred (500) square feet provided on the premises. Said play area shall not be located within the front yard. This requirement may be waived by the Planning Commission if a public play area is within five hundred (500) feet of the subject parcel.
 - (3) All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.
 - (4) The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00 PM and 6:00 AM shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.
 - (5) Appropriate licenses with the State of Michigan shall be maintained.
 - (6) The granting of the special land use application shall not impair the health, safety, welfare, or reasonable enjoyment of adjacent or nearby residential properties.
- (e) Child day-care centers are subject to the following conditions:
- (1) The property is maintained in a manner that is consistent with the character of the area.
 - (2) A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off a public street and the parking access

lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.

- (3) There shall be an on-site outdoor play area of the greater of one thousand five hundred (1,500) square feet or seventy-five (75) square feet for each child. Said play area shall not be located within the front yard. This requirement may be waived by the Planning Commission if a public play area is available within five hundred (500) feet from the subject parcel.
- (4) All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing and is at least four (4) feet in height, but no higher than six (6) feet.
- (5) For each child, a center shall have a minimum of fifty (50) square feet of indoor activity space for use by, and accessible to, the child, exclusive of all of the following: hallways, storage areas and cloakrooms, kitchens and reception and office areas.
- (6) Appropriate licenses with the State of Michigan shall be maintained.

Section 6.3 Adult and Child Foster Care Facilities.

(a) Intent. It is the intent of this section to establish standards for child and adult foster care facilities that will insure compatibility with adjacent land uses and maintain the character of the neighborhood.

(b) Adult Foster Care Facilities.

(1) Application of Regulations.

- A. A State licensed adult foster care family home and adult foster care small group home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential districts.
- B. The Township may, by issuance of a special land use permit, authorize the establishment of adult foster care small group homes serving more than six (6) persons and adult foster care large group homes.
- C. The Township may, by issuance of a special use permit, authorize the establishment of an adult foster care congregate facility.

(2) Adult foster care small group homes serving between seven (7) and twelve (12) adults and adult foster care large group homes serving between

thirteen (13) and twenty (20) adults, shall be considered as a special land use subject to the requirements and standards of Section 3.4 and the following additional standards:

- A. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of one thousand five hundred (1,500) square feet per adult, excluding employees and/or care givers.
- B. The property is maintained in a manner that is consistent with the character of the neighborhood.
- C. Appropriate licenses with the State of Michigan shall be maintained.

(3) Adult foster care congregate facilities shall be considered as a special land use subject to the requirements and standards of Section 3.4 and the following standards:

- A. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of one thousand five hundred (1,500) square feet per adult, excluding employees and/or caregivers.
- B. Appropriate licenses with the State of Michigan shall be maintained.

(c) Child Foster Care Facilities.

(1) Foster family homes serving less than four (4) children shall be considered a residential use of property and a permitted use in all residential districts. Such facilities shall provide no less than forty (40) square feet of sleeping room per child with all other requirements provided in accordance with the applicable State standards.

(2) Foster family group homes serving between four (4) and eight (8) children under the age of seventeen (17), no more than two (2) of which may be under the age of one (1), shall be considered as a special land use subject to the requirements and standards of Section 3.03 and the following standards:

- A. The proposed use of the residence for foster family care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.

- B. There shall be an outdoor play area of at least one thousand (1,000) square feet provided on the premises. Said play area shall not be located within the front yard. This requirement may be waived by the Planning Commission if a public play area is available within five hundred (500) feet from the subject parcel.
- C. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.
- D. Appropriate licenses with the State of Michigan shall be maintained.

Section 6.4 Adult Regulated Uses.

In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operation characteristics, particularly when several of them are concentrated near to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities that are prohibited in other sections of this Ordinance.

Adrian Charter Township Board Ordinances: Conduct in Sexually Oriented Business and Offenses Against Public Morals Ordinance are available from the Township Clerk.

- (a) Uses subject to these controls are as follows:
 - (1) Adult Book and Supply Store
 - (2) Adult Cabaret
 - (3) Adult Live Stage Performing Theater
 - (4) Adult Motion Picture Theater
 - (5) Adult Physical Culture Establishment
 - (6) Burlesque Show
 - (7) Escort Agency
 - (8) Massage Parlor
 - (9) Nude Modeling Studio
- (b) Building shall be setback eight (80) feet from an existing or proposed right-of-way.

(c) Ingress and egress points shall be located at least one hundred twenty (120) feet from the intersection of any two streets measured from the road right of way lines.

(d) A five (5) foot high completely obscuring masonry wall compatible with the surrounding area shall be provided where abutting districts are zoned residential.

(e) Approval of any of the regulated uses listed in this section shall be permitted only after a finding has been made by the Planning Commission at a public hearing, as required for Special Land Uses, that the following conditions exist:

(1) If the use is a use that is listed above in this Section, it shall be located in the M, Industrial District.

(2) The use is not located within a one thousand (1,000) foot radius of one other such use except that such restriction may be waived by the Planning Commission if the following findings are made:

A. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.

B. That the establishment of a regulated use, or and additional regulated use, in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.

C. That all applicable state laws and local ordinances will be observed.

(f) Limit on Reapplication. No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.

Section 6.5 Airports, Airstrips, and Heliports.

(a) Satisfy all requirements of the Federal Aviation Administration (F.A.A.) and the Michigan Department of Transportation's Airport Division.

(b) The plans for such facility shall be given approval by the Federal Aviation Administration prior to submittal to the Planning Commission for their review and action.

(c) The standards for determining obstruction to air navigation as announced in the FAA Technical Order N-18, April 26, 1950 (as amended July 30, 1952) and any other

amendments thereto shall be complied with. This standard shall be applied by the class of airport as determined by the F.A.A.

(d) The area of the "clear zone" (FAA definition) shall be provided for within the land area under airstrip ownership, and in no instance shall the "clear zone" be above property zoned for single family residential use.

Section 6.6 Animal Rescues or Shelters.

All animal rescues or shelters (also know as kennels) shall conform to the Michigan Department of Agriculture, Animal Industry Division, and Regulation Number 151. Pet Shops, Dog Pounds, and Animal Shelters. (By authority conferred on the director of agriculture by Section 2 of Act No. 287 of the Public Acts of 1969, being S287.332 of the Michigan Compiled Laws). All such uses shall also comply with the following:

- (a) The minimum lot area shall be five (5) acres.
- (b) The owners of such uses shall be subject to an annual inspection by Animal Control.

Section 6.7 Auction Facilities

An auction facility is allowed only in the R-A District on a parcel of 10 acres or more. At this facility, there is a publicly held and advertised sale of merchandise by an auctioneer. An auction facility is considered a business. The facility is to conform to the following:

- (a) Normal hours of the auction facility shall be from 8:00 a.m. until 11:00 p.m. and shall not interfere with the neighbors.
- (b) There shall be one (1) sign permitted on the facility and one (1) other on the parcel the facility occupies.
- (c) One (1) sign shall be illuminated during the business hours only and will conform to the Township's Ordinances regarding the illumination of signs.
- (d) Lights for the business are permitted one (1) hour before the start of business at 8:00 a.m. and one (1) hour after the close of business at 11:00 p.m.
- (e) No lighting shall interfere with the neighbors.

- (f) All auctioned merchandise shall be removed from the premises of the auction facility not later than one (1) hour after the close of business at 11:00 p.m., or from the premises within three (3) days of the sale, not later than 11:00 p.m.
- (g) There shall be no parking on the road(s) adjacent to the parcel of land the auction facility occupies.
- (h) Ingress(s) and Egress(s) to the auction facility shall be kept open at all times.
- (i) All food and lavatory facilities of the auction facility shall comply with the Lenawee County Health Department

Section 6.8 Automobile Filling Stations, Repair Garages, Service Stations and Dealerships.

Automobile filling stations, repair garages, service stations, and dealerships shall comply with the following conditions:

- (a) The curb cuts for ingress to and egress are deferred to the Lenawee County Road Commission (LCRC).
- (b) The minimum lot area shall be twenty thousand (15,000) square feet, so arranged that ample space is available for motor vehicles which are required to wait.
- (c) The minimum dimension of any lot line adjacent to a public right-of-way shall be one hundred and forty (140) feet.
- (d) Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.
- (e) All activities related to automobile service and repair equipment shall be entirely enclosed within a building located not less than forty (40) feet from any street lot line, and not less than ten (10) feet from any side lot line.
- (f) Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
- (g) Inoperative or unlicensed vehicles shall not be stored outside for more than seven (7) days. Such storage shall not occur in front of the building front line.
- (h) Automobile sales shall not be permitted on the premises of any automobile filling station, repair garage, service station, and automobile wash.

- (i) All coverings of the service or filling station gasoline pumps shall be no taller than the principal structure and constructed of compatible materials. Such canopies shall not be lit internally for signage purposes. All proposed lighting shall be fully recessed.
- (j) Gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles do not park upon or overhang any public sidewalk, street or right-of-way while waiting for or receiving fuel service.
- (k) A filling or service station shall have no 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 enclosed stall may be included for each additional two thousand (2,000) square feet of lot area above the minimum area set forth in subsection (b).
- (l) Where the filling or service station site abuts any residentially zoned district, the requirements for protective screening shall be provided as specified in Section 5.4. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.
- (m) All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.
- (n) All combustible waste and rubbish, including crankcase drainings, shall be kept in metal receptacles fitted with a tight cover until removed from the premises. Sawdust shall not be kept in any gasoline service station or place of storage therein, and sawdust or other combustible material shall not be used to absorb oil, grease or gasoline.
- (o) No advertising signs may be placed on-site other than the permitted maximum wall and/or ground sign area per Article 9. The prohibited signs include banners and flags.
- (p) A convenience store or restaurant, with or without a drive-through (see Section 6.16) may be located within the station providing it complies with the provisions for an accessory use (see Section 5.2).

Section 6.9 Automobile Washes or Car Wash Establishments.

- (a) Coin-operated/Self-Service Establishments.
 - (1) All buildings shall have a front yard setback of not less than thirty (30) feet.
 - (2) All washing facilities shall be within an enclosed shelter.

- (3) Vacuuming and drying areas may be located outside the building, but shall not be closer than fifteen (15) feet to any residential district.
 - (4) All cars required to wait for access to the facilities shall be provided space off the street right-of-way.
 - (5) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
 - (6) A five (5) foot completely obscuring masonry wall shall be provided where abutting a residential district.
- (b) Full Service Establishments.
- (1) All buildings shall have a front yard setback of not less than sixty (60) feet.
 - (2) All washing facilities shall be within a completely enclosed building.
 - (3) Vacuuming and drying areas may be located outside the building but shall not be closer than twenty-five (25) feet to any residential district.
 - (4) All cars required to wait for access to the facilities shall be provided space off the street right-of-way.
 - (5) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
 - (6) A five (5) foot completely obscuring masonry wall shall be provided where abutting a residential district.

Section 6.10 Bed and Breakfast Accommodations.

- (a) Bed and breakfast establishments must be located on no less than two (2) acres.
- (b) Each premise must be occupied and operated by its owner.
- (c) The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting, or traffic.
- (d) The total number of sleeping rooms is limited to six (6) rooms. No bed and breakfast sleeping room shall be permitted that does not comply with the State Construction Code.
- (e) There shall be no separate cooking facilities used for a bed and breakfast stay.

(f) Bed and breakfast bedrooms shall be a minimum of one hundred and sixty eight (168) square feet for the first two (2) occupants and an additional thirty (30) square feet for each additional occupant.

(g) The stay of bed and breakfast occupants shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.

(h) The operator of each facility shall keep a list of the names of all persons staying at the bed and breakfast. The list shall be available for inspection by the Zoning Administrator.

(i) One (1) bathroom for every three (3) sleeping rooms shall be provided, with a minimum of two (2) bathrooms.

(j) Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping room is located.

(k) Signs are permitted in accordance with Article 9.

(l) One (1) off street parking space shall be provided in the interior side yard or rear yard area for each bed and breakfast bedroom. The Planning Commission may increase or decrease required parking in order to meet the purposes of this section and protect the public health and safety.

(m) All Lenawee County Environmental Health Department regulations must be complied with. Prior to beginning operation the proprietor must provide proof from the Environmental Health Department that on-site disposal facilities are adequate.

Section 6.11 Cemeteries.

(a) Any building in connection with the cemetery and the premises shall be designed, constructed and landscaped according to a comprehensive and approved plan.

(b) The use shall be in harmony with the general character of the district.

(c) No buildings or structures, containing bodies or remains (other than subterranean graves), shall be located nearer than two hundred (200) feet to the property line.

(d) Screening and/or landscaping shall be provided in accordance with Section 7.7.

(e) Parking shall be provided in accordance with Article 10.

Section 6.12 Churches and Houses of Worship.

- (a) All ingress and egress from said site shall be directly onto a major or secondary thoroughfare as required by the Lenawee County Road Commission (LCRC).
- (b) Parking shall be provided in accordance with Article 10.
- (c) Buffering shall be provided in accordance with Section 7.7.

Section 6.13 Colleges, Universities, and Technical Training Institutions.

All colleges, universities, technical training and other such institutions of higher learning, or specialized training, public and private, offering courses in general, technical or religious education, all subject to the following conditions:

- (a) Any use permitted herein shall be developed only on sites of at least ten (10) acres in area.
- (b) All ingress and egress from said site shall be directly onto a major or secondary thoroughfare as shown on the Master Right-of-Way Plan of the Lenawee County Road Commission.
- (c) No building other than a structure for residential purposes shall be closer than fifty (50) feet to any property lines.

Section 6.14 Commercial and Recreational Vehicles Storage Facilities.

- (a) The minimum area shall be one (1) acre.
- (b) The storage area shall be enclosed with a six (6) foot chain link fence.
- (c) The storage area shall be enclosed with additional screening as outlined in Section 7.7 when adjacent to a residential district.
- (d) The storage area surface shall be constructed of six (6) inches of well compacted sub-grade with gravel or paved finish surface.
- (e) The storage area surface shall be graded and drained so as not to allow water to collect or pool and reviewed by the Lenawee County Drain Commission.
- (f) All stored vehicles shall be licensed annually and kept in good repair.

(g) Recreational vehicles and equipment, parked or stored, shall not have fixed connections to electrical, water, gas or sanitary facilities, and shall at no time be used for living or housekeeping purposes.

Section 6.15 Community Waste Treatment Facilities.

Community wastewater systems shall require a conditional use permit from the Township Board in accordance with the procedures and standards set forth in Section 3.4, Special Land Use Review. Community wastewater utility system shall be strictly prohibited in areas of the Township served by public sanitary sewers unless it is determined, in the sole discretion of the Township Board, the proposed project to be served by the system provides a recognizable and material benefit to the community and/or provides long-term protection of natural resources and environmental features.

In addition to the requirements established by the Township, the State of Michigan and/or Lenawee County, the following site development and use requirements shall apply:

- (a) Required standards and findings set forth in Section 3.4, Special Land Use shall be met.
- (b) All operations shall be completely enclosed by a fence not less than six (6) feet high.
- (c) All operations and structures shall be surrounded on all sides by a setback of at least two hundred (200) feet in width from the nearest dwelling located within a development project served by a community wastewater system and at least two hundred (200) feet from a property line shared with an adjacent property. Landscape buffering in accordance with Section 7.7 shall be placed to minimize the appearance of the installation and to help confine the odors therein. The Township Planning Commission and Township Board shall have the authority to review the design and treatment of all buffer strips.
- (d) The point of discharge of a community wastewater utility system shall be located a minimum of:
 - (1) One thousand five hundred (1,500) feet from another approved community wastewater utility system.
 - (2) Two thousand (2,000) feet from an established public well head protection area.
 - (3) Two hundred (200) feet from a wetland.

- (4) Two hundred (200) feet from the ordinary high water mark of any body of water.
- (e) A community wastewater utility system should be restricted to a single development project and shall not provide service to other properties and/or development projects.
- (f) The area devoted to a community wastewater utility system shall not be used to satisfy open space required by any other provisions of this Ordinance.
- (g) Community wastewater utility systems shall also be subject to the Township Community Wastewater Utility Systems Ordinance.

Section 6.16 Drive Through Facilities.

All drive through windows for facilities including, but not limited to restaurants, banks, etc. are restricted to the side or rear elevations of all structures that provide drive through services. The following shall also apply:

- (a) A setback of at least sixty (60) feet shall be maintained from an existing or proposed right-of-way.
- (b) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets measured from the road right-of-way lines.
- (c) A five (5) foot high completely obscuring wall, fence, berm, landscaping, or combination thereof, compatible with the surrounding area shall be provided where abutting districts are zoned residential.

Section 6.17 Funeral Homes and Mortuaries.

The purpose of regulating a funeral home or mortuary is to assure adequate off-street parking and staging room for cars lined up for the funeral procession plus compatibility in the area. A funeral home is permitted subject to the following conditions:

- (a) The funeral home shall be a licensed facility by the State of Michigan.
- (b) A funeral home may contain a dwelling unit for the owner or employee.
- (c) Signage shall meet the requirements of Article 9.
- (d) The lot area shall be adequate to accommodate an off-street assembly area for a funeral procession in addition to any required off-street parking area.

(e) The site shall be so located as to have at least one (1) property line abutting a major thoroughfare of not less than one hundred and twenty (120) feet of right-of-way width, either existing or proposed, and all ingress and egress for the site shall be directly onto said major thoroughfare, or a marginal access service drive thereof.

(f) Points of ingress and egress for the site shall be so laid out as to minimize possible conflicts between traffic on adjacent major thoroughfares, and funeral processions or visitors entering or leaving the site.

(g) No building shall be located closer than fifty (50) feet to the outer perimeter (property line) of the district when said property line abuts any residential district.

(h) Loading and unloading area used by ambulance, hearse, or other such service vehicles shall be obscured from all residential view with a solid wall, fence, berm, landscaping, or combination thereof, six (6) feet in height.

Section 6.18 General, Building and Landscape Contractor's Offices and Yards.

(a) A contractor's office building shall be of permanent construction. Temporary construction trailers shall not be permitted to be occupied as the office of the contractor. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage. Storage of all motorized equipment shall be on a paved surface.

(b) Storage shall not be located within the required front yard. Stored materials shall not be located in any required parking or loading space(s). Storage of any kind shall not interfere with ingress and egress of fire and emergency vehicles and apparatus.

(c) Open storage of building materials, sand, gravel, stone, lumber, open storage or construction contractor's equipment and supplies, provided such are enclosed within an obscuring wall on those sides abutting any residential district and on any front yard abutting a public thoroughfare. Storage shall be screened from the view of a public street and adjacent properties in accordance with the requirements of Section 7.7.

(d) The location and size of areas for storage, nature of items to be stored therein, and details of the enclosure, including a description of materials, height, and typical elevation of the enclosure, shall be provided as part of the information submitted under Article 3.5, Site Plan Review.

(e) The loading and unloading of equipment shall be conducted entirely within the site and shall not be permitted within a public right-of-way.

Section 6.19 General Hospitals and Mental Health Facilities.

- (a) All such hospitals shall be developed only on sites of at least five (5) acres in area.
- (b) The proposed site shall have at least one (1) property line abutting a major thoroughfare of at least one hundred and twenty (120) feet in right-of-way as indicated on the current Master Right-of-Way Plan of the Lenawee County Road Commission. At least two (2) ingress routes shall be provided for the facility.
- (c) The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least fifty (50) feet for front, rear and side yards for all (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet.
- (d) Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence six (6) feet in height. Ingress and egress to the site shall be directly from a major thoroughfare.
- (e) All ingress and egress to the off-street parking area for guests, employees, staff or other users of the facility, shall be directly from a major thoroughfare.

Section 6.20 Golf Courses

- (a) Golf courses may also include accessory clubhouses, driving ranges, pro shops and maintenance buildings.
- (b) The location of structures, such as the clubhouse and accessory buildings, and their operations shall be reviewed by the Planning Commission to insure minimum disruption of the adjacent properties. In no case shall any structure be located any closer than fifty (50) feet from adjacent residentially zoned or used property.
- (c) All storage, service and maintenance areas, when visible from adjoining residentially zoned or used land, shall be screened from view in accordance with Section 7.7.
- (d) Any proposed lighting and sound systems shall be reviewed by the Planning Commission to ensure that it does not impact on adjacent land uses. Outdoor speakers or lighting shall not be directed towards residentially zoned or used property.

Section 6.21 Gun Clubs, Firing and Archery Ranges.

- (a) Enclosed within a building:
 - (1) A minimum lot area of not less than ten (10) acres shall be maintained, unless the Planning Commission permits a smaller area.
 - (2) The structure for the completely enclosed firing and archery range shall be bulletproof.
 - (3) This structure shall be not less than five hundred (500) feet from any residential use or district, or highway right-of-way.
 - (4) Adequate paved parking is maintained.
 - (5) A license for such a range shall be obtained from the Township Board.
 - (6) Adequate public liability and property damage insurance for injuries arising from the operation of the range shall be maintained.
 - (7) An annual fee as determined by the Township Board shall be paid to the Township for range inspection by the Police Department.
 - (8) There shall be continuous supervision by a responsible person when such range is in operation.

- (b) Outdoor:
 - (1) A minimum lot area of not less than forty (40) acres shall be maintained, unless the Planning Commission permits a smaller area.
 - (2) The gun firing lines of the range shall be not less than five thousand (5,000) feet in length from the firing point, and shall be at least one-quarter (1/4) mile from the nearest residential use district in any direction from the firing point.
 - (3) The shooters shall fire in a northerly direction at all times, away from any traveled highways.
 - (4) Shooters shall fire into a thirty (30) foot high hill or suitable backstop to be approved by the Zoning Administrator and Police Department.
 - (5) A six (6) foot chain link fence shall be provided and maintained to prevent persons from moving into the area and firing line.
 - (6) A license for such range shall be obtained from the Township Board.

- (7) Adequate public liability and property damage insurance for injuries arising from the operation of the range shall be maintained.
- (8) An annual fee as determined by the Township Board shall be paid to the Township for range inspection by the Police Department.
- (9) There shall be continuous supervision by a responsible person when such range is in operation.
- (10) Shooters shall fire from a structure constructed to standards not less than those required as minimum safety standards by the National Rifle Association.
- (11) Shooting on the range shall be limited to the hours between sunrise and sunset but not prior to 6:00 a.m. nor later than 8:00 p.m.

Section 6.22 Housing for the Elderly and Nursing Homes/Convalescent Centers.

(a) Housing for the elderly shall comply with the following conditions:

(1) All housing for the elderly shall provide for the following:

A. Independent Living for the Elderly. Dwellings may be provided for as one-family detached, two-family or multiple family units. The minimum site area requirements for purpose of calculating density shall be as follows:

<u>Dwelling Unit Size</u>	<u>Site Area/Unit (sq. ft.)</u>
Efficiency/One Bedroom	2,000
Two Bedroom	4,000
Each additional bedroom	500

B. Assisted Living for the Elderly. Where such facilities contain individual dwelling units with kitchen facilities, the density requirements set forth in Section 4.17 shall apply. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be two hundred (200) square feet.

C. Both independent and assisted living facilities shall be contained within a building which does not exceed two hundred and fifty (250) feet in overall length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together. The

Planning Commission may permit buildings of greater length when it can be demonstrated that architectural design and natural and topographic features ensure that the building is in scale with the site and surrounding areas.

D. Building setbacks shall comply with the following:

- i. Perimeter setbacks shall be no less than seventy-five (75) feet from the front property line and fifty (50) feet from all other property lines.
- ii. Internal setbacks for one and two-family dwellings located on an individual lot shall be as follows:

Front	25 feet
Rear	35 feet
Least Side	7.5 feet
Total Side/Between Buildings	20 feet

- iii. Internal setbacks for one and two-family dwellings not located on an individual lot shall be as follows:

	Multiple One/Two- <u>Family</u> <u>Family</u>
Internal Drives/Streets	25
25	
Side/Side Orientation	30
20	
Side/Front, Side/Rear	30
35	
Front/Front, Front/Rear, Rear/Rear	50
50	

E. Minimum Floor Area. Each dwelling unit shall comply with the following minimum floor area requirements, excluding basements:

<u>Dwelling Type</u> <u>Living Unit</u>	Floor Area (sq. ft.)	
	<u>Assisted Living Unit</u>	<u>Independent</u>
Efficiency	400	500
One Bedroom	550	650
Two Bedroom	700	800
Additional bedroom	150	150

- F. **Building Height.** Check Schedule in Section 4.17. In zoning districts the Planning Commission may at its discretion, permit up to three (3) stories only if the following conditions are met:
- i. The site contains significant natural resources including, but not limited to slopes or wetlands.
 - ii. No increase in density shall be allowed.
 - iii. Approval by the Fire Department is required.
 - iv. An increased front, rear and side yard setback distance and spacing requirements between buildings. The extent of increase, if any, for each setback measurement shall be established as part of the approval of the Planning Commission.
 - v. In no event shall the maximum height of any such building exceed forty-five (45) feet as calculated in accordance with the terms of this Ordinance.
- G. **Open Space/Recreation.** Open space and recreation shall be provided in accordance with the following requirements:
- i. Total open space required shall be a minimum of fifteen (15) percent of the site.
 - ii. Recreation facilities shall be appropriate and designed to meet the needs of the resident population. Active recreation shall be located conveniently in relation to the majority of dwelling units intended to be served.
- H. **Accessory Uses.** Support uses offered solely to residents may be permitted provided they are contained within the principal building and are strictly accessory to the principal use as an elderly residential facility. Such support may include: congregate dining; health care; personal services; and social, recreational, and educational facilities and programs.

(b) Nursing homes and convalescent centers shall comply with the following conditions:

- (1) Minimum lot size shall be based upon no less than two thousand (2,000) square feet per bed.
- (2) The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each bed in the nursing homes/convalescent centers there shall be provided not less than one thousand five hundred (1,500) square feet of open space. Such space shall provide for landscape setting, off-street parking, service drives, loading space, yard

requirements, employee facilities and any space required for accessory uses. The one thousand five hundred (1,500) square foot requirement is over and above the building coverage area requirement.

- (3) No building shall be closer than forty (40) feet from a property line.
- (4) The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare, or primary thoroughfare. More than one (1) point of vehicle provided directly from said thoroughfare.
- (5) Area for access of emergency vehicles shall be provided for each primary building entrance.

Section 6.23 Incineration of Any Refuse, Industrial, Hazardous or Other Waste.

Incineration of any refuse, industrial, hazardous or other waste when conducted within an approved and enclosed incinerator plant subject to the following conditions:

- (a) Any incinerator facility (incinerator, storage area and receiving area) shall be at least one thousand (1,000) feet from the perimeter of the parcel. Any non-hazardous waste incinerator facility with a capacity of one thousand (1,000) pounds per hour, or less, shall be exempt from these setback requirements, except for Items (b) and (c) below. Industrial buildings for other uses may be allowed in the one thousand (1,000) foot buffer when part of a cooperative energy recovery development and non-hazardous waste incinerator.
- (b) Any other structure, building or materials, other than the incinerator, receiving area, and waste storage shall be set back a minimum of one hundred (100) feet from all abutting property lines, streets, and railroad rights-of-way; however, any structure or building higher than forty (40) feet shall be set back an additional one (1) foot in height in excess of the minimum one hundred (100) foot setback, but in no instance shall this distance be less than five hundred (500) feet. All stack heights shall follow U.S. Environmental Protection Agency guidance for Good Engineering Practice (EPA 450/2-78-046) and demonstrations shall be provided that Ground Level Concentrations (GLC's) at the property line shall not cause a nuisance or community air pollution impact.
- (c) The entire site shall be surrounded by a planted and maintained greenbelt conforming to Section 7.7.
- (d) All uses permitted in this subsection shall be subject to the provisions of Act 64 of the Public Acts of 1979, known as the Hazardous Waste Management Act, and Act 641 of 1978, the Solid Waste Management Act.

(e) All residues resulting from the operation of an incinerator shall be removed from the site of the incinerator and disposed of in an approved disposal site.

(f) Any request for approval of a hazardous waste incinerator shall include an operations and maintenance plan in graphic and text form describing the method and practices to be followed in the actual day-to-day operation of the incinerator. Data necessary to be submitted and included as a part of the operational plan include the following:

- (1) A complete Environmental Impact Report prepared pursuant to the specifications of the Michigan Environmental Protection Act, being Act 127 of 1970. This shall also include a review of alternative sites. This plan shall be supplemented by a detailed analysis of impacts from noise, vibration, odor, visual impairment and air pollutants past the property line and in the surrounding communities.
- (2) A copy of Act 64 of 1979 hazardous waste disposal facility construction permit with all attachments, and/or Act 641 of 1978 permits with all attachments.
- (3) A copy of Act 348 of 1965 Air Quality Permit with all attachments.
- (4) A market analysis report indicating the economic feasibility of the proposed use.
- (5) A site operational plan describing the methodology of transfer of wastes from vehicles to the incineration point, methods of mitigating hazardous waste spills and accidents, staffing expectations, hours of operation, and methods for closing and removal of the buildings, structures, and facilities should the incinerator cease operation for a period exceeding six (6) months.

(g) Paved access with curbing that will retain rainfall and potential spills shall be available to each site, and each site shall abut a paved major thoroughfare proposed to be at least one hundred and twenty (120) feet in right-of-way.

(h) All storage drums, or material to be incinerated, other than that stored in large holding tanks, shall be stored within a totally enclosed building(s). In addition, loaded tank trucks shall be parked only within a diked area which shall be at least one and one-half (1-1/2) times the volume of the amount to be stored, and shall not include the access road(s).

(i) There shall be no unlicensed or non-manifested carriers on the site at any time.

(j) All facilities for rail tank cars or other rail container cars shall be provided with storage facilities under the storage rails to assure that any spillage shall be contained until

removal to the approved storage area. Said storage shall be at least one and one-half (1-1/2) times the volume of the amount to be stored.

(k) Security methods including fencing for the incinerator facility shall be submitted with the required site plan.

(l) Fire and explosive hazard control shall be outlined and submitted with the required site plan.

(m) Methods of controlling and avoiding any spillage of liquids or materials into the storm sewer system or off the property shall be outlined for all operational areas, including access.

(n) The storage capacity of the material to be incinerated on the site shall not exceed 20 (twenty) days at the rated capacity of the plant. Residue storage shall not exceed one-hundred and twenty (120) cubic yards at any time, and shall be stored inside on a contained concrete or superior surface.

(o) The site for the disposal facility shall be at least one thousand (1,000) feet from any existing or proposed overhead utility lines.

(p) Facilities shall be provided for washing all carriers and containers prior to departure from the disposal site. An approved method shall be provided to store used liquids used for washing until movement to the approved disposal site.

Section 6.24 Industrial Park Standards.

(a) The minimum parcel size for the Industrial Park as a whole shall be twenty (20) acres while the minimum lot size within an Industrial Park shall be 25,000 sq. feet.

(b) Outside Storage.

(1) The outside storage of materials, supplies, vehicles, equipment or similar items is allowed only when such storage is specifically shown on the site plan as approved by the Planning Commission.

(2) Outside storage shall be limited to the rear yard area.

(3) Outside storage areas shall be completely fenced with a chain link fence at least eight (8) feet high.

(4) Outside storage areas shall be screened from view of all roadways. This screening shall be a wall, fence, berm, landscaping or combination thereof.

(c) Off-Street Parking.

- (1) No parking area or driveway shall be closer than twenty (20) feet to the adjacent property line. However, if the parcel in question abuts a residentially used or zoned parcel, then no parking area or driveway shall be closer than fifty (50) feet to the adjacent property line.
 - (2) The off-street parking areas and access driveways shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls or evergreen landscaping subject to approval of the Planning Commission.
- (d) Internal Roadway. The internal roadway shall not be closer than one hundred (100) feet to an adjacent property line.
- (e) Loading and Unloading.
- (1) The loading and unloading area shall be located in the rear or side yard. However, it may be located in a front yard area only when the loading area is of a drive-through design as approved by the Planning Commission.
 - (2) Truck wells shall not be located in the front yard area.
- (f) All activities and uses within the park shall conform to the performance standards outlined in Article 7.

Section 6.25 Intensive Livestock Operations.

New livestock production facilities must follow and be in conformance with all Generally Accepted Agricultural and Management Practices (GAAMPS) for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.

- (a) Contact the Michigan Department of Agriculture (MDA), Right to Farm Program, Lansing Michigan.
- (b) Provide the Township proof of MDA review and verification for conformance to appropriate GAAMPS for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.

Section 6.26 Kennels (Commercial)

Commercial kennels include any establishment wherein or whereon three (3) or more dogs, cats or other domestic animals are confined and kept for sale, boarding,

breeding or training purposes, for remuneration. The purpose of regulating kennels is to maintain adequate health standards, and to protect the general public:

- (a) Also see Section 6.6, Animal Rescues or Shelters.
- (b) A minimum lot area shall be provided of not less than ten (10) acres, with a minimum lot width of not less than five hundred (500) feet.
- (c) A kennel shall provide an area of not less than one-quarter (1/4) acre for each animal boarded and cared for as part of such kennel facilities, but shall not be less than (a) above.
- (d) All buildings, pens and runways, for housing or keeping of such animals, shall not be less than one hundred fifty (150) feet from any adjacent property line.
- (e) Pens and runways shall be screened from view from the road, either by the building or a greenbelt of plantings in accordance with Section 7.7.
- (f) All yard space used for pen areas shall be fenced with woven wire or other approved fence material except barbed wire, which shall not be acceptable as sole fence material, and said fence shall not be less than five (5) feet in height. Such fence shall be maintained in good condition.
- (g) Adequate sanitary facilities shall be provided for the cleaning of the kennels, and the burning of any waste or refuse shall be prohibited.
- (h) Any permit, after being issued by the Planning Commission for such use, shall terminate immediately when the lot area requirements herein set forth are decreased in any manner.

Section 6.27 Kennels (Private).

Private kennels include any building and/or land used for the temporary or permanent boarding, breeding, training or care of dogs or cats or other domestic animals belonging to the owner for the purposes of show, hunting or as pets, and subject to the following:

- (a) The lot or parcel shall be adequate in size to provide a distance of not less than one hundred and fifty (150) feet to any dwelling and twenty (20) feet to a side or rear lot line, from any cage or pen housing the animals.
- (b) The boarding, breeding, training or care of such animals shall be incidental to the principal use of the premises and shall not be for purposes of remuneration or sale.
- (c) Adequate sanitary facilities shall be provided for the cleaning of the kennels, and the burning of any waste or refuse shall be prohibited.

(d) Up to three (3) dogs, cats or other domestic animals may be kept as a use permitted by right, while more than three (3) such animals requires special land use approval as per Section 3.4.

Section 6.28 Large Scale Retail Facilities.

These provisions are intended to regulate retail establishments of greater than 30,000 square feet of floor area, whether located as an individual use on a single site or as part of a shopping center with a grouping of attached and/or detached buildings. While it is recognized that large scale retail establishments may provide goods and services to Township residents, such stores are primarily focused on attracting consumers from a market area larger than the Township. Therefore, specific standards are required to ensure that large scale retail stores can be adequately served by and do not create an inordinate impact upon roads, utilities, storm drainage and police and fire services and are subject to the following conditions:

(a) Building Design Standards.

(1) Facades and exterior walls:

- A. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses extending at least twenty (20%) percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred (100) horizontal feet.
- B. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than fifty (50%) percent of their horizontal length.
- C. Building facades must include a repeating pattern that includes no less than two (2) of the following elements:
 - i. Color change;
 - ii. Texture change; and
 - iii. An expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, including, but not limited to an offset, reveal or projecting rib.

(2) Roofs. Roofs shall have no less than two of the following features:

- A. Parapets concealing flat roofs and rooftop equipment including, but not limited to HVAC units from public view are required.

Parapets shall not exceed 1/3 of the height of the supporting wall at any point. Such parapets shall feature three-dimensional cornice treatment;

- B. Overhanging eaves, extending no less than three feet past the supporting walls;
- C. Sloping roofs with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run; and
- D. Three or more roof slope planes.

(3) Materials and Colors.

- A. Predominant exterior building materials shall be high quality material, including, but not limited to, brick, stone, and integrally tinted/textured concrete masonry units.
- B. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
- C. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- D. Exterior building materials shall provide texture to at least fifty (50%) percent of the facade and shall not be completely made up of smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.

(4) Entryways. Each principal building on a site shall have clearly defined, highly visible customer entrances.

(b) Site Design Standards.

- (1) Parking lot location. No more than fifty (50%) percent of the off-street parking area devoted to the large scale retail establishment shall be located between the front facade of the principal building and the abutting streets.
- (2) Connectivity. The site design must provide direct connections and safe street crossings to adjacent land uses. Pavement/material changes at drive crossings should be installed where possible to better define pedestrian crosswalks.

- (3) Pedestrian circulation.
- (a) Internal pedestrian walkways, no less than six (6) feet in width, shall be provided connecting the public sidewalk to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity including, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flowerbeds, ground covers or other such materials for no less than 50% of the length of the walkway.
 - (b) Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least ten (10) feet from the facade of the building to provide planting beds for foundation landscaping, except where features including, but not limited to arcades or entryways are part of the facade.
 - (c) All internal pedestrian walkways which cross or are incorporated with vehicular driving surfaces shall be distinguished from such driving surfaces through the use of durable, low maintenance surface materials including, but not limited to pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Surface materials used for internal pedestrian walkway shall be designed to accommodate shopping carts.
- (4) Central features and community space. Each large scale retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Township, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network, and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.
- (5) Off-street loading, outdoor storage, refuse and recyclable containers.
- (a) Off-street loading shall be located in accordance with the standards set forth in Article 10.

- (b) Refuse and recyclable containers shall be located in accordance with the standards set forth in Section 5.2.
- (c) All screening shall be in accordance with the standards set forth in Section 7.7.
- (d) Outdoor storage areas shall be prohibited.

Section 6.29 Livestock Auction Yards/Markets.

Those who wish to operate a livestock auction market must first obtain bonding and a livestock dealer/broker license from the Animal Industry Division, Michigan Department of Agriculture, Lansing, Michigan. The following must be provided:

- (a) Copy/proof of required bonding.
- (b) Copy of the livestock dealer/broker license.
- (c) License must be kept current on a yearly basis.
- (d) All such facilities shall be located on a paved primary arterial road.

Section 6.30 Manufactured Housing Park Development Standards.

- (a) General Site Development Standards.
 - (1) No manufactured housing park shall be constructed within the limits of Adrian Charter Township unless the owner and/or operator hold a valid construction permit issued by the Michigan Department of Labor and Economic Growth in accordance with the provisions of Public Act 96 of 1987, as amended, and a copy of said permit is given to the Township.
 - (2) A permit and Certificate of Occupancy shall be obtained from the Building Department for each manufactured home connected to the Township water, sanitary sewer, and electrical, and the placement of the home. Skirting shall be installed within 30 days after the Certificate of Occupancy is issued, weather permitting.
 - (3) A permit shall be obtained from the Building Department for construction of a canopy, awning, sunroom, carport, or other accessory or year-round enclosure detached or attached to a manufactured home.
 - (4) Fees for the above-mentioned permits shall be set by the Township Board.

- (5) Each road access point to a manufactured housing park from a Country or State highway shall have prior written approval of the Lenawee County Road Commission (LCRC) having jurisdiction within the Township.
 - (6) It shall be the duty of the Building Inspector or assistant to personally inspect all of the development, construction, or installation of the facilities in the mobile home park for which a State permit has been issued. The Township Building Inspector is hereby granted the power and authority to enter upon the premises of any manufactured housing park at any reasonable time for the purpose herein set forth and for the purpose of enforcing any provisions of this Ordinance.
 - (7) It shall be the duty of the owner and operator of each manufactured housing park to enforce the following regulations:
 - A. The keeping of all domestic pets shall be in compliance with Township Ordinances
 - B. The operation, maintenance and supervision of the manufactured housing park shall be by a responsible person who shall be available at all times in case of emergencies.
 - C. It shall be the duty of each manufactured housing park owner and operator to report to the Lenawee County Health Inspector and Township Supervisor, the existence of any known unsanitary conditions prevailing within the boundaries of the manufactured housing park.
 - D. It shall be the further duty of the manufactured housing park owner or operator, in order to safeguard against the hazards of a fire, to prohibit the parking of any manufactured home or trailer, not possessing two (2) exits, within any manufactured housing park. One such exit may be of the emergency type, provided that it is capable of being easily operated by small children, and provided approval has been granted by the Township or State Fire Marshall.
 - (8) School officials of the affected districts shall be notified of the proposed development.
- (b) Lot and Stand Conditions.
- (1) The manufactured housing park shall be developed with sites averaging 5,500 square feet per manufactured home unit. The 5,500 square feet for any one site may be reduced by 20 percent provided that the individual

site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required under Public Act 96 of 1987, as amended.

- (2) For irregular shaped manufactured home lots the access point to the lot must be of sufficient width to accommodate the required on site parking and must be at least twenty (20) feet.
- (3) No manufactured home shall be located closer than fifty (50) feet to the right-of-way of a public thoroughfare, nor closer than eighty (80) feet to a railroad right-of-way, nor closer than ten (10) feet to any dedicated easement or road right-of-way within a manufactured housing park.
- (4) The manufactured home foundation shall be of concrete piers, slabs or runners to be designed and constructed in conformance with the standards established in Public Act 96 of 1987, as amended.
- (5) All manufactured homes shall be anchored with only those systems which are approved by Public Act 96 of 1987, as amended.
- (6) If provided, patios and bases of storage sheds shall be constructed of four (4) inch thick concrete

(c) Accessory Structures and Enclosures.

- (1) Storage Areas - No storage of any personal property except licensed operable motor vehicles shall be stored outside or under any manufactured home. Storage sheds may be utilized for any such storage but need not be supplied by the owner of the manufactured home development.
- (2) Canopies and awnings may be attached to any manufactured home and said accessory structures shall conform to all area, height, and placement regulations applicable to the manufactured home itself, except it may occupy a portion of the side yard provided it is located no closer than ten (10) feet to another manufactured home.
- (3) Canopies and awnings may be enclosed with screens for summer recreation or sunroom purposes, or they may be enclosed with glass for climatic reasons, but no enclosure shall be used for permanent living purposes.
- (4) If any permanent living area is added to a manufactured home, such addition shall conform in every way to the placement regulations of the principal structure.

- (5) Manufactured homes shall be skirted and must meet the standards of Public Act 96 of 1987, as amended.
 - (6) There shall be no storage underneath any manufactured home of any item except for the hitch and wheels and tires of that manufactured home, and each manufactured home lot should be maintained in the manner that it was originally constructed.
- (d) Roads, Parking and Walks.
- (1) Streets shall be provided on the site where necessary to furnish principal traffic-ways for convenient access to the manufactured home site, and other important facilities on the property. The street system shall provide convenient circulation by means of minor streets and properly located collector and arterial streets. Closed ends of dead-end streets shall be provided with a turn around capability.
 - (2) The roads shall be of adequate widths to accommodate the contemplated traffic load but shall not be less than twenty-one (21) feet in width.
 - (3) Curbing shall be required, provided however, the Planning Commission may approve plans without curbs, where such plans show other adequate means for the control of surface drainage. Protection of the edges of the pavement and protection to the roadway shoulder shall be provided to prevent erosion along the shoulder and berm of the roadway.
 - (4) All roads and parking areas shall be constructed of concrete, blacktop, or other similar hard surface material in conformance with standards set in Public Act 96 of 1987, as amended.
 - (5) Hard-surfaced off-street parking spaces shall be provided on manufactured home site in sufficient number to meet the needs of the occupants of the property and their guests, without interference with normal movement of traffic. Such facilities shall be provided as required by Public Act 96 of 1987, as amended.
 - (6) For the protection of the park residents and the easy passage of fire apparatus there shall be no parking on any road in the manufactured housing park unless they meet the standards established in Public Act 96 of 1987, as amended.
 - (7) The manufactured housing park primary walk system, if provided, including walks along main drives and secondary streets shall meet requirements of Public Act 96 of 1987, as amended.

- (8) Recreational Vehicle Storage - The storage or parking of recreational vehicles, motor homes, boats, snowmobiles, or other vehicles or items ordinarily towed, driven or used for a special purpose, if storage or parking of such is permitted in the manufactured housing park, shall be in accordance herewith. The storage of the vehicles or items in the manufactured housing development is specifically prohibited except in the storage area. The storage area shall be screened by solid-type fence five (5) feet in height around its perimeter or by some other similar screening device.

(e) Utilities and Trash Disposal.

- (1) Fire hydrants of a size and with a pressure approved by the Adrian Charter Township Fire Department shall be placed along each street within the manufactured housing park within ten (10) feet of a roadway and at intervals not exceeding five hundred (500) feet so that no mobile home shall be more than two hundred fifty (250) feet from a hydrant.
- (2) Running water from a public or a State-tested and approved water supply shall be piped to each manufactured home and shall be adequately protected from frost.
- (3) Plumbing fixtures shall be connected into a public sanitary sewer or Township approved facilities.
- (4) All electric lines, from supply poles and leading to each manufactured home stand, shall be underground and shall conform to Public Act 96 of 1987, as amended.
- (5) Street lights, sufficient in number and intensity to permit the safe movement of vehicles and pedestrians at night, shall be in conformance with Public Act 96 of 1987, as amended.
- (6) Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health and shall be approved by the State Health Department and the Adrian Charter Township. Manufactured housing parks shall provide for removal of rubbish as required in Public Act 96 of 1987, as amended.

(f) Recreation and Open Space.

- (1) The front yard and the side yard adjacent to a public thoroughfare shall be landscaped and the entire manufacturing housing park shall be maintained in a clean, presentable condition at all times.

- (2) A greenbelt planting strip not less than ten (10) feet in width shall be placed or located along the perimeter of the manufactured housing park. Such a greenbelt shall be so constructed as not to cause or constitute a traffic hazard and plantings shall be at least twenty (20) feet back from an intersection. The requirements for a greenbelt along the perimeter of a manufactured housing park does not apply when the abutting land is zoned MH, Manufactured Housing District.
- (3) Open space shall be in conformance with Public Act 96 of 1987, as amended.
- (4) Manufactured home lot line fences, when provided, shall be uniform in height thirty six (36) inches in height and shall be constructed in such a manner as to provide firemen access to all sides of each manufactured home and shall be provided with two (2) gates.
- (5) Models may be placed on lots in the manufactured housing park, if they are installed in accordance with Public Act 96 of 1987, as amended, and a temporary Certificate of Occupancy is issued. These models are to be used primarily for sales in the park and shall not be occupied as living units. Also, they shall not have any bright or flashing lights on the units.

Section 6.31 Motels and Hotels.

- (a) No guest shall rent a unit at a motel or hotel for more than thirty (30) consecutive days within any calendar year.
- (b) Each unit shall contain not less than two hundred and fifty (250) square feet of floor area.
- (c) A minimum fifty (50) foot front yard setback shall be maintained.
- (d) Signs may be permitted to be a maximum of fifty (50) feet in height when adjacent to a freeway.

Section 6.32 Outdoor Display and Sales.

- (a) General Standards.
 - (1) An outdoor display shall be considered as an accessory use to the principal use conducted on the premises.

- (2) The exterior of the premises shall be kept clean, orderly and maintained.
 - (3) The Township shall not be held liable or responsible for any type of damage, theft or personal injury that may occur as a result of an outdoor display.
 - (4) In the administration of these provisions, the Zoning Administrator shall be permitted to refer a request to the Planning Commission for review and approval where site conditions may create difficulty in adherence to the standards contained herein.
 - (5) See Section 6.33 for the outdoor display and sale of vehicles.
- (c) Standards Within Business Districts.
- (1) An outdoor display may be located within any required yard but shall not be located within any public road right-of-way.
 - (2) An outdoor display shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of this Zoning Ordinance.
- (d) Building Materials, Nursery Stock and Garden Supplies.
- (1) Outdoor sales areas shall not be located within the required front setback, except for sales of living nursery stock. Ornamental displays associated with the sale of nursery stock shall be permitted; however, in no case shall the outdoor storage or sale of bulk materials, including, but not limited to topsoil, mulch or gravel, whether packaged or not, be permitted within the front yard setback.
 - (2) Outdoor sale and display areas that abut residentially zoned or used property shall be screened in accordance with Section 7.7.

Section 6.33 Outdoor Recreational Facilities.

- (a) Active Recreation. All active outdoor recreational facilities for adults or children, including, but not limited to paint ball, 3-D archery, motor cross and other similar uses are subject to the following:

- a. All uses shall comply with the performance standards outlined in Article 7.
- b. Parking areas shall be provided off the road right-of-way and shall be enclosed with a four (4) foot wall, fence, berm and/or evergreen plantings.
- c. No less than one (1) acre of land are required to accommodate any active outdoor recreational facility (except motor cross) with no less than a twenty (20) foot open space along all parcel perimeters. Motor cross facilities shall require no less than five (5) acres, one hundred fifty (150) feet of frontage and no less than one hundred (100) feet of open space along all parcel perimeters.

(b) Passive Recreation. All passive outdoor recreational facilities for adults or children, including, but not limited to amusement parks, carnivals miniature golf courses, drive-in theaters and other similar uses except public parks are subject to the following:

- (1) All uses shall comply with the performance standards outlined in Article 7.
- (2) Parking areas shall be provided off the road right-of-way and shall be enclosed with a four (4) foot wall, fence, berm and/or evergreen plantings.
- (3) Children's amusement parks must be fenced on all sides with a four (4) foot wall or fence.
- (4) Drive-in theaters shall have a solid fence around the site and all lighting shall be shielded from adjacent parcels.

Section 6.34 Outdoor Sales of Automobiles or Vehicles.

Outdoor sales of new and used automobiles, boats, mobile homes, lawn care and construction machinery and other vehicles, shall be subject to the following requirements:

- (a) Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.
- (b) All activities related to vehicle washing, service and repair equipment shall be entirely enclosed within a building.
- (c) Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
- (d) Inoperative vehicles or discarded or salvaged materials shall not be stored outside.

- (e) Vehicle sales shall not be permitted on the premises of any automobile service station, automotive wash or automobile or vehicle repair garage.
- (f) No banners or flags are permitted except as permitted in Article 9.
- (g) A landscaped greenbelt measuring a minimum of ten (10) feet in width shall be provided. No vehicles or merchandise shall be displayed within the required greenbelt.
- (h) There shall be no broadcast of continuous music and/or announcements over any loudspeaker or public address system.
- (i) The automobile sales agency must be located on a site having frontage of no less than one hundred and fifty (150) feet and area of no less than thirty-five thousand (35,000) square feet.

Section 6.35 Regulation of Animals.

- (a) Class I Animals may be maintained in any zoning classification district, subject to specific restrictions herein.
- (b) Class II Animals may be maintained in the R-A District only. While horses and equine type animals are considered Class II, commercial riding stables are regulated under Section 6.36, herein. A minimum of three (3) acres are required for livestock.

**STOCKING DENSITIES FOR
CLASS II ANIMALS ON PARCELS
IN THE AGRICULTURE DISTRICT**

Animal	Number of Animals	
Beef Cattle	1 for first 3 acres	Additional 1 acre per animal
*Beef Cattle with Calf	↓	↓
Dairy Cow	↓	↓
Pigs	↓	↓
Sheep, Goats, Alpaca	↓	↓
Llama	↓	↓
Horses/Equine Type Animals	↓	↓

* One (1) beef cattle with calf is considered one (1) animal until the calf is fully grown.

- (1) There should be adequate fencing, or other restraining devices for the purpose of maintaining animals within the restricted areas provided for in this ordinance.

- (2) Structures housing Class II animals should be located at least, no nearer than fifty (50) feet to any adjacent lot line. The Michigan Department of Agriculture, Right to Farm Program may advise that a greater set back be met if a voluntary site plan for a manure management plan is filed.
- (3) The refuse and wastes resulting from the maintenance of animals should be controlled upon the premises in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
- (4) All feed and other substances and materials on the premises for the maintenance of animals should be stored in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.
- (5) It is highly recommended that property owner's in the R-A Districts who plan to raise Class II livestock contact the Michigan Department of Agriculture, Right to Farm Program for advice on how to write and implement a site plan for manure management. Every property owner who raises livestock should be aware of their rights and responsibilities contained in the Michigan Right to Farm Act.

**STOCKING DENSITIES FOR
CLASS III ANIMALS ON PARCELS OF
10 ACRES OR LESS IN THE R-A, AGRICULTURE DISTRICT**

Animal	Number of Animals	Area
Geese, Ducks, Turkeys	50	1 acre
Chickens (Broiler Hens, Layers)	50	1 acre
Rabbits	50	1 acre

- (1) There should be adequate fencing, or other restraining devices, for the purpose of maintaining animals within the restricted areas provided for in this ordinance.
- (2) Structures housing Class III animals should be located, at least, no nearer than fifty (50) feet to any adjacent lot line. The Michigan Department of Agriculture, Right to Farm Program may advise that a greater set back be met if a voluntary site plan for a manure management plan is filed.
- (3) The refuse and wastes resulting from the maintenance of animals should be controlled upon the premises in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.

- (4) All feed and other substances and materials on the premises for the maintenance of animals should be stored in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.
- (5) It is highly recommended that property owner's in the R-A District who plan to keep/raise Class III livestock contact the Michigan Department of Agriculture, Right to Farm Program for advice on how to write and implement a site plan for manure management. Every property owner who raises livestock should be aware of their rights and responsibilities contained in the Michigan Right to Farm Act.



As a part of the special land use review process, the Planning Commission may choose to impose any reasonable conditions, including conditions on the following items:

- (1) Adequate fencing.
 - (2) Setbacks for structures housing animals from property lines.
 - (3) The refuse and wastes resulting from the maintenance of animals.
 - (4) The storage of feed and other substances on the premises for the maintenance of animals.
- (f) Conformance to Law. In reference to the above provisions, the following may apply: All federal, state and local laws and regulations to include, but not limited to the Michigan Right to Farm Act, all adopted Generally Accepted Agricultural Management Practices and all Michigan Department of Agriculture rules and regulations. All violations of the Michigan Right to Farm Act are investigated by and can be reported to the Michigan Department of Agriculture.

Section 6.36 Riding Stables, Commercial

(a) A minimum lot area shall be provided of not less than ten (10) acres, with a minimum lot width of not less than five hundred (500) feet.

(b) A commercial stable shall provide an area of not less than two (2) acres for each horse stabled and used as a part of such commercial stable use, but shall not be less than (a) above.

(c) All buildings, corrals, and runways for housing or keeping of such animals shall not be less than one hundred fifty (150) feet from any adjacent property line, provided, however, such yard space may be used for pasture in connection with a riding stable.

(d) All yard space used for pasture or riding areas shall be fenced with woven wire or other approved fence material except barbed wire, which shall not be acceptable as sole fence material, and said fence shall not be less than five (5) feet in height. Such fence shall be maintained in good condition.

Any permit after being issued for such uses shall terminate immediately when the lot area requirements herein set forth are decreased in any manner.

Section 6.37 Roadside Produce Stands and Markets.

Because roadside stands and markets are seasonal in character and utilized on a temporary basis, roadside markets that sell produce that has been purchased for resale shall be permitted by the Zoning Administrator subject to the following requirements:

(a) The sale of products shall not take place in the dedicated right-of-way of any thoroughfare within the Township, and assurances shall be made to the Township that off-street parking and adequate ingress and egress has been provided.

(b) Upon discontinuance of the temporary use, any temporary structures shall be removed from the roadside.

(c) All requirements of a temporary permit shall be met.

(d) Each farm may have a maximum of one (1) temporary roadside stand, the structure shall not have more than one (1) story

(e) The floor plan of the structure shall not be larger than twenty by twenty (20x20 feet).

(f) The stand shall be located no closer than thirty (30) feet from the nearest pavement of other traveled surface. The area between the stand and the traveled surface shall be reserved exclusively for parking.

(g) The roadside stand shall be of portable construction, permitting it to be removed from its roadside location during the seasons when it is not in use.

(h) Signs used in connection with roadside stands shall be temporary, and shall be removed when the stand is not in use. No sign shall be placed within a public right of way.

Section 6.38 Rooming and Boarding Facilities.

(a) A portion of an owner-occupied, single-family dwelling unit or accessory building, located in the R-1 District.

(b) The portion of the owner-occupied, single-family dwelling or accessory building used as a rooming or boarding house shall not exceed a total of one thousand (1,000) square feet in area, with or without separate kitchen facilities for not more than six (6) individuals other than family, for an extended period of time, for compensation.

Section 6.39 Salvage Yards.

(a) The area of the storage yard shall not exceed one-half (1/2) the area of the building utilized for dismantling.

(b) The storage yard shall be completely enclosed with a wall, fence, berm, landscaping or combination thereof at least six (6) feet high, and must obscure all items stored and/or outside machinery (cranes and wreckers).

(c) Nothing shall be stored within four (4) feet of the fence.

(d) An office sales outlet area which can be entered from the outside shall be provided, and include a sales area free of normal parts storage. Storage may be located behind a service counter. This office may be of modular construction, but must have a foundation.

(e) Parking shall be provided outside the yard and shall be paved with cement, asphalt or other permanent surface approved by the Township Engineer. There shall be at least ten (10) spaces plus one (1) space for each employee.

(f) Operating hours shall be limited to 7 AM to 7 PM, Monday through Saturday.

(g) Normal sanitary facilities and a lunch room area may be provided for the employees.

(h) Screening by berm, shrubs, or fencing (walls) shall be provided wherever nearby property within one thousand (1,000) feet would normally look into the storage yard.

- (i) Metal crushers may be operated during regular business hours, but must meet Township performance standards.
- (j) All dismantling operations will be done within a totally enclosed building. Individual parts may be removed from vehicles in the front, side or rear yard.
- (k) There shall be no incineration of refuse.
- (l) There can be no parking, storage or standing of inoperative vehicles in the front yard.
- (m) Storage of vehicles shall be on inflated tires, supports, or stands and not set on the ground.
- (n) Vehicular storage shall be in neat, organized rows with accessible aisles, and vehicles shall be uniformly perpendicular or parallel with access aisles.
- (o) Vehicles shall be stored no more than one (1) level high unless in racks, and no higher than the screening fence.
- (p) If screening slats are used in a chain link fence, they must be wooden rather than metal.
- (q) Any other specific requirements to assure the requested usage will not produce a detrimental effect on the surrounding area and the Township as a whole may be required.
- (r) Utility information shall detail the method of storm water retention or detention, and information shall be provided to indicate the retention of liquids that may seep onto the ground.

Section 6.40 Seasonal and Transient Display of Products or Materials Intended for Sale.

The sale of seasonal items including, but not limited to Christmas trees, flowers and plants, pumpkins and other such seasonal items, and the sale of any other merchandise by persons other than the owner or occupant of the premises, shall require a permit from the Zoning Administrator subject to the following standards and conditions:

- (a) Transient or seasonal sales may be located within any required yard, provided a ten-foot landscaped greenbelt meeting the requirements of Section 7.7 is provided between any outdoor display and any public road right-of-way. Where outdoor displays abut residentially zoned property, landscape screening in accordance with Section 7.7 shall also be provided.

(b) Transient or seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of Section 7.7 or Article 10 or create a traffic or safety hazard.

(c) All such sales shall be conducted in a manner so as not to create a nuisance to neighboring properties through adequate on-site parking and ingress and egress to the site.

(d) Upon discontinuance of the seasonal use, any temporary structures shall be removed.

(e) Signs shall conform to the provisions of the district in which the seasonal use is located.

Section 6.41 Self-Storage Facilities.

(a) Requirements and Conditions. Self Storage Facilities are permitted as a special land use in the Industrial Districts, and shall be subject to the following requirements and conditions of this section:

- (1) No activity other than the rental of storage units and the rental of outside storage space for operable and licensed recreational vehicles, boats and watercraft shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.
- (2) Only the sale of incidental supplies and similar material related to the self-storage business shall be allowed from the facilities office.
- (3) The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited inside the storage units. Fuel stored in motor vehicle tanks of cars, boats or other motorized devices may be subject to separate regulation by the proprietor.
- (4) All batteries shall be disconnected from motor vehicles, boats, lawn mowers or similar property to be stored inside a storage unit.
- (5) Other than the storage of recreational vehicles, boats and watercraft, all storage shall be contained within a building. All recreational vehicle storage shall be screened from the view of neighboring properties and public roads in accordance with Section 7.7, Landscaping and Screening.
- (6) The exterior design of the storage units is subject to Planning Commission review and approval, and must be compatible with adjacent properties and the rural character of Adrian Charter Township. When a building is adjacent to a zoning district that permits a residential use, or the adjacent

property is currently in residential use, the Planning Commission may consider the use of a building material that is aesthetically compatible.

- (7) All storage units must be accessible by safe circular drives clearly marked to distinguish direction (if one-way) and separate from parking lanes. Parking lanes a minimum of ten (10) feet wide shall be provided for loading and unloading adjacent to all storage units. A combination parking lane-driveways must meet the following minimum standards:
 - A. When storage units open onto one (1) side only, twenty-six (26) feet wide for one-way traffic, and thirty (30) feet for two-way traffic.
 - B. When storage units open onto both sides thirty-six (36) feet wide for one-way traffic and forty (40) feet for two-way traffic.
- (8) A residence for a caretaker or watchman is permissible and is subject to reasonable conditions that may be imposed by the Planning Commission as well as the following:
 - A. The caretaker or watchman's residence must have at least the minimum square footage of living space to meet the zoning ordinance's requirements for a single-family residence, not including the office space for the self storage facility.
 - B. Exterior design of the caretaker or watchman's residence is subject to the review and approval of the Planning Commission.
 - C. The caretaker or watchman's residence is subject to all area and setback requirements of the district that it is located in.
 - D. The maximum height of the caretaker or watchman's residence shall be thirty-five (35) feet or 2.5 stories.
- (9) Parking Requirements. One (1) space for every one hundred fifty (150) self-storage units with a minimum of three (3) spaces to be provided adjacent to the office.
- (10) Direct ingress and egress shall be from a paved public road.

(b) Waiver. Where the Planning Commission determines that compliance with all of the above standards are unreasonable, the standards shall be applied to the maximum extent possible. In such a situation, the Planning Commission may accept suitable alternatives that substantially achieve the purpose of this Section, provided that the applicant demonstrates that one of the following apply:

- (1) That architectural or structural integrity and quality are not undermined.
- (2) That any deviations from the above standards will still provide for a harmonious development and serve to minimize any possible impacts to adjacent properties and residences.

Section 6.42 Slaughterhouses.

- (a) The physical plant structure, pens, stockyard or cages shall in no instance be closer than two thousand (2,000) feet to any adjacent residential district.
- (b) A minimum six (6) foot high chain link fence shall be provided around the entire site to assure that individuals will not unknowingly trespass on the property, particularly the stockyard area.
- (c) The site shall have at least one (1) continuous boundary five hundred (500) feet in length along a major thoroughfare of at least one hundred and twenty (120) feet in right-of-way as indicated on the current Master Right-of-Way Plan of the Lenawee County Road Commission.

Section 6.43 Sludge Processing and Similar Resource Recovery Operations.

- (a) The facility shall be one thousand (1,000) feet from the perimeter of the parcel.
- (b) Sludge processing and similar resource recovery operations shall not include hazardous materials.
- (c) A complete Environmental Impact Report prepared pursuant to the specifications of the Michigan Environmental Protection Act, being Act 127 of 1970, shall be prepared.
- (d) Any residue resulting from the operation shall be removed from the site or disposed of in an approved disposal site.
- (e) Any stocks shall meet the height requirements of the U.S. Environmental Protection Agency guidelines for Good Engineering Practice (EPA 450/2-78 046).
- (f) A market analysis report indicating the economic feasibility of the proposed use shall be submitted.
- (g) A site operational plan describing the methodology of transfer of material from vehicles to the operation, methods of mitigating spills and accidents, staffing expectations, hours of operation, and methods for closing and removal of the buildings, structures, and facilities should the operation cease for a period exceeding six (6) months.

- (h) There shall be no unlicensed or non-manifested carriers on the site at any time.
- (i) Security methods including fencing for the operation shall be submitted with the required site plan.
- (j) Fire and explosive hazard control shall be outlined and submitted with the required site plan.
- (k) Methods of controlling and avoiding any spillage of liquids or materials into the storm sewer system or off the property shall be outlined for all operational areas, including access.

Section 6.44 Transient and Temporary Amusement Establishments.

- (a) The purpose of this Section is to ensure the safety and general welfare of the public, it being necessary to limit the number, size and place of various transient and temporary amusement enterprises including, but not limited to carnivals, fairs, circuses, outdoor socials, benefits and other-fund raising affairs.
- (b) Transient and temporary amusement establishments may be permitted:
 - (1) When engaged in by schools, churches, fraternal societies, and similar non-profit organizations as an accessory use for the sole purpose of raising money for the financial support of such institutions in pursuit of their natural functions.
 - (2) When such use and occupancy is temporary and/or seasonal only.
 - (3) When such use and occupancy is not detrimental to adjacent surrounding property.
 - (4) When such use and occupancy is not disturbing to the public peace and tranquility.
 - (5) When such use and occupancy will not create undue traffic hazard and congestion.
- (c) Permits for such uses may be granted for periods not to exceed eight (8) days consecutively, and may be renewable for not more than eight (8) days.

Section 6.45 Travel Trailer Parks and Campgrounds.

- (a) Each specific camp site shall be identified by a number; shall be graded so that surface water will run off and not pond; shall be of sufficient size to allow for the parking

of the recreational vehicle or recreational trailer and motor vehicle used for towing, with a separate space for picnic table and privacy between sites. Sites may be pull-through type or back-in type with space for motor vehicle located in front or at the side of the recreational vehicle.

(b) The minimum size for travel trailer parks and campgrounds shall be twenty (20) acres.

Section 6.46 Veterinary Hospitals or Clinics.

(a) For small animals, including, but not limited to dogs and cats and other Class 1 animals:

(1) All activities must take place inside of a building.

(b) For veterinary hospitals or clinics that serve Class II and III Animals – including, but not limited to horses, cows, chickens, duck etc.

(1) All activities must take place inside of a building.

(2) For each Class II Animal to be served the following applies:

A One and a half (1.5) acres for the first animal.

B. One (1) additional acre for the second through tenth animal.

(3) Ten (10) Class III animals equal one (1) Class II animal. (Chickens, ducks, rabbits)

(c) Front, side and rear setbacks for veterinary hospitals or clinics serving Class II or Class III animals are as follows:

(1) Front Yard: No less than 25 feet, unless specific district require more.

(2) Side Yards: Each side twenty (20) feet, unless specific district requires more.

(3) Rear Yard: Thirty five (35) feet unless the specific district requires more.

Section 6.47 Wind Energy Conversion Systems (WECS)

(a) Design Safety Certification. The safety of the design of all private and commercial WECS structures shall comply with all current applicable State of Michigan guidelines and standards.

(b) Controls and Brakes. All commercial WECS structures shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Professional Engineer must certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification. Brakes are not required on private WECS structures.

(c) Setbacks. All private and commercial WECS structures must be setback from property lines at a distance equal to or greater than one and one half (1.5) times the height of the structure, measured from the base of the structure to the highest reach of its blade.

(d) Climb Prevention. All commercial WECS structures must be protected by anti-climbing devices such as:

- (1) Fences with locking portals at least six feet high;
- (2) Anti-climbing devices 12 feet from base of pole; or
- (3) Anchor points for guy wires supporting tower shall be enclosed by a six-foot high fence or shall be located within the confines of a yard that is completely fenced.

(e) Interference. All private or commercial WECS structures shall be designed and operated to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave or television signals.

(f) Noise Levels. The noise level for either a private or a commercial WECS structure shall comply with the standards set forth in Section 7.8 - Noise.

(g) Color. Towers and blades shall be painted a non-reflective neutral color that is approved by the Adrian Charter Township or otherwise required by law.

(h) Compliance with FAA. It shall be the responsibility of the applicant to obtain the appropriate FAA permits for the WECS structure, or to obtain a determination of no significant impact to air navigation from the FAA.

(i) Warnings. A visible warning sign of High Voltage may be required to be placed at the base of all commercial WECS structures. The sign must have at a minimum six-inch letters with $\frac{3}{4}$ -inch stroke. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.

(j) Removal. A condition of every approval of a commercial WECS structure shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

- (1) When the WECS structure has not been used for 180 days or more. For purposes of this section, the removal of equipment, or the cessation of operations shall be considered as the beginning of a period of non-use. The applicant shall notify the Township upon cessation of operations or removal of equipment.
- (2) The situations in which removal of a facility is required, as set forth in paragraph (1) above, may be applied and limited to portions of a structure.
- (3) Upon the occurrence of one (1) or more of the events requiring removal, specified in paragraph (1) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Township.
- (4) If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be assessed on taxes.

Section 6.48 Wireless Communication Facilities.

(a) In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a principal permitted use, subject to site plan and the conditions set forth in paragraph (3) below, and if approved, constructed and maintained in accordance with the standards and conditions of this Section.

- (1) Attached wireless communication facilities within all R-A, C-R, C-H, M and SP districts only, where the existing structure is not, in the determination of the Planning Commission, proposed to be either materially altered or materially changed in appearance.
- (2) Colocation of an attached wireless communication facility that has been pre-approved for such colocation as part of an earlier approval by the Planning Commission.
- (3) Attached wireless communication facilities consisting of a utility pole located within a public right-of-way, where the existing pole is not proposed to be modified in a manner which, in the determination of the

Planning Commission, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.

- (4) Monopole wireless communication support structures in all R-A, C-R, C-H, M and SP districts only.
- (5) All wireless communication support structures established within a public right-of-way having an existing width of more than two hundred four (204) feet.
- (6) All wireless communication facilities which are located, attached or sited on property which is owned, leased, or controlled by the Adrian Charter Township.

(b) If it is demonstrated to the satisfaction of the Planning Commission by an applicant that a wireless communication facility may not reasonably be established as principal permitted use under paragraph (1) above and is required to be established outside of a district identified in paragraph (1) in order to operate a wireless communication service, then wireless communication facilities may be permitted elsewhere in the Township by special land use approval only subject to the requirements set forth in paragraph (3), and subject further to the special land use approval procedures of Section 3.4 and if approved, constructed and maintained in accordance with the standards and conditions of this Section, and also subject to the following criteria and standards:

- (1) At the time of the submittal, the applicant shall demonstrate that a location within an allowable district cannot reasonably meet the coverage and/or capacity needs of the applicant.
- (2) Wireless communication facilities shall be of a design including, but not limited to a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the Planning Commission, and shall comply with the colocation requirements of paragraph (c)(15).
- (3) In R-A districts, site locations shall be permitted on a priority basis upon the following sites, subject to application of all other standards contained with this Section:
 - A. Municipally owned sites.
 - B. Other governmentally owned sites.
 - C. Religious or other institutional sites.

- D. Public parks and other large permanent open space areas when compatible.
- E. Public or private school sites.
- F. Other sites.

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

- (1) All applications for the required permit to place construct or modify any part or component of a wireless communication facility shall include the following:
 - A. A site plan prepared in accordance with Section 3.5, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
 - B. A disclosure of what is proposed, demonstrating the need for the proposed wireless communication support structure to be located as proposed based upon the presence of one or more of the following factors:
 - i. Proximity to an interstate highway or major thoroughfare.
 - ii. Areas of population concentration.
 - iii. Concentration of commercial, industrial and/or other business centers.
 - iv. Areas where signal interference has occurred due to buildings, masses of trees or other obstructions.
 - v. Topography of the proposed facility location in relation to other facilities within which the proposed facility is to operate.
 - vi. Other specifically identified reason(s) creating need for the facility.

- C. The reason or purpose for the placement, construction or modification with specific reference to the provider's coverage, capacity and/or quality needs goals and objectives.
- D. The existing form of technology being used and any changes proposed to that technology.
- E. As applicable, the planned or proposed and existing service area of the facility and the attached wireless communication facility, and wireless communication support structure height and type, and signal power expressed in ERP upon which the service area has been planned.
- F. The nature and extent of the applicant/provider's ownership or lease interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
- G. The identity and address of all owners and other persons with a real property interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
- H. A map showing existing and known proposed wireless communication facilities within Adrian Charter Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. The map shall also show existing buildings and/or other structures of the same approximate height within a one-half (½) mile radius of the proposed site which could accommodate a feasible colocation of the applicant's proposed attached wireless communication facility.
- I. If and to the extent the information in question is on file with the Township, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.

- J. For each location identified in the applicant/provider's survey maps and drawings, the application shall include the following information, if known, with the applicant/provider expected to exercise reasonable due diligence in attempting to obtain information through lawful means prior to application:
- i. The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
 - ii. Whether property owner approvals exist or have been requested and obtained.
 - iii. Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility, or if not, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing wireless communication services.
- K. A certification by a State of Michigan licensed and registered professional engineer regarding the manner in which the proposed structure will fall. The certification will be utilized, along with other criteria including, but not limited to applicable regulations for the district in question, in determining appropriate setbacks to be required for the structure and other facilities.
- L. A description of the security to be posted at the time of receiving a building permit for the wireless telecommunication support structure to ensure removal of the structure when it has been abandoned or is no longer needed as provided in paragraph (c)(16) above. The security shall, at the election of the applicant, be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township Attorney and recordable at the office of the Lenawee County Register of Deeds, a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this Section, with the further provision that the applicant and owner shall be responsible for payment of any costs and attorney's fees incurred by the Township in securing approval.
- M. The site plan shall include a landscape plan where the wireless communication support structure is being placed at a location which is not otherwise part of another site plan with landscaping requirements. The purpose of landscaping is to provide screening for the wireless communication support structure base, accessory

buildings and enclosures. In all cases there shall be fencing of at least six (6) feet in height, which is required for the protection of the tower.

- N. The name, address and telephone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- (2) The wireless communication support structure shall not be injurious to the neighborhood or otherwise detrimental to the public safety and welfare. The wireless communication support structure shall be located and designed to be harmonious with the surrounding areas, and to be aesthetically and architecturally compatible with the natural environment, as well as the environment as altered by development.
 - (3) The maximum height of all new or modified attached wireless communication facilities and wireless communication support structures shall be one hundred seventy-five (175) feet, or such lower maximum heights as approved and/or allowed by the Federal Aviation Administration under CFR 14 Part 77. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
 - (4) The setback of a monopole wireless communication support structure from any lot line shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the monopole is located. The setback of all other wireless communication support structures from any lot line shall be no less than the height of the structure, unless it can be demonstrated and certified by a registered professional engineer, to the satisfaction of the Township Engineer, that the wireless communication support structure has a shorter fall-zone distance.
 - (5) Where the wireless communication support structure abuts a parcel of land zoned for other than residential purposes, the minimum setback of the wireless communication support structure and accessory structures shall be in accordance with the required setbacks for the main or principal buildings as provided in the schedule of regulations for the zoning district in which the wireless communication support structure is located. See paragraph (c)(1)(J).
 - (6) There shall be an unobstructed access to the wireless communication support structure for operation, maintenance, repair and inspection purposes, which may be provided through an easement. This access shall

have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic circulation within the site; utilities needed to service the wireless communication support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbances to the natural landscape; and the type of equipment which will need to access the site.

- (7) The division of property for the purposes of locating a wireless communication support structure is prohibited unless all zoning requirements and conditions are met.
- (8) The Zoning Board of Appeals may grant variances only for (1) the setback requirements of a wireless communication support structure, provided that the proposed location will reduce its visual impact on the surrounding area; (2) the maximum height requirement; and (3) the colocation requirements of subparagraph (c)(15).
- (9) Where a wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building, provided that an accessory building conforms to all district requirements for accessory buildings, including yard setbacks and building height.
- (10) The Planning Commission shall, with respect to the color of the wireless communication support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
- (11) Wireless communication support structures shall be constructed in accordance with all applicable building codes and shall include the submission of a professional soils report from a geotechnical engineer licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
- (12) A maintenance plan, and any applicable maintenance agreement, shall be presented as part of the site plan for the proposed facility. Such plan shall

be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

- (13) If a provider fails or refuses to permit colocation on a facility owned or otherwise controlled by it, where colocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of Adrian Charter Township. The provisions of this subsection are designed by carry out and encourage conformity with the policy of the Township.
- (14) Any proposed commercial wireless communication support structures shall be designed, structurally, electrically and in all respects, to accommodate both the applicant's attached wireless communication facility and comparable attached wireless communication facilities for additional users. Wireless communication support structures must be designed to allow for future rearrangement of attached wireless communication facilities upon the wireless communication support structure and to accept attached wireless communication facilities mounted at varying heights.
- (15) A proposal for a new wireless communication support structure shall not be approved unless and until it can be documented by the applicant that the communications equipment planned for the proposed wireless communication support structure cannot be feasibly colocated and accommodated on an existing or approved wireless communication support structure or other existing structure due to one or more of the following reasons:
 - A. The planned equipment would exceed the structural capacity of the existing or approved wireless communication support structure or building, as documented by a qualified and licensed professional engineer, and the existing or approved wireless communication support structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment.
 - B. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the wireless communication support structure or other existing structure as documented by a qualified and licensed professional engineer and the interference cannot be prevented by any other means.
 - C. Existing or approved wireless communication support structures and buildings within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and

capacity needs to reasonably function as documented by a qualified and licensed professional engineer.

D. Other unforeseen reasons that make it infeasible to locate the planned communications equipment upon an existing wireless communication support structure or building.

(16) Colocation shall be deemed to be “feasible” for the purposes of this Section where all of the following are met:

A. The wireless communication provider entity under consideration for colocation will undertake to pay market rent or other market compensation for colocation.

B. The site on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

C. The colocation being considered is technologically reasonable, e.g., the colocation will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennae, and the like.

D. The height of the structure necessary for colocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained within this subsection.

(17) If a party who owns or otherwise controls a wireless telecommunication support structure shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

(18) If a party who owns or otherwise controls a wireless telecommunication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this Section of the Zoning Ordinance and, consequently, such party shall take responsibility for the violation and be subject to any and all penalties applicable to a violation of the Zoning Ordinance, and shall also be prohibited from receiving approval for a new wireless communication support structure with Adrian Charter Township for a period of five (5) years from the date of the failure or refusal to permit the colocation. Such a party may seek and obtain a variance from the Zoning

Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication service.

- (19) Review of an application for colocation, and review of an application for a permit for use of a facility permitted under subparagraph (a)(2), above, shall be expedited by Adrian Charter Township.
- (20) When a wireless communications facility has not been used for one hundred eighty (180) days or more, or six (6) months after new technology is available which permits the operation of a wireless communication facility without the requirement of a wireless communication support structure, the entire wireless communications facility, or that portion of the wireless communications facility made obsolete by the new technology, shall be removed by the users and/or owners of the wireless communications facility. For the purposes of this Section, the removal of antennae or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse. The situation(s) in which removal of a wireless communications facility is required may be applied and limited to a portion of the facility.
- (d) Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communications facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the wireless communications facility.
- (e) If the required removal of the wireless communications facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days' written notice, the Township may remove or secure the removal of the facility, or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the wireless communications facility.
- (f) Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

ARTICLE 7

ENVIRONMENTAL PROTECTION AND DESIGN PROVISIONS

Section 7.1 Intent.

Environmental protection and design standards are established in order to preserve the short and long-term environmental health, safety, and quality of the Township. No parcel, lot, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards. No use, otherwise allowed, shall be permitted within any district that does not conform to the following standards of use, occupancy, and operation. These standards are established as minimum requirements to be maintained.

Section 7.2 Airborn Emissions.

(a) Smoke.

- (1) A person shall not cause or permit to be discharged into the atmosphere from a single source of emission, visible air contaminant of a density darker than No. 1.0 of the Ringlemann Chart or not more than twenty (20) percent opacity except:
 - A. A visible air contaminant of a density not darker than No. 2 of the Ringlemann Chart or not more than forty (40) percent opacity may be emitted for not more than three (3) minutes in any sixty (60) minute period but this emission shall not be permitted on more than three (3) occasions during any twenty-four (24) hour period.
 - B. Where the presence of uncombined water vapor is the only reason for failure of an emission to meet the requirements of this rule.
- (2) The density of an air contaminant emission shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.
- (3) Darkness of a visible emission of an air contaminant shall be graded by using the Ringlemann Chart or by means of a device or technique which results in a measurement of equal or better accuracy.

- (4) Opacity of a visible emission of an air contaminant shall be graded by observers trained by and certified by the Air Pollution Control Division, Lenawee County Health Department.

(b) Dust, Dirt and Fly Ash.

- (1) No person, firm or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gas borne or airborne solids shall not exceed those allowed by the Lenawee County Air Pollution Control Regulation.
- (2) Method of Measurement. For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. test code for the dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Official may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

(c) Air Contaminants, Water Vapors and Odors.

- (1) Air Contaminants and Water Vapors. A person shall not cause or permit the emission of an air contaminant or water vapor in quantities that cause, alone or in reaction with other air contaminants, either of the following:
 - A. Injurious effects to human health or safety, animal life, plant life of significant economic value, or property.
 - B. Unreasonable interference with the comfortable enjoyment of life and property.

(d) Gases. The escape of or emission of any gas which is injurious, a nuisance, destructive or explosive shall be unlawful and may be summarily caused to be abated.

(e) Wind Borne Pollutants. It shall be unlawful for any person to operate or maintain, or cause to be operated or maintained, on any premise, open area, right-of-way, storage pile of materials, or vehicle, or construction, alteration, demolition, or wrecking operation or any other enterprise that involves any handling, transportation, or disposition of any material or substance likely to be scattered by the wind, or susceptible to being wind-borne, without taking precautions or measures that will eliminate the escape of air contaminants. No person shall maintain or conduct, or cause to be maintained or conducted any parking lot, or automobile and/or truck sales lot, or cause or permit the use of any roadway under his control unless such lot or roadway is maintained in such a manner as to eliminate the escape of air contaminants.

Section 7.3 Building Grades.

(a) Any building requiring yard space shall be located at such an elevation that a finished grade shall be maintained to cause the flow of surface water to run away from the walls of the building. All grades shall be established and maintained so that surface water run-off damage does not occur to adjoining properties prior to, during, and after construction.

(b) When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the Building Official shall use the existing established finished grade or the minimum established (natural) grade, in determining the proper grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing codes and to preclude excessive quantities of run-off of surface water to flow onto the adjacent property.

(c) Final grades shall be approved by the Building Official who may require a grading plan that has been duly completed and certified by a registered engineer or land surveyor.

Section 7.4 Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.

No use shall:

(a) Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance.

(b) Cause, creates, or contributes to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

Section 7.5 Fire and Explosive Hazard.

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger involved. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the State's Rules and Regulations as established by Public Act No. 207 in 1941, as amended.

Section 7.6 Glare and Exterior Lighting.

(a) Glare from any process (including, but not limited to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.

(b) The design and/or screening of the development shall insure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property. Vehicle access drives are the only exclusion to this provision.

(c) Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses. This provision is not intended to apply to public street lighting.

(d) Any operation, which produces intense glare, shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines.

(e) Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.

(f) On-site lighting, i.e. pole or wall mounted lights, etc. shall conform to the following regulations:

- (1) It is the goal of the Township to minimize lighting levels to reduce off-site impacts, prevent the reflection and glare of light in a manner which creates

a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses, and to promote “dark skies” in keeping with the rural character of Adrian Charter Township.

- (2) When site plan review is required, all lighting, including signage and ornamental lighting, shall be shown on site plans in sufficient detail with appropriate photometric studies to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objectives of these specific actions are to minimize undesirable on-site effects.
- (3) Only metal halide lighting shall be permitted. For all non-residential uses, full cutoff shades are required for light sources so as to direct the light onto the site and away from adjoining properties. The light source shall be recessed into the fixture so as not to be visible from off site. Building and pole mounted fixtures shall be parallel to the ground. Wall-pak type lighting shall be prohibited.
- (4) Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels when measured at five (5) feet above grade do not exceed 0.1 foot-candles along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 0.3 foot-candles along property lines.
- (5) Where lighting is required, maximum light levels shall not exceed twenty-five (25) foot-candles directly beneath a light fixture. Lighting levels shall not exceed three (3) foot-candles as measured directly between two (2) fixtures. The Planning Commission may allow for an increased level of lighting above maximum permissible levels when determined that the applicant has demonstrated that such lighting is necessary for safety and security purposes.
- (6) For the purposes of this section, all lighting measurements shall be taken at five (5) feet above ground level.
- (7) For parking lots of less than one hundred (100) parking spaces, lighting fixtures shall not exceed a height of sixteen (16) feet measured from the ground level to the centerline of the light source. For parking lots of more than one hundred (100) spaces, lighting fixtures shall not exceed a height of eighteen (18) feet measured from the ground level to the centerline of the light source. The Planning Commission may allow for an increased height when determined that the applicant has demonstrated that the additional height is necessary for safety and security purposes.

- (8) Signs shall be illuminated only in accordance with the regulations set forth in this ordinance. In addition, signs within residential districts shall not be illuminated.

B. Section 7.7 Landscaping and Screening.

(a) The purpose of this section is to:

- (1) Protect and preserve the appearance, character, and value of the community.
- (2) Minimise noise, air, and visual pollution.
- (3) Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other vehicular use areas.
- (4) Require buffering of residential areas from more intense land uses and public road rights-of-way.
- (5) Prevent soil erosion and soil depletion and promote sub-surface water retention.
- (6) Encourage an appropriate mixture of plant material, including, but not limited to evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce a more aesthetic and cohesive design.
- (7) Encourage the integration of existing woodlands in landscape plans.

(b) Application of Requirements. These requirements shall apply to all uses for which site plan review is required under Section 3.5 of this Ordinance, condominium and site condominium review as required under Section 3.6 of this Ordinance, and subdivision plat review as required under the Subdivision Control Ordinance. No condominium/site condominium plan, shall be approved unless a landscape plan is provided which meets the requirements set forth herein.

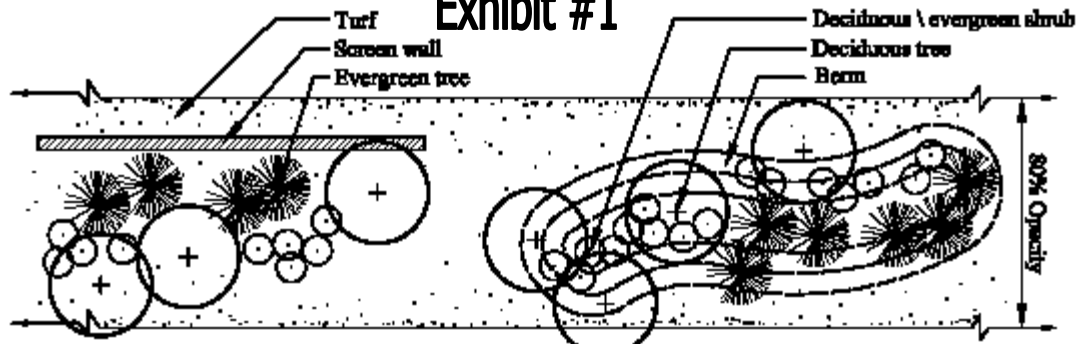
(c) Landscape Plan Requirements. A separate detailed landscape plan shall be required to be submitted to the Township as part of the site plan review or tentative preliminary plat review. The landscape plan shall demonstrate that all requirements of this section are met and shall include, but not necessarily be limited to, the following items:

- (1) Location, spacing, size, root type and descriptions for each plant type.

- (2) Typical straight cross section including slope, height, and width of berms.
 - (3) Typical construction details to resolve specific site conditions, including, but not limited to landscape walls and tree wells used to preserve existing trees or maintain natural grades.
 - (4) Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
 - (5) Identification of existing trees and vegetative cover to be preserved.
 - (6) Identification of grass and other ground cover and method of planting.
 - (7) Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this Ordinance.
- (d) Screening Between Land Uses.
- (1) Upon any improvement for which a site plan is required, a landscape buffer shall be constructed to create a visual screen at least six (6) feet in height along all adjoining boundaries between either a conflicting non-residential or conflicting residential land use and residentially zoned or used property (**See Exhibit #1**). A landscape buffer may consist of earthen berms and/or living materials so as to maintain a minimum opacity of at least eighty (80%) percent. Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three (3) years.
 - (2) Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence shall be required by the Township. Such wall or fence shall be a minimum of six (6) feet in height as measured on the side of the proposed wall having the higher grade (see Section 5.4, Fences, Walls and Screens).

A required wall shall be located on the lot line except where underground utilities interfere and except in instances where this Zoning Ordinance requires conformity with front yard setback requirements. Upon review of the landscape plan, the Township may approve an alternate location of a wall. The Township shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels having simulated face brick, stone or wood.

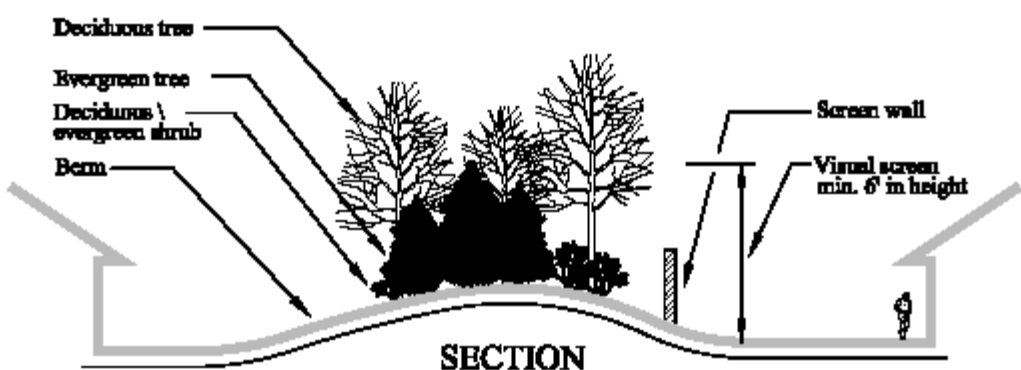
Exhibit #1



PLAN VIEW



ELEVATION



SECTION

SCREENING BETWEEN CONFLICTING LAND USES

- Screening options
- * Landscape buffer
- * Earth berm
- * Wall
- * Combination of the above

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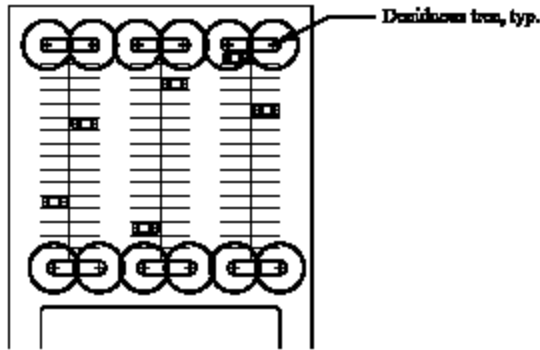
(e) Parking Lot Landscaping.

(1) Required Landscaping Within Parking Lots. Separate landscape areas shall be provided within parking lots in accordance with the following requirements and **Exhibit #2**:

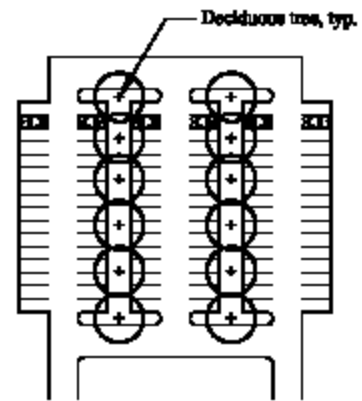
- A. There shall be a minimum of one (1) tree for every eight (8) parking spaces, provided that a landscape island shall be provided for no more than sixteen (16) continuous spaces.
- B. Landscaping shall be arranged in curbed islands within the parking lot which shall not be less than fifty (50) square feet in area.
- C. A minimum distance of three (3) feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five (5) feet from the backside of the curb and the proposed landscape plantings shall be provided.
- D. Each interior parking lot island shall be no less than ten (10) feet wide.
- E. The Township, at its discretion, may approve alternative landscape plantings at the perimeter of parking lots where landscaping within parking lots would be impractical due to the size of the parking lot or detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing.

(2) Required Landscaping at the Perimeter of Parking Lots. Separate landscape areas shall be provided at the perimeter of parking lots in accordance with the following requirements and **Exhibit #3**:

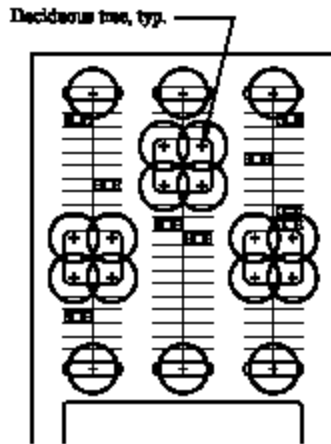
- A. Parking lots which are considered to be a conflicting land use as defined by this Section shall meet the screening requirements set forth in subsection (e) above.
- B. Parking lots shall be screened from view with a solid wall at least three (3) feet in height along the perimeter of those sides which are visible from a public road. The Township, at its discretion, may approve alternative landscape plantings in lieu of a wall.



TREES IN END ISLANDS



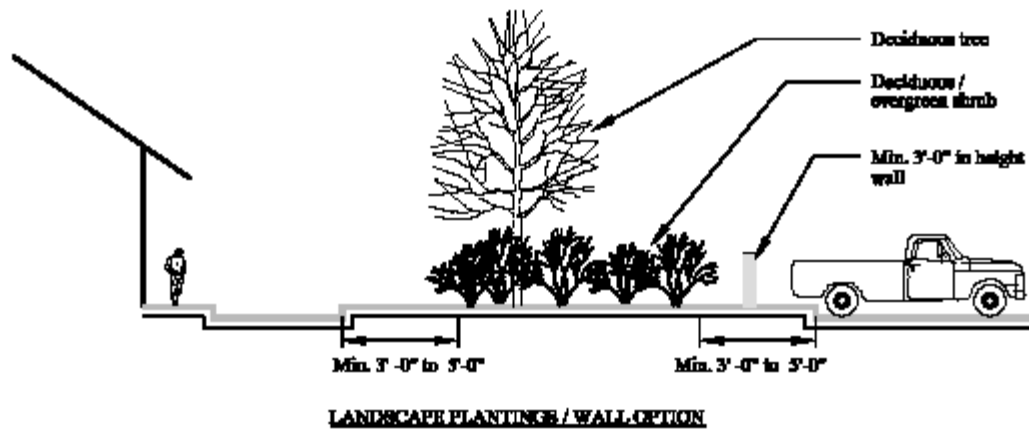
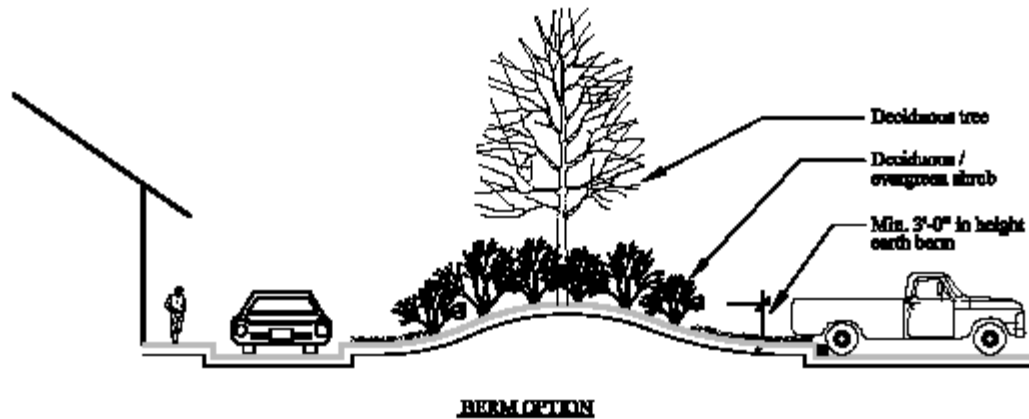
LANDSCAPE MEDIAN



LANDSCAPE ISLANDS

**DESIGN OPTIONS
FOR LANDSCAPING
WITHIN PARKING LOTS**

Prepared By:
Curtis / Workman Associates, Inc.
Community Planners and Landscape Architects
Ann Arbor, Michigan

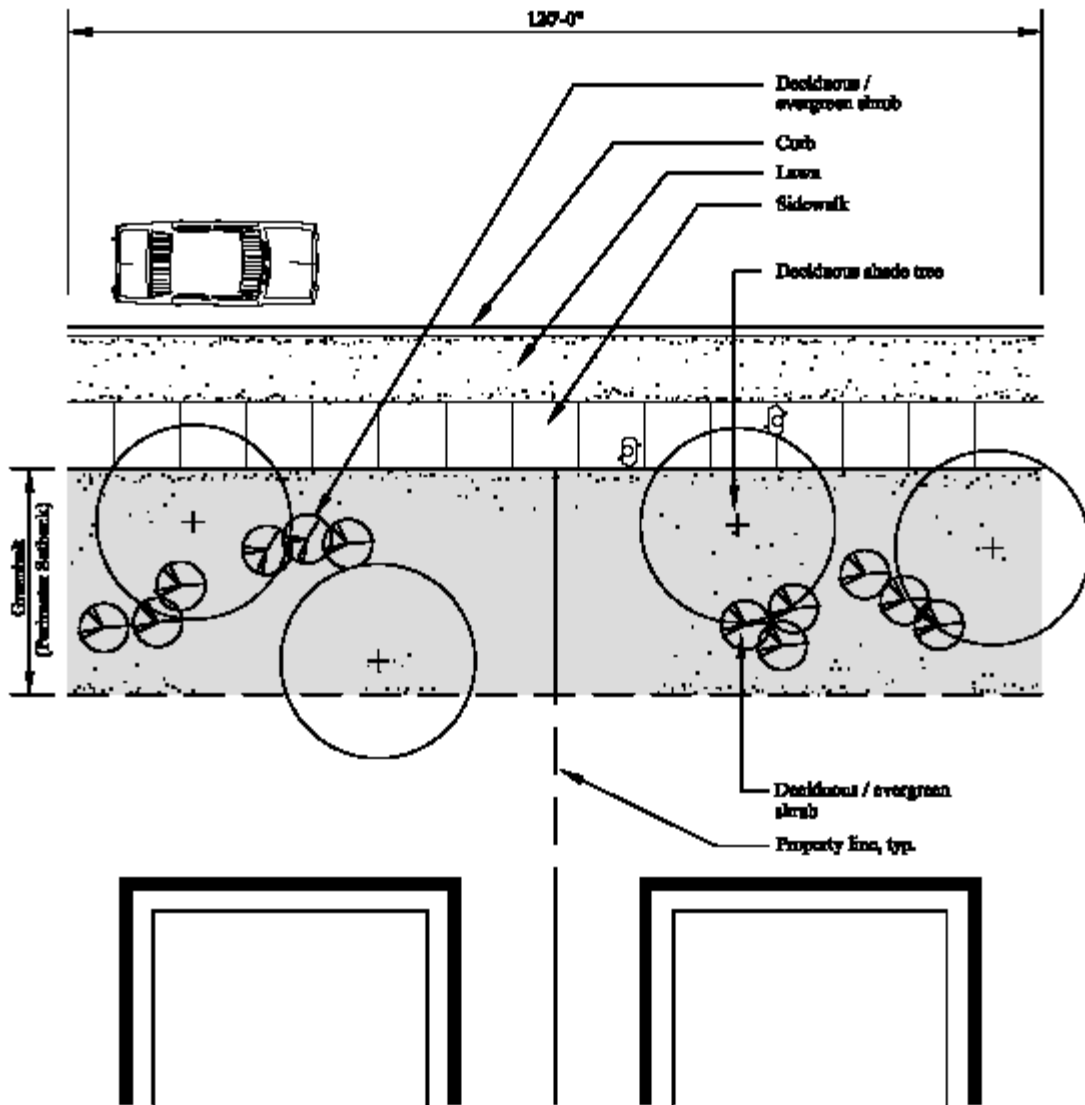


DESIGN OPTIONS FOR LANDSCAPING AT THE PERIMETER OF PARKING LOTS

Prepared By:
Curtis / Workman Associates, Inc.
Community Planner and Landscape Architect
Ann Arbor, Michigan

(f) Greenbelts. A greenbelt shall be provided, the depth of which shall be the applicable zoning district's required yard setback dimension as measured around the entire perimeter of the development, and be landscaped as follows and as depicted in **Exhibit #4**:

- (1) The greenbelt shall be landscaped with a minimum of one (1) tree for every thirty (30) lineal feet, or fraction thereof, of the entire parcel perimeter. Non-ornamental deciduous trees within a greenbelt shall be a minimum caliper of two and one-half (2 1/2) inches or greater. Evergreen trees within a greenbelt shall be a minimum height of six (6) feet.
- (2) If ornamental deciduous trees are substituted for either non-ornamental deciduous trees or evergreen trees, they shall be provided at a minimum of one (1) tree for every twenty (20) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Ornamental deciduous trees within a greenbelt shall be a minimum caliper of two (2) inches or greater.
- (3) Existing trees may be counted towards the greenbelt planting requirements provided they are located within the perimeter setback area as defined above. However, mitigation/replacement trees may not be used to satisfy the greenbelt planting requirements.
- (4) In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and other natural landscape materials.
- (5) Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.
- (6) The only circumstance under which the greenbelt depth can be modified is as follows:
 - A. An existing lot is less than the minimum lot width requirements of the ordinance and thus results in a restricted building site. Under these circumstances the Planning Commission may consider a reduced front yard greenbelt which in no case shall be less than 50% of the required front yard setback.
 - B. When no more than 20% of the required parking is provided between the building and the front property line, the Planning Commission may consider a reduced front yard greenbelt which in no case shall be less than ten (10) feet.
 - C. When a parcel abuts a non-residentially zoned or used lot, the side and rear greenbelts may be reduced to no less than ten (10) feet.



PERIMETER GREENBELT

Prepared By:
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 Community Planners and Landscape Architects
 Ann Arbor, Michigan

(g) Site Landscaping. In addition to any landscape greenbelt and/or parking lot landscaping required by this section, ten (10%) percent of the site area, excluding existing public rights-of-way, shall be landscaped. Such site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas and gardens and building foundation planting beds. Site area landscaping shall be provided to screen potentially objectionable site features including, but not limited to, transformer pads, air-conditioning units, and loading areas.

(h) Stormwater Retention/Detention Basins. All such ponds shall be designed as an integral part of the overall site plan and considered a natural landscape feature having an irregular shape. The following standards shall be considered minimum landscaping requirements for the zones within a retention/detention pond/basin:

(1) Retention/Detention Pond/Basin Zones.

- A. Pond Zone (depths from 0 to 3 feet). Plants in this zone are entirely or partially submerged, utilize nutrients from storm water runoff, and provide habitat for wildlife including, but not limited to waterfowl and aquatic insects.
- B. Edge Zone (permanent water elevation to high water mark). Plants in this zone can withstand periods of inundation and drought and function to stabilize the side slopes of the basin, utilize nutrients, provide habitat for waterfowl, reduce water temperatures, and conceal drawdown in typical mowed ponds.
- C. Upland Zone (high water mark to 100-year floor elevation and beyond). Plants in this zone can withstand periods of inundation and drought and function to stabilize side slopes, provide habitat for waterfowl, songbirds and other wildlife, consist of low maintenance species, and are selected based on soil condition and light, and function as little or no inundation of storm water may occur.

(2) Minimum Planting Standards by Zone.

- A. Pond Zone. Plants shall be a combination of submerged, emergent and wetland edge plantings, generally plugs and bare-root stock, and consisting of no less than four (4) plant species or a suitable seek mix. No less than 25% of the outer fifteen (15) foot perimeter of the zone shall be landscaped as noted.
- B. Edge Zone. Plants shall be a combination of wetland edge or sedge meadow seed mixes. No less than 50% of the zone shall be landscaped as noted.

C. Upland Zone. Plants shall be a combination of sedge meadow or prairie seed mixes. As measured along the pond perimeter (i.e. top of bank elevation), no less than one (1) deciduous or evergreen tree and five (5) shrubs shall be planted for every fifty (50) lineal feet of pond perimeter. The required trees shall be planted in a random pattern or in groups, and their placement of not limited to the top of the pond bank.

(i) Site Condominium Landscaping. Landscaping for site condominiums shall be provided in accordance with the following requirements:

- (1) Street Trees. The frontage of all internal public or private streets shall be landscaped in accordance with the greenbelt requirements of subsection (f). Such street trees shall meet the minimum size and spacing requirements set forth in subsection (l).
- (2) Screening Between Land Uses. Where a site condominium contain uses which are defined as conflicting land uses by this Ordinance, the screening requirements set forth in subsection (d) shall be met.
- (3) Screening From Public Roads. Where a subdivision or site condominium abuts a public road right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in subsection (d) shall be met.
- (4) Front Yard Landscaping. No less than 50% of all front yards shall contain pervious materials including, but not limited to sod (not seed), ground cover, hedges, trees, etc.
- (5) Wetland and Watercourse Buffers. No less than a twenty-five (25) foot buffer shall be maintained upland from the ordinary high water mark of a wetland and/or watercourse. No structures or exotic invasive plants may be placed within the buffer. The area shall also be maintained in its natural state, free of turf grass and the use of native plantings is encouraged.
- (6) Water Supply. All landscaped common areas shall be provided with a readily available and acceptable water supply, or at least one (1) outlet within one hundred (100) feet of all planted material to be maintained. Adequate provisions may also be accomplished by installation of an irrigation system or outside hose bibs of sufficient quantity and location to provide water for the landscape common areas.
- (7) Other Site Improvements. A landscape plan for a subdivision or site condominium development shall also include landscaping details of the

entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement which would be enhanced through the addition of landscaping. Where applicable, all such areas shall be sided or hydro-seeded to minimize weeds and invasive species.

(j) Screening of Trash Containers.

- (1) Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of material which is compatible with the architectural materials used in the site development.
- (2) Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the buildings they serve.
- (3) Containers and enclosures shall be located away from public view insofar as possible.
- (4) Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
- (5) Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of six (6) 30-gallon cans or more. Aprons shall be provided for loading of bins with a capacity of 1.5 cubic yards or more.
- (6) For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
- (7) Screening and gates shall be of a durable construction.

(k) Landscape Elements. The following minimum standards shall apply:

- (1) Quality. Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to southeast Michigan, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.
- (2) Size. In determining conformance with the planting requirements of this Ordinance, all plant material shall be measured in accordance with the current American Standard for Nursery Stock, ANSI Z60.1.

- (3) Composition. A mixture of plant material, including, but not limited to evergreen deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement. The following species are prohibited because there are not native to the area (evolved in a country or region other than Lenawee County, Michigan), reproduce profusely (have no natural controls) and have potentially harmful effects on natural ecosystems (able to out-compete and gradually displace native plants):

Common Name

Scientific Name

Trees:

Norway Maple

Acer platanoides

Amur Maple

Acer ginnala

Tree of Heaven

Ailanthus altissima

European Alder

Alnus glutinosa

Goldenraintree

Koelreuteria paniculata

Amur Cork Tree

Phellodendron amurense

White Poplar

Populus alba

Black Locust*

Robinia pseudocacia

Siberian Elm

Ulmus pumila

* A native species, but tends to be invasive.

Shrubs and Vines:

Porcelainberry

Ampelopsis brevipedunculata

Japanese Barberry

Berberis thunbergii

Common Barberry

Berberis vulgaris

Butterfly Bush

Buddleia davidii

Oriental Bittersweet

Celastrus orbiculatus

Autumn Olive

Eleagnus umbellata

Russian Olive

Eleagnus angustifolia

Wintercreeper

Euonymus fortunei

English Ivy

Hedra helix

Privet

Ligustrum vulgare

Japanese Honeysuckle

Lonicera japonica

Amur Honeysuckle

Lonicera maackii

Morrow Honeysuckle

Lonicera morrowi

Tartarian Honeysuckle

Lonicera tatarica

Common Buckthorn

Rhamnus cathartica

Glossy Buckthorn

Rhamnus frangula

Multiflora Rose

Rosa multiflora

Japanese Spiraea

Spiraea japonica

Guelder Rose

Viburnum opulus var. opulus

Grasses and Grass-Like Plants:

Chinese Silver Grass

Miscanthus sinensis

Giant Reed

Phragmites communis

Reed Canary Grass

Phalaris arundinacea

Common Name

Scientific Name

Flowers and Groundcovers:

Garlic Mustard
Spotted Knapweed
Crown Vetch
Queen Ann's Lace
Foxglove
Japanese Knotweed
Dame's Rocket
Purple Loosestrife
Myrtle, or Periwinkle

Alliaria officinalis
Centaurea maculosa
Coronilla varia
Daucus carota
Digitalis purpurea
Fallopia japonica
Hesperis matronalis
Lythrum salicaria
Vinca minor

- (4) Installation, Maintenance, and Completion. All landscaping required by this section shall be planted prior to obtaining a certificate of occupancy, unless the time of year prevents planting to commence.

If a project is constructed in phases, the landscape may also be constructed in phases. The Township shall determine the extent and timing of landscaping within each phase based on (a) the necessity to buffer the proposed development from adjacent uses; (b) anticipated commencement on subsequent phases; and (c) building heights and physical characteristics of the site including, but not limited to the topography or existing vegetation.

The owner of property required to be landscaped by this section shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

Minor revisions and deviations from the approved landscape plan may be permitted if approved by the Zoning Administrator. In reviewing such changes, the Zoning Administrator shall ensure that the changes do not constitute a wholesale change of the landscape plan and shall ensure that the revisions to the landscape plan are consistent with the spirit and intent of this article and the previously approved site plan.

- (5) Berms. A berm shall consist of a minimum height of five (5) to six (6) feet with a side slope no steeper than 3:1 (three (3) foot horizontal to one (1) foot vertical). The top of all berms shall have a level horizontal area of at least four (4) feet in width.

The berm shall be graded in a manner that will blend with existing topography, shall be graded smooth, and shall be appropriately sodded, seeded and mulched, or planted. Included, as part of the berm shall be deciduous shade trees, small deciduous ornamental trees and/or evergreen trees planted along the berm area.

(6) Existing Trees. The preservation and incorporation of existing trees is encouraged.

(1) Minimum Size and Spacing Requirements. Where landscaping is required the following schedule sets forth minimum size and spacing requirements for representative landscape materials. All plantings shall be located no less than half of the recommended on-center spacing from all on- and off-site structures:

SIZE AND SPACING REQUIREMENTS

	Minimum Size Allowable				Recommended On-Center Spacing			
	Height		Caliper		(in feet)			
TREES	6'	3'-4'	2"	2.5"	30	25	15	10
Evergreen Trees:								
Fir	◆						◆	
Spruce	◆						◆	
Pine	◆						◆	
Hemlock	◆						◆	
Douglas Fir	◆						◆	
Narrow Evergreen Trees:								
Red Cedar		◆						◆
Arborvitae		◆						◆
Juniper (selected varieties)		◆						◆
Large Deciduous Trees:								
Oak				◆	◆			
Maple				◆	◆			
Beech				◆	◆			
Linden				◆		◆		
Ginko (male only)				◆	◆			
Honeylocust (seedless, thornless)				◆	◆			
Birch				◆		◆		
Sycamore				◆	◆			
Small Deciduous Trees (ornamental)								
Flowering Dogwood (disease resistant)			◆				◆	
Flowering Cherry, Plum, Pear			◆			◆		
Hawthorn			◆				◆	
Redbud			◆			◆		
Magnolia			◆				◆	
Flowering Crabapple			◆				◆	
Mountain Ash			◆				◆	
Hornbeam			◆			◆		

SIZE AND SPACING REQUIREMENTS (con't.)

	Minimum Size Allowable				Recommended On-Center Spacing				
	Height		Spread		(in feet)				
SHRUBS	6'	3'-4'	24"-36"	18"-24"	10	6	5	4	3
Large Evergreen Shrubs:									
Pyramidal Yew		◆			◆				
Hicks Yew				◆				◆	
Spreading Yew			◆				◆		
Alberta Spruce		◆						◆	
Chinese Juniper Varieties			◆			◆			
Sabina Juniper				◆			◆		
Mugho Pine				◆		◆			
Small Evergreen Shrubs:									
Brown's Ward's Sebion Yews				◆					◆
Horizontalis Juniper Varieties				◆		◆			
Boxwood				◆				◆	*
Euonymus Spreading varieties				◆			◆		
Large Deciduous Shrubs:									
Lilac			◆		◆				
Sumac			◆			◆			
Pyracantha				◆			◆		
Weigela		◆						◆	
Flowering Quince			◆			◆			
Cotoneaster (Peking and Spreading)			◆				◆		
Dogwood (Red Osier & Grey)			◆			◆			
Viburnum varieties			◆			◆			
Small Deciduous Shrubs:									
Spiraea (except Japanese)				◆				◆	
Fragrant Sumac				◆					
Japanese Quince				◆					◆
Cotoneaster (Rockspray, Cranberry)				◆					◆
Potentilla				◆					◆

C. Section 7.8 Noise and Vibration.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unreasonable, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any other person, resident or property owner within the Township.

(a) Prohibited Noises. The following activities and noises are prohibited if they produce clearly audible sound beyond the property line of the property on which they are conducted. These regulations apply to commercial properties, activities or uses between the hours of 10:00 p.m. and 7:00 a.m. and residential properties between the hours of 11 p.m. and 7 a.m.

- (1) The operation of power tools or equipment.
- (2) The sounding of any bell, chime, siren, whistle or similar device, except:
 - A. To alert persons to the existence of an emergency, danger or attempted crime; or
 - B. As provided in subsection (b).
- (3) The operation or playing of any radio, television, phonograph, audio equipment, drum or musical instrument, and the creation or activity of music.
- (4) Construction, repair, remodeling, demolition, drilling or excavation work, except as permitted in subsection (b).
- (5) The operation or use of any loudspeaker, sound amplifier, public address system or similar device used to amplify sounds indoors or outside the premises.
- (6) The creation of any loud, unnecessary noise in connection with the loading or unloading of any vehicle or the opening and closing or destruction of bales, boxes, crates or other containers.
- (7) Use of any drums, loud-speakers, musical devices or other instruments or devices for the purposes of attracting attention by the creation of noise to any performance, show or sale or display of merchandise.
- (8) It shall be unlawful for any person to own, harbor or keep any dog which shall cause annoyance or disturbance to people in the neighborhood or people on the streets of the neighborhood by loud or frequent or habitual barking, howling or yelping.

1. (b) General Exemptions. The following activities and noises are exempted from the requirements of subsection (a):
 - (1) Otherwise lawful regular or permitted activities or operations of governmental units or agencies.
 - (2) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster or to restore public utilities, or to protect persons or property from an imminent danger.
 - (3) Devices or activity creating sound made to alert persons to the existence of an emergency, danger or attempted crime.
 - (4) Regular activities or operations of an airport.
 - (5) Any vehicle or equipment designed and used for the purpose of snow and/or ice removal, or garbage/trash removal, when in use for such purposes.
 - (6) Other activities as approved by the Township as specified in subsection (c).

2. (c) Application for a Permit to Exceed Noise Limits.
 - (1) An application for a permit to engage in any activity, noise or use which would otherwise violate subsection (a) of this Ordinance must be made in writing and submitted to the Township Clerk. Application shall be made at least thirty (30) days prior to the date of the proposed use or event. The applicant requesting the permit must be the taxpayer of record for the property on which the use or event will take place. The application shall contain all of the following information:
 - A. Name and mailing address of the person making the application.
 - B. A statement of the type of event to take place which will require the permit.
 - C. The address and legal description of the property the event is to be held on.
 - D. The date and hours during which the event will be conducted.
 - E. An estimate of the maximum number of attendants expected at the event.
 - (2) Upon receipt of the application by the Township Clerk, copies of the application shall be forwarded to the Adrian Charter Township Police and Fire Departments, and to such other appropriate agencies as the Township Clerk shall deem necessary. Such officers and officials shall review matters relevant to the application and within ten (10) days of receipt thereof, shall report their findings and recommendations to the Township Supervisor.
 - (3) Within 20 days of the filing of the application, the Township Supervisor shall issue or deny a permit. The Township Supervisor may attach reasonable conditions to the issuance of a permit. Where conditions are imposed as prerequisite to the issuance of a permit, or where a permit is denied, within five (5) days of such action, notice thereof must be mailed to the applicant, and in the case of denial, the reasons therefore shall be stated in the notice. A denial (or condition attached to an approval) may be

appealed to the Township Board if the applicant files a written notice of appeal with the Township Clerk within 10 days of the date of the Township Supervisor's decision.

3. (d) Administration and Enforcement.
 - (1) Complaints. Complaints by a resident or property owner in the Township regarding any violations of this Ordinance shall be filed with the Township Zoning Administrator or his/her designee.
 - (2) Enforcement. The Township Zoning Administrator is hereby authorized, empowered and directed to enforce all provisions of this Ordinance and any subsequent amendments hereto (including issuing misdemeanor tickets).

Section 7.9 Radioactive Materials.

Radioactive materials and wastes, and including electromagnetic radiation including, but not limited to x-ray machine operation shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

Section 7.10 Safety.

Existing hazards or potential hazards and nuisances, including, but not limited to construction sites, auto wrecking yards, junk yards, land fills, sanitary land fills, demolition sites, unused basements, sand, gravel, and stone pits or stone piles are to be enclosed by suitable fencing or barriers, as determined by the Zoning Administrator, so as not to endanger public health, safety and welfare. Abandoned wells and cistern are to be capped or filled in to the satisfaction of the Zoning Administrator.

Section 7.11 Stormwater Management.

All developments and earth changes subject to review under the requirements of this section shall be designed, constructed, and maintained to prevent flooding and protect water quality. The particular facilities and measures required on-site shall reflect the natural features, wetlands, and watercourses on the site; the potential for on-site and off-site flooding, water pollution, and erosion; and the size of the site. Storm water management shall comply with the following standards:

- (a) The design of storm sewers, detention/retention facilities, and other storm water management facilities shall comply with the standards of the Lenawee County Drain Commission.
- (b) Storm water management conveyance, storage and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to storm water runoff and soil erosion from the proposed development.

- (c) The use of swales and vegetated buffer strips are encouraged in cases where the Planning Commission deems to be safe and otherwise appropriate as a method of storm water conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
- (d) Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent upstream or downstream property owners.
- (e) Discharge of runoff from any site, which may contain oil, grease, toxic chemicals, or other polluting materials, is prohibited. If a property owner desires to propose measures to reduce and trap pollutants, the owner must meet the requirements of the Michigan Department of Environmental Quality and the Township, based upon professionally accepted principles; such a proposal shall be submitted and reviewed by the Township Engineer, with consultation of appropriate experts.
- (f) Drainage systems shall be designed to protect public health and safety and to be visually attractive, taking into consideration viable alternatives.
- (g) On-Site Stormwater Detention/Retention. For the purpose of controlling drainage to off-site properties and drainage ways, all properties with the exception of single-family residences and agricultural operations, which are developed under this zoning ordinance, whether new or improved shall provide for on-site detention/retention storage of storm water in accordance with the current Lenawee County Drain Commission.

Section 7.12 Use, Storage and Handling of Hazardous Substances, Storage and Disposal of Garbage, Liquid and Sanitary Wastes.

- (a) It shall be unlawful for any person, firm, corporation or legal entity to dispose garbage, sewage, filth, refuse, or other obnoxious matter in open containers or piled on the open ground.
- (b) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall obtain the appropriate permits or approval from the Michigan Department of Environmental Quality, Michigan Fire Marshal Division, Lenawee County, or other designated enforcing agencies.
- (c) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall complete and file a Hazardous Chemicals Survey to the Township in conjunction with the following: HAZARDOUS SUBSTANCE REPORTING FORM or MATERIAL SAFETY DATA SHEET (MSDS).
 - (1) Upon submission of a site plan.

- (2) Upon any changes of use or occupancy of a structure or premise.
 - (3) Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.
- (d) All business and facilities which use, store, or generate hazardous substances in quantities greater than one hundred (100) kilograms per month (equal to or greater than twenty-five (25) gallons or two hundred twenty (220) pounds) shall comply with the following standards:

(1) Above-Ground Storage and Use Areas for Hazardous Substances.

- A. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficiently impervious to contain the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- B. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers that are protected from weather, leakage, accidental damage and vandalism.
- C. Secondary containment structures including, but not limited to out buildings, storage rooms, sheds and pole barns shall not have floor drains.
- D. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used shall be designed and constructed to prevent discharge or runoff.

(2) Underground Storage Tanks.

- A. Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with requirements of the U.S. Environmental Protection Agency, the State Police and State Fire Marshal Division, and/or any other Federal, State or local authority having jurisdiction.
- B. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the State Police, State Fire Marshal Division, Michigan Department of Environmental Quality and Adrian Charter Township. Leak detection, corrosion protection, spill prevention and overfill protection requirements shall be met.

Records of monthly monitoring or inventory control must be retained and available for review by state or local officials.

C. Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police and State Fire Marshal Division, the Michigan Department of Environmental Quality, and/or any other Federal, State or local authority having jurisdiction.

(3) Loading and Unloading. Areas used for the loading and unloading of hazardous substances shall be designed and constructed to prevent the harmful release to the environment of hazardous materials which may be spilled or leaked.

(e) All site plans for business or facilities which use, store or generate hazardous substances shall be reviewed by the local Fire Chief, Township Engineer and any other appropriate experts determined necessary by the Planning Commission prior to approval by the Planning Commission.

ARTICLE 8

PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Section 8.1 Intent.

The Planned Unit Development (PUD) District is intended to permit flexibility in the application of zoning standards and requirements where it can be demonstrated that the intent set forth in Section 8.1 and criteria set forth in Section 8.2 can be achieved through the use of PUD regulations. This Article is also intended to ensure the use of land in a manner that encourages the preservation of rural character and large areas of open space, protects valuable natural resources of the Township as identified in documents including, but not limited to the Township Master Plan, enhances ecological functions, and permits development that is enhanced by the inclusion of open space and active and/or passive recreation planned as an accessory part of the development.

Specifically, the PUD District regulations set forth herein are intended to achieve the following purposes:

- (a) Encourage innovation in land use and excellence in design, layout, and type of structures constructed through the flexible application of land development regulations;
- (b) Achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities;
- (c) Encourage the provision of open space for active and passive use;
- (d) Emphasize a planning approach which identifies and integrates natural resources and features in the overall site design concept;
- (e) Provide adequate housing, employment and shopping opportunities particularly suited to the needs of the residents of the Township; and
- (f) Incorporate design elements that unify the site through landscaping, lighting, coordinated signage, and pedestrian walks and pathways.
- (g) Encourage the use, reuse and improvement of existing sites and buildings when developed in a compatible manner with surrounding uses.

Section 8.2 General Provisions.

- (a) Where Permitted. A PUD may be applied for in any zoning district.
- (b) Process. Approval of a PUD application shall be a two (2) step process. The first step shall be a preliminary review as set forth in Section 8.6 (c). The final step, as set forth in Section 8.6 (h-1), shall include a rezoning by way of amendment of this Ordinance upon the recommendation of the Planning Commission and approval of the Township Board.
- (c) Qualifications of Subject Parcel for Consideration as a PUD. The applicant for a PUD must demonstrate through the submission of both written documentation and site development plans that all of the following criteria are met:
- (1) The minimum area for an exclusively residential development is 10 acres.
 - (2) The minimum area for an exclusively non-residential or a complimentary mix of residential and non-residential uses shall be 5 acres.
 - (3) The intent of Section 8.1 is met.
 - (4) Approval of the PUD will result in one (1) or more of the following:
 - A. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations; or
 - B. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 - C. A non-conforming use shall, to a material extent, be rendered more conforming to and compatible with the zoning district in which it is situated.
 - (5) The proposed type and, or density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads, and utilities.
 - (6) The proposed PUD shall be consistent with the public health, safety, and welfare of the Township.
 - (7) The proposed PUD shall minimize any negative environmental impact on the subject site or surrounding land.

- (8) The proposed PUD shall minimize any negative economic impact upon surrounding properties.
- (9) The proposed PUD shall be consistent with the Goals and Policies of the Adrian Charter Township Master Plan.
- (10) The proposed PUD shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing, or having legal authority for completing, the project in conformity with this Ordinance, provided that such responsibility shall not include individual principal buildings and facilities on the site of such buildings which serve only such buildings and have no relation or impact upon other portions of the development. This provision shall not prohibit a transfer of ownership and/or control, upon due notice to the Clerk.
- (11) Where a project is proposed for construction in phases, a final PUD plan shall be submitted for each phase prior to commencement of construction of that phase.
- (12) The proposed PUD shall meet all design standards as set forth in Sections 8.2 through 8.5.

Section 8.3 Design Considerations and Site Development Capabilities.

(a) Design Considerations. A proposed PUD shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located.

- (1) Perimeter setbacks.
- (2) Street drainage and utility design with respect to location, availability, ownership, and compatibility.
- (3) Underground installation of utilities.
- (4) Insulation of separate pedestrian ways apart from vehicular streets and ways.
- (5) Achievement of integrated and harmonious development with respect to signs, lighting, landscaping, and construction materials.
- (6) Noise reduction and visual screening mechanisms from adjoining residential uses.

- (7) Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.
- (8) Off-street parking, loading, refuse, and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties and uses.
- (9) Screening and buffering with respect to dimensions and character.
- (10) Yard areas and other open space.
- (11) Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre and the height of buildings and other structures.
- (12) The preservation of natural resources and natural features.

(b) Site Development Capability. In establishing the development capability of the site, the applicant shall submit a site analysis and supportive documentation which will illustrate the following:

- (1) Visual impacts, including but not limited to ridgeline protection areas and protection of scenic views.
- (2) Erosion prevention and control, including but not limited to protection of natural drainage channels and compliance with an approved storm water drainage management plan.
- (3) Preservation of significant native trees and other native site vegetation, including protection of natural area buffer zones.
- (4) Conservation of water, including but not limited to preservation of existing native vegetation, reduction in amounts of irrigated areas and similar considerations.
- (5) Stream corridor and wetland protection and buffering.
- (6) Floodplains and floodways.
- (7) Wildlife movement corridors.
- (8) Natural area buffer zones as delineated below.

- (9) The practical needs of approved construction activity in terms of ingress and egress to the developed project and necessary staging and operational areas.
- (10) Hydrology and groundwater flow.

Section 8.4 Project Densities and Intensities.

(a) Residential Density.

- (1) The total number of dwelling units in a PUD project shall not exceed the number of dwelling units permitted in the underlying zoning district. However, a variable density credit of up to fifteen percent (15%) may be allowed at the discretion of the Planning Commission and Township Board, based upon a demonstration by the applicant of design excellence in the PUD. Projects qualifying for a density credit shall include no less than two (2) of the following elements:
 - A. A high level of clustered development, where at least fifty percent (50%) of the PUD is common usable open space.
 - B. Providing perimeter transition areas or greenbelts around all sides of the development that are at least one hundred (100) feet in depth.
 - C. The proposed plan is designed to enhance surface water quality and ground water quality.
 - D. Provisions and design that preserve natural features.
 - E. Donation or contribution of land or amenities that represent significant community benefit.
 - F. Other similar elements as determined by the Planning Commission and Township Board.
- (2) The applicant shall be required to submit a conventional zoning layout using the underlying zoning classification and demonstrating a practical project for the subject parcel applying all Township regulations
- (3) In the case where the applicant proceeds in phases and develops only a portion of the total proposed development at one time, each phase shall consist of land use(s) planned and developed in such a way so that the average density of all completed phases shall not exceed on a cumulative basis, the maximum average density allowed for the entire development.

This may be accomplished through the utilization of conservation easements, or other lawful means, which would allow more dense development in an earlier phase, while ensuring appropriate overall density.

(b) Mixed Use Project Density. For PUD projects which contain a residential component, the Township shall make a determination as to appropriate residential density based upon existing and planned residential densities in the surrounding area, the availability of utilities and service and the natural features and resource of the subject parcel.

(c) Non Residential Component. A PUD with a gross area of ten (10) acres or more may incorporate a non-residential component into an exclusively residential development (based upon the existing zoning), provided that all of the following are met:

- (1) The non-residential component shall be located on a lot of sufficient size to contain all such structures, parking, and landscape buffering. The total area occupied by the non-residential land uses may not exceed five percent (5%) of the gross area of the development, or five (5) acres, whichever is less.
- (2) All non-residential uses shall be compatible with the residential area.
- (3) The Planning Commission finds that the architectural design of the structures is compatible with the balance of the development.
- (4) All non-residential structures are connected to a pedestrian access system servicing the project.
- (5) All parking and loading areas serving the non-residential uses shall be to the rear or side of the structure and fully screened from view of any public roadway, except that the Planning Commission may allow up to twenty five percent (25%) of the minimum number of required parking spaces in the front yard. Where the parking lot is visible from residential units or open space, it shall be planted with a landscape buffer consisting of evergreen trees spaced no more than ten (10) feet on center.

Section 8.5 Design Standards.

(a) Open Space Preservation.

- (1) When completed, the PUD shall have significant areas, but not less than 20% of total land area, devoted to open space, which shall remain in a natural state and/or be restricted for use for active and/or passive outdoor

recreational purposes. Priority shall be on preserving the most important natural features on the site, as identified by a site analysis. The amount of open space, including the area and percentage of the site, shall be specified on the site plan. In accordance with P.A. 177 of 2001, for planned unit developments within the R-A and R zoning districts, a minimum of fifty (50) percent of land shall remain in an undeveloped state as defined in Section 2.2 of this Ordinance.

- (2) In addition to preservation of the most important natural features, additional open space shall be, where possible, located and designed to achieve the following: provide areas for active recreation, provide areas for informal recreation and pathways that connect into adjacent open space, parks, bike paths or pedestrian paths, provide natural greenbelts along roadways to preserve the rural character as viewed from the roads, and to preserve a buffer from adjacent land uses where appropriate.

Non-residential and/or mixed use projects shall contribute to the enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or focal feature or amenity that, in the judgment of the Township adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

- (3) Areas Not Considered Open Space. The following land areas are not considered as open space for the purposes of this Article:
- A. The area within a public street right-of-way or private road access easements or other easements that include roads, drives or overhead utility lines.
 - B. The area located below the ordinary high water mark of an inland lake, river or stream, or any pond with standing water year round.
 - C. The area within any manmade storm water detention or retention pond.
 - D. The required yard (setbacks) area around buildings which are not located on an individual lot or condominium site.

- (4) Maintenance.

- A. No PUD shall be approved by the Township Board until

documents pertaining to maintenance and preservation of common natural open space areas, common landscaped areas and common recreational facilities located within the development plan, have been reviewed by the Township Attorney and approved by the Township Supervisor.

- B. For non-residential portions of a PUD, the maintenance and preservation shall pertain to all landscaped areas and recreational facilities not enclosed within a building. For residential portions, maintenance shall apply to the open space, landscaped areas, and recreational facilities owned by or used in common by the residents.
- C. The Township shall be identified as having the right to enforce the conditions, covenants and restrictions placed on the open space, unless otherwise directed by the Township Board or Township Attorney, with the documentation utilized for such purpose to be in a form approved by the Township Attorney. Any costs associated with Township enforcement can be assessed to the property owner.

(b) Buffering from Adjacent Property. There shall be a perimeter setback and buffering, of up to one hundred (100) feet, taking into consideration the use or uses in and adjacent to the development. The setback distance shall be determined in the sole discretion of the Township Board, considering the recommendations of the Planning Commission, and need not be uniform at all points on the perimeter of the development. The Township Board may reduce the perimeter setback and buffering in cases where the density of the proposed use is compatible with adjacent uses and/or natural features including, but not limited to woodlands and topographical features provide adequate buffering to protect adjacent uses.

If natural features, including, but not limited to woodlands and topographical features do not provide adequate buffering from adjacent property, the perimeter setback shall include noise reduction and visual screening mechanisms including, but not limited to landscaping, berms and/or decorative walls.

(c) Vehicular and Pedestrian Circulation.

- (1) Vehicular circulation shall be designed in a manner which provides safe and convenient access to all portions of the site, promotes safety, contributes to coherence of site design, and adapts to site topography.
- (2) Physical design techniques, known as traffic calming are encouraged. These techniques are intended to which alter driver behavior to reduce speed and cut-through traffic, improve vehicular safety, and improve conditions for non-motorized traffic.

- (3) Walkways shall be provided in a manner which promotes pedestrian safety and circulation. Walkways shall be separated from vehicular traffic except where roadway crossings are necessary. The plan shall provide pedestrian/bicycle access to, between or through all open space areas, and to appropriate off-site amenities, and located in accordance with the environmental inventory of the site. Informal trails may be constructed of gravel, wood chip or other similar material, but the Township Board may require construction of a pathway of up to eight (8) feet in width and constructed of concrete or asphalt through portions of the development or along any public right-of-way abutting the development.
- (4) Locations for school bus stops shall also be provided on the site plan.
- (d) Utilities. There shall be underground installation of utilities, including electricity and telephone, as found necessary by the Township.
- (e) Storm water Drainage/Erosion Control. All storm water drainage and erosion control plans shall meet the standards adopted by the Township for design and construction and shall, to the maximum extent feasible, utilize non-structural control techniques, including but not limited to:
 - (1) Limitation of land disturbance and grading;
 - (2) Maintenance of vegetated buffers and natural vegetation;
 - (3) Minimization of impervious surfaces;
 - (4) Use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined swales; and
 - (5) Use of infiltration devices.

Section 8.6 Application and Processing Procedures.

- (a) Effects. The granting of a PUD application shall require an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this Ordinance. An approval granted under this Article including all aspects of the final PUD plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance.
- (b) Pre-Application Conference. Prior to the submission of an application for PUD, the applicant shall meet with Zoning Administrator, and such consultants or staff as deemed appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the PUD, and the following information:
 - (1) A legal description of the property in question;

- (2) The total number of acres to be included in the project;
- (3) A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units;
- (4) The approximate number of acres to be occupied and/or devoted to or by each type of use;
- (5) Departures from the regulations of the Ordinance which may be requested;
- (6) The number of acres to be preserved as open space or recreation space; and
- (7) All known natural resources and natural features.

The applicant shall present the sketch plan or a modified sketch plan to the Planning Commission for information purposes. This shall be done prior to submitting the preliminary PUD plan.

(c) Preliminary PUD Plan Application - Submission and Content. Following the above conference or conferences, copies of the application for preliminary PUD plan shall be submitted. The submission shall be made to the Zoning Administrator. The plan shall be accompanied by an application form and fee as determined by the Township Board. The preliminary PUD plan shall contain the following information unless specifically waived by the Zoning Administrator:

- (1) Date, north arrow, and scale which shall not be more than 1" = 100'.
- (2) Locational sketch of site in relation to surrounding area.
- (3) Legal description of property including common street address and tax identification number.
- (4) Size of parcel.
- (5) All lot or property lines with dimensions.
- (6) General location of all buildings within one hundred (100) feet of the property lines.
- (7) General location and size of all existing structures on the site.
- (8) General location and size of all proposed structures on the site. The general size of all buildings shall be within five thousand (5,000) square feet or five percent (5%), whatever is smaller of whatever is constructed.

- (9) General location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces and typical dimensions.
 - (10) General size and location of all areas devoted to green space.
 - (11) Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
 - (12) All areas within the 100-year floodplain, wetland areas or bodies of water.
 - (13) Existing topographical contours at a minimum of two (2) foot intervals and/or spot elevations which illustrate drainage patterns.
 - (14) A narrative describing:
 - A. The nature of the project, projected phases and timetable.
 - B. The proposed density, number, and types of dwelling units if a residential PUD.
 - C. A statement describing how the proposed project meets the objectives of the PUD.
 - D. A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
 - E. Proof of ownership or legal interest in property.
 - (15) All information contained in Section 3.5.
- (d) Public Hearing - Planning Commission. Prior to setting the public hearing, the applicant shall submit all required and requested information to the Township. a public hearing and provide for notice in accordance with MCL 125.3103, *et seq.*
- (e) Planning Commission Review and Recommendation – Preliminary PUD Plan. The Planning Commission shall review the preliminary PUD plan according to the provisions of Sections 8.2 through 8.5 herein. Following the public hearing, the Planning Commission shall recommend to the Township Board either approval, denial, or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards.
- (1) Approval of the preliminary PUD plan will result in a recognizable and substantial benefit to the ultimate users of the project and to the

community where such benefit would otherwise be unfeasible or unlikely to be achieved.

- (2) In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
- (3) The proposed development shall be compatible with the Master Plan of the Township and shall be consistent with the intent and spirit of this Article.
- (4) The PUD shall not change the essential character of the surrounding area.
- (5) The proposed PUD shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the Zoning Administrator.

(f) Township Board Review and Determination – Preliminary PUD Plan. After receiving the recommendation of the Planning Commission, the Township Board shall approve, deny, or approve with conditions the preliminary PUD plan in accordance with the standards for approval and conditions for a PUD as contained herein.

(g) Effect of Approval - Preliminary PUD Plan. Approval of the preliminary PUD plan that is required to accompany a PUD application does not constitute final PUD plan or rezoning approval, but only bestows the right on the applicant to proceed to the final site plan stage. The application for final PUD consideration shall be submitted within twelve (12) months of receiving preliminary PUD approval or the application shall be considered null and void.

(h) Contents of the Final PUD Plan. Following preliminary PUD plan approval, copies of the application for final PUD plan shall be submitted. The submission shall be made to the Zoning Administrator. The plan shall be accompanied by an application form and fee as determined by the Township Board. The final PUD plan shall contain the same information required for the preliminary PUD plan along with the following information and any information specifically requested by the Planning Commission in its review of the preliminary PUD plan:

- (1) Location and size of all water, sanitary sewer, and storm sewer lines serving the development.
- (2) Proposed grading plan.

- (3) Proposed landscaping including type, number and size of trees and shrubs.
- (4) Location of signs and exterior lighting.
- (5) Location of sidewalk, foot paths, or other pedestrian walkways.
- (6) Distance of all buildings from lot lines, right-of-ways, and other principal buildings.
- (7) Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.
- (8) Proposed phases of project and projected timetable.
- (9) All information contained in Section 3.5.

(i) Planning Commission Review and Recommendation – Final PUD Plan and Rezoning. After receiving approval of the preliminary PUD plan from the Township Board, the Planning Commission shall review the final PUD plan and rezoning application and shall recommend to the Township Board either approval, denial, or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed PUD still meets the intent of the PUD district along with all development standards outlined in Section 8.2 through 8.5.

(j) Public Hearing – Township Board. The Township Board shall hold a public hearing and give notice in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, M.C.L. 125.3503, *et. seq.*

(k) Township Board Review and Determination – Final PUD Plan and Rezoning. After receiving the recommendation of the Planning Commission and considering the comments from the public hearing, the Township Board shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.

(l) Effect of Approval – Final PUD Plan and Rezoning. The final PUD plan, the narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specifically specified in the final PUD plan are disallowed and not permitted on the property notwithstanding that the property is zoned PUD. All improvements and uses shall be in conformity with this zoning amendment to PUD. The applicant shall record an affidavit with the Lenawee County Register of Deeds, which shall contain the following:

- (1) Date of approval of the final PUD plan by the Township Board.
- (2) Legal description of the property.

- (3) Legal description of the required green space along with a plan stating how this green space is to be maintained.
- (4) A statement that the property will be developed in accordance with the approved final PUD plan and any conditions imposed by the Township Board or Planning Commission unless an amendment thereto is duly approved by the Township upon the request and/or approval of the applicant or applicant's transferee's and/or assigns. This statement shall also include the duration of approval and action for non-compliance.

Section 8.7 Conditions.

(a) Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law. Conditions may be included which are deemed necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserving natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

(b) Conditions imposed shall meet the following requirements: be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this Ordinance, and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

(c) Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the Township Board and the landowner. The Township shall maintain a record of conditions which are changed.

Section 8.8 Phasing and Commencement of Construction.

(a) Phasing. Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Township Board after recommendation from the Planning Commission.

(b) Commencement and Completion of Construction. Construction shall be commenced within one (1) year following final plan approval of a PUD and shall proceed substantially in conformance with the schedule set forth by the applicant, as approved by the Township. If construction is not commenced within such time, any approval of a PUD plan shall expire and be null and void, provided, an extension for a specified period may be granted by the Township Board upon good cause shown if such request is made to the Township Board prior to the expiration of the initial period. Moreover, in the event a PUD plan has expired, the Township Board, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

Section 8.9 Modifications to an Approved PUD Plan.

(a) Minor Modifications. Minor changes to a final PUD plan may be approved by mutual agreement of the applicants or successors in interest and the Planning Commission, provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Township regulations or state law. Minor changes include all matters that were approved by the Planning Commission in the final PUD plan that were not part of the preliminary PUD plan, that the location of structures, roads, parking areas, signs, lighting, and driveways may be moved provided that are in the same general location as approved in the preliminary site development plan as determined by the Planning Commission, and building size that does not exceed five thousand (5,000) square feet or five (5) percent of the gross floor area, whichever is smaller. Reduction in project scope shall also be considered a minor change.

(b) Major Modification. A major change to an approved PUD shall comply with the original approval procedures for a PUD. Major changes include but are not limited to increase in density or number of dwelling units, increase in land area or building size, except as noted above or addition of other uses not authorized by the original PUD approval.

ARTICLE 9

SIGNS

Section 9.1 Intent.

The general intent of this Ordinance is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety and welfare. While this Article recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the Township, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists.

To achieve its intended purpose, this Article has the following objectives:

- (a) To prevent the placement of signs in a manner that will conceal or obscure signs or adjacent businesses;
- (b) To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products;
- (c) To keep signs within a reasonable scale with respect to the buildings they identify;
- (d) To reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets;
- (e) To promote a quality manner of display which enhances the character of the Township;
- (f) To prevent the proliferation of temporary signs which might promote visual blight.
- (g) To eliminate the potential for any adverse affects on the neighboring properties.

Section 9.2 General Conditions.

(a) Location. All signs must advertise a business or service on the premises upon which the sign is located and to which the sign is accessory, unless otherwise specified herein.

(b) Illumination.

- (1) No sign shall be illuminated by other than electrical means.
 - (2) The light from illuminated signs shall be directed and shielded in a manner that will not interfere with vehicular traffic or the enjoyment and use of adjacent properties.
 - (3) No sign may be erected which flashes, rotates, has moving parts or messages generated by discrete lighting elements.
 - (4) Internal illumination shall be permitted under the following circumstances:
 - A. Individual back-lit letters which are silhouetted against softly illuminated walls.
 - B. Individual letters with translucent faces, containing soft lighting elements inside each letter.
 - C. Metal-faced box signs with cut-out letters and soft-glow fluorescent tubes.
 - (5) Only indirectly illuminated signs shall be allowed in any residential district.
 - (6) Internally-illuminated plastic signs with dark-colored detachable letters shall be strictly prohibited in all districts.
 - (7) Gas-filled light types (fluorescent) shall be allowed for indirect illumination and when placed in such a manner that the tubes are not exposed to view from any point along the roadway or sidewalk.
 - (8) Rear-illuminated (backlit) awnings are prohibited.
- (c) Safety.
- (1) All signs shall be erected and maintained in compliance with all applicable building code, and other applicable ordinances governing construction within the Township. In the event of conflict between this Article and other laws, the most restrictive shall govern.
 - (2) All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk.

- (3) No sign shall be erected, relocated or maintained so as to obstruct fire fighting or prevent free access to any door, window or fire escape.
- (d) Signs Prohibited in All Districts.
- (1) Roof signs.
 - (2) Signs containing flashing, intermittent or moving lights, digital/ electronic signs, signs with moving or revolving parts, or reflecting parts which may distract drivers. This prohibition does not extend to those signs that give the time or temperature, provided that no other animated messages are displayed. Exceptions to this restriction may be permitted by the Planning Commission based upon good justification, for example, the historical significance of signage. Digital/electronic signs may be considered for the display of gas prices at automobile filling stations and on menu boards located outside of the General Business District but only through the special land use process.
 - (3) Signs affixed to trees, rocks, shrubs or similar natural features, except, signs denoting a site of historic significance.
 - (4) Signs which imitate traffic signals, traffic direction signs, or similar traffic control devices, and signs which make use of words including, but not limited to “Stop”, “Look”, “Danger”, or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.
 - (5) Temporary signs mounted upon trucks, vans, or other wheeled devices, except for political signs.
 - (6) Signs other than those erected by a public agency which are located within or overhang the public right-of-way or on public property, unless otherwise specified herein.
 - (7) Any sign or sign structure which constitutes a hazard to public health and safety due to inadequate maintenance.
 - (8) Any sign unlawfully installed, erected or maintained.
- (e) Signs Permitted in All Districts.
- (1) Nameplates containing only a residents name and address, and not exceeding two (2) square feet in size.
 - (2) Political signs shall be permitted on all lots regardless of zoning, provided such sign is located and placed with the permission of the owner or lawful

occupant of the lot or parcel where such sign is located, and provided that such sign does not violate any other provision of this ordinance. No more than one (1) sign up to twelve (12) square feet in area may be erected on a lot within the Township for each candidate and/or ballot proposal and all such signs shall be removed within five (5) days following the election.

- (3) On-premise directional signs which indicate the direction of pedestrian or vehicular traffic flow on private property. Directional signs shall not exceed two (2) square feet in size, shall contain no advertising, and may be illuminated.
- (4) Street numbers.
- (5) No hunting, no fishing, no trespassing signs must be less than two (2) square feet in area and spaced no less than one hundred (100) feet apart.
- (6) Historical markers.
- (7) Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, including, but not limited to directional signs, regulatory signs, and information signs.
- (8) Names of buildings, dates of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of other permanent type construction and made an integral part of the structure.
- (9) Temporary signs permanently painted on, or, otherwise permanently displayed upon a vehicle, licensed and operating on the public streets and highways, identifying the owner's occupation or livelihood.
- (10) Temporary on premise farm product signs in only the R-A districts.
 - A. Not to exceed thirty-two (32) square feet.
 - B. Not to exceed sixty (60) days in any one (1) year period.

Section 9.3 Permitted Ground Signs.

(a) General Requirements.

- (1) One (1) ground sign shall be permitted per premise which has frontage on only one (1) public road.

- (2) Two (2) ground signs shall be permitted per premise which has frontage on two (2) public roads. One (1) sign shall not exceed the area requirements set forth herein. The second sign shall not exceed fifty (50%) percent of the area requirements set forth herein.
- (3) A ground sign shall have a setback of fifteen (15) feet from a public road right-of-way and a setback distance equal to the height of the sign from all other property boundaries.

(b) Specific Requirements. Ground signs shall be permitted by district in accordance with the following requirements.

<u>District</u>	<u>Height</u> (max.)	<u>Sign Message Area</u> (max.)	<u>Sign Structure Area</u> (max.)
1. C-H Districts	(25) feet	Fifty (50) square feet per side, not to exceed a total of one hundred (100) square feet.	Seventy five (75)sq. ft.
2. C-P and C-R Districts	Six (6) feet	Twenty (20) square feet per side, not to exceed a total of forty (40) square feet.	Thirty (30)sq. ft.
3. M and SP Districts	Six (6) feet	Thirty (30) square feet per side, not to exceed a total of sixty (60) square feet.	Seventy five (75)sq. ft.
4. R-A, R, R-1 and R-2 Districts	Six (6) feet	Four (4) square feet per side, not to exceed a total of sixteen (16) square feet.	Six (6)sq. feet
5. MH Districts	Six (6) feet	Four (4) square feet per side, not to exceed a total of sixteen (16) square feet.	Six (6)sq. feet

(c) Ground Signs Requiring Special Land Use Approval. The Planning Commission may consider a sign that is greater than the maximum height and area requirements or less than the minimum setback requirements as a special land use. In review of a special land use, the Planning Commission shall consider the standards set forth in Section 3.4 and the following:

- (1) The standards set forth in Sections 9.2 and 9.9;

- (2) The size, shape and topography of the property;
- (3) The relationship of the sign to neighboring properties and signs;
- (4) The relationship to and visibility from the public street where the property is located; and

Section 9.4 Permitted Wall Signs.

(a) General Requirements.

- (1) No wall sign shall be erected to extend above the top of the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached. Signs erected on the vertical portion of the mansard roof are considered to be wall signs.
- (2) All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts, or expansion screws, and in accordance with the Building Code. In no case shall any wall sign be secured with wire, straps of wood or nails.
- (3) For buildings with distinct and separate uses, separate wall signs shall be permitted for each such use. However, the total allowable square footage shall not exceed the maximum allowable square footage specified for each district.

(b) Specific Requirements. Wall signs shall be permitted by the district in accordance with the following requirements.

District	Sign Message Area (max.)
1. C-H Districts	One (1) square feet for each lineal foot of building frontage not to exceed a total of one hundred (100) square feet.
2. C-P and C-R District	One (1) square foot for each lineal foot of building frontage not to exceed a total of forty (40) square feet.
3. M, and SP Districts	One (1) square foot for each lineal foot of building frontage not to exceed a total of fifty (50) square feet.

4. R-A, Districts (non-residential uses only) One (1) square foot for each lineal foot of building frontage not to exceed a total of ten (10) square feet.

Section 9.5 Permitted Temporary Signs.

The following temporary signs shall be permitted in accordance with the regulations herein.

(a) Permitted Real Estate Signs (on-site).

- (1) In all zoning districts one (1) non-illuminated ground sign shall be permitted to advertise individual lots, land or buildings for rent, lease or sale (including weekend open house signs), provided that such signs are located on the property intended to be rented, leased or sold. Corner lots are permitted to have two (2) signs. Such signs shall not exceed an area of six (6) square feet and a height of six (6) feet in districts (R-A, R, R-1, R-2, MH) and an area of seventy five (32) square feet and a height of twelve (12) feet in all other districts.
- (2) In all zoning districts one (1) non-illuminated ground sign shall be permitted listing persons or firms connected with construction work being performed. Corner lots are permitted to have two (2) signs. Such signs shall not exceed thirty-two (32) square feet in area and a height of twelve (12) feet.
- (3) For all residential projects involving the sale of individual lots and/or dwelling units, one (1) non-illuminated freestanding sign shall be permitted per each entrance to the project advertising the sale of such lots and/or dwelling units (including weekend open house signs). Such signs shall not exceed thirty-two (32) square feet in area and a height of twelve (12) feet.
- (4) For all residential projects involving the rental or leasing of dwelling units, one (1) non-illuminated freestanding sign shall be permitted per each entrance to the project advertising the rental or leasing of such units (including weekend open house signs). Such signs shall not exceed thirty-two (32) square feet in area and a height of twelve (12) feet.
- (5) All signs advertising the rental, lease or sale of a property or dwelling unit shall be removed within 48 hours after the property is no longer available for rent or lease, closing on the sale or completion of construction work.

- (6) All weekend open house signs may be posted no more than 24 hours before the open house and shall be removed within 4 hours following the open house.
 - (7) All permitted real estate signs shall otherwise comply with all other standards for freestanding signs set forth in this Article.
- (b) Permitted Weekend Open House Real Estate Signs (off-site).
- (1) For a residential dwelling within an established neighborhood in Adrian Charter Township, no more than two (2) freestanding signs shall be permitted.
 - (2) For a new development in Adrian Charter Township with multiple dwellings being listed for sale, no more than three (3) freestanding signs shall be allowed.
 - (3) Such signs shall not exceed an area of six (6) square feet and a height of six (6) feet.
 - (4) All such signs may be posted no more than 24 hours before the open house and shall be removed within 4 hours following the open house.
 - (5) All weekend open house real estate signs shall otherwise comply with all other standards for freestanding signs set forth in this Article 9.
- (c) Garage Sales, Rummage Sales, Estate Sale and Similar Activities.
- (1) One (1) non-illuminated sign used for advertising a garage sale, rummage sale, estate sale or similar activity shall be allowed for a period not to exceed three (3) consecutive days and shall not exceed two (2) per year.
 - (2) Up to three (3) additional non-illuminated off-premises signs may be erected provided they are not erected on utility poles and they comply with the timeframe provisions of subsection (1) above.
 - (3) Each sign shall be no more than four (4) square feet in area and three (3) feet tall.
 - (4) All signs located within the right-of-way shall require a County permit or they will be removed by Lenawee County.
 - (5) All such signs may be posted no more than 24 hours before the sale and shall be removed within 4 hours following the sale.

(d) Promotional Banners.

- (1) In all districts, the Zoning Administrator may allow a new business, as part of its start-up phase, to use a one (1) time only temporary sign for up to a forty-five (45) day period. All temporary signs permitted under this provision shall otherwise comply with all requirements pertaining to height and area for the zoning district in which the sign is located.
- (2) Permission to display a promotional banner or sign for civic or charitable activity may be authorized by the Zoning Administrator. Appropriate conditions can be placed on the granting of the permit including, but not limited to duration, size, location, etc.
- (3) Within the C-P, C-R, C-H and SP Districts, one (1) promotional banner is permitted per premises for a duration not to exceed two (2) weeks and no more than four (4) times per year. Only those businesses with direct pedestrian access from the public right of way shall be permitted to have a promotional banner. The temporary promotional banner shall not exceed twenty (20) square feet in area. Neither the height nor the width of a temporary promotional banner shall exceed ten (10) feet. Temporary promotional banners shall not be located in a public right-of-way, must be affixed to the principal building of the business and shall be located and designed to avoid interference with or distraction to vehicular and pedestrian traffic.
- (4) All promotional banners which are not properly maintained shall be removed at the order of the Zoning Administrator.

Section 9.6 Permitted Billboards.

(a) Where Permitted. Billboards shall be permitted only adjacent to or along Federal and State highways and major arterial streets subject to the standards contained herein, and the Highway Advertising Act 106 of 1972, as amended. The permit must be pulled through the State.

(b) Spacing.

- (1) Not more than three (3) billboards may be located per linear mile of highway regardless of the fact that such billboards may be located on different sides of the highway. The linear mile measurement shall not be limited to the boundaries of Adrian Charter Township where the particular highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one (1) face visible to traffic proceeding

from any given direction on a highway shall be considered as one (1) billboard. Additionally, billboard structures having tandem billboard faces (i.e., two (2) parallel billboard faces facing the same direction and side by side to one (1) another) or stacked billboard faces (i.e., two (2) billboard faces facing the same direction with one (1) face being directly above the other) shall be considered as one (1) billboard. Otherwise, billboard structures having more than one (1) billboard face shall be considered as two (2) billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection (2) below.

- (2) No billboard shall be located within 1,000 feet of another billboard abutting either side of the same highway.
 - (3) No billboard shall be located within three hundred (300) feet of a residential zoning district and/or existing residence. If the billboard is illuminated, this required distance shall instead be five hundred (500) feet.
 - (4) No billboard shall be located closer than seventy-five (75) feet from a property line adjoining a public right-of-way or ten (10) feet from any interior boundary lines of the premises on which the billboard is located.
- (c) Height. The height of a billboard shall not exceed thirty (30) feet above the level of the road upon which the billboard faces or to which the message upon the billboard is directed. In the event that the billboard is situated upon two (2) roads having different levels, the height of the billboard shall be measured from the higher road.
- (d) Surface Area. The surface display area of any side of a billboard may not exceed three hundred (300) square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed three hundred (300) square feet.
- (e) Illumination. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- (f) Construction and Maintenance.
- (1) No billboard shall be on top of, cantilevered or otherwise suspended above the roof any building.
 - (2) A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment

of structure, continued structural soundness and continued readability of message.

Section 9.7 Miscellaneous Permitted Signs.

(a) Signs for Outdoor Sales of Automobiles or Vehicles. No advertising signs may be placed on-site other than the permitted maximum wall and/or ground signs as per this article. The prohibited signs include banners, flags and digital/electronic signs.

(b) Signs for Automobile Filling Stations, Automobile Repair Garage, Automobile Service Stations, Automobile Washes, and Automobile Dealerships. No advertising signs may be placed on-site other than the permitted maximum wall and/or ground signs as per this article. Digital/electronic signs for the display of gas prices may be permitted under the following circumstances:

The Planning Commission may consider a digital/electronic sign for automobile filling stations as a special land use. In review of the special land use, the Commission shall consider the standards as set forth in Section 3.4 and the following:

- (1) The digital/electronic sign shall be exclusively for the display of gas prices.
- (2) The sign message and background shall each be a single contrasting color.
- (3) The foot-candles shall comply with the requirements of Section 7.6.
- (4) The size of the electronic/digital sign message area shall not exceed 50% of the total sign surface area.

(c) Menuboard Signs for Drive-In and Drive-Through Businesses.

- (1) The Planning Commission, in its sole discretion, may approve up to two (2) menuboard upon determination that it is integral to the nature of the business.
- (2) Each menuboard shall not exceed seven (7) feet in height.
- (3) One (1) menuboard (in stacking lane) shall not exceed sixteen (16) square feet and the other (at the speaker) shall not exceed thirty-two (32) square feet in area.
- (4) The area of the menuboard is exclusive of the structures framing.
- (5) All menuboard shall be single sided.
- (6) No menuboard may be located within the required front yard and between twenty (20) and forty (40) feet from any parcel perimeter.
- (7) Only up to four (4) square feet of the menuboard shall include digital/electronic signage.
- (8) The Planning Commission may consider a modified sign area, subject to the following:
 - A. Only one (1) of the menuboard may be increased in area.
 - B. The menuboard is completely screened from the roadway.

C. Under no circumstances shall the menuboard exceed forty-eight (48) square feet in area.

(d) Changeable Copy Signs. Manual changeable copy signs shall be permitted when incorporated into a permitted wall or ground sign provided that the area devoted to changeable copy does not exceed twenty (20%) percent of the permissible sign area.

- (1) Lettering used on manual changeable copy signs directed to local or collector streets shall not exceed three (3) inches in height.
- (2) Lettering used on manual changeable copy signs directed to secondary or major arterial streets shall not exceed least six (6) inches in height.
- (3) Lettering used on manual changeable copy signs directed to pedestrians shall be at least two (2) inches in height.

(e) Off-premise Directional Signs. Off-premise directional signs directing vehicular traffic to a church, governmental building, public parks and recreational facilities, public hospitals or educational institution may be permitted in all districts subject to the review of the Planning Commission and the following standards:

- (1) No more than two (2) signs per use shall be permitted.
- (2) The size of an off-premise directional sign shall not exceed two (2) square feet in size.
- (3) The height of an off-premise directional sign shall be no less than three (3) feet nor exceed six (6) feet. However, variations in height may be granted by the Planning Commission to accommodate vehicular visibility to avoid obstruction to visibility.
- (4) Illumination shall not be permitted.
- (5) Permission of the property owner where the proposed sign is to be located must be provided.

(f) Historic Markers. If a structure within the Township has been designated a State Historical Site or listed in the National Register of Historic Places, then a marker designating that fact, obtained from the appropriate state or federal agency, shall be permitted in addition to any other sign or signs which may lawfully be placed on the structure or the property on which the structure is located.

Anyone wishing to place a historic marker on a structure or property shall complete and file a sign permit application with the Zoning Administrator. No fee shall be charged for a historic marker application. The Zoning Administrator shall review and approve all such applications, but always reserves the right to send the request to the Planning Commission for their consideration.

(g) Interior Window Signs.

- (1) Window sign means any sign, excluding the posting of hours of operation and/or street and building address, which is painted or mounted onto a window pane, or which is hung directly inside the window with the purpose or effect of identifying any premises from the sidewalk or street.
- (2) Window signs shall not exceed more than thirty (30%) percent of each window area in which they are displayed.
- (3) Non-temporary signs hung inside windows shall be made of clear materials, including, but not limited to transparent plastic, with lettering painted or attached to them, with all hours of operation, credit card and address signs being exempt.
- (4) Window signs do not require sign permits, nor count in the calculation of total building signage permitted.
- (5) Permanent and/or illuminated window signs require a permit and application.

(h) Mural Signs. When a mural or graphic includes identification of an establishment or specific services, goods or products, or a representation of the types of services, goods or products provided on the site, the mural area will count towards the total permitted wall sign area.

Murals are subject to special land approval and the following standards:

- (1) No mural may be placed on any building or structure that includes non-conforming signs.
- (2) Only one (1) wall, facade, or surface of a building or structure may be used for a mural.
- (3) A wall, facade, or surface that is used for a mural pertaining to the business on which it is located shall be counted as one (1) sign. A mural will count towards the total wall signage allowed for the business; however, the Planning Commission in its sole discretion may permit murals of larger size. Larger murals shall be permitted when determined to demonstrate at least (1) one of the following:
 - A. Accentuates the historic features of the building.
 - B. Masks an unattractive building facade.
 - C. Creates an aesthetically pleasing amenity.

- D. Superior in aesthetics to an attached wall sign.
- (4) The owner of record of the building or structure on which the proposed mural is to be placed shall, in writing, consent to the placement of said mural on the property, and shall agree to restore the wall, facade or surface upon which the mural is placed to its prior existing condition if and at such time the mural is not maintained by the applicant. The permit application shall include a statement detailing the applicant's plans for the maintenance of the mural.
 - (5) In the review of the special land use the Planning Commission shall grant approval only if the following criteria are met:
 - A. The placing of the proposed mural at the location selected by the applicant would not constitute a significant traffic safety hazard.
 - B. Neither the mural, nor the placement of the mural, would endanger the public health, safety, or general welfare.
 - C. Neither the mural, nor the placement of the mural, would be injurious to the use and enjoyment of other property in the immediate vicinity of the proposed location.

Section 9.8 Permits Required.

- (a) It shall be unlawful to display, erect, relocate, or alter any sign without obtaining a sign permit, except where otherwise noted within the Ordinance.
- (b) A permit shall be issued by the Zoning Administrator only if the proposed sign meets all requirements of the Ordinance, provided if an alteration of an existing sign is limited to the information communicated on the sign without increasing its size, structural modification of the sign shall not be required.
- (c) When a sign permit has been issued by the Township, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the building official. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Township.
- (d) The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his authorized agent, or a sign contractor. Such applications shall be made in writing on forms furnished by the Township and shall be signed by the applicant.
- (e) The application for a sign permit shall be accompanied by the following plans and other information;

- (1) The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
- (2) The location by street address of the proposed sign structure.
- (3) Complete information as required on application forms including a site plan and elevation drawings of the proposed sign, caption of the proposed sign, and such other data as are pertinent to the application.
- (4) Plans indicating the scope and structural detail of the work to be done, including details of all connections, guylines, supports and footings, and materials to be use.
- (5) The application, including all required information, for an electrical permit if the sign will have an electrical connection.
- (6) A statement of valuation.

ARTICLE 10

OFF-STREET PARKING AND LOADING

Section 10.1 Intent and Purpose.

The purpose of this section is to ensure the provision of off-street parking facilities that are sufficient in number, adequately sized and properly designed to meet the range of parking needs and demands that are associated with land uses now in place in the Township or with land uses allowed by this Ordinance.

Section 10.2 General Provisions.

(a) Where Required. In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

(b) Existing Off-Street Parking at Effective Date of Ordinance. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size to less than that required under the terms of this Ordinance.

(c) Required Greenbelt and Setbacks. Off-street parking, including maneuvering lanes, shall not be located within the required front greenbelt in accordance with Section 7.7 (f) Greenbelts, unless the following circumstances apply:

- (1) An existing lot of less than the minimum lot width requirements of the ordinance results in a restricted building site. Under these circumstances the Planning Commission may consider a reduced front yard greenbelt/setback which in no case shall be less than 50% of the required front yard setback.
- (2) When no more than 20% of the required parking is provided between the building and the front property line, the Planning Commission may consider a reduced front yard greenbelt/setback which in no case shall be less than ten (10) feet.

Off-street parking may be permitted within the required side or rear yard setbacks of lots, provided a minimum ten (10) foot setback is maintained between off-street parking and the side and rear lot lines of all adjoining properties.

(d) Screening. Off-street parking and loading which abuts residentially zoned or used property shall be screened in accordance with Section 7.7, Landscaping and Screening.

(e) Parking Duration. Except when land is used as storage space in connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirement of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to or intended to provide, and it shall be unlawful to permit, the storage or prolonged parking on any such parking area in any such district wrecked or junked cars, or for creating a junk yard or a nuisance in such areas.

(f) Units and Methods of Measurement. For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

(1) Floor Area. Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that floor area's within the principal building used for parking, incidental service and storage, housing of mechanical equipment, heating systems and similar uses need not be included.

(2) Employees. For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.

(3) Places of Assembly. In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each twenty-four (24) inches of such shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

(4) Fractional Requirements. When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction shall require one (1) parking space.

(g) Location of Parking.

(1) One and Two Family Dwellings. The off-street parking facilities required for one- and two-family dwellings shall consist of a parking strip, driveway, garage or combination thereof and shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this Article.

- (2) Multiple-Family Residential. The off-street parking facilities for multiple-family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as set forth in this Article. In no event shall any parking space be located nearer than ten (10) feet to any main building.
- (3) Other Land Uses. The off-street parking facilities required for all other uses shall be located on the lot or within three hundred (300) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.
- (4) Restriction on Parking on Private Property. It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property without the authorization of the owner or agent of such property.

Section 10.3 Off-Street Parking Requirements.

- (a) Amount of Required Off-street Parking Spaces. The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the Schedule set forth in Section 10.4. Parking requirements listed in Section 10.4 shall not include off-street stacking spaces for drive-through facilities set forth in Section 10.7.
- (b) Similar Uses and Requirements. When a use is not specifically mentioned, the requirements of off-street parking for a similar use shall apply.
- (c) Collective Provisions. Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two (2) 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 Section 10.4 of this Article.
- (d) Flexibility in Application. The Planning Commission recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards set forth in Section 10.4 may result in development with inadequate parking or parking far in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space, which could be left as open space.

The Planning Commission may permit deviations from the requirements of Section 10.4 and may require more or allow less parking whenever it finds that such

deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.

The Planning Commission may attach conditions to the approval of a deviation from the requirement of Section 10.4 that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the Planning Commission may further impose conditions, which ensure that adequate reserve area is set aside for future parking, is needed.

Section 10.4 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 shall be determined in accordance with the following table:

<u>Use</u>	<u>Per Each Unit of Measure as Follows</u>	
(a) Residential Uses.		
(1) Single- Family Dwellings	2	Per each dwelling unit.
(2) Multiple-Family Dwellings	2 ½	Per each dwelling unit.
(3) Senior Citizen Housing and Senior Assisted Living units	1 1	Per each dwelling unit, plus Per each ten (10) dwelling units
	1	Per each employee.

Should units revert to general occupancy, then two and one-half (2-1/2) spaces per unit shall be provided. If ancillary commercial uses are provided, parking shall meet the standards of Items 3 or 4 below.

The above minimum parking requirements for 1, 2, and 3 or more bedroom units includes one-half (1/2) space per unit for visitor parking. This shall be exclusive of any community center, swimming pool, recreation facility, or community building parking. Parking facilities for recreation areas, community centers, swimming pools, or community buildings shall be provided separately on the basis of one (1) parking space for each five (5) dwelling units in the development, and shall be located within two hundred (200) feet of the facility. Each parking space in any garage may be counted for required parking on the basis of one (1) space for each area of at least ten (10) by twenty (20) feet.

(4) Manufactured Housing Parks	2	Per each mobile home, plus
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1 Per each employee of the mobile park, plus
 1 For every 5 mobile home sites.

(b) Institutional Uses.

(1) Churches and Houses of Worship 1 Per each three (3) seats based or six (6) feet of pews in the main unit of worship. In the absence of seats, pews or chairs, the Fire Chief shall set the capacity of the building. Parking is to be determined by one (1) space for every three (3) people up to the maximum set by the Fire Chief.

Use

Per Each Unit of Measure as Follows

(b) Institutional Uses (cont.).

(2) Meeting Halls, Clubs, and similar uses 1 Per each three (3) individual members allowed within the maximum occupancy load as established by fire and/or building codes.

(3) Convalescent Homes, Nursing Homes, Homes for the Aged and Children's Homes 1 Per each five (5) beds, plus
 1 Per each staff doctor, plus
 1 Per each employee.

(4) High Schools, Trade Schools, Colleges and Universities 1 Per each teacher, plus
 1 Per each ten (10) students,
 plus
 1 Per each employee.

(5) Elementary and Middle (Junior) Schools 1 Per each teacher, plus
 1 Per each twenty-five (25) students, plus
 1 Per each employee.

(6) Child Care Centers and plus 1 Per each five (5) students,

Nursery Schools (minimum 3 employees), least five (5) cars,	1	Per each employee plus stacking space for at size of space 10' X 20'.
(7) Day Care Homes	1	Per each employee and/or caregiver.
(8) Libraries, Museums, government area. And municipal buildings	1	Per each 500 sq. ft. of floor area.
(9) Theaters and Auditoriums	1 1	Per each three (3) seats, plus Per each two (2) employees.

(c) Recreational Uses.

(1) Private or Public Recreation Centers memberships, plus amount Swimming Pools, Health and Fitness Centers uses including, but Gun Clubs, or other similar uses cocktail lounge.	1 1 1	Per each two (2) required for accessory not limited to a restaurant or Per employee, plus Additional space for each three (3) persons allowed within the maximum occupancy load shall be provided for clubhouses.
(2) Stadiums, Sports Arenas, and Auditoriums (including riding stables)	1	Per each three (3) seats or six (6) feet of benches.
(3) Baseball, Softball Facilities or other similar uses (without seats or benches)	20	Spaces, at least.
(4) Miniature "Par-3" Golf Courses	3 1	Per each one (1) hole, plus Per employee.

Use

Per Each Unit of Measure as Follows

(c) Recreational Uses (cont.).

(5) Golf Courses Open To The General Public, Except Miniature Or "Par-3"	6 1	Per each one (1) golf hole, plus Per each employee
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Courses.	1	Per each employee.
(6) Transient/Temporary Amusements Parks (including but not limited to flea markets, Auction yards, and open air businesses) area.	1	Per 400 square feet of lot
(d) General Commercial Uses.		
(1) Retail Stores, except as otherwise specified herein	1	Per each 100 sq. ft. of floor area.
(2) Supermarkets, Drugstores or other self-serve retail establishments	1	Per 150 sq. ft. of floor area.
(3) Convenience Stores	1	Per 100 sq. ft. of floor area.
(4) Furniture, Appliances, Hardware, Household floor area, plus	1	Per each 400 sq. ft. of
Equipment Sales, Plumbers Showroom, Decorator, Electrician or other similar uses	1	Per each employee.
(5) Self Serve Laundry and Dry Cleaning	1	Per each two (2) washing machines or dry cleaning machines.
(6) Motels and Hotels	1 1	Per each guest bedroom, plus Per employee, plus spaces required for accessory uses, including, but not limited to restaurants or cocktail lounges.
(7) Bed and Breakfast, rooming or Boarding houses.	1 2	Per each guest room, plus Per permanent resident family.
(8) Funeral Homes/Mortuary Establishments	4 1 1	Per each parlor or Per each 50 sq. ft. of parlor space, whichever is greater, plus Per each fleet vehicle.

(9) Auction House	1	Per 4 seats in designed capacity.
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Use

Per Each Unit of Measure as Follows

(d) General Commercial Uses (cont.).

(10) Fast Food Restaurants area, plus	1	Per each 125 sq. ft. of floor
	1	Per each employee.

(11) Sit-Down Restaurants based on (no outdoor seating) plus	1	Per each three (3) seats, maximum seating capacity,
	1	Per each employee. In no instance shall less than ten (10) spaces be provided.

(12) Sit-Down Restaurants (indoor and outdoor seating) seats, based on plus	1	Per each three (3) indoor Maximum seating capacity,
	1	Per each employee, plus
	1	Per each three (3) outdoor seats or
	1	Per each 25 square feet designated for outdoor seating.

(13) Restaurants (no seating) building area, plus	1	Per each 100 sq. ft. of total
	1	Per employee. In no instance shall less than ten (10) spaces be provided.

(14) Seasonal Outdoor Dining seats, or	1	Per each three (3) outdoor
	1	Per 25 square feet designated for outdoor seating, plus
	1	Per three (3) of shelf space for stand up eating, plus,
	1	Per employee.

(15) Bars, Cocktail Lounges and Taverns	1	Per each three (3) persons allowed within the (other than fast food restaurants) maximum occupancy load as established by fire and/or building codes, plus
	1	Per each employee.
(16) Commercial Greenhouses and Nurseries	1	Per each 800 sq. ft. of lot area used for said business provided for herein.
(17) Wholesale Stores, Machinery Sales, area, plus	1	Per each 1,000 sq. ft. of floor
or other similar uses	1	Per each employee.
(18) Dance Halls, Assembly Halls, and similar Rental facilities.	1	Per each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.

Use

Per Each Unit of Measure as Follows

(e) Automotive Uses.

(1) Auto Dealerships/Service Stations showroom floor	1	Per each 200 sq. ft. of area, plus
	1	Per each employee, plus
	1	Per each service stall.
(2) Automotive Repair Facilities	2	Per each service stall, plus
	1	Per each employee, plus
	1	Per each service vehicle.
(3) Auto Service Stations without Convenience Stores	1	Per each pump unit, plus
	2	Per each service stall, plus
	1	Per each employee.

(4) Auto Service Stations with Convenience Stores	1	Per each pump unit, plus
	2	Per each service stall, plus
	1	Per each employee, plus
	1	Per each 100 sq. ft. of floor area devoted to retail sales and customer service.
(5) Auto Washes (self-serve)	1	Per each wash stall, plus
	1	Per each vacuum station, plus
	1	Per each employee.
(6) Auto Washes (automatic)	1	Per 200 sq. ft. of floor area of customer waiting and service areas, plus
	1	Per each vacuum station, plus
	1	Per each employee.
(7) Filling Stations, Repair Garages or other plus similar uses	2	Per each stall or service area,
	1	Per each employee.
(f) Office and Service Uses.		
(1) General Hospitals and Mental Health Facilities	1	Per each four (4) beds, plus
	1	Per staff doctor, plus
	1	Per each employee @ peak shift.
(2) Medical and Dental Offices and other similar uses	1	Per each 100 sq. ft. of floor area in waiting rooms, plus
	1	Per each examining room, dental chair or similar.
(3) Business and Professional Offices area.	1	Per each 200 sq. ft. of floor area.
(4) Financial Institutions area	1	Per each 100 sq. ft. of floor area
(5) Barber and Beauty Shops	3	Per chair.

<u>Use</u>	<u>Per Each Unit of Measure as Follows</u>	
(g) Industrial Uses.		
(1) Industrial, Manufacturing and Establishments	1 1	Per each employee, or Per each 800 sq. ft. of floor area (whichever is greater).
(2) Warehouses and Storage Buildings	1 1	Per each employee, or Per each 2,000 sq. ft. of floor area (whichever is greater).
(3) Self Storage Establishments	1	Per every 150 storage units or fraction thereof shall be located adjacent to the office; a minimum of 3 spaces shall be provided.
(4) Contractors Office/Establishments premises.	1 1	Per each employee, plus Per each vehicle stored on the premises.
(5) Auto Wrecking and Salvage Yards premises, plus	1 1 2	Per each employee, plus Per operating vehicle on the premises, Per each acre of land.
(6) Airports, Airstrips and Heliports (local maximum shift,	1 1 1	Per each employee on the maximum shift, Per every vehicle customarily used in operation of the used or stored on the premises, plus Per every 200 square feet of lobby area.

Section 10.5 Off-Street Parking Lot Design and Construction.

The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance and such construction shall be completed and approved by the Zoning Administrator before use of the property as a parking lot and before a Certificate of Occupancy is issued. Unless incorporated in a site plan prepared and approved in accordance with Section 3.5, Site Plan Review, plans for the development of any parking lot must be submitted to the Zoning Administrator, prepared at a scale of not less than fifty (50) feet equals one (1) inch and indicating existing and

proposed grades, drainage, pipe sizes, parking of all dimensions, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used and the layout of the proposed parking lot. Two (2) sets of plans must be submitted.

(a) Illumination. All illumination for all such parking lots shall meet the standards set forth in Section 7.6, Glare and Exterior Lighting.

(b) Ingress/Egress. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles.

(c) Wheel Stops. Where necessary to prevent encroaching upon pedestrian walkway or damaging required landscaping/screening, wheel stops shall be provided. No portion of a parking space and/or maneuvering aisle shall obstruct or encroach upon a public sidewalk.

(d) Construction Standards. Wherever the off-street parking is required, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

- (1) No parking lot shall be constructed unless and until a permit is issued by the Building Inspector. Applications for a permit shall be submitted in such form as may be determined by the Building Department and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
- (2) Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	<u>Maneuvering Lane Width</u>		Parking Space Width	Parking Space Length *
	One-way	Two-way		
D. 0 - Parallel	12 ft	20 ft	10 ft	23 ft
30 - 53	12 ft	20 ft	10 ft	20 ft
54 - 74	15 ft	24 ft	10 ft	20 ft
75 - 90	24 ft	24 ft	10 ft	20 ft

* The parking space length may be decreased when abutting a sidewalk which provides an additional two (2) feet for vehicle overhang.

All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

- (3) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

Ingress and egress to a parking lot lying in an area zoned for other than single-family residential uses shall not be across land zoned for single-family residential use.

- (4) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be located in accordance with the Lenawee County Road Commission standards.
- (5) The off-street parking area shall be provided with a continuous and obscuring wall, fence, or berm in accordance with Section 7.7.

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

- (6) In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
- (7) The Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section, and only where other methods of screening are more conducive or applicable.

Section 10.6 Off-Street Loading Requirements.

On the same premises with every building or part thereof, erected and occupied for any uses involving the receipt or distribution of trucks and/or delivery vehicles, material or merchandise, adequate space for loading and unloading shall be provided in accordance with the following:

(a) Such loading and unloading space, unless completely and adequately provided for within a building, shall be an area ten (10) feet by fifty (50) feet, with fourteen (14) foot height clearance, and shall be provided according to the following schedule.

Gross Floor Area of Building (sq. ft.)	Required Loading & Unloading Spaces
0-2,000	1. None
2,000-20,000	One (1) space
20,000 - 100,000	One (1) space plus one (1) space for each 20,000 sq ft in excess of 20,000 sq ft
100,000 - 500,000	Five (5) spaces plus one (1) space for each 40,000 sq ft in excess of 100,000 sq ft
500,000+	Fifteen (15) spaces plus one (1) space for each 80,000 sq ft in excess of 500,000 sq ft

(b) Double Count. Off-street loading space areas shall not be construed as, or counted toward, the supplying of area required as off-street parking space area.

Section 10.7 Off-Street Stacking Space for Drive-Through Facilities.

All businesses which provide drive-through facilities for serving customers within their automobile shall provide adequate off-street stacking space and lanes which meets the following requirements:

(a) Each stacking space shall be computed on the basis of ten (10) feet in width and twenty (20) feet in length. Each stacking lane shall be a minimum of twelve (12) feet in width.

(b) Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner, which promotes pedestrian and vehicular safety.

(c) For all drive-through facilities which have a single stacking lane, an escape lane shall be provided which allows other vehicles to pass those waiting to be serviced.

(d) The number of stacking spaces per service lane shall be provided for the following uses. When a use is not specifically mentioned, the requirements for off-street stacking space for the similar use shall apply.

<u>*Use</u>	<u>*Stacking Spaces Per Service Lane</u>
Banks	4
Photo Service	4
Dry-Cleaning	4
Fast-Food Restaurants	6
Car Washes (self-service)	
Entry	3
Exit	1
Car Washes (Automatic)	
Entry	6
Exit	2
*Additional stacking spaces and other uses deemed in need of stacking spaces may be required at the discretion of the Planning Commission.	

Section 10.8 Outdoor Storage or Parking of Recreational Vehicles.

In all Residential Districts, two (2) recreational vehicles may be parked or stored, subject to the following conditions:

- (a) Storage or parking shall not be permitted on vacant lots or parcels, except as approved by the Zoning Administrator.
- (b) Unless within a completely enclosed building, two (2) recreational vehicles shall be parked or stored in one of the following manners.
 - (1) Within the side or rear yard.
- (c) No recreational vehicle shall be used for living, sleeping, or housekeeping purposes on any premises for more than seven (7) days.
- (d) No recreational vehicle shall be stored on a public street or right-of-way or private road easement.
- (e) Two (2) recreational vehicles stored outside shall be in a condition for the safe and effective performance of its intended function.

Section 10.9

Requirements for Barrier Free/Accessible Parking Spaces

(a) Where parking is provided the following number of barrier free/accessible parking spaces will be provided.

Total Parking Spaces Provided	Required Minimum Number Of Accessible Spaces
1-25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
More than 1,000	20 plus 1 for each 100 over 1,000
VAN SPACES: For every fraction of eight (8) accessible parking spaces, at least one (1) shall be a van-accessible parking space.	

(b) Barrier Free/Accessible Parking Spaces – Width/Length. Accessible parking spaces are required to be a minimum width of ninety-six (96) inches with an adjacent access aisle of a minimum of sixty (60) inches in width. Total length to be twenty (20) feet at passenger loading zones, and be parallel to the vehicle pull up space. Van-accessible parking spaces require a minimum clear height of ninety-eight (98) inches, as well as an access aisle with a minimum width of ninety-six (96) inches for clearance of operation of van-mounted wheelchair lifting devices and vans with raised roofs.

(c) For other requirements on Barrier Free Design refer to the most recent Michigan Building Code.

ARTICLE 11
ZONING BOARD OF APPEALS

Section 11.1 Creation.

There is hereby established a Zoning Board of Appeals, hereinafter called the "ZBA", which shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006, as amended from time to time, and in such a way that the objectives of this Ordinance shall be observed, the public safety and welfare secured, and substantial justice done.

Section 11.2 Membership and Terms.

(a) Number of Members. The ZBA shall consist of not fewer than five (5) members. They shall be appointed by the Township Board and shall be composed of the following five (5) members whose terms shall be as stated:

- (1) One (1) member shall be a member of the Planning Commission and one (1) shall be a member of the Township Board. The member of the Township Board that serves on the ZBA shall not serve as chairperson of the ZBA.
- (2) The remaining regular and any alternate members of the ZBA shall be selected and appointed from the electors residing in the unincorporated area of the Township at large. The members selected shall be representative of the population distribution and of the various interests present in the Township. Regular members shall meet annually and elect a chairman to serve for the ensuing year.

(b) Terms of Office. The term of office of each member shall staggered for three (3) years except for members serving because of their membership on the Planning Commission, or Township Board, whose terms shall be limited to the time they are members of the Planning Commission, or Township Board respectively, and the period stated in the resolution appointing them, whichever is shorter. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

(c) Employees/Contractors as Members. An employee or contractor of the Township Board shall not serve as a member or an employee of the ZBA.

(d) Removal of Members/Conflict of Interest.

- (1) The Township Board shall provide for the removal of a member of the ZBA for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing.
- (2) A member of the ZBA shall disqualify herself or himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify herself or himself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(e) Alternate Members. The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the ZBA. An alternate member may be called by the chairman of the ZBA to serve as a member of the ZBA in the absence of a regular member, if the regular member will be unable to attend one (1) or more meetings or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the ZBA.

Section 11.3 Meetings.

All meetings of the ZBA shall be held at the call of the Chairman and at such times as such ZBA may determine. All hearings conducted by said the ZBA shall be open to the public. The Chairman, or in his absence, the Vice Chairman, may administer oaths and compel the attendance of witnesses. The ZBA shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicate such fact; and shall also keep records of its hearings and other official action. The ZBA shall maintain a record of its proceedings which shall be filed in the Office of the Township Clerk and shall be a public record. The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it. The ZBA shall not conduct business unless a majority of the members of the ZBA are present.

Section 11.4 Appeal.

An appeal may be taken to the ZBA by any person, firm or corporation, or any officer, department, board, or bureau affected by a decision of the Building Department. Such appeal shall be **in writing** and taken within such time as shall be prescribed by the ZBA, by general rule, by filing with the Building Department, and with the ZBA a notice of appeal, specifying the grounds thereof. The Building Department shall forthwith

transmit to the ZBA all of the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Department certifies to the after the notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by the ZBA or by a court of record on application, on notice to the Building Department and for due cause shown.

The ZBA shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

A fee shall be paid at the time the notice of appeal is filed to the Township Clerk to the credit of the general revenue fund of the Township. The fees to be charged for appeals shall be set by resolution of the Township Board.

Section 11.5 Jurisdiction.

The ZBA shall have the following powers and it shall be its duty:

- (a) To hear and decide on all matters referred to it upon which it is required to pass under this Ordinance.
- (b) Interpret the Ordinance text and map and all matters relating thereto whenever a question arises in the administration of this Ordinance as to the meaning and intent of any provision or part of this Ordinance. Any interpretations shall be in a manner as to carry out the intent and purpose of this Ordinance and zoning map, and commonly accepted rules of construction for ordinances and laws in general.
- (c) To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Building Department in the enforcement of this Ordinance.
- (d) Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties or undo hardships within the meaning of this Ordinance, the ZBA shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Ordinance with such spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Ordinance shall be granted other than in accordance with Section 11.8.

(e) In consideration of all appeals and all proposed variations to this Ordinance, the ZBA shall, before making any variations from the Ordinance in a specific case, first determine that the 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, comfort, morals, or welfare of the inhabitants of the Township. The concurring vote of a majority of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of the Building Department, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.

Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change the Zoning Ordinance or the Zoning Map, or rezone, such power and authority being reserved to the Township Board of Adrian Charter Township in the manner hereinafter provided by law.

Section 11.6 Exercising Powers

In exercising the above powers, the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may take such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Building Department from whom the appeal is taken. However, in the event that the Planning Commission representative has already voted on a matter which is now being appealed to the Board, that member shall abstain from voting at the ZBA.

Section 11.7 Notice

Following receipt of a written request concerning a request for a variance, the ZBA shall fix a reasonable time for the hearing of the request and give notice as provided below:

- (a) The local unit of government shall publish notice of the request in a newspaper of general circulation in the local unit of government.
- (b) Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
- (c) The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:

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

(d) Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than fifteen (15) days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to the occupants of all structures within three hundred (300) feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

Section 11.8 Voiding of and Reapplication for Variances

The following provisions shall apply:

- (a) Each variance granted under the provisions of the Ordinance shall become null and void unless:
 - (1) The construction authorized by such variance or permit has been commenced within three hundred and sixty-five (365) days after the granting of such variance.
 - (2) The occupancy of land or buildings authorized by such variance has taken place within three hundred and sixty-five (365) days after granting of such variance.
- (b) No application for a variance which has been denied wholly or in part by the ZBA shall be resubmitted for a period of three hundred and sixty-five (365) days from such

denial except on grounds of new evidence or proof of changed conditions found by the ZBA to be valid.

Section 11.10 Appeals to Circuit Court

(a) The decision of the ZBA rendered pursuant to this Article shall be final. However, a person having an interest affected by the decision may appeal to the Circuit Court. Appeal shall be filed with the Circuit Court within thirty (30) days of the ZBA decision

ARTICLE 12

REPEAL OF EXISTING ZONING ORDINANCE

Section 12.1 Repeal

Any ordinance or parts of any ordinance in conflict with any of the provisions are hereby repealed. The adoption of this Ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of the aforementioned Ordinance, as amended, if the use so in violation is in violation of the provisions of this Ordinance.