

# **VEVAY TOWNSHIP ZONING ORDINANCE**

**Ordinance 68  
Amended Through 68.24  
Adopted June 2, 2008**

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**Amended Through  
Ordinance 68.55  
July 12, 2023**

***Vevay Township  
Ingham County, Michigan***

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# **CHAPTER 1**

## **TITLE, PURPOSE, SCOPE AND LEGAL BASIS**

### **SECTION 1.00      TITLE**

This Ordinance shall be known and may be cited as the "Vevay Township Zoning Ordinance", "this Ordinance", "the Ordinance", or phrased in similar fashion. In all cases, such terms and phrases shall refer to the Vevay Township Zoning Ordinance.

### **SECTION 1.01      PURPOSE**

- A. This Ordinance is based upon the Vevay Township Master Plan and provides for the establishment of zoning districts and district uses, standards, and regulations designed to promote the public health, safety and general welfare; to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; to conserve natural resources and energy, to meet the needs of the State's citizens for food, fiber and other natural resources, places of residence, recreation, agriculture, industry, trade, service and other uses of land; to insure that uses of land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties.
- B. This Ordinance is adopted with reasonable consideration, among other things, of the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

### **SECTION 1.02      SCOPE**

- A. Zoning affects all structures and land uses within the township.
- B. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party.
- C. Where this Ordinance imposes greater restrictions, limitations, or requirements upon the use of buildings, structures, or land; the height of buildings or structures; lot coverage; lot areas; yards or other open spaces; or any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

### **SECTION 1.03      LEGAL BASIS**

This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

**SECTION 1.04 REPEAL**

- A. The Township of Vevay Zoning Ordinance, Ordinance 17 adopted November 15, 1985, as amended, and any prior zoning ordinances of Vevay Township are hereby repealed effective coincident with the effective date of this Ordinance. The repeal of these ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture or liability incurred under that ordinance, or any part thereof, and that ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of any penalty, forfeiture or liability.
- B. Conditions which have been attached to land, buildings, structures, and uses resulting from actions under a prior ordinance shall remain in effect unless specifically waived by this Ordinance, or through proper amendment, subject to the requirements of this Ordinance.

**SECTION 1.05 SEVERABILITY**

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, that ruling shall not affect any other provisions of this Ordinance not specifically included in the ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building or structure, that ruling shall not affect the application of that provision to any other parcel, lot, use, building or structure not specifically included in the ruling.

**End of Article 1**

## **CHAPTER 2 DEFINITIONS**

### **SECTION 2.01      RULES APPLYING TO TEXT**

- A. The particular shall control the general.
- B. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- C. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- D. A "building" or "structure" includes any part thereof.
- E. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. Gender related words, such as "he" and "him" include "she" and "her," or other similar uses of gender.
- F. All words and phrases shall be construed and understood according to the common preferred use of the language; but technical words and phrases as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to their peculiar and appropriate meaning.
- G. If the meaning of this Ordinance is unclear in a particular circumstance, then the body charged with interpreting or applying the Ordinance shall construe the provision to carry out the intent of the Ordinance, if the intent can be discerned from other provisions of the Ordinance or law.
- H. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
  - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
  - 2. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
  - 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- I. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the Township or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday observed by the Township.
- J. With the exception of this Chapter, the headings which title a Chapter, Section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- K. The following listed terms and words are defined for the purpose of their use in this Ordinance. These definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

### **SECTION 2.02      DEFINITIONS – A**

#### **ACCESSORY USE BUILDING**

An accessory use building is not a dwelling, or principal business operation. An accessory use building must be located on a lot with a main building and is a subordinate or supplemental building, or a portion thereof, devoted to ancillary use(s) supporting the main building and use

of the lot. (See ACCESSORY USE.) An Accessory Use Building shall not be a shipping or cargo container.

#### ACCESSORY USE

A use naturally and normally incidental and subordinate to, and devoted exclusively to, the use of the main building and lot.

#### ADULT FOSTER CARE FACILITY

A facility defined by the Adult Foster Care Facility licensing act (PA 218 of 1979, MCL 400.701 et.seq.), as amended, having as its principal function the receiving of adults for foster care. A facility includes facilities and foster care family 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.

- A. Adult Foster Care Family Home. A private residence in which the licensee is a member of the household and an occupant, providing foster care for five (5) or more days a week and for two (2) or more consecutive weeks with the approved capacity to receive six (6) or fewer adults.
- B. Adult Foster Care Small Group Home. An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
- C. Adult Foster Care Large Group Home. An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.

#### AGRICULTURE / AGRICULTURAL OPERATION

The cultivating or use of land, including but not limited to associated buildings, equipment, machinery, vehicles, drainage systems, dryers, fencing, application of fertilizers and pesticides, pest control, and the management, storage, transport, utilization, and application of farm by-products including manure, for the commercial production of farm products including but not limited to pasturage, floriculture, dairying, horticulture, forestry, field crop and fruit farming, nursery stock, trees and tree products, mushrooms, and livestock and poultry husbandry. "Agriculture" shall not be interpreted to include kennels, commercial stables, and similar activities that do not comprise the commercial production of farm products.

#### AGRICULTURAL BUILDINGS

A structure designed and constructed to house farm implements and farm vehicles, hay, grain poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.

#### AGRICULTURAL SERVICE ESTABLISHMENTS

Establishments primarily engaged in supplying soil preparation services, crop services, horticultural services, and farm labor and management services.

#### AGRITOURISM (Agricultural Tourism)

An activity associated with and dependent on agriculture and/or a farm setting, that enables members of the general public, for recreational, entertainment, or educational purposes, to view or participate in such activity. An activity may constitute agritourism irrespective of whether a fee is paid for such viewing or participation. Examples of agritourism include bakeries that fundamentally rely on products cultivated on the agricultural property, bonfires, cooking demonstrations, corn mazes, fishing ponds, haunted barns, wineries, distilleries, petting farms, and cider mills. An activity that constitutes a "farm market" as defined in this Ordinance shall not be construed as "agritourism."

## AIRPORT

Any location which is used for the landing or taking 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 acquired for airport buildings or other airport facilities, and all appurtenant rights-of-way,

## AIRPORT HAZARD

Any structure or tree within the airport hazard area which exceeds the height limitations established by this Ordinance, or any use of land or appurtenances within the airport hazard area which interferes with the safe use of the airport by aircraft.

## AIRPORT HAZARD AREA

Any area of land or water, or both, lying within a one (1) mile radius from the established center of the City of Mason Jewett Airport in which an hazard might exist if not prevented by this Ordinance.

## ALTERATIONS

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

## ANIMAL EQUIVALENCY

A measurement used in the design of animal waste management systems. A one-thousand (1,000) pound steer is the standard; the equivalent number of any other type of livestock is considered one animal unit. The Table below shows the number of livestock that would constitute one-thousand (1,000) animal units and three hundred (300) animal units. The number of animal units for an operation that has more than one kind of animal is computed by multiplying the animal unit factor for each kind of animal times the number of animals and then summing the animal units for all the animals.

**ANIMAL EQUIVALENCY**

<b>Animal Type</b>	<b>Number of Animal Units Per Animal</b>	<b>Equivalent to 1000 Animal Units</b>	<b>Equivalent to 300 Animal Units</b>
Slaughter and feeder cattle	1.0	1,000	300
Mature dairy cattle	1.4	715	215
Swine weighing over 55 pounds	0.4	2,500	750
Swine weighing under 55 pounds	0.2	5,000	1,500
Sheep or lambs	0.1	10,000	3,000
Horses	2.0	500	150
Laying hens or broilers with continuous over flow watering	0.01	100,000	30,000
Laying hens or broilers with liquid manure handling systems	0.0333	30,000	9,000
Turkeys	0.0182	55,000	16,500
Ducks	0.02	50,000	15,000
All other animals based on 1,000 pounds live weight	1.0	1,000	300

## ANIMAL HOLDING AREA

An outdoor area for the confinement of animals including but not limited to a corral, paddock, arena or pasture.

## ANIMALS, WILD AND EXOTIC

Any living member of the animal kingdom, including those born or raised in captivity, except the following:

1. Domestic dogs (excluding hybrids with wolves, coyotes, or jackals)
2. Domestic cats (excluding hybrids with ocelots or margays)
3. Ferrets
4. Rodents
5. Caged, non-venomous snakes
6. Captive-bred species of common cage birds.

## ARCHITECTURAL FEATURES

Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments, such as recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure.

*(Ord. 68.01, 3-2-08; Ord. 68.22, 8-11-14)*

## **SECTION 2.03      DEFINITIONS – B**

### BASEMENT OR CELLAR

A portion of a building, partly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

### BED AND BREAKFAST ESTABLISHMENT

A use within a single-family dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

### BERM

A mound of soil graded, shaped and improved with landscaping which may or may not be used for screening.

### BILLBOARDS – See SIGNS

### BOARD, TOWNSHIP – See TOWNSHIP BOARD

### BREEZEWAY

Any structure connecting the principal dwelling unit with a freestanding accessory building.

### BUFFER ZONE

A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties.

## BUILDABLE AREA

The space remaining within a lot after the minimum setback and open space requirements of this Ordinance have been met.

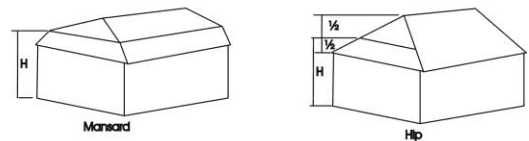
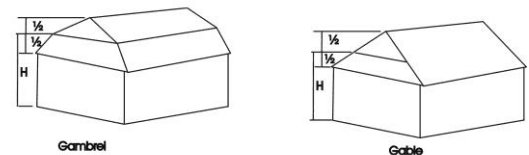
## BUILDING

A permanent building having a foundation and roof supported by columns, walls, or any other support used for the enclosure of persons, animals, or belongings owned by the building owner, or carrying on business activities or other uses by the owner.

1. Types of buildings include the following: houses; apartments; hotels; motels; enclosed stadiums and arenas; enclosed shopping malls; factory and office buildings; warehouses; barns; enclosed garages; enclosed transportation stations and terminals; and stores, etc.
2. When any building portion is completely separated from every other part by division of walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.
3. A building shall not be a shipping/cargo container, shed, gazebo, hunting blind, or temporary seasonal roadside structures utilized as student bus stop shelters.

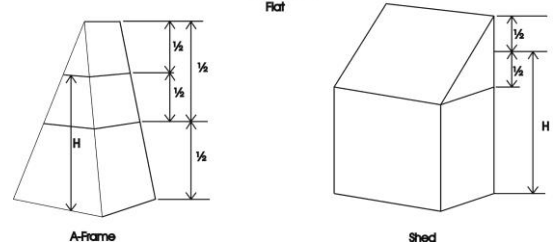
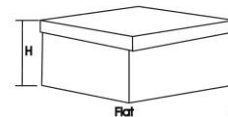
## BUILDING HEIGHT

The vertical distance measured from the average grade 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 ridge of gable, hip and gambrel roofs.



## BUILDING, MAIN

A building in which is conducted the principal use of the lot on which this building is situated. A main building is a dwelling or principal place of business. A main building is not an accessory use building and shall not be a shipping or cargo container, motorhome, mobile home, etc.



## BUSINESS CENTER

Any two (2) or more businesses which meet one (1) of the following:

- a. Are located on a single parcel of property.
- b. Are connected by common walls, partitions, canopies, or other structural members to form a continuous building or group of buildings.
- c. Are under one (1) common ownership or management and have a common arrangement for the maintenance of the grounds.
- d. Share a common parking area.
- e. Otherwise present the appearance of a single, contiguous business area.



## **SECTION 2.04      DEFINITIONS – C**

### **CAR PORTS – DETACHED**

A car port, that is anchored to the ground, with no foundation, exceeding 200 square feet shall be considered an accessory use structure.

### **CHILDREN'S SCHOOL BUS SHELTER**

A single shelter of no more than 32 square feet, may be used as a seasonal school bus stop shelter.

### **CLEARING OF LAND**

The removal of vegetation from any site, parcel or lot except when land is cleared and cultivated for bona fide, forestry, agricultural or garden use in a district permitting such use. Mowing, trimming, pruning or removal of vegetation to maintain it in a healthy, viable condition is not considered clearing.

### **CLINIC**

A building or group of buildings where human patients are admitted for examination and treatment by a professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

### **CLUB**

An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, hobbies, politics, or the like, but not operated for profit.

### **COMMISSION, PLANNING**

As used in this Ordinance, this term means the Vevay Township Planning Commission.

### **COMMON AREA**

That part of a condominium development in which all members have an ownership interest, including but not limited to streets, alleys, walkways and open space.

### **CONDOMINIUM ACT**

Public Act 59 of the Michigan Public Acts of 1978 (MCL 559.101 et. seq.) as amended.

### **CONDOMINIUM UNIT**

That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed of the condominium project.

### **CONSERVATION EASEMENT**

A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

## **SECTION 2.05      DEFINITIONS – D**

### **DAY CARE FACILITY**

- A. Family Day Care Home. A single family residence, occupied as such, in which care is provided for more than one (1) but less than (7) minor children or adults for periods of less than

twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the family occupying the dwelling is excluded from this definition.

- B. Group Day Care Home. A single family residence, occupied as such, in which care is provided for at least seven (7) but not more than twelve (12) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.
- C. Commercial Day Care Facility. A facility, other than a private residence, receiving minor children or adults for care for periods of less than 24 hours in a day, for more than two (2) weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered Commercial Day Care.

## DEED RESTRICTION

A restriction on the use of a lot or parcel of land that is set forth in the property deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.

## DECK

An unroofed structure used for outdoor living purposes which may or may not be attached to a building and which protrudes more than four (4) inches above the finished grade.

## DENSITY

As applied in this Ordinance the number of dwelling units situated on or to be developed on a gross acre of land.

## DISTRICT, ZONING

A portion of the Township within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

## DRIVE-THROUGH ESTABLISHMENT

A commercial establishment whose retail/service character is significantly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in or momentarily stepped away from the vehicle. Examples include banks, cleaners, and restaurants, but not including vehicle service stations.

## DRIVEWAY, PRIVATE

An improved or unimproved path extending from a public right-of-way to a single building, dwelling, or structure, intended to provide ingress and egress primarily for occupants thereof.

## DWELLING, OR DWELLING UNIT

Any building or portion thereof having cooking and housekeeping facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or temporarily, but in no case shall a motor home, trailer coach, garage, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the applicable provisions of this Ordinance.

- A. Dwelling, Multiple Family. A building or portion thereof, used or designed for use as a residence for three (3) or more families living independently of each other and each doing their own cooking and housekeeping.
- B. Dwelling, Two-Family. A detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking and housekeeping. It may also be termed a duplex.

**SECTION 2.06      DEFINITIONS – E**

**EASEMENT**

A right of use over the property of another, for example the right to cross property with facilities such as, but not limited to, driveways, roads, utility corridors, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for open space, recreation, drainage or access purposes.

**ELDERLY**

A single person who is 55 years of age or older or a household where at least one member is 55 years of age or older and all other members are at least 50 years of age or older. [MCL 125.1411(o)]

**ERECTED**

The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for a building or structure. Excavations, fill, drainage, and the like associated with the structure shall be considered a part of the term “erect” or “erected.”

**ESSENTIAL SERVICES**

- A. The operation by public utilities, municipal departments or commissions, or any governmental agencies, of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare.
- B. Essential services does not include buildings other than such buildings that are primarily enclosures or shelters of the above essential service equipment, and shall not include power generating facilities.
- C. The term shall not include wireless communication towers, unless located on public property and used as part of a governmental emergency communications network.

**EXCAVATION**

Any breaking of the ground to hollow out by cutting, digging, or removing any soil or rock matter.

**SECTION 2.07      DEFINITIONS – F**

**FAMILY**

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or

- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit.
- C. This definition shall not include any society, club, fraternity, sorority, association, halfway house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

#### FARM MARKET

A place or an area where transactions between a farm market operator and customers take place on a seasonal or year-round basis, where at least 50 percent of the products marketed and offered for sale at the farm market including processed products, measured as an average over the farm market's marketing season or up to a five-year timeframe, are produced on and by a farm which is under the same ownership as the farm market itself. A farm market need not be located on the farm where the products for sale are produced, but the farm market site shall be under same ownership or lease as such farm and located in a district that authorizes agriculture. A farm market need not necessarily include a physical structure and may be commonly referred to as a roadside stand. The Farm Market GAAMPS prepared by the Michigan Commission of Agriculture and Rural Development shall be used as guidelines where a question may arise as to whether a particular activity or use constitutes a farm market under this definition.

#### FENCE

Any permanent or seasonal partition, wall, or structure erected for the purpose of separating, screening, enclosing or protecting property.

#### FILLING

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

#### FLOOD OR FLOODING

A general and temporary complete inundation of normally dry land area from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

#### FLOOD HAZARD AREA

That area subject to flooding, on the average of at least once in every one hundred (100) years as established by the Federal Emergency Management Agency.

#### FLOOD HAZARD BOUNDARY MAP (FHBM):

All areas within one thousand (1,000) feet of the Sycamore, Willow and Mud Creeks and five hundred (500) feet from the edge of any county drain easement or the official map of the community issued by the Federal Insurance Administration where the boundaries of the areas of special flood hazards have been designated as Zone A<sub>1</sub> whichever is greater.

#### FLOOD INSURANCE RATE MAP (FIRM):

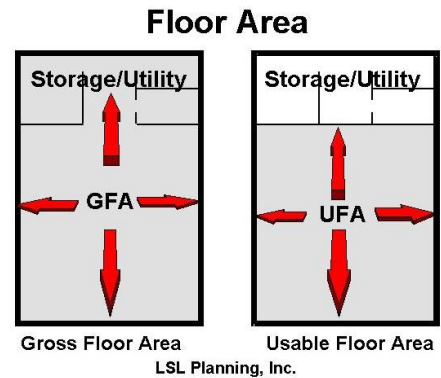
An official map of the community on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

## FLOOD INSURANCE STUDY

The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the flood hazard boundary-floodway map and the water surface elevation of the base flood.

### FLOOR AREA, GROSS (GFA)

- A. The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The gross floor area of a building shall include the basement floor area only if more than one-half (1/2) of the basement height is above average finished lot grade. (See also Basement)
- B. Gross Floor Area shall not include attic space having headroom of seven-and-one-half (7-1/2) feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breezeways, porches, or attached garages are not included.



### FLOOR AREA, USABLE (UFA)

- A. That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area in non-residential structures.
- B. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

## FRONTAGE

The horizontal distance between the side lot lines measured at the street right-of-way or easement line.

## FOUNDATION

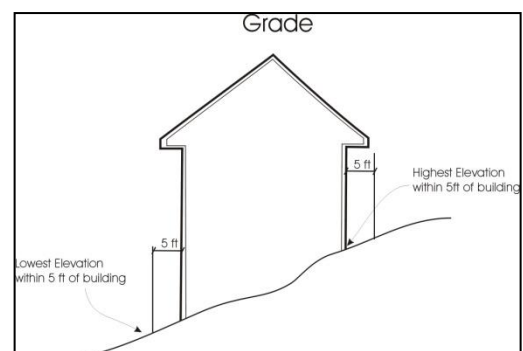
Part of a structural system that supports and anchors the superstructure of a building and transmits its loads directly to the earth and the bottom of the foundation must be below the frost line.

(Ord. 68.22, 8-11-14)

## SECTION 2.08 DEFINITIONS – G

### GRADE

The ground elevation established for the purpose of regulating the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not



entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

## **SECTION 2.09      DEFINITIONS – H**

### **HAZARDOUS SUBSTANCE**

Any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or harmful to the health of any person handling or otherwise coming into contact with such material or substance.

### **HOME OCCUPATION**

An occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling. Without limiting the foregoing, a single-family residence used by an occupant of that residence to give instruction in a craft or fine arts within the residence shall be considered a home occupation.

### **HOSPITAL**

An institution providing health services, primarily for in-patients and medical or surgical care including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

### **HOTEL**

See Motel.

### **HOUSEHOLD PETS**

Any domesticated dog, cat or other animal kept for protection, companionship or hunting purposes; provided they are not kept, bred or maintained for commercial purposes.

## **SECTION 2.10      DEFINITIONS – I**

### **INDOOR RECREATIONAL FACILITY**

The term “indoor recreational facility” means any establishment (except health/fitness clubs or banquet hall/catering establishments), whose main purpose is to provide for recreational use conducted entirely within a building, including, by way of example: arcade, athletic center, basketball court, batting cages, billiard hall, bowling alley, climbing tower, firing range, gymnasium, pool, handball, tennis, or racquet ball court, ice or roller skating rink, trampoline facilities, volleyball court, and similar uses. However, any indoor recreational use shall not include motorized recreational vehicles that discharge or emit exhaust fumes and/or hydrocarbons from gas or petroleum fuel powered combustion engines.

### **INOPERATIVE MOTOR VEHICLE**

A motor vehicle which is unregistered, unlicensed, uninsured and/or incapable of being operated under its own power.

*(Ord. 68.13, 5-14-12)*

## **SECTION 2.11      DEFINITIONS – J**

### **JUNK**

For the purpose of this Ordinance, this term shall mean any junk vehicles, machinery, appliances, products, or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

### **JUNK MOTOR VEHICLE**

A junk motor vehicle is any motor vehicle:

1. Which is not currently licensed for use upon the highways of this State;
2. Which does not display a current, valid license plate;
3. Which is for any reason disabled or not lawfully operable;
4. Which has remained on the premises of another without the consent of the owner or occupant of the property or after the consent of the owner or occupant of the property has been revoked.

<sup>B.</sup>

### **JUNK/SALVAGE YARD**

The term “junk/salvage yard” means a land use and activity where junk, waste, scrap metals, and junk motor vehicles or parts thereof are sold, stored, exchanged, bailed, or packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, tires, bottles, appliances and construction materials.

*(Ord. 68.10, 10-3-11)*

## **SECTION 2.12      DEFINITIONS – K**

### **KENNEL**

Any lot or premises on which four (4) or more dogs, six (6) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or sale.

## **SECTION 2.13      DEFINITIONS – L**

### **LAND**

Includes water and air space superjacent to land and natural products and deposits that are unsevered from the land. Natural products and deposits, such as crops, water, ores, and minerals, cease to be real property when they are severed, extracted, or removed from the land.

### **LAND DIVISION ACT**

Public Act 288 of the Michigan Public Acts of 1967, as amended (MCL 560.101 et. seq.).

### **LANDMARK TREE(S)**

A tree(s) commonly recognized as an established and familiar feature of the Township or as a significant part of the Township’s heritage. Landmark trees tend to be larger in girth than other trees of the same species in the area. The trees are a prominent part of the landscape.

## LIVING SPACE

That part of a dwelling that is normally occupied including bedroom, kitchen, bathroom and gathering areas it excludes storage areas such as closets, attics and garages. In order for a basement to qualify as living space, it must have a second form of egress under the building code.

## LIVESTOCK

Those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock does not include dogs, or cats, or horses.

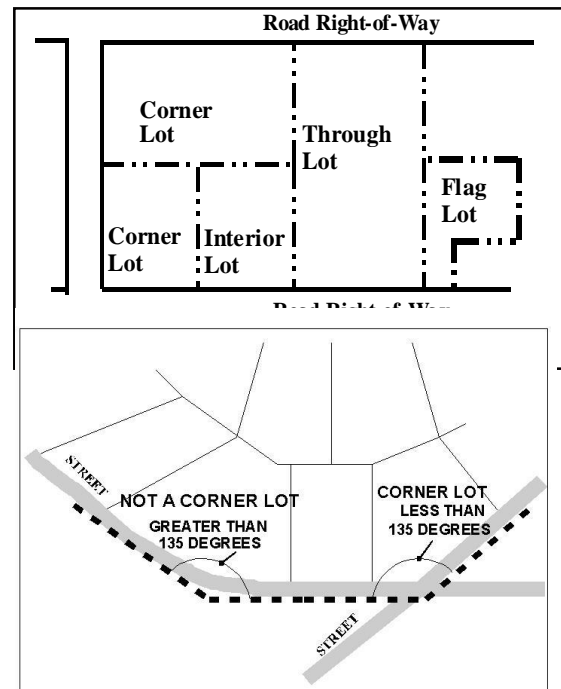
## LOADING SPACE

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

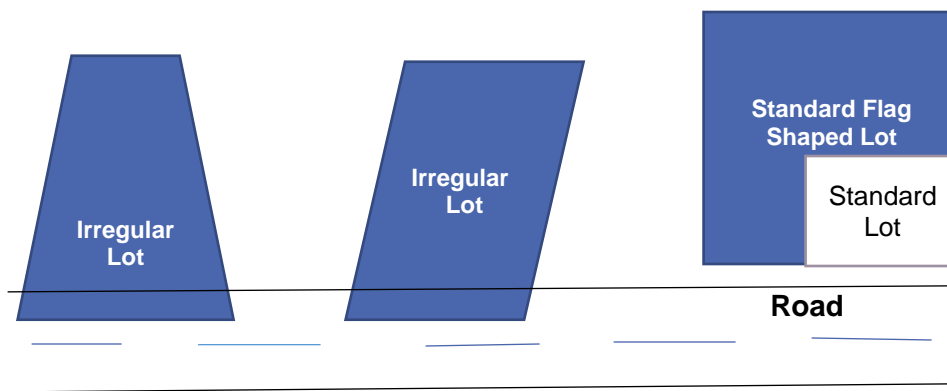
## LOT

A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership or use.

- A. Lot Area. The total area encompassed within the boundary lines of a parcel or piece of property
- B. Lot, Corner: A lot which has at least two contiguous sides abutting upon a road for their full length, provided that the interior angle at the intersection of such two sides is less than 135 degrees.
- C. Lot, Depth. The distance between the front and rear lot lines, measured along the median between the side lot lines, or the two (2) front lines of a double frontage lot.
- D. Lot, Double Frontage (Through). Any lot, excluding a corner lot, which fronts on two (2) streets
- E. Lot, Flag. A Flag Lot contains a portion that is not within the road frontage width. The property side-lot lines of a Flag Lot do not extend in an uninterrupted straight line to the back-lot property line. The flag portion of the parcel may, or may not, parallel the road frontage but is never adjacent to the road. The Flag Lot is created when the "flag" portion extends behind or around other parcels that have road frontage.
- F. Lot, Interior. A lot other than a corner lot with only one (1) lot line fronting on a street.
- G. Lot, Irregular. The term irregular lot shall mean a lot which is neither in the shape of a rectangle or square. Examples of irregular lots shown below:







## LOT COVERAGE

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, but not including parking lots.

## LOT LINES

The property lines or other described lines bounding the lot.

- A. Front Lot Line. In the case of an interior lot, the front lot line shall mean the line separating such lot from such street right-of-way or easement.

In the case of a corner or through lot, each lot line separating the lot from a right of way shall be considered a front lot line.

- B. Rear Lot Line. Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot.

In the case of an irregular or triangular-shaped lot, a line at least ten (10) feet in length entirely within the lot, parallel to, and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard.

In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.

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

## LOT OF RECORD

A lot which exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, which has been so recorded as required by law prior to the adoption of this ordinance.

## LOT WIDTH

Unless provided elsewhere in this Ordinance, the shortest, continuous, and straight line distance between the side lot lines, as measured along the road right-of-way line providing access to the lot and extending from the right-of-way line and continuing toward the rear lot line a minimum distance equal to the required front yard setback. In the case of a lot that has one (1) or more side lot lines that intersect with but are not perpendicular to the road right-of-way line, lot width shall be measured as the shortest, continuous, and straight line distance between the side lot lines, as measured from one side lot line to the other side lot line at the point where one (1) of the side lot lines intersects with the right-of-way line.

(Ord. 68.17, 7-14-14)

## **SECTION 2.14      DEFINITIONS – M**

### **MAIN BUILDING**

A building in which is conducted the principal use of the lot upon which the building is situated.

### **MANUFACTURED HOME**

A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on a flat bed or other trailer, and further designed to be occupied as a dwelling without the necessity of further substantial construction or alteration except for incidental assembly, unpacking, foundation work or construction, utility connections, skirting construction, site preparation and other minor work, construction or installation.

### **MANUFACTURED HOUSING COMMUNITY**

A parcel or tract of land under the control of a person upon which two (2) or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

### **MANUFACTURED HOME SPACE**

A plot of ground within a manufactured housing community designed for the placement of one (1) manufactured home.

### **MASTER PLAN**

The Master Plan currently adopted by Vevay Township, including graphic and written materials and includes any unit or part of such plan as may be amended from time to time.

### **MEZZANINE**

An intermediate or fractional story between the floor and ceiling of a main story occupying not more than one-third (1/3) of the gross floor area of such main story.

### **MINI PARK**

A park, as defined by the Michigan Department of Natural Resources, which is between two thousand five hundred (2,500) square feet and one (1) acre in size which addresses limited or isolated recreational needs.

### **MINI STORAGE**

A building or group of buildings in a controlled access or fenced area that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are not used on a daily basis.

### **MOTEL**

A series of attached, semi-attached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

## **SECTION 2.15      DEFINITIONS – N**

### **NATURAL FEATURES**

Natural features shall include, but not be limited to: soils, wetlands, woodlots, floodways, landmark trees, overgrown fence rows, water bodies, topography, vegetative cover, steep slopes, or other significant features identified by the Planning Commission, Township Board or State of Michigan Natural Features Inventory.

### **NATURAL VEGETATIVE COVER**

Significant natural vegetation, including bushes, shrubs, groundcover, and trees, on a lot or parcel. A groomed lawn shall not qualify as natural vegetative cover.

### **NON-CONFORMING BUILDING OR STRUCTURE**

A building, structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not conform to the provisions of this Ordinance in the Zoning District in which it is located.

### **NON-CONFORMING LOT**

A lot that conformed with all Township zoning requirements at the time of its creation which no longer conforms to the requirements for lot area or lot width, and which has not been subdivided or reduced in size.

### **NON-CONFORMING USE**

A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereof, and that does not conform to the use regulations of the Zoning District in which it is located.

### **NUISANCE**

An offensive, annoying, unpleasant, or obnoxious thing or practice being a cause or source of annoyance.

### **NURSING HOME**

A home licensed under applicable State law for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, where care is provided for compensation.

### **NURSERY**

A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants. The definition of nursery within the meaning of this Ordinance does not include any temporary space, building or structure used for the sale of fruits, vegetables or cut Christmas trees.

## **SECTION 2.16      DEFINITIONS – O**

### **OPEN AIR BUSINESS**

Uses operated substantially in the open air, including, but not limited to:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services.
- B. Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.

- C. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- D. Flea Markets.

#### OPEN SPACE PRESERVATION DEVELOPMENT

A development in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space on-site.

#### OPEN SPACE

Undeveloped land not part of any required yard which is set aside in a natural state or for an agricultural use.

#### OPEN SPACE, COMMON

Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

#### OPEN SPACE, DEDICATED

Common open space permanently dedicated by a recorded deed restriction or covenant.

#### OPEN SPACE, USABLE

That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation or agriculture.

#### OUTDOOR WOOD STOVE OR WOOD FURNACE

A bio-fuel burning, mechanical device which is accessory to and situated outside a building and is used for heating. Also known as outdoor furnaces, or boilers.

#### OUTDOOR RECREATION

Uses which provide continuous, intermittent or seasonal recreation and/or entertainment-oriented activities largely in an outdoor setting, including but not limited to; amusement and water parks, theme parks, fairgrounds, zoos, golf driving ranges, miniature golf facilities, animal racing, go-cart, automobile or motorcycle tracks, amphitheaters, air gun or survival games, batting cages, ski slope, and skate board parks.

### **SECTION 2.17      DEFINITIONS – P**

#### PARKING LOT

A facility (not including parking for single and two-family units) providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two vehicles.

#### PARKING SPACE

An off-street space exclusive of necessary driveways, aisles, or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

#### POND

A body of water with a natural bottom which holds water for an extended period of time.

#### PLANNED UNIT DEVELOPMENT (PUD)

A development approval under the provisions of this Ordinance that permits certain flexibility in use, lot dimensions, and other development requirements for certain purposes as defined by the Zoning Act and this Ordinance.

PLANNING COMMISSION – See COMMISSION, PLANNING

#### PRINCIPAL USE

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

#### PUBLIC UTILITY

Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications (except cellular telephone or commercial wireless communications towers), telegraph, water services, or sanitary sewer.

### **SECTION 2.18      DEFINITIONS – R**

#### RECREATION VEHICLE

A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

#### REAL PROPERTY

Land and improvements to land. Improvements to land means inherently permanent structures and their structural components.

#### RELIGIOUS INSTITUTION

Religious institutions primarily provide meeting areas for religious activities and may include a convent (group housing), caretaker housing, or a parsonage on site.

#### ROADSIDE STAND

See definition of “Farm Market”.

#### ROOF LINE

The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

*(Ord. 68.22, 8-11-14)*

### **SECTION 2.19      DEFINITIONS – S**

#### SATELLITE DISH

A parabolic dish designed for the purpose of transmitting and/or receiving microwave radio, television, satellite, or other electromagnetic energy signals, including as a part of the apparatus or device the main reflector, subreflector feed, amplifier and support structure.

## SCREEN

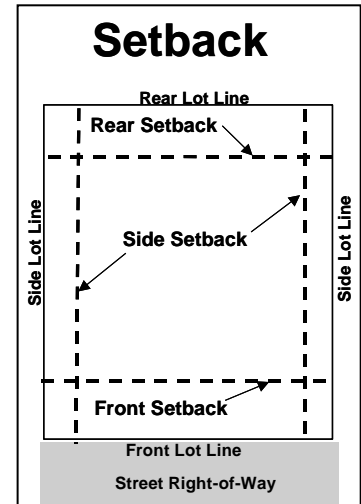
A structure or vegetation providing a visual barrier such as a fence, hedge, or berm.

## SETBACK

The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes an area termed the required setback area on a lot or parcel.

## SETBACK LINES

- A. Front Setback Line. The line marking the required setback distance from the front lot line or street right of way line, as applicable, that establishes the minimum front yard setback area.
- B. Rear Setback Line. The line marking the required setback distance from the rear lot line which establishes the minimum rear yard setback area.
- C. Side Setback Line. Lines marking the required setback distance from the side lot lines which establish the minimum side yard setback area.



## SEXUALLY ORIENTED BUSINESSES (definitions relating to):

- A. Adult Bookstore or Adult Video Store: An adult bookstore or adult video store means a commercial establishment which has a substantial portion of its stock in trade for sale or rent, for any form of consideration, any one or more of the following items:
  1. Books, magazines, periodicals or other printed matter, or photographs, pictures, films, motion pictures, video cassettes, video tapes, any material in digital format [including, but not limited to compact discs (CDs) or digital video discs (DVDs), greeting cards, or video reproductions, slides, or other visual representations or electronic media or other merchandise which is predominantly distinguished or characterized by an emphasis on depiction or description of "specified anatomical areas" or "specified sexual activities"; or
  2. Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities".
  3. A commercial establishment may have other stock in trade which does not involve the offering for sale or rent of merchandise depicting or describing "specified anatomical areas" or "specified sexual activities" and still be categorized as an adult bookstore or adult video store. Such other stock in trade will not serve to exempt such a commercial establishment from being characterized as an adult bookstore or adult video store so long as a substantial portion of the commercial establishment's stock in trade is the offering for sale or rental for consideration the specified merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of "specified anatomical areas" or "specified sexual activities".
- B. The phrase a substantial portion of its stock in trade shall be construed with reference to all relevant factors, including, but not limited to one or more of the following:
  1. Fifteen percent (15%) or more of the commercial establishment's gross sales area is used for the sale of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of "specified anatomical areas" or "specified sexual activities".
  2. For purposes of this Section, gross sales area is defined as the floor area within the inside perimeter of the exterior walls of the commercial establishment, exclusive of vent shafts and courts, storage, stock, office, and shipping areas, without deduction for corridors, display

fixtures, stairways, public restrooms closets, the thickness of interior walls, columns or other features.

3. Fifteen percent (15%) or more of the commercial establishment's stock in trade (inventory) is comprised of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of "specified anatomical areas" or "specified sexual activities".
  4. Fifteen percent (15%) or more of the commercial establishment's gross revenues are generated by the sale or rental of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of "specified anatomical areas" or "specified sexual activities".
- C. Adult Cabaret: An adult cabaret means a nightclub, restaurant, or other similar commercial establishment which regularly features or displays:
1. Persons who appear in a state of nudity; or
  2. Live performances predominantly distinguished or characterized by an emphasis on the exposure of any "specified anatomical areas" or "specified sexual activities"; or
  3. Films, motion pictures, video cassettes, videotapes, any material in digital format (including, but not limited to compact discs (CDs) or digital video discs (DVDs)), slides, other photographic reproductions or visual media which are predominantly distinguished or characterized by an emphasis on the depiction or description of an "specified anatomical areas" or "specified sexual activities".
- D. Adult Motion Pictures Theater: An adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, videotapes, any material in digital format [including, but not limited to compact discs (CDs) or digital video discs (DVDs)], slides, or similar photographic reproductions or visual media are regularly featured which are predominantly distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified anatomical areas" or "specified sexual activities". This definition includes, but is not limited to, commercial establishments that offer individual viewing booths.
- E. Massage establishment: any building, room, place or establishment where body massage is regularly practiced on the human body, to club members or to the general public, for a charge. The term "massage establishment" includes, but is not limited to massage parlors, health clubs, sauna baths and steam baths if massages are performed at those locations. The term "massage establishment" shall not include:
1. Hospitals, nursing homes, medical clinics;
  2. The office of a state-licensed physician, surgeon, physical therapist, osteopath or chiropractor;
  3. The establishment of a barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state, or another state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties in which massages are administered only to the scalp, face, neck, hands, feet or shoulders;
  4. The establishment of a myomassologist who is a current member of the American Massage Therapy Association or other national massage therapy organization with comparable prerequisites for certification; or
  5. A nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational or athletic facility for the welfare of the residents of the area.
- F. Sexually Oriented Business: An adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial establishment that regularly features the sale, rental, or exhibition for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure of

display of specified sexual activities or specified anatomical areas. For purposes of this Ordinance, an adult physical culture business shall also be considered as a sexually oriented in business.

**G. SHEDS**

A detached structure of less than 200 square feet, for temporary storage with no permanent foundation, on a lot with a main building.

**H. Specified Anatomical Areas:**

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**I. Specified Sexual Activities:**

1. The fondling of any or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
3. Excretory function as part of in connection with any of the activities set for in (1) or (2) above.

**SIGNS – See Chapter 20.**

**SHADE TREE**

A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree.

**SOLAR ENERGY SYSTEM (SES)**

A system consisting of a device or combination of devices, structures or parts thereof, that collect, transfer or transform solar radiant energy into thermal, chemical or electrical energy.

Related terms and definitions for SOLAR ENERGY SYSTEMS are:

LARGE SOLAR ENERGY SYSTEM (LSES): A solar energy system of a utility-scale intended to principally serve property and persons not located on the lot on which the system is located, and which relies on roof mounted and/or ground mounted collection systems that are capable of generating power in excess of 550kW.

SMALL SOLAR ENERGY SYSTEM (SSES): A solar energy system intended to principally serve a single residential unit or business and which relies on roof mounted and/or ground mounted collection systems that is capable of generating 550kW or less.

SOLAR ARRAY: Multiple solar panels combined together to create one system.

SOLAR COLLECTION PANELS: Panels and tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity. Ground mounted solar collection panels are panels attached to the ground by a pole, metal frame or other similar support structure.

**STACKING SPACE**

An area designated for a line of vehicles waiting for drive-through service.



## STATE LICENSED RESIDENTIAL FACILITY

A residential care facility licensed by the State of Michigan under Act 218 of 1979 of the Public Acts of Michigan (MCL 400.701 et. seq.), as amended, or Act 116 of 1973 of the Public Acts of Michigan (MCL 722.111 et. seq.), as amended, which provides resident care services under twenty four (24) hour supervision or care, but does not include facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to correctional institutions.

- A. A State Licensed Residential Family Facility includes a state licensed residential facility providing resident services to six (6) or fewer persons.
- B. A State Licensed Residential Group Facility includes a state licensed residential facility providing resident services to more than six (6) persons.

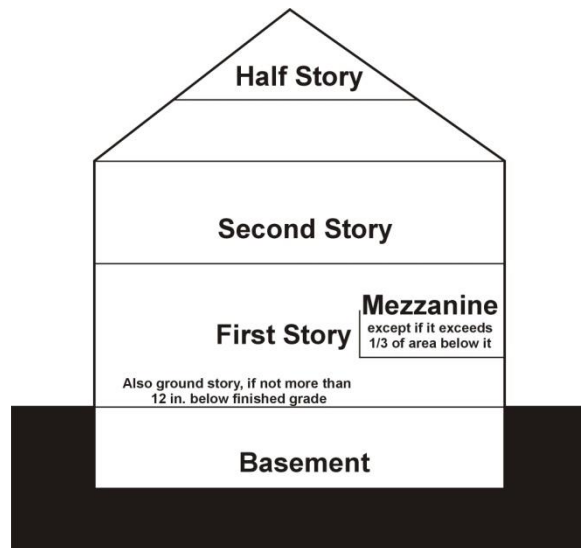
## STRUCTURE

Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

- 1. Permanent Structures other than Buildings: Such structures may include, but are not limited to: solar arrays; windmills; cell, broadcast, and electrical transmission/reception towers; parking facilities; bridges, detached decks, in-ground swimming pools, outdoor advertising displays; and storage structures such as silos, oil and gas storage tanks, etc.

## STORY

That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or, if it is used for business purposes.



## STORY, HALF

That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half ( $\frac{1}{2}$ ) the floor area of a full story, provided the area contains at least two hundred (200) square feet and which contains a clear height of at least seven (7) feet, at its highest point.

## STOP WORK ORDER

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

## STREET RELATED DEFINITIONS:

- A. Cul-de-Sac: A local road of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turn around.

Collector or Arterial Road: Roads that gather traffic from local streets and/or move larger volumes of traffic through the Township. Arterials include: Dansville (M-36), Dexter Trail, Howell, Barnes, College, Kipp, Hull, Eden, Tomlinson, Jewett, Columbia and Eden Roads within the P.U.D. overlay district.

- B. Driveway: A means of access for vehicles from a road or approved alley to a lot.
- C. Local street: A public road with local traffic volumes, the principal use or function of which is to give access to abutting properties.
- D. Private Road: An undedicated, privately controlled and maintained easement or other interest in land that provides the means of access to two (2) or more lots or parcels. The term "road" shall be synonymous with the terms street, avenue, place, way, drive, lane, boulevard, or other thoroughfare.
- E. Public Road Authority: The Ingham County Road Commission or Michigan Department of Transportation having jurisdiction over the roadway.
- F. Right-of-Way: A road, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.
- G. Road Line: The legal line of demarcation between a road and abutting land, which is also known as the edge or furthest extreme of the travel portion of the highway.
- H. Public Street: A publicly-owned thoroughfare which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

## STRUCTURE

Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

*(Ord. 68.16, 7-14-14; Ord. 68.21, 8-11-14) (Ord. 68.54, 6-14-23)*

## **SECTION 2.20      DEFINITIONS – T**

### TEMPORARY BUILDING OR USE

A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events as permitted by this Ordinance.

### TOWNSHIP

Vevay Township, Ingham County, Michigan.

### TOWNSHIP BOARD

The Vevay Township Board.

## **SECTION 2.21      DEFINITIONS – U**

### UTILITY SERVICE PROVIDER.

A any person or organization who provides to any other person or organization utility service, including but not limited to electric, telephone, cable television, internet, water services and sanitary sewer.

## **SECTION 2.22      DEFINITIONS – V**

### **VEHICLE REPAIR**

Any activity, other than owner maintenance, involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

### **VEHICLE SERVICE STATION**

A building and lot or parcel designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this Chapter.

### **VEHICLE WASH ESTABLISHMENT**

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

### **VETERINARY CLINIC**

A place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or minor surgical attention.

## **SECTION 2.23      DEFINITIONS – W**

### **WATERCOURSE**

Any waterway, river, stream, county drain, inland lake or pond or other body of water having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. The term “watercourse” does not include lakes or ponds constructed by excavating or diking dry land and maintained for the sole purpose of cooling or storing water, and does not include lagoons used for treating polluted water.

### **WETLAND**

Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life.

### **WIND ENERGY CONVERSION SYSTEM (WECS)**

A device or combination of devices, such as wind charges, windmills, or wind turbines, and all associated facilities and components that convert wind energy to electrical energy.

### **WIND ENERGY CONVERSION SYSTEM, LARGE**

A wind energy conversion system which has a rated capacity of more than one hundred (100) kilowatts (kW).

### **WIND ENERGY CONVERSION SYSTEM, SMALL**

A wind energy conversion system which has a rated capacity of not more than one hundred (100) kilowatts (kW) and which is intended to primarily reduce on-site consumption of utility power.

### **WIRELESS COMMUNICATIONS TOWER**

A structure designed and constructed to support one (1) or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

- a. Antenna Any exterior transmitting or receiving device mounted on a communication tower and used in communications that regulate and capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- b. Collocate: To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. “Collocation” has a corresponding meaning.
- c. Equipment compound: An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
- d. Wireless communications equipment: The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- e. Wireless communications support structure: A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

#### WOOD FURNACE OR OUTDOOR WOOD STOVE

A bio-fuel, mechanical device used for heating which is accessory to and situated outside a building. Also known as outdoor furnaces, or boilers.

*(Ord. 68.06, 5-3-10; Ord. 68.20, 8-11-14)*

### SECTION 2.24 DEFINITIONS – Y

#### YARD

- A. Yard, Required Front. An open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line.
- B. Yard, Required Rear. An open area extending across the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the rear lot line.
- C. Yard, Required Side. An open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the required side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.

### SECTION 2.25 DEFINITIONS – Z

#### ZONING ACT

The Michigan Zoning Enabling Act, Public Act 110 of 2006 (MCL 125.3101 et. seq.), as amended.

#### ZONING ADMINISTRATOR

The person designated by the Township Board to administer the provisions of this Zoning Ordinance.

#### ZONING BOARD OF APPEALS, OR BOARD OF APPEALS

The Zoning Board of Appeals of Vevay Township.

## ZONING COMPLIANCE PERMIT

A permit signifying compliance with the provisions of this Ordinance as to design, use, activity, height, setbacks, density, site planning, special use status, and/or planned unit development status.

(Ord. 68.52, 2-28-22)

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**End of Article 2**

## **CHAPTER 3 GENERAL PROVISIONS**

### **SECTION 3.01      APPLICATION OF REGULATIONS**

- A. Unless otherwise noted, the regulations in this Ordinance apply throughout Vevay Township and within each district. They shall be minimum regulations and shall apply uniformly to each class or kind of structure, land or use.
- B. All buildings, structures or land may be used, constructed, altered or occupied, only when in conformity with all of the regulations specified in this Ordinance for the district in which it is located in accordance with this Ordinance.
- C. Except as otherwise permitted by this Ordinance, after the effective date of this Ordinance, no building or other structure shall be altered to:
  - 1. Accommodate or house a greater number of families than permitted by the Zoning District.
  - 2. Have narrower or smaller rear yards, front yards, or side yards, other than permitted.

### **SECTION 3.02      USES NOT PERMITTED IN ANY ZONING DISTRICT.**

In addition to the prohibitions set forth in Section 19.08A of this Ordinance the following uses shall be prohibited:

- A. Any enterprise, land use or activity that is violative of state or local law or ordinance.
- B. Conditions which will constitute a hazard to health, welfare or safety, or blight, and the presence of junk and debris, or in any way create a nuisance or damage adjoining property.
- C. Commercial marihuana and/or commercial medical marihuana grower(s), processor(s), provisioning center(s), secure transporter(s), safety compliance facility(ies), dispensaries, compassion clubs, or medical marihuana compassion clubs.
- D. Commercial marihuana facility(ies), or commercial medical marihuana activities associated with the growing, processing, sales, transporting or testing of marihuana, as a business, home business, activity, or accessory use.

*(Ord. 68.08, 4-4-11) (Ord. 68.39, 5-10-17)*

### **SECTION 3.03      EXCAVATIONS**

No soil, sand, gravel, or other earth material shall be removed from any land within Vevay Township without Special Land Use approval, with the following exceptions:

- A. When the earth removal or stockpiling is incidental to an operation for which an individual building permit has been issued by the designated public official;
- B. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
- C. When the earth removal involves less than five hundred (500) cubic yards;
- D. When the earth removal is for the construction of a swimming pool.

### **SECTION 3.04 MAIN BUILDING OR PRINCIPAL USE**

Each lot shall contain only one main building and one principal use. Exceptions shall be permitted for groups of related commercial, industrial, and office buildings, and multiple family dwellings, contained within a single, integrated complex as demonstrated by shared parking, access, and other similar features that form a unified function and appearance where all uses are permitted in the applicable zoning designation. The phrase "one principal use" includes all operations and buildings necessary to conducting that use, including but not limited to office functions, record maintenance, vehicle maintenance, parking, and product storage.

(Ord. 68.52, 2-28-22)

### **SECTION 3.05 REGULATIONS APPLICABLE TO ALL SINGLE-FAMILY DWELLINGS**

It is the intent of this Section to establish minimum standards of appearance and construction for all single-family dwellings. Construction and/or placement of a single-family dwelling on any lot or parcel shall be permitted only if the dwelling complies with the following regulations:

- A. The standards of this Section shall not apply to a manufactured home located in a manufactured home community licensed by the Michigan Manufactured Home Commission and approved by the Community according to the provisions contained in Chapter 7 of this Ordinance except to the extent required by state or federal law.
- B. If the dwelling unit is a manufactured home, the manufactured home must have completed inspection reports that are traceable to the unit number (serial number) of the home meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development of 1976, as amended, or any similar successor or replacement standards which may be promulgated; or
- C. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the Township, and with applicable federal or state standards or regulations for construction for that type of dwelling
- D. One-family dwelling units shall have a minimum width across the front elevation of twenty-four (24) feet and minimum dimensions along any side or rear elevation of no less than twenty (20) feet and shall comply in all respects with the currently adopted Township building codes. If there are any enclosed extensions or additions to the front of the dwelling the minimum width of any such secondary front elevation shall be twelve (12) feet and shall also comply in all respects with the Township building codes.
- E. The roof shall have at least a 4:12 pitch (i.e. a four-foot rise over twelve-foot span) and twelve (12) inch overhangs unless otherwise approved by the Planning Commission.
- F. The dwelling unit shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the adopted building code.
- G. The dwelling unit shall be aesthetically compatible in design and appearance with other dwellings in the vicinity. The review shall include but not necessarily be limited to: roof pitch, scale, size, mass, orientation to the street, and overhangs.
- H. Roof drainage in the form of a roof overhang of at least twelve (12) inches shall be provided to direct storm or melt-water away from the foundation, unless a gambrel roof or other design elements necessitate an alternative roof drainage system.
- I. A storage area with a usable floor area of no less than thirty (30%) of the structure shall be provided. The storage area may consist of a basement, closet area or attached garage in a main building or as a detached accessory building but shall not include attic area.

(Ord. 68.44, 11-15-17)



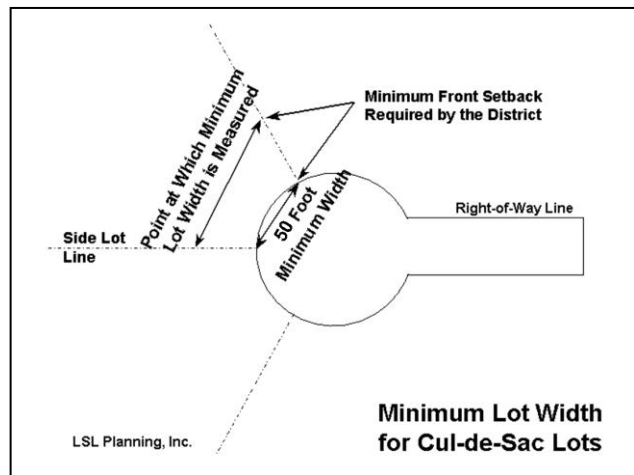
### SECTION 3.06 STREET ACCESS AND FRONTAGE

- A. All lots shall have frontage upon a public road, or a shared driveway expressly authorized under this Ordinance. The length of such frontage shall be at least the minimum required width of the lot except where expressly authorized otherwise by this Ordinance. See Section 3.07.
- B. The location of driveway entry points to public roads shall be reviewed and approved by the Ingham County Road Department or Michigan Department of Transportation, which ever applies.
- C. Unless part of a shared driveway in the Access Management Overlay District, driveways shall be setback a minimum of twenty five (25) feet from a property line.

(Ord. 68.17, 7-14-14)

### SECTION 3.07 WIDTH TO DEPTH RATIO and WIDTH EXCEPTIONS

- A. No lot shall be created with a lot depth that exceeds four (4) times its width.
- B. In the case of a lot that gains access from a road that is wholly contained in a platted subdivision, condominium subdivision, or similar unified development, the width of the lot may be reduced below the minimum lot width requirement where the lot's frontage abuts a curvilinear segment of a road, including a cul-de-sac, where without the reduction, the lot would be unnecessarily excessive in lot width or lot area. However, such width reduction shall not result in a lot with less than fifty (50) feet of frontage. (See graphic above.)



- C. In the case of a lot with reduced width according to subsection (B) above, the depth of such lot shall be measured from the required front yard setback. (See graphic above.)

(Ord. 68.17, 7-14-14)

### SECTION 3.08 HOME OCCUPATIONS

Persons wishing to establish a home occupation must first obtain a Special Land Use permit. In addition to the provisions in Section 16.02, Administrative and Review Procedures, the following standards will be applied for each permit.

- A. No person other than the resident occupants shall be engaged in the home occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home occupation shall be operated in its entirety within the principal dwelling, but shall not, in any case, exceed a total floor area of twenty five percent (25%) of the total gross floor area of the dwelling unit.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one (1) sign as permitted by the

Residential District regulations. The permitted sign shall be located on the same property as the home occupation and shall not be permitted within any street right-of-way.

- D. No retail or other sales of merchandise or products shall be conducted upon the premises except for incidental products related to the home occupation or those goods actually produced on the premises.
- E. Any traffic generated by the home occupation shall not be so great as to cause adverse effects within or upon the surrounding neighborhood.
- F. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
- G. Section 204 of the Zoning Enabling Act (MCL 125.3204) provides that a home occupation to give instruction in a craft or fine art within the residence shall be allowed. Section 204 does not prohibit the regulation of such an activity.

**SECTION 3.09      ACCESSORY BUILDINGS, SHEDS, CHILDRENS' SCHOOL  
BUS SHELTERS**

- A. Unless associated with a bona-fide agricultural operation, no accessory building shall be permitted on any lot that does not contain a main building.

An Accessory Use Building, such as a pole-barn, may be permitted by the Zoning Administrator on a lot during the time the main building is being constructed.

Permits for both buildings must be approved simultaneously by the Zoning Administrator with a requirement that the main building be completed within 18 months from date permit is approved and issued.

- B. An Accessory Use Building shall not be a cargo/shipping container, Motor Home, Travel Trailer, etc.
- C. For purposes of this ordinance, an accessory use building is detached from the main building. An accessory use building is not a dwelling, or principal business operation. Other than in a bona-fide agricultural operation, an accessory building is a building, or portion of a building, supplementary and subordinate to a main building on the same lot.
- D. Reserved for Future Use.
- E. An accessory building may be located in the front yard of a parcel if all of the following requirements are met:
  - 1. No accessory building located in a front yard shall be less than six hundred (600) feet from the centerline of the frontage road.
  - 2. The accessory building shall be located on the side of the dwelling and shall not be less than twenty (20) feet from the side plane of said dwelling.

3. The side yard setback for the accessory building shall not be less than that required for the dwelling.
  4. The square footage of the accessory building located in the front yard shall not exceed that of the dwelling on its ground floor.
  5. No more than one (1) accessory building shall be allowed in the front yard of a parcel.
  6. Except as modified herein, all accessory buildings shall comply with Lot Size and Set-Back Tables.
- F. Accessory Buildings on Irregular Lots. Accessory buildings shall be permitted on an irregular lot, provided that all of the conditions set forth in this subsection are met. For purposes of this subsection, the term "irregular lot" shall mean a lot which possesses the road frontage required by the applicable zoning district and has at least one (1) side lot line that is not perpendicular to the road.
1. If the irregularity is a flag shaped lot with a vacant lot between a portion of the applicant's lot and the road (a "front lot"), the accessory building shall be located at least thirty (30) feet from the lot line separating the applicant's lot and front lot. On a flag shaped lot, where the front lot contains a dwelling, no accessory building shall be constructed in the flag portion of the applicant's lot within four hundred (400) feet of the front lot dwelling.
  2. Additional visual screens of the accessory building from the front lot dwelling may be required by the Zoning Administrator.
  3. Accessory buildings permitted on irregular lots shall comply with Lot Size and Set-Back Tables.
- G. A car port, that is anchored to the ground, with no foundation, that exceeds 200 square feet shall be considered an accessory use structure and requires Zoning and Building Permits. A portable/temporary car-port less than 200 square feet is considered a shed and must be located in the side or rear yard. Portable/temporary car-ports must be securely anchored.
- H. Except in business and industrial districts, accessory buildings and structures shall not exceed the following size and height limitations, nor shall the length of accessory buildings in residential uses, exceed three (3) times their width. On lots with more than one (1) accessory building, the cumulative area of the accessory buildings may not exceed the applicable limits described below.

**Lot Size and Height Table**

<b>Lot Size</b>	<b>Total Number of Accessory Buildings</b>	<b>Square Footage of all Accessory Buildings</b>	<b>Height (Feet)</b>
Up to 10,890 sq. ft. (1/4 acre)	1	720	14
Over 10,890 sq. ft. - 21,780 sq. ft. (1/2 acre)	1	960	16
Over 21,780 - 1 acre	1	1,400	18
Over 1 acre - 5 acres	2	1,400 square feet per acre, or fraction thereof.	24
Over 5 acres	4	Total of 1,400 square feet per acre, or fraction thereof.	27
Requests to exceed the 14,000 square foot limitation on parcels over 10 acres must have Planning Commission approval			

Side and rear set-back lines based on the following table:

**Side and Rear Set-Back Table**

<b>Accessory Building Square Footage (GFA)</b>	<b>Required Minimum Rear and Side Yard Set Backs (feet)</b>
Up to - 1,400 sq. ft.	10
1,400 - 2,800 sq. ft.	15
Over 2,800	20

- I. Children School Bus Shelters and Roadside Stands must be safe distance from the roadside.
- J. Sheds shall be located in the side or rear yard.
- K. Structures, unless otherwise indicated, are subject to designated set-backs.

- L. Any building built prior to 1980 shall be considered a “Heritage Building” and shall be exempt from Section 3.09 limitation on total number of accessory buildings.
- M. Detached garages designed for the parking of daily use vehicles are exempt from the restrictions on total number of accessory buildings.
- N. Permanent structures that are not buildings are exempt from Section 3.09 limitation on total number of accessory buildings.
- O. In approved subdivisions or Planned Unit Developments (PUDs), accessory buildings shall be of residential design and appearance.
- P. Manufactured homes, semi-trailers or other vehicles shall not be used as accessory storage buildings unless otherwise provided for in this ordinance.
- Q. No accessory building shall occupy any portion of a required buffer zone in any district.
- R. *After* the construction of an accessory building upon a parcel of land, no subsequent division of that land shall be made which would cause the building located thereon to be in violation of the terms of this Ordinance.

*(Ord. 68.04, 11-5-09; 68.06, 5-3-10) (Ord 68.31, 4-16-17) (Ord. 68.52, 2-28-22) (Ord. 68.53, 1-11-23)*

### **SECTION 3.10 FENCES**

- A. Unless specifically provided for elsewhere in this Ordinance, a fence in a front yard of a Residential District or residential use may not exceed a height of three (3) feet for substantially solid or opaque fences and four (4) feet for chain-link, wrought iron, or picket fences. Fences in other than the front yard shall not be higher than eight (8) feet in height.
- B. Fences shall be installed with workmanlike materials and be maintained at all times in a state of good repair. All fences shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant metals.
- C. No person shall place, string or maintain barbed wire or razor wire (unless associated with required Homeland Security measures) as part of any fence, or structure at the property lines in any zoning district except that barbed wire may be used as part of an agricultural operation.
- D. Fences constructed of wood or other material having one (1) side designed and considered the decorative side shall be erected with that side facing the adjoining street or abutting property owner's premises.
- E. It shall be unlawful to construct any fence in any public right-of-way.
- F. Fences may be erected on the side or rear property line and right of way line.

### **SECTION 3.11 SWIMMING POOLS**

- A. Any pool over (24) inches deep and with a surface area of more than two hundred and fifty (250) square feet shall not be constructed, installed, enlarged or altered until a zoning compliance permit has been obtained and shall comply with the requirements of this section.
- B. The outside edge of the pool wall and/or the deck and any other appurtenances shall not be located closer than ten (10) feet from any rear or side property line. Swimming pools shall not be located in the required front yard.

- C. All swimming pool installations shall comply with the State Construction Code and all standard codes referred to therein.

*(Ord. 68.23, 12-8-14)*

### **SECTION 3.12      OUTDOOR WOOD FURNACES**

Wood furnaces located outside a building shall be permitted only under the following conditions:

- A. A zoning compliance permit shall be required to place an outdoor wood burner.
- B. The lot shall be a minimum of two (2) acres in area.
- C. The heating unit shall be located a minimum of fifty (50) feet from any property line.
- D. The unit shall not be located in the required front yard.
- E. The unit shall not constitute a nuisance to neighboring properties.
- F. Chimney height, as measured from ground at base of furnace to top of chimney, shall be a minimum of twelve (12) feet.
- G. Furnace shall be located no closer than two hundred (200) feet to another residence.

### **SECTION 3.13      SATELLITE DISH RECEIVER**

- A. These regulations shall not apply to dish receivers that are one (1) meter (39.37 inches) or less in diameter in Residential Districts or two (2) meters or less in diameter in Nonresidential Districts.
- B. In all Districts, the following restrictions shall apply:
  - 1. The dish receiver shall be permitted in the side and rear yard or mounted on top of a building, and securely anchored.
  - 2. The nearest part of the receiver shall be at least ten (10) feet from any property line.
  - 3. The height shall not exceed the height restrictions in the district in which the proposed device is to be located.
  - 4. No portion of the dish receiver shall contain any name, message, symbol, or other graphic representation intended for the purpose of advertising.
  - 5. A site plan shall be prepared and submitted to and approved by the Zoning Administrator for approval prior to issuance of a building permit. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.
  - 6. The Zoning Administrator may waive these requirements where they make the dish unusable.

### **SECTION 3.14      RESERVED FOR FUTURE USE**

*(Ord. 68.22, 8-11-14)*

## SECTION 3.15 - TEMPORARY USES

- A. Upon application, and as noted below, the Zoning Administrator may issue a permit for the following temporary uses:
1. An accessory use building on a lot with no main building may be granted by the Zoning Administrator so long as there is also a permit for a main building.
  2. Temporary office building, construction trailer, tool “crib” or storage trailer incidental and necessary to construction at the site where located. In no case shall a temporary use construction structure be utilized as a dwelling.
  3. Temporary sales office incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, the temporary sales office shall be removed when the lots or units have been sold or leased.
- B. Each permit for these uses shall specify a location for the use and shall be valid for a period of not more than twelve (12) calendar months. Permits may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months or less at the same location and for the same purpose, provided that the reason for the extension is due to circumstances beyond the immediate control of the applicant for the permit extension.
- C. Seasonal Uses
1. The Zoning Administrator may issue a permit for the temporary outdoor sale of merchandise in commercial districts related to a seasonal or periodic civic event, such as a festival. Seasonal uses shall include the sale of Christmas trees, fireworks, and similar activities. The permit is issued in lieu of a formal site plan review by the Planning Commission. Agricultural seasonal roadside stands do not require a permit.
  2. In considering a request for a temporary permit, the Zoning Administrator must determine that the operation of the use is seasonal in nature and will not be established as a permanent use. The Zoning Administrator will also determine that adequate off-street parking is available to accommodate the use.
  3. Each permit shall be valid for a period of not more than one (1) calendar month within any consecutive six (6) month period, except that the permit may be renewed by the Zoning Administrator for up to one (1) additional successive month, provided the season or event to which the use relates is continued.
- D. In considering authorization for all temporary uses or buildings, the Zoning Administrator shall consider the following standards and may attach reasonable conditions to temporary uses or structures to ensure that the standards and requirements of this Section are met:
1. The use or structure will not have an unreasonable detrimental effect upon adjacent properties;

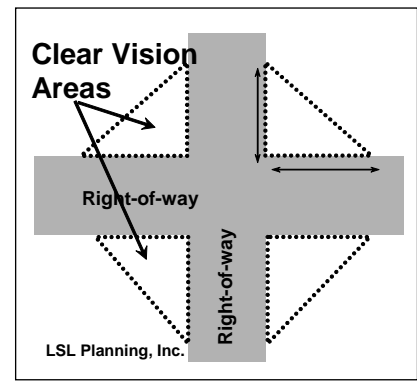
2. The use is reasonably necessary for the convenience and safety of the construction proposed;
3. The use does not adversely impact the character of the surrounding neighborhood; and
4. Access to the use area or structure is located at a safe location.

D. The Zoning Administrator may, at his or her discretion, submit a request for a temporary use of a structure or building to the Planning Commission for a final decision. In making its decision, the Planning Commission shall consider the same standards as enumerated above. A performance guarantee may be required to ensure compliance with the terms of the temporary use permit.

(Ord. 68.52, 2-28-22)

### SECTION 3.16 CLEAR VISION

- A. No plantings, fencing, signs or other obscuring structures or elements shall be established or maintained within the right of way or 20 feet from the edge of the roadway, whichever is greater on any corner lot which will obstruct the view of a vehicle driver approaching the intersection.
- B. This Section shall not prohibit the placement of shrubbery or other low level landscaping less than thirty (30) inches in height at maturity.



### SECTION 3.17 SETBACK MEASUREMENTS

- A. The front yard setback line shall be measured from the front foundation of the building to the property line in platted or condominium subdivisions and to the edge of the road right-of-way on all other roads.
- B. Covered porches shall be considered part of the main building. Side lot setbacks shall be measured from the property line to the side of the building.
- C. On corner and through lots, the front yard requirements shall apply on the road with the house address. Side yards and back yards that face a road shall measure the setback from the foundation of the building to the edge of the road right-of-way.

(Ord. 68.53, 1-11-23)

### SECTION 3.18 HEIGHT EXCEPTIONS

The height limitations contained in this Ordinance may be exceeded by up to ten (10) feet by spires, belfries, cupolas, parapet walls or other similar appurtenances usually required to be placed above the roof level and not intended for human occupancy. . Water tanks, antennae, ventilators, chimneys, and mechanical equipment shall not extend more than seventy five (75) feet above average grade. See Section 5.03 for height restrictions on agricultural structures.

### SECTION 3.19 PROJECTIONS INTO YARDS

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features:



1. May project a maximum of four (4) feet into a required front or rear yard setback area; and shall not project into the required side yard setback.
  2. Porches, terraces, decks of under two (2) feet in height, balconies, window awnings, and similar structures which are open on all sides, unenclosed, and uncovered:
    - a. May project a maximum of ten (10) feet into a required front yard setback area.
    - b. May project a maximum of fifteen (15) feet into a required rear yard setback area.
    - c. Shall not project into a required side yard setback area.
- B. If these structures are permanently enclosed on any side or covered in any manner, they shall be considered part of the main building and shall meet the setback requirements of the main building.

### **SECTION 3.20 HEALTH DEPARTMENT APPROVAL**

No permit shall be issued for the construction of a building which is to have drinking water and/or sanitary facilities unless the site is served by both public water and sewer facilities, or unless a permit has been issued by the Ingham County Health Department for private water supply and/or sewage disposal facilities.

### **SECTION 3.21 ILLEGAL DWELLINGS**

The use of any basement for dwelling purposes is prohibited in any Zoning District unless the basement meets the appropriate adopted building codes for the Township. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes.

### **SECTION 3.22 SITE CONDOMINIUMS**

- A. A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership, pursuant to the Condominium Act 59 of 1978 (MCL550.101 *et seq*), which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967 (MCL 560.101 *et seq*), as amended.
- B. A site condominium unit shall be treated as a separate lot or parcel and may have buildings constructed and uses conducted thereon as allowed in the zoning district provided the unit meets the Development Requirements for the zoning district in which it is located.
- C. A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the Planning Commission in accordance with the Site Plan Review process of Chapter 14.

### **SECTION 3.23 PRIVATE ROADS**

Private Roads are prohibited in Vevay Township.

### **SECTION 3.24 OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS**

- A. The outdoor storage or parking of recreational vehicles in all Residential Districts shall be subject to the following minimum conditions:
  1. Any recreational vehicle parked outside shall be located behind the required front setback.
  2. Recreational vehicles stored outside shall be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding area.
  3. Storage or parking of the vehicles shall be limited to the lot or parcel upon which the owner of the vehicle also makes his primary residence.

4. It shall be lawful for only non-paying guests at a residence to occupy one (1) recreational vehicle, parked subject to the provisions of this Ordinance, for sleeping purposes only, for a period not exceeding seven (7) consecutive days. The total number of days during which a recreational vehicle may be occupied under this sub-section shall not exceed twenty one (21) in any calendar year.
- B. Notwithstanding the provisions above, a unit may be parked anywhere on the premises during active loading or unloading, and use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.

### **SECTION 3.25 KEEPING OF ANIMALS**

Though agricultural operations are not permitted in residential districts, the keeping of livestock on a non-commercial basis, such as a 4H project or a hobby, that is accessory to a residential use is permitted in rural residential and low density residential districts.

- A. To keep a horse, or other large animal, the property owner must have two (2) acres dedicated to the first animal and an additional one half acre for each additional animal.
- B. Where livestock are kept or allowed outside, a fence of adequate construction to keep all animals from leaving the premises shall be provided and properly maintained.
- C. Fenced animal holding areas shall be a minimum of fifty (50) feet from any property line and a minimum of one hundred (100) feet from any neighboring dwelling.
- D. Animal waste shall be managed so as not to be a hazard to health or a nuisance to neighbors.

### **SECTION 3.26 SPECIFIED WIRELESS COMMUNICATION FACILITIES AS A PERMITTED USE**

- A. Wireless communications equipment, as defined in Chapter 2 under Wireless Communication Tower, shall be classified as a Permitted Use and shall not be subject to special land use proceedings if an application meets all of the following requirements:
  1. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
  2. The existing wireless communications support structure or existing equipment compound is in compliance with this Ordinance or was previously approved by the Township.
  3. The proposed collocation will not do any of the following:
    - a. Increase the overall height of the wireless communications support structure by more than 20 (twenty) feet or 10% (ten percent) of its original height, whichever is greater.
    - b. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
    - c. Increase the area of the existing equipment compound to greater than 2,500 square feet.
  4. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the then-designated approving body of the Township.
- B. Special Application Review Provisions
  1. After an application for wireless communication equipment constituting a Permitted Use is filed with the Zoning Administration, the Zoning Administration shall determine whether the application is administratively complete. Unless the Zoning Administration proceeds as provided under subsection (2) below, the application shall be considered to be administratively complete when the Zoning Administration makes that determination or the passing of fourteen

(14) business days after the Zoning Administration receives the application, whichever occurs first.

2. If, before the expiration of the fourteen (14) day period under subsection (a) above, the Zoning Administration notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (1) above is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
3. The Planning Commission shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

*(Ord. 68.20, 8-11-14)*

## **SECTION 3.27 SOLAR ENERGY SYSTEMS**

### **A. Small Solar Energy Systems (SSES)**

#### **1. SSES Authorization, Review and Approval Procedures:**

- a. An SSES is an authorized accessory use in all districts subject to SSES manufacturer specifications, Township ordinance, as amended, and applicable State and Federal law and regulations. An SSES shall comply with the standards for accessory structures under section 3.09, in the district in which the SSES is located. SSES mounted on the ground by way of posts or other support structure shall be subject to Planning Commission approval, upon the receipt of a complete application that complies with the standards of this section. An SSES, that is roof-mounted, shall be subject to approval of the Zoning Administrator or other designated Township official upon the receipt of a complete application and the Zoning Administrator or Township official finds that the application complies with the standards of this section.
- b. An application for a SSES need not include a site plan prepared according to Chapter 14.
  - i. An application for Ground-Mounted Systems shall include a scaled property line drawing showing north arrow; property dimensions, lot area, legal description, and lot or parcel number; the location and footprint of existing driveways, buildings and structures including distances of buildings and structures from lot lines; existing public and private right-of-ways and easements; existing location of septic drain field and potable water well and other existing and proposed utility locations; and structures on adjacent properties within one hundred-fifty (150) feet of a shared lot line. The Zoning Administrator may require a property line survey prepared by a Michigan-licensed surveyor, and the delineation of existing structures on the property as part of such survey, in the case where a more detailed or official delineation of property lines and structures is necessary to ensure compliance with this Section.

#### **2. SSES General Provisions**

- a. Solar collection panels must be placed in such manner so as to not direct solar glare onto nearby residences, businesses or public roadways. When deemed necessary, the Zoning Administrator, or designated Township official, may require a report from a registered civil engineer or other professional deemed qualified by the Township official, attesting to the glare impact on nearby properties and public roadways.
- b. Solar collection panels shall not cause the district's maximum lot coverage standards to be exceeded.

### 3. Roof-Mounted Systems

- a. A solar energy system on the roof of a principal building or accessory structure, whether an integral part of the roof structure or mounted on the finished roof structure, and whether the system is flush with the roof or projects from or at an angle to the roof, may exceed the maximum height standard for the structure to which it is attached according to the district in which it is to be located, but no portion of the system shall extend more than five (5) feet above the roof surface to which it is attached.
- b. Roof-mounted solar collection panels located on a flat roof in a Residential or Agricultural district shall be set back from the edge of the roof a minimum distance of ten (10) feet.

### 4. Ground-Mounted Systems

- a. Ground mounted solar collection panels shall comply with the standards for accessory structures for the district in which the panels are to be located. Except that with approval of the Planning Commission, a tracking ground mounted SSES, with solar collection panels that move throughout the day to track the sun, may exceed the height requirements designated for accessory structures in section 3.09 (E) by no more than three (3) feet (unless otherwise designated in this section). The Zoning Administrator or designated Township official may make recommendations to the Planning Commission regarding exceptions to the requirements for accessory structures in the subject district. A tracking ground mounted SSES approved by the Planning Commission that exceeds the height requirements of section 3.09 (E) shall be subject to a minimum setback of the distance equal to the maximum height of the SSES' solar panels from the adjacent lot lines. In no case shall an SSES exceed fifteen (15) feet in height in a designated Residential District.
- b. A ground mounted SSES may not be located in a front yard unless there is a minimum six hundred (600) foot setback from the centerline of the road. Any exceptions to the 600-foot setback requirement may be approved by the Planning Commission based upon written request, considering practical hardship, SSES design, and lot configuration. A ground mounted SSES **shall not** be located in the front yard closer than three hundred (300) feet of the centerline of the road, and one hundred feet (100) of adjacent lot lines, **except for adjacent parcels zoned as Commercial or Industrial, the side-lot set-back may be reduced to 30 feet with Planning Commission approval.** Otherwise, a ground mounted SSES is only permitted in the side or rear of the primary use building, no closer than 30 feet of adjacent lot lines, or a setback equal to the maximum height of a tracking SSES that exceeds height requirements for accessory structures in subject district.
- c. If the panels of a tracking SSES tilt at an angle to track the sun, the SSES, when tilted, may not encroach into setback requirements.

- d. To the extent possible, an SSES shall be located to minimize the view from the public right-of-way and adjacent dwelling(s). A landscape, buffering, or screening plan, consisting of vegetative, non-vegetative, or man-made materials, or fencing, may be required to be submitted to the Planning Commission who shall determine if landscape, buffering or screening is necessary or adequate to reduce the visual impact of SSES to adjacent dwellings and/or public roadways. Non-vegetative screening need not exceed a height of eight feet. This section is exempt from Section 15.05.
- e. The Planning Commission may approve exceptions to screening requirements based upon practical hardship, SSES design, lot configuration and if it is demonstrated that the only feasible location for screening would impede the functioning of the SSES.
- f. The surfaces of the solar panels shall not be used as a sign message board.
- g. When a ground mounted SSES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features and restore the ground to its preconstruction state.

B. Reserved for Future Use.

C. Large Solar Energy Systems (LSES)

- 1. LSES Authorization, Review and Approval Procedures: LSES are classified as special land uses and are authorized in the A-1, District only, subject to the review and approval procedures of Chapter 14 and Chapter 16 of the Zoning Ordinance.
- 2. LSES General Provisions
  - a. LSES shall comply with the site development standards of subsection (B) for MSES, and shall be subject to the special land use approval standards of Chapter 16.

D. Self-Contained Solar Energy Systems: Solar energy systems that do not exceed four (4) square feet in total solar collector panel area, to provide energy to operate the device to which they are attached such as in the case of a panel connected to an exterior light or an attic fan, are permitted in all districts and may be erected without the issuance of a zoning permit.

*(Ord. 68.21, 8-11-14) (Ord 68.44, 11-15-17) (Ord. 68.49, 3-17-20) (Ord. 68.54, 6-14-23)*

**SECTION 3.28 FARM MARKET**

A. FARM MARKET

- 1. Market sales shall be limited to farm products.
- 2. No structure part of a farm market shall be located within fifty (50) feet of a public road right-of-way.
- 3. All parking shall be out of the public right of way. A minimum of ten (10) parking spaces shall be provided. Parking facilities need not be paved.
- 4. Access drives shall be wide enough to accommodate two vehicles side-by-side. Multiple access drives may be required where anticipated traffic levels warrant.

5. Suitable containers for rubbish shall be placed on the premises for public use.
6. Farm markets shall be located no closer than two hundred (200) feet from any lot line that abuts a residential zone.

*(Ord. 68.22, 8-11-14)*

**End of Article 3**

# CHAPTER 4 DISTRICTS

## SECTION 4.01 DISTRICTS ESTABLISHED

To carry out the purpose of this ordinance, Vevay Township is hereby divided into the following districts:

"A-1"	Agricultural
"R-1A"	Rural Residential
"R-1B"	Low Density Residential
"R-M"	Multi-family Residential
"M-H"	Manufactured Home Community
"B-1"	Local Business
"B-2"	Highway Service
"M-1"	Limited Industrial
"FO"	Floodplain Overlay
"PUD"	Planned Unit Development
"AO"	Airport Hazard Overlay

## SECTION 4.02 OFFICIAL ZONING MAP

- A. The Township is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
- B. The Official Zoning Map shall be identified by the signature of the Township Planning Commission Chair, attested by the Township Clerk and shall bear the seal of the Township.
- C. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map. The Official Zoning Map is to be kept up do date, accessible to the general public, and shall be the final authority as to the current Zoning District status of all land and buildings in Vevay Township which are subject to the provisions of this Ordinance.
- D. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance and in accordance with state law.
- E. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map shall be located in the custody of the Township Clerk and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.
- F. In order to be permitted within a zoning district, whether by right or by Special Land Use Permit, a use of land must be specifically permitted in that district, or, if not, and not permitted elsewhere within this ordinance, must be interpreted by the Zoning Board of Appeals to be most like uses otherwise permitted in the zoning district, and therefore available by right or Special Land Use Permit as appropriate in the district.
- G. The Official Zoning Map, dated August 21 2015, is hereby adopted and by reference and declared to be a part of Ordinance 68 and this Amending Ordinance.

(Ord. 68.25, 9-14-15)

### **SECTION 4.03      RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

- A. In order to more effectively protect and promote the general welfare and accomplish the aims and objectives of the Vevay Township Master Plan, the township is divided into Zoning Districts. The Zoning Ordinance also provides common unity of purpose, adaptability, or use deemed most suitable to provide for the best development of the township, while protecting the common rights and interests of all through associated regulations and restrictions. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the center lines of roads, highways, or alleys shall be construed as following center lines;
  2. Boundaries indicated as approximately following streams, rivers or drainage ways shall be construed as following such natural features;
  3. Boundaries indicated as approximately following Township or City boundaries shall be construed as following such Township or City boundaries;
  4. Boundaries indicated as following section lines shall be construed as following section lines;
  5. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the railroad right-of-way;
- B. Where the application of the these rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Appeals, after recommendation from the Zoning Administrator.

### **SECTION 4.04      ZONING OF VACATED AREAS**

Whenever any road, or other public way within the Township has been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such road, or public way, such lands shall automatically and without further governmental action be subjected to the same zoning regulations as are applicable to the adjoining lands.

**End of Article 4**



## **CHAPTER 5 AGRICULTURAL DISTRICT**

### **SECTION 5.01 INTENT AND PURPOSE**

The regulations of the A-1 Agricultural District are intended to ensure that land areas within the Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands. Another intent of this chapter is to preserve open space and the rural character of these areas. Subdivisions or site condominium developments shall be consistent with the Master Plan. The District shall also accommodate very low density residential development and other specialized rural uses requiring large tracts of land. As an agricultural district, certain impacts such as odors, noise, application of chemicals, and other external impacts typically associated with farming operations shall be recognized and reasonably tolerated provided they do not pose a threat to the general health, safety, and welfare of Township residents.

### **SECTION 5.02 TABLE OF USES**

The following abbreviations apply to the Table of Uses for the A-1, Agricultural District:

- P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right. Site plan approval may be necessary.
- SLU: Special Land Use: The use may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 15 are met.
- NP: Not Permitted: The use is not permitted in the District.

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Table of Uses		A-1
<b>Residential</b>	Single- family detached dwelling	P
	Open space preservation development	SLU
	State licensed residential care family facility	P
	State licensed residential care small group facility ; provided the facility shall not be within 1,500 feet of another State licensed residential facility.	SLU
<b>Non residential</b>	Agricultural service establishment	SLU
	Agriculture and agricultural operations.	P
	Airport	SLU
	Agritourism	SLU
	Bed and breakfast establishment	SLU
	Campground, public or private	SLU
	Commercial greenhouse and nursery operating with retail sales	SLU
	Commercial kennel	SLU
	Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources	SLU
	Equine boarding stable and training facility	SLU
	Farm market	P
	Large Solar Energy Systems	SLU
	Municipal and public service activities	SLU
	Shooting, range	SLU
	Wind Energy Conversion Systems/Large	SLU
	Wireless communication tower not otherwise addressed in this table. See Section 3.26 for limitations and procedures.	SLU
Wireless communication tower under 75 feet in height wholly owned and used by a federally licensed amateur radio station operator.	P	
Wireless communications antenna when attached to a wireless communications support structure. See Section 3.26 for limitations and procedures	P	
<b>Accessory Uses</b>	Accessory buildings and uses as defined in Chapter 2 and subject to Section 3.09	P
	Home occupation subject to Section 3.08	SLU
	Family day care home	P
	Small excavations subject to the provisions of Section 3.03	P
	Keeping livestock subject to the provisions of Section 3.25	P
	Accessory buildings used for storage*	P

(Ord. 68.06, 5-3-10; Ord. 68.20, 8-11-14) (Ord 68.32, 4-16-17)(Ord 68.07, 9-9-10; Ord 68-16, 7-14-14; Ord 68.22, 8-11-14)

**SECTION 5.03 DEVELOPMENT REQUIREMENTS**

A. Lot, Yard, and Building Requirements

Requirement		A-1
Lot Area	Minimum	2 acres
Minimum Lot Width		200 ft.
Minimum Front Setback		60 ft.
Maximum lot coverage		15%
Minimum Rear Setback		50 ft.
Lot Width to Depth Ratio		1:4
Minimum Side Yard Setback		30 ft./50 ft. **
Maximum Height **		
Maximum Building Height		The lesser of 35 ft. or (2 ½) stories
Minimum Dwelling Unit Floor Area		960 sq. ft.

\*\* Farm Buildings or structures may be up to one hundred and twenty (120) feet in height in the A-1 District, provided they are set back from the lot line by a minimum of fifty (50) feet.

B. General Parking Requirements for Agricultural District.

1. Location of parking: The off-street parking facilities required shall be located on the same lot as the building they are intended to serve.
2. Parking areas for special uses that are adjacent to a residence shall be a minimum of thirty (30) feet from side and rear property lines, ten (10) feet of which shall be developed as a buffer zone for the entire length of the parking area. The buffer zone shall comply with the standards of Section 15.05(D) of the ordinance.
3. See also Section 15.01 for general parking area requirements.
4. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table.

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Use	Parking Spaces (per unit of measurement)
<b>Residential</b>	
Single family detached dwelling	2 per dwelling unit.
Bed and breakfast establishment	2 plus 1 per guest room
State licensed residential facility	1 per each 3 individuals computed on the basis of the licensing limits of the facility
Licensed family day care home	1 per each 3 clients computed on the basis of licensing.
<b>Non-Residential</b>	
Agricultural operation including general farming, truck farming, fruit orchard, nursery, greenhouses, and usual farm operations	1 per employee, plus 1 per each truck.
Agricultural service establishment	1 for each 200 sq. ft. of UFA, and 1 space for each service vehicle.
Airport (public and private)	2 per plane that can be accommodated.
Campground, public or private	2 10'x30' spaces for every campsite plus those for accessory uses.
Commercial greenhouse and nursery, when operated primarily as wholesaling operations and limited retail sales	1 space for each 200 sq. ft. of UFA, plus 1 space for each 2,000 sq. ft. of exterior sales area.
Commercial kennel	1 per 400 sq. ft. of gross floor area, but no fewer than 4 spaces.
Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources	1 per employee, plus 1 per each truck.
Equine boarding stable and training facility	1 per each 2 stalls; parking spaces shall be sized to accommodate vehicles plus trailers
Farm market	1 space for each 200 sq. ft. of UFA, plus 1 space for each 2,000 sq. ft. of exterior sales area.
Raising of fur-bearing animals or game birds	1 per employee
Shooting range	1 per shooting station
Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower, or other structure	1 space for service vehicles.

C. Signs – See Chapter 20.

(Ord. 68.07, 9-9-10; Ord. 68.16, 7-14-14)

End of Article 5

# CHAPTER 6 RESIDENTIAL DISTRICTS

## SECTION 6.01 INTENT AND PURPOSE

- A. The regulations of the R-1A District recognize lands that retain a relatively high proportion of agriculture and open space use but, due to population growth, soil characteristics, and related factors, experience ongoing transition to non-farm low density residential development. It is the intent that areas developed are done so to buffer the uses from agricultural activities. Public services are not intended for this district for an indefinite period. Due to its rural character, the R-1A Rural Residential District permits many of the uses provided for in the Agricultural District. Unlike the A-1 District, however, uses which are considered incompatible to the District's emerging residential growth are not permitted.
- B. The regulations of the R-1B and R-M Districts are intended to encourage a suitable environment for a variety of suburban and urban residential densities, and compatible supportive recreational, institutional, and educational uses. The intent of the Districts is to protect residential areas from the encroachment of uses that are not appropriate to a residential environment.

## SECTION 6.02 TABLE OF USES

The following abbreviations apply to the Table of Uses for the R-1A, Rural Residential District, R-1B, Low-Density Residential District, and R-M Multiple-Family Residential District:

- P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right. Site plan approval may be necessary.
- SLU: Special Land Use: The use may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 15 are met.
- PUD: Only permitted as part of a Planned Unit Development.
- NP: Not Permitted: The use is not permitted in the District.

Table of Uses		R-1A	R-1B	R-M
<b>Residential Uses</b>	State licensed residential family facility provided the facility shall not be within 1,500 feet of another State licensed residential facility.	P	P	P
	State licensed residential group facility provided the facility shall not be within 1,500 feet of another State licensed residential facility.	NP	SLU	SLU
	Open space preservation development	SLU	NP	NP
	Single family detached dwelling	P	P	NP
	Single family development with over 11 total dwelling units	PUD	PUD	PUD
	Two-family dwelling	PUD	PUD	P
	Multiple family dwelling	NP	PUD	P
	Elderly housing	NP	SLU	SLU
	Bed and breakfast establishment	SLU	SLU	NP
	Family day care home	P	P	P

Table of Uses		R-1A	R-1B	R-M
Institutional Uses	Nursing or convalescent home	NP	SLU	SLU
	Place of religious worship	SLU	SLU	SLU
	Library, museum, community center, governmental, administration, or service building and similar uses which are owned and operated by a governmental agency or a noncommercial organization	SLU	SLU	SLU
	Schools, elementary, middle and high school (private and parochial)	SLU	SLU	SLU
Non-residential Uses	Agriculture and agricultural operations	P*	P*	NP
	Equine boarding stable and training facility	NP	NP	NP
	Campground, public or private	SLU	NP	NP
	Cemetery	SLU	SLU	SLU
	Commercial greenhouse and nursery, when operated primarily as wholesaling operations and limited retail sales	SLU	NP	NP
	Farm market	P	P	NP
	Golf course or country club	SLU	SLU	SLU
	Municipal and public service activities	SLU	SLU	SLU
	Wind Energy Conversion Systems/Small	SLU	SLU	SLU
	Wireless communication tower not otherwise addressed in this table. See Section 3.26 for limitations and procedures.	NP	NP	NP
	Wireless communications antenna when attached to a wireless communications support structure. See Section 3.26 for limitations and procedures.	P	P	P
	Wireless communication tower of under 75 feet in height wholly owned and used by a federally licensed amateur radio station operator.	P	P	P
Utility substation, transmission line and switching station	SLU	SLU	SLU	
Accessory Uses	Accessory buildings and uses as defined in Chapter 2 and subject to Section 3.09.	P	P	P
	Home occupation subject to Section 3.08	SLU	SLU	SLU
	Small excavations subject to the provisions of Section 3.03	P	P	NP
	Keeping livestock subject to the provisions of Section 3.25	P	NP	NP

(Ord. 68.06, 5-3-10; Ord. 68.20, 8-11-14; Ord. 68.22, 8-11-14)(Ord 68.07, 9-9-10; Ord 68.16, 7-14-14)

## SECTION 6.03 DEVELOPMENT REQUIREMENTS

### A. Lot, Yard, and Building Requirements

Requirement	R-1A	R-1B	R-M	
Minimum Lot Area	30,000 sq. ft.	28,750 sq. ft.	1 acre minimum	
			4 units per acre maximum	
Maximum lot area	5 acre	n/a	n/a	
Minimum Lot Width	165 ft.	132 ft.	200 ft.	
Maximum Depth to Width Ratio	4:1	4:1	4:1	
Minimum Front Yard	60 ft.	60 ft.	60 ft.	
Minimum Rear Yard	40 ft.	40 ft.	50 ft.	
Minimum Side Yards	20 ft.	12 ft.	Single Family	10
			Two-family	25
			Multiple Family	30
Maximum Lot Coverage	15%	20%	30%	
Maximum Building Height	35 ft.	35 ft.	35 ft.	
Minimum Dwelling Unit Floor Area	960 sq. ft.	960 sq. ft.	Single Family and Two Family	960 sq. ft.
			Multiple Family (by # bedrooms):	1 - 650 sq. ft.
				2 - 750 sq. ft.
				3 - 900 sq. ft.
				over 3 bedrooms - 100 sq. ft. each over 3

### B. Location of parking and parking area requirements

1. Required off-street parking facilities shall be located on the same lot as the building they are intended to serve. In the R-1A and R-1B Districts, parking is limited to the garage and driveway only. The Zoning Administrator may allow one (1) additional driveway (but not curb cut). In no case shall any driveway exceed twenty four (24) feet in width. One (1) turn around area may be provided, as an addition to or extension of the driveway, in a front or side yard. See Section 3.24 for recreational vehicle parking requirements.
2. Multiple family dwellings and non-residential uses: Off-street parking facilities shall not be located within forty (40) feet of a public street right-of-way line.
3. Parking areas for a multi-family building that are adjacent to a lower density Residential District or use shall be set back a minimum of thirty (30) feet from side and rear property lines, fifteen (15) feet of which shall be developed as a buffer zone for the entire length of the parking area. The buffer zone shall comply with the standards of Section 15.05, D.
4. See Section 15.01 for general parking requirements.

5. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the applicable requirements of Chapter 15 for lighting, loading spaces and landscaping.

Use	Parking Spaces (per unit of measurement)	
<b>Residential</b>		
Bed and breakfast establishment	2 plus 1 per guest room	
Single family detached dwelling, two-family dwelling, multiple family dwelling	2 per dwelling unit.	
Elderly housing	.75 per dwelling unit	
Family day care home	1 per each 3 children computed on the basis of the licensing limits of the facility	
State licensed residential care facility; small group home provided the facility shall not be within 1,500 feet of another State licensed residential facility.	1 per each 3 individuals computed on the basis of the licensing limits of the facility.	
<b>Non-Residential</b>		
Campground, public or private	2 10'x30' spaces for every campsite.	
Commercial greenhouse and nursery, when operated primarily as wholesaling operations and limited retail sales	1 space for each 400 sq. ft. of usable floor area, plus 1 space for each 2,000 sq. ft. of exterior sales area.	
Golf course or country club	2 per each hole for a par 3 course; 6 per hole for other courses <u>plus</u> those required for accessory uses as noted in the applicable districts	
Municipal and public service activities	1 space for each service vehicle	
Nursing or convalescent home	1 per each 3 beds or 2 rooms, <u>plus</u> 10 spaces marked for visitors	
Library, museum, community center, auditorium or place of assembly, and similar uses which are owned and operated by a governmental agency or a noncommercial organization	1 per every 2 people based on capacity	
Place of religious worship	1 for each 3 seats in the main worship unit.	
Schools	Elementary and Junior High	1 space per employee plus 5 spaces for visitors
	High School	1 space per 5 students or the amount required for the auditorium or place of assembly, whichever is greater;
	All	Separate areas for student drop off and pickup areas for buses must be provided.
Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower, or other structure	1 space per service vehicle.	

C. Signs – See Chapter 20.

(Ord. 68.07, 9-9-10; Ord. 68.16, 7-14-14)

End of Article 6



# CHAPTER 7 MANUFACTURED HOME COMMUNITY DISTRICT

## SECTION 7.01 INTENT AND PURPOSE

The purpose of this District is to allow for the establishment of manufactured home communities and related accessory uses. A manufactured home community shall comply with all applicable procedures and requirements of the Manufactured Home Commission Act 96 of 1987 (MCL 125.2301 et. seq.) as amended, and the Michigan Administrative Code.

## SECTION 7.02 TABLE OF USES

The following abbreviations apply to the Table of Uses for the M-H District:

- P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right. Site Plan approval may be necessary.
- SLU: Special Land Use: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 15 are met.

Table of Uses	M-H
Accessory buildings and uses as defined in Chapter 2 and subject to Section 3.09.	P
Cemeteries	SLU
Schools, elementary, middle and high school (private and parochial)	SLU
Libraries, museums, community centers, and similar uses which are owned and operated by a governmental agency or a noncommercial organization	P
Manufactured home community	P
Nursing or convalescent home	SLU
Places of religious worship	SLU
Municipal and public service activities	SLU
Wireless communications antenna when attached to a wireless communications support structure. See Section 3.26 for limitations and procedures	P

(Ord. 68.20, 8-11-14)

## SECTION 7.03 DEVELOPMENT REQUIREMENTS

### A. Lot, Yard, Building and Manufactured Home Community Requirements

Requirement		Per Manufactured Home Site/Unit
Manufactured Home Site	Site Area/Dwelling Unit	5,000 sq. ft.
	Minimum Width	40 ft.
Minimum Setbacks	Front Yard*	50 ft. for the <u>Community</u> ,
	Side Yard (1/total of 2)	50 ft. for the <u>Community</u> ,
	Rear Yard	50 ft. for the <u>Community</u> ,
Building Requirements	Maximum Building Height	35 ft. for community buildings and similar uses; 15 ft. for dwellings and all other buildings
	Minimum Floor Area Per Dwelling Unit	600 sq. ft.

(Ord. 68.33, 4-16-17)

**B. Parking Requirements**

1. Location of parking

- a. **Manufactured Home Community:** The off-street parking facilities required for a single home site shall be located on the same lot as the building they are intended to serve. Two (2) spaces per unit shall be provided. Parking is limited to the garage/carport and driveway only. One (1) parking space per every five (5) lots shall be provided for visitors, evenly distributed throughout the development.
- b. **Non-residential Uses:** The off-street parking facilities required for non-residential uses shall not be located within forty (40) feet of the right-of way line. The respective side and rear yard setback common to an adjacent Residential District or use shall be a minimum of thirty (30) feet of which fifteen (15) feet nearest the respective property line shall be developed as a buffer zone. The buffer zone shall extend the entire depth of the side of the lot in the case of the side yard parking adjoining the residential area, or the width of the rear of the lot in the case of rear yard parking adjoining the residential area. The required buffer zone shall comply with the standards of Section 15.04.
- c. See Section 15.01 for general parking area requirements.

2. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the dimensional requirements of Chapter 15 for lighting, loading spaces and landscaping.

Use		Parking Spaces (per unit of measurement)
Cemeteries		2 spaces plus 1 space for each 400 sq. ft. of UFA for office spaces, plus that required for a caretaker's residence
Nursing or convalescent homes		1 per each 3 beds or 2 rooms, <u>plus</u> 10 spaces marked for visitors
Libraries, museums, community centers, and similar uses which are owned and operated by a governmental agency or a noncommercial organization		1 per every 2 people based on capacity
Places of religious worship		1 for each 3 seats in the main worship unit.
Schools	Elementary and Junior High	1 space per employee plus 5 spaces for visitors
	High School	1 space per 5 students or the amount required for the auditorium or place of assembly, whichever is greater;
	All	Separate areas for student drop off and pickup areas for buses must be provided.
Municipal and public service activities		1 space for each service vehicle
Wireless communications facility		1 space per each service vehicle.

**C. Signs – See Chapter 20.**

(Ord. 68.16, 7-14-14)

**End of Article 7**

## **CHAPTER 8 BUSINESS DISTRICTS**

### **SECTION 8.01 INTENT AND PURPOSE**

- A. The B-1 Local Business District is intended to provide appropriate locations to accommodate land uses meeting the office, personal service, retail needs, and other business needs of the residents of Vevay Township. The District is not intended to provide regional shopping opportunities but rather to be limited in design and scope for community-based businesses. Managing access to individual properties will receive strong consideration during the review of individual sites. The use of combined drives, service drives, and well planned access points will be stressed.
- B. The B-2 Highway Service District is intended to serve as a convenience center for the traveling public but not serve as a regional shopping center. Managing access to individual properties will receive strong consideration during the review of individual sites. The use of combined drives, service drives, and well planned access points will be stressed. Efforts will be made to discourage the placement of loading areas, outside storage and other unattractive features in areas clearly visible from the roadway. The B-2 District is further intended to provide for uses and buildings with more intensive retail uses provided the facilities are located in close proximity to the City of Mason, which, due to either size or nature, are not well suited for locations within the B-1 District. Developments of a larger scale are intended to have public sanitary sewer.

### **SECTION 8.02 TABLE OF USES**

The following abbreviations apply to the Table of Uses:

- P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right. Site Plan approval is required.
- SLU: Special Land Use: The use may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 15 are met.
- NP: Not Permitted: The use is not permitted in the District.

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<b>Table of Uses</b>	<b>B-1</b>	<b>B-2</b>
Accessory buildings and uses as defined in Chapter 2 and subject to Section 3.09.	P	P
Amusement park, fairground and flea market	NP	SLU
Bank or other financial institution without drive through facility	P	P
Banquet hall, catering establishment	SLU	P
Commercial kennel	NP	SLU
Commercial mini-storage	NP	SLU
Contractor's office and storage yard	NP	SLU
Commercial day care facility	SLU	P
Drive through facility other than a restaurant (e.g., bank, credit union, pharmacy)	NP	SLU
Drive-through restaurant	NP	SLU
Fraternal or social club or lodge	SLU	SLU
Funeral homes and mortuary establishment	SLU	NP
Gas Station/convenience store	NP	SLU
Health or exercise club	P	P
Hospital	NP	P
Hotel and motel	NP	SLU
Laundromat	P	P
Medical office, including clinic	P	P
Municipal and public service activities	P	P
Nursing or convalescent home	P	NP
Open air business	NP	SLU
Outdoor recreation development	NP	SLU
Personal service establishment (e.g., salon, tailor, dry cleaning drop-off site, etc.)	P	P
Professional office	P	P
Recreation facility, indoor (e.g., arcades, bowling, billiards)	SLU	P
Restaurant and cafe with no drive-through	P	P
Retail establishment	P	P
Truck and freight terminal	NP	SLU
Vehicle body and repair shop	NP	SLU
Vehicle service station	NP	SLU
Vehicle wash establishment, either self-serve or automatic	NP	SLU
Veterinary clinic and hospital	SLU	P
Video rental and sales (except that video rentals are permitted as an accessory use)	P	P
Wind Energy Conversion Systems/Small	SLU	SLU

(Ord. 68.06, 5-3-10; Ord. 68.24, 2-9-15)

## SECTION 8.03 DEVELOPMENT REQUIREMENTS

### A. Lot, Yard, and Building Requirements

Requirement		B-1 Local Business	B-2 Highway Service
Minimum Lot Area		30,000 sq. ft.	43,560 sq. ft.*
Minimum Lot Width		125 ft.	200 ft. *
Maximum Width-to-Depth Ratio		1:4	1:4
Maximum Lot Coverage		65%	75%
Minimum Front Yard		60 ft.	60 ft.
Minimum Side Yard**	Side yard adjacent to Commercial or Industrial District	15 ft.	15 ft.
	Side yard adjacent to Residential or Agricultural District	50 ft.	50 ft.
Minimum Rear Yard		30 ft.	30 ft.
Maximum Height		35 ft.	35 ft.

\*Minimum Lot Area may be reduced to 32,670 square feet and Minimum Lot Width reduced, provided.

1. It is approved by the Planning commission.
2. The lot is adjacent to other B-2 lots in the B-2 Highway Service.
3. The lot conforms in similar characteristics with other B-2 lots in the immediate area.
4. The use of the lot is not inconsistent with the Master Plan.

(Ord. 68.34, 4-16-17)

\*\* Zero lot line provisions may be used for main buildings adjacent to other commercial uses provided:

1. It is approved by the Planning Commission.
2. The building has an approved fire rating for zero-lot line development under the building code.
3. The building has adequate fire access preserved pursuant to fire code requirements.
4. The zero lot line side is not adjacent to a street or lot line of a property in a Residential or Agricultural zoning district.
5. A maintenance access easement among properties is approved by the Township and recorded with the County Register of Deeds.

### B. Design Standards

All commercial uses shall comply with the following architectural guidelines:

1. The applicant shall use architectural offsets and similar design techniques to ensure that buildings protect the investment of adjacent landowners, blend harmoniously into the streetscape, and maintain a positive image for Vevay Township.
2. Building materials and colors shall relate well and be harmonious with the surrounding area. Subtle colors should be used for building and roofing material.
3. The first floor walls of commercial buildings that face a road shall be comprised of at least fifty percent (50%) clear glass unless otherwise approved by the Planning Commission.

4. The remainder of the walls of a commercial building that face a road shall be covered with or constructed of at least fifty percent (50%) of the following materials:
  - a. Brick.
  - b. Decorative concrete block.
  - c. Vinyl or wood siding.
  - d. Cut or simulated stone.
  - e. Logs.
  - f. Other materials approved as part of the site plan.
5. Building side and rear walls over one hundred (100) feet in length shall be broken up with varying building lines, windows, architectural accents and trees.

**C. Parking Requirements**

The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the dimensional and design requirements of Chapter 15, in addition to all lighting, loading spaces and landscaping standards.

1. Parking areas that are adjacent to a Residential District or use shall be set back a minimum of thirty (30) feet from side and rear property lines, fifteen (15) feet of which shall be developed as a buffer zone for the entire length of the parking area. The buffer zone shall comply with the standards of Section 15.05, D.
2. See Section 15.01 for general parking requirements.
3. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the applicable requirements of Chapter 15 for lighting, loading spaces and landscaping.

Use	Parking Spaces (per unit of measurement)
Amusement Park, fairgrounds and flea market	2 spaces per 3 seats on amusement rides or 20 spaces per ride or attraction with no specific or defined seating.
Banquet hall and/or conference center	1 space for every 4 persons permitted in the structure by fire code
Bank or other financial institution without drive through facility	1 space per 400 sq. ft. of UFA
Commercial kennel	1 space per 400 sq. ft. of gross floor area, but no fewer than four (4) spaces
Commercial mini-storage	1 space for each storage unit (adjacent to each unit) plus one per each employee on site
Contractor's office	1 per each employee, plus 1 space for all equipment and commercial vehicles
Day care facility	1 space per each 3 clients computed on the basis of the greatest number of clients on site at a given time
Drive through facility other than a restaurant (e.g., bank, credit union, pharmacy)	Space for 3 cars between the sidewalk area and the service window, and 1 space for every 200 sq. ft. of UFA
Drive-through restaurant	Space for 5 cars between the sidewalk area and the pick up window plus 1 space per each 100 sq. ft. of UFA
Fraternal or social club or lodge	1 space for every 4 persons permitted in the structure by fire code

Use	Parking Spaces (per unit of measurement)
Funeral home or mortuary	1 space per each 50 sq. ft. of UFA
Gas Station/convenience store	2 spaces for each pump plus 1 space per every 400 ft. UFA
Health or exercise club	1 space for every 4 persons permitted in the structure by fire code
Hospital	1 space per 4 patient beds plus 1 space for each employee
Hotel or motel	1 space for each guest room, plus 1 additional space for every 2 employees
Laundromat	1 space for each 2 machines
Medical office, including clinic	1 space per each 400 sq. ft. of UFA
Municipal and public service activities	1 space per each 300 sq. ft. of GFA, not including parking areas for municipal vehicles
Nursing or convalescent home	1 space per each 3 beds or 2 rooms, whichever is less, plus 10 spaces marked for visitors
Open air business	1 space per each 800 sq. ft. of lot area used of the open air business, plus parking for any main building and associated accessory uses
Personal service establishment (e.g., salon, tailor, dry cleaning drop-off site, etc.)	2 spaces per service provider (e.g., 1 space per salon chair) or 1 space per 400 square ft. of UFA
Professional office	1 space per each 300 sq. ft. of UFA
Recreation facility, indoor (e.g., arcades, bowling, billiards)	1 space for every 3 persons permitted in the structure by fire code
Retail establishment	1 space per each 300 sq. ft. of UFA
Vehicle body and repair shop	1 per employee plus 1 per service bay
Vehicle service station	1 per employee plus 1 per service bay
Vehicle wash establishment, either self-serve or automatic	3 spaces for each washing stall, in addition to, the stall itself
Veterinary clinic and hospital	1 per examination room plus 1 per employee
Video rental and sales	1 space per each 300 sq. ft. of UFA

D. Signs – See Chapter 20.

(Ord. 68.16, 7-14-14)

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**End of Article 8**



## CHAPTER 9 M-1 – INDUSTRIAL DISTRICT

### SECTION 9.01 INTENT AND PURPOSE

The regulations of this District are intended primarily for general industrial uses. The District is established to encourage operations which manufacture, compound, process, package, treat and assemble products from previously prepared materials, and to permit indoor recreational facilities and businesses generally of the type which require significant floor space, such as indoor soccer, skating, hockey, batting cages and similar devices, skateboarding and the like.

(Ord. 68.12, 3-12-12)

### SECTION 9.02 TABLE OF USES

The following abbreviations apply to the Table of Uses:

- P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right.
- SLU: Special Land Use: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 15 are met.
- NP: Not Permitted: The use is not permitted in the District.

Table of Uses	M-1
Assembly of paperboard containers, building paper, building board, and bookbinding	P
Commercial laundry and dry cleaning establishment	P
Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources	SLU
Commercial mini-storage	P
Concrete and asphalt plant	SLU
Contractor's yard, building material storage	P
Day care facility where the use is clearly incidental and accessory to the principal use	P
Junk/salvage yard	SLU
Laboratory including experimental, film, and testing	P
Landscape contractor, landscape material storage	P
Large Solar Energy Systems	SLU
Lawn care/snow removal	P
Lumber and feed supply yard	P
Motor vehicle body and repair shops	SLU
Manufacturing facility, including tool and die	P
Municipal buildings, public service buildings	P
Printing and publishing	P

<b>Table of Uses</b>	<b>M-1</b>
Production of apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials	P
Production of food products including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionary, beverage and kindred foods	P
Production of household goods like jewelry, silverware, toys, ceramics and pottery, athletic, office and tobacco goods, musical instruments, etc.	P
Production of lumber and wood products including millwork, prefabricated structural wood products and containers, not including logging camps	P
Production of textile mill products including woven fabric, knit goods, dyeing, and finishing, floor coverings, yarn and thread and other textile goods	P
Production or assembly of furniture and fixtures	P
Propane or fuel storage depot	SLU
Recreational facilities, indoors (e.g., skating, soccer, batting cages, skateboarding, and the like), together with limited food service, such as short orders, prepackaged snacks, etc., as an accessory use.	SLU
Research and development facility	P
Retail sales of goods where such sale is clearly incidental and accessory to the primary use not exceeding 5,000 square feet in customer sales area	SLU
Sawmill	P
Sexually-oriented business	SLU
Trade or industrial school	P
Truck and freight terminal	SLU
Wind Energy Conversion Systems/Large	SLU
Wireless communication tower not otherwise addressed in this table. See Section 3.26 for limitations and procedures.	SLU
Wireless communications antenna when attached to a wireless communications support structure. See Section 3.26 for limitations and procedures.	P
Wholesale establishment distributing goods including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products and warehousing	P

(Ord. 68.06, 5-3-10; Ord. 68.10, 10-3-11; Ord. 68.12, 3-12-12; Ord. 68.16, 7-14-14; Ord. 68.20, 8-11-14)  
(Ord. 68.35, 4-16-17)

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**SECTION 9.03 DEVELOPMENT REQUIREMENT**

**A. Lot, Yard and Building Requirements.**

The regulations on accessory buildings or structures in Section 3.09 do not apply to development in a business or industrial district.

<b>Requirement</b>		<b>M-1 Industrial</b>
Minimum Lot Area		87,120 sq. ft. (2 acres)
Minimum Lot Width		200 ft.
Maximum Lot Width to Depth Ratio		1:3
Minimum Lot Depth		200 ft.
Maximum Coverage		85%
Minimum Front Yard*		60 ft.
Minimum Side Yard*	Adjacent to Agricultural, Residential and M-H Districts	100 ft.
	Adjacent to all other Districts	30 ft.
Minimum Rear Yard*	Adjacent to Agricultural, Residential and M-H Districts	100 ft.
	Adjacent to all other districts	25 ft.
Maximum Height		45 ft. or 3 stories, whichever is less

\*Also see Chapter 16 for additional requirements

(Ord. 68.52, 2-28-22)

**B. Design Requirements**

1. A minimum of fifteen percent (15%) of the front face of the office portion of the building shall be glass.
2. A minimum of twenty-five percent (25%) of the front face of the office portion of the building shall be:
  - a. Brick.
  - b. Decorative concrete block.
  - c. Cement board
  - d. Cut stone.
  - e. Logs.
  - f. Other materials approved as part of the site plan.

**C. Parking Requirements**

1. Parking areas adjacent to a residential district shall be a minimum of thirty (30) feet from property lines, fifteen (15) feet of which shall be developed as a buffer zone for the entire length of the parking area. The buffer zone shall comply with the standards of Section 15.05(D) of the ordinance.

2. Parking shall be provided within three-hundred (300) feet of the facility.
3. The following vehicles shall not be parked in the front yard (as defined by the main building):
  - a. Vehicles owned or operated by the business.
  - b. Vehicles serviced or repaired by the business.
  - c. Vehicles such as semi-trailers or containers used for storage.

(Ord. 68.04, 11-5-09)

4. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the dimensional requirements of Chapter 15, in addition to all lighting, loading spaces and landscaping standards.

Use	Parking Spaces (per unit of measurement)
Accessory office area related to principal use	1 space per each 300 sq. ft. of UFA
Commercial mini-storage	1 space for each storage unit (adjacent to each unit) plus one per each employee on site
Day care facility where the use is clearly incidental and accessory to the principal use	1 space per each 3 clients computed on the basis of the greatest number of clients on site at a given time
Indoor Recreational Facilities.	1 space for every 4 persons allowed by fire code regulations
Truck and freight terminal including garaging and maintenance of equipment.	1 space per each 300 sq. ft. of UFA of office space
Municipal building, public service building	1 space per each 300 sq. ft. not including parking areas for municipal vehicles.
Production of apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials	1 space for each 1,000 sq. ft. or 1 space for each employee <u>plus</u> those spaces required for offices located on the premises
Production of food products including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionary, beverage and kindred foods	
Production of household goods like jewelry, silverware, toys, athletic, office and tobacco goods, musical instruments, etc.	
Production of textile mill products including woven fabric, knit goods, dyeing, and finishing, floor coverings, yarn and thread and other textile goods	
Production or assembly of furniture and fixtures	
Research and development facility	
Retail sales of goods where such sale is clearly incidental and accessory to the principal use	1 space for each 500 sq. ft. UFA <u>plus</u> those spaces required for offices located on the premises
Trade or industrial school	1 space per each 300 sq. ft. of UFA of retail sales area
Wholesale establishment	1 space per each 5,000 sq. ft. GFA
Wireless communication tower	1 space for a maintenance vehicle

D. Signs – See Chapter 20.

(Ord. 68.04, 11-5-09; Ord. 68.06, 5-3-10; Ord. 68.12, 3-12-12; Ord. 68.16, 7-14-14)

**End of Article 9**

## **CHAPTER 10 FLOOD PLAIN OVERLAY**

### **SECTION 10.01 STATEMENT OF PURPOSE**

It is the purpose of this Chapter to significantly reduce hazards to persons and damage to property as a result of flood conditions in Vevay Township and to retain the storm water retention capabilities of existing natural systems helping to prevent the need for significant public investment for man-made drainage systems.

### **SECTION 10.02 DELINEATION OF THE FLOOD PLAIN OVERLAY DISTRICT**

- A. The Flood Plain Overlay District shall overlay existing Zoning Districts delineated on the Official Vevay Township Zoning Map. The boundaries of the Flood Plain Overlay District shall be one thousand (1,000) feet from the ordinary high water mark on either side of the Sycamore, Willow and Mud Creeks and five hundred (500) feet from the edge of any county drain easement. The term flood plain as used in this Ordinance shall mean the Flood Plain Overlay District and shall be the designated regulatory flood plain.
- B. When a development approval (e.g., site plan review, planned unit development, or site condominium) is requested for anything other than one (1) single-family dwelling, the location of the Flood Plain Overlay District boundary shall be determined as follows:
  - 1. The developer/builder shall provide the Township with accurate topographic data for the site in addition to information addressing storm water storage and flooding potential of the area. The submitted information shall be sealed by a registered civil engineer.
  - 2. The County Drain Commissioner's office shall be provided with data relating to the floodplain for their review and comment to the Planning Commission.
  - 3. The Township engineer shall advise the Township regarding the submitted site information and whether or not relocating the district boundary on the piece of property will negatively affect flooding and storm water storage potential on the subject property or for upstream and downstream properties.
- C. In addition to other requirements of this Ordinance applicable to development in the underlying Zoning District, compliance with the requirements of this Chapter shall be necessary for all development occurring within the Flood Plain Overlay District. Conflicts between the requirements of this Chapter and other requirements of this Ordinance or any other Ordinance shall be resolved in favor of this Chapter, except where the conflicting requirement is more stringent and would further the objectives of this Chapter. In these cases the more stringent requirement shall be applied.

### **SECTION 10.03 PERMITTED PRINCIPAL USES**

Notwithstanding any other provisions of this Ordinance, no building or structure shall be erected, converted or structurally altered, and no land and/or structure shall be used in the regulatory flood plain unless approved by the Planning Commission and except for one (1) or more of the following uses:

- A. Farming, gardening, and horticulture;
- B. Open recreational uses such as parks, playgrounds, playfields, athletic fields, golf courses, bridle paths and nature paths;
- C. In the area within Floodplain Overlay, land may be used to supply open space or lot area requirements of a lot partially located outside, provided, however, no building or structure shall be located within the Overlay.

#### **SECTION 10.04 ACCESSORY USES OF PRINCIPAL AND SPECIAL LAND USES**

Within the Floodplain Overlay off-street parking is permitted as a use accessory to a principal use provided no fill is brought to the site for parking areas.

#### **SECTION 10.05 USES REQUIRING SPECIAL LAND USE PERMIT**

The following uses are permitted in the Floodplain Overlay District when approved as a special land use pursuant to the procedures described herein and as provided in Chapter 15:

- A. In the area within the Flood Plain District, dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the flood plain, the flow and impoundment capacity of the flood plain will be maintained or improved, and unless all applicable state regulations are met.
- B. In the area within the Flood Plain District, the construction or location of bridges, outdoor play equipment, bleachers and similar outdoor equipment and appurtenances is prohibited unless those elements would not cause an increase in water surface elevation, obstruct flow or reduce impoundment capacity of the flood plain. In addition, all equipment shall be anchored to prevent flotation and lateral movement. Approval of a Special Land Use Permit for any of the above shall be subject to an engineering finding by a registered engineer that the above requirements are satisfied.

#### **SECTION 10.06 OFF-STREET PARKING AND LOADING**

See parking requirements of the respective uses in the underlying zoning district.

#### **SECTION 10.07 SIGNS**

See sign regulations of the respective uses in the underlying zoning district.

#### **SECTION 10.08 ALTERATION OF WATERCOURSES**

No alteration of any watercourse in the Flood Plain District shall be undertaken unless and until neighboring communities and the Michigan Department of Environmental Quality shall have first been notified and provided with detailed plans and specifications prepared by a registered engineer. These plans shall show full compliance with local Ordinances, state statutes, state regulatory agencies and federal regulations and shall make provisions for maintaining the full carrying capacity of the altered water course.

#### **SECTION 10.09 DISCLAIMER OF LIABILITY**

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes. Approval of the use of land under this Chapter shall not be considered a guarantee or warranty of safety from flood damage. This Ordinance does not imply that areas outside the Floodplain Overlay will be free from flood damage. This Ordinance does not create liability on the part of Vevay Township or any officer or employees thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made.

**End of Article 10**

# CHAPTER 11

## PLANNED UNIT DEVELOPMENT DISTRICT

### SECTION 11.01 DESCRIPTION AND INTENT

- A. The intent of the PUD District is to permit coordinated development on larger sites in order to achieve most or all of the following:
1. Permit flexibility in the regulation of land development allowing for higher quality of projects through innovation in land use, variety in design, layout, and type of structures constructed.
  2. Provide the opportunity to mix compatible uses or residential types.
  3. Allow clustering of development to preserve common open space, traditional neighborhood design, historic or significant architectural features.
  4. Keep open spaces close to and contained within developed areas.
  5. Ensure compatibility of design and function between neighboring properties.
  6. Protect and preserve natural resources, natural features and open space.
  7. Promote efficient provision of public services, utilities and transportation facilities.
  8. Provide convenient vehicular access throughout the development and minimize adverse traffic impacts.
  9. Provide complete non-motorized circulation to, from within and between developments.
  10. Provide adequate housing and employment opportunities.
  11. Encourage development of convenient recreational facilities as an integral part of residential developments.
  12. Ensure the type, scale and mass of uses and structures will relate harmoniously to each other and to adjoining existing and planned uses.
  13. Encourage development that is consistent with the goals stated within the Vevay Township Master Plan.
- B. These Planned Unit Development regulations are not intended to be used for circumventing the more specific standards and requirements of this Ordinance, or the planning upon which they are based. Rather, these provisions are intended to result in development that is substantially consistent with the zoning requirements as generally applied to the proposed uses, but with specific modifications that, in the judgment of the Township after considering the intent of this Chapter, assures a superior quality of development. If this improved quality is not determined by the Township to be present after the Township has reviewed the development and the intent of this Chapter, the site shall not qualify for the modifications allowable under this Chapter.

### SECTION 11.02 ELIGIBILITY CRITERIA

To be eligible for Planned Unit Development approval, the applicant must demonstrate that the following will be met:

- A. Demonstrated Benefit: The PUD shall provide one (1) or more of the following benefits not possible under the requirements of another zoning district:
1. Preservation of significant natural or historic features.
  2. Preservation of agricultural lands.
  3. A complementary mixture of uses or a variety of housing types.
  4. Common open space for passive or active recreational use.



5. Redevelopment of a nonconforming site where creative design can address unique site constraints.
- B. Unified Control of Property: Land owners involved in a proposed Planned Unit Development must provide a signed agreement among all involved parties, which is approved by the Township’s attorney that indicates their agreement with the application for the PUD.
  - C. Public sewer shall be available.
  - D. Noncontiguous Planned Unit Developments are permitted provided:
    1. All properties are located within the township;
    2. The development provides open space in areas consistent with Township Master Plan policies.
    3. Areas earmarked for higher density must be in close proximity to the City of Mason or other similarly developed areas.

**SECTION 11.03 TYPES OF PUDS**

- A. A property meeting the eligibility criteria may be rezoned to a PUD District based on the requirements shown in the following table and appropriate requirements contained elsewhere in this Ordinance. The rezoning shall be concurrent with the approval of a preliminary PUD plan. The PUD designation shall be noted in the application and on the Official Zoning Map upon approval.
- B. The Township Board, after recommendation from the Planning Commission, shall establish a list of permitted uses as part of the PUD agreement (as required in Section 11.11), based upon the provisions of the following table and this Chapter.

<b>PUD DESCRIPTIONS</b>				
<b>PUD District</b>	<b>Minimum Size</b>	<b>Locations Allowed</b>	<b>Permitted Uses</b>	<b>Open Space Required</b>
Residential (RPUD) See Sec. 11.4	10 acres	Where pre-PUD zoning is a Residential District (R-1B or R-M)	Residential uses permitted in the pre-PUD district with additional uses as provided in this Chapter.	30%
Mixed Use (MPUD) See Sec. 11.5	5 acres	Where pre-PUD zoning is R-M, or B-1 or B-2*	Residential, commercial, office, recreational, with additional uses provided in this Chapter.	15%

\* MPUD’s may also be placed in areas identified as “Mixed Use” by the Master Plan provided public sewer is made available.

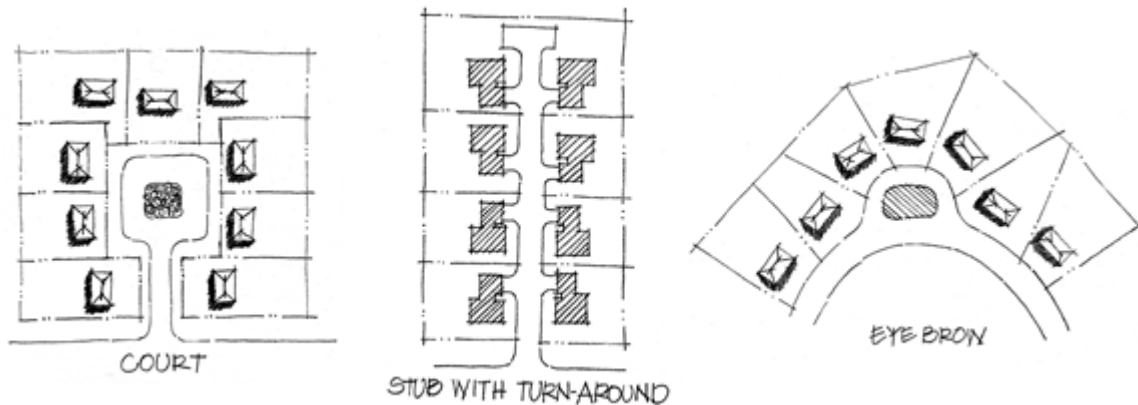
## **SECTION 11.04 RESIDENTIAL PUD (RPUD) STANDARDS**

- A. Intent: The purpose of the RPUD is to promote neighborhood development that provides a variety of single-family housing opportunities in addition to small scale multiple-family uses. RPUD developments are intended to integrate pedestrian and cyclist links among neighborhoods and to public facilities.
- B. Dimensional Standards: To encourage flexibility and creativity consistent with the intent of the RPUD, the Township Board, after recommendation from the Planning Commission, shall determine appropriate lot dimensions and building heights and setbacks, subject to the following:
1. The overall lot dimensions and setbacks shall not be less than fifty percent (50%) of the Zoning District that the use(s) would be placed in without a PUD. Zero-lot line may be permitted on one (1) side lot line provided that the remaining side yard equals at least a total width of two (2) side setbacks required in the district the use would be placed in without a PUD.
  2. The height restrictions with any use shall not be increased by more than twenty-five percent (25%).
  3. The minimum lot size shall be 11,000 square feet.
- C. Housing Types: Not more than thirty percent (30%) of the dwelling units may be two family or multiple family. In no case shall any structure contain more than 4 dwelling units. The remaining dwelling units shall be detached single-family dwellings.
- D. Density: The maximum base density and number of dwelling units permitted in a planned unit development shall be determined through the submission of a parallel plan showing the number of dwelling units that may be developed under the existing zoning classification. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan. The parallel plan shall meet the following minimum requirements:
1. The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each lot.
  2. All lots or buildings shown on the parallel plan shall be located on buildable lots, which, for the purposes of this Section shall mean lots that are of sufficient size and shape to meet existing zoning requirements and accommodate a principal building, septic and well systems (where no public sanitary sewer or water system is to be used), and required streets and driveways.
  3. Areas of wetlands, stormwater control, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.
  4. In evaluating the feasibility of the parallel plan, the Planning Commission shall consider whether or not the plan would have been approved under the processes normally used to review site plans or subdivision plans, including such factors as access, lot orientation, street layout, and other considerations the Planning Commission deems appropriate.
  5. At the discretion of the Township Board, after recommendation from the Planning Commission, the RPUD's density may be increased by up to ten percent (10%) if additional site amenities like paved trails throughout the development and a mini-park (with playground) are provided on-site by the developer.
- E. Uses: The PUD may also include any Special Land Uses permitted in the R-1A and R-1B Zoning Districts. The list of allowed uses shall be established in the PUD agreement.
- F. Design Standards:
1. Dead-ends or cul-de-sacs streets serving the development are discouraged. Eyebrow, court, or stub streets are preferred (see graphics in Section 11.05 D 2).

2. Where adjoining areas are not subdivided, the arrangement of streets within the proposed PUD shall be required to be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.
3. The Planning Commission may recommend and Township Board require the development to provide such amenities as bus stops or bus turn-outs.
4. Open space areas must adhere to the standards of Section 11.06.

**SECTION 11.05 MIXED USE PUD (MPUD)**

- A. Uses: A Mixed Use PUD shall include a mixture of uses that are considered to be consistent with the Master Plan. A minimum of forty percent (40%) of the PUD land area shall be occupied by residential uses and may include commercial uses. The list of uses allowed shall be established in the PUD approval.
- B. Dimensional Standards: To encourage flexibility and creativity consistent with the intent of the PUD, the Township Board, after recommendation from the Planning Commission, shall determine appropriate lot dimensions and building and yard requirements. In no case, however, shall the overall lot dimensions or yard requirements be less than fifty percent (50%) of the R-1B Zoning District. The height restrictions with any use shall not be increased by more than twenty-five percent (25%).
- C. Density: At the discretion of the Township Board, after recommendation from the Planning Commission, the MPUD’s density may be increased by up to ten percent (10%) if additional site amenities like paved trails throughout the development and a mini-park (with playground) are provided on-site by the developer.
- D. Site Design Standards:
  1. The applicant shall demonstrate that the proposed lot dimensions and building and yard requirements shall result in a higher quality of development than would be possible using conventional zoning standards.
  2. A series of dead-ends or cul-de-sacs serving the development are discouraged. Eyebrow, court, or stub streets are preferred.



3. Where adjoining areas are not subdivided, the arrangement of streets within the proposed PUD shall be required to be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.
4. The Planning Commission may recommend and Township Board requires the development provide such amenities as bus stops or bus turn-outs.

5. To encourage a true integration of mixed uses and improved efficiency in land use, the overlap in parking requirements may be permitted between uses that have alternating peak-parking demands or where the mixture of uses on a site would result in multi-purpose trips.
6. Pedestrian gathering and seating plazas, greenways and tree lined drives shall be in parking lots and throughout the site to provide an inviting pedestrian environment, protection of the pedestrian from vehicular circulation for improved traffic operations and views. Other site amenities to create a pedestrian scale environment shall be provided such as bike racks, benches, information kiosks, art, planters, or streetscape elements to separate principal buildings from the parking lots.
7. Open space shall meet the standards of 11.06.

E. Driveway Access and Circulation:

1. Access shall be limited to one (1) major entrance along any collector or arterial road, excluding any entrance designed solely for truck traffic. Additional access points shall only be considered if spaced at least five hundred (500) feet apart and a traffic impact study is provided that demonstrates overall traffic operations and safety will be improved.
2. Main access points shall be spaced from existing signalized intersections to ensure proper spacing and efficient flow of traffic if the main access point might be signalized in the future.
3. The site design shall direct traffic flow to use the main access points. Stacking or queuing depth at site access points shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation. Interior drives shall provide circulation between uses.
4. Additional right-of-way shall be provided to accommodate improvements to the existing arterial roadway system that are planned or required to mitigate traffic associated with the PUD.

F. Building Design Standards:

1. Façades of buildings shall utilize high quality architecture and landscaping that creates an integrated, pedestrian-oriented environment. At least forty percent (40%) of first floor office and commercial development shall be clear glass.
2. Primary building materials for non-glassed areas of the remainder of the commercial or office buildings shall be comprised of at least fifty (50%) percent masonry material, such as brick, stone or split face block. Or another acceptable material as determined by the Planning Commission.
3. Plain concrete masonry units (cement board) shall constitute no more than twenty (20%) of the facades of any buildings.
4. Sheet metal paneling on exterior walls is prohibited.

## **SECTION 11.06 OPEN SPACE STANDARDS**

- A. Designated open space shall be set irrevocably aside in a manner approved by the Township Attorney, such as a recorded deed restriction, covenants that run perpetually with the land, a conservation easement or land trusts. The dedicated open space shall forever remain open space, subject only to uses on the approved site plan. Further use of open space for other than recreation or conservation purposes, except for easements for utilities, shall be strictly prohibited. Any change in use of the open space from what is shown on the approved site plan shall require Township Board approval, and shall not diminish compliance with the requirements of this Chapter. Allowable use(s) of the dedicated open space shall be indicated in the conservation easement or other legal instrument and shall prohibit the following:
1. Dumping or storing of any material or refuse.
  2. Activity that may cause risk of soil loss.

3. Cutting or removal of live plant material in natural areas, except for removal of dying or diseased vegetation, maintenance of trails or elimination of noxious species.
  4. Use of motorized off road vehicles.
  5. Cutting, filling or removal of vegetation from wetland areas.
  6. Use of pesticides, herbicides, or fertilizers either within or adjacent to (within 100 feet of) water bodies and wetlands, unless required by the Michigan Department of Environmental Quality to manage nuisance species.
  7. Inclusion of a requirement that the dedicated open space shall be maintained by parties who have an ownership interest in the open space.
  8. Requirements for maintenance of the open space shall be provided. In the event that the open space is not adequately maintained, or is determined by the Township Zoning Administrator to be a public nuisance, the cost for removal/mitigation of the nuisance and for maintenance of the open space shall be assessed upon the owners of the open space.
- B. Nothing herein shall prevent the conveyance of open space to a public agency or other non-profit entity for recreational or conservation use.
- C. The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.
- D. The open space and access to it shall be permanently marked and designed so individuals in the development are not forced to trespass to reach recreational or common open spaces.
- E. On-site common open space shall be planned in locations visible and accessible to all in the development. The Planning Commission shall determine if the proposed open space is usable and functional. The common open space may either be centrally located, located to preserve natural features, located to buffer adjacent uses, or located to connect open spaces throughout the development, provided the following areas shall be included within the open space area:
1. Any significant natural features.
  2. At least one-third (1/3) of the required common open space shall be usable open space for the residents of the development.
  3. Open space, except for where trails and bike paths are located, shall have minimum dimension of one hundred (100) feet by one hundred (100) feet.
  4. Where an open space preservation development abuts a lake or river, at least fifty percent (50%) of the shoreline frontage, as well as reasonable access to it, shall be a part of the common open space land.
  5. A minimum fifty (50) foot wide undisturbed open space setback shall be maintained from the edge of any stream or wetland; provided that the Township Board may permit trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.
- F. Where adjacent land includes open space, public land or existing or planned bike paths, open space connections shall be provided between the site and adjacent open space, public land or existing or planned bike paths. Trails between adjoining open space development, public land or existing or planned bike paths shall be constructed to allow future interconnection between developments.

## **SECTION 11.07 PUD APPROVAL PROCESS**

- A. Pre-Application Meeting:
1. An applicant desiring to submit an application for a Planned Unit Development shall attend a pre-application meeting with staff members or consultants the Township Zoning Administrator deems advisable.
  2. The purpose of the pre-application meeting is to determine general compliance with PUD eligibility and design requirements, and to identify issues of significance regarding the proposed application.
  3. If the applicant proceeds with the PUD application, a report on the findings of the pre-application meeting may be forwarded to the Planning Commission.
- B. Application: The applicant shall prepare and submit to the Township a request for rezoning to the appropriate PUD designation, including twelve (12) copies of a parallel plan and preliminary PUD site plan meeting the requirements of Site Plan Review submittals including a complete application with associated fees and narrative which details how the plan relates to the intent of the PUD district, phases of development, and approximate timeframes for each phase. Materials shall be submitted at least forty-five (45) days prior to the meeting at which the Planning Commission shall first review the request.
- C. Additional Information: During the PUD review process, the Township Board or Planning Commission may require additional information it determines is reasonably necessary to demonstrate compliance with the review standards of this Chapter. Such information may include, but not be limited to, soil reports, hydrological tests, traffic studies, or wetland determinations.
- D. Workshop: In addition to the pre-application meeting, a workshop may be required by the Planning Commission, or, if not required, the workshop may be requested by the applicant to discuss the appropriateness of a PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal.
- E. Planning Commission Public Hearing: The Planning Commission shall review the PUD rezoning request, the conceptual PUD site plan, and conduct a public hearing. Written notice of the meeting will be given to land owners and occupants within three hundred (300) feet of the boundary of the property to be affected. Notice shall be given in a newspaper of general circulation not less than fifteen (15) days prior to the public hearing. The notice shall include:
1. The nature of the request.
  2. The property(s) that are the subject of the request including a listing of all existing street addresses within property(s) (as required by MCL 125.3401 et. Seq.). If there are no addresses other means of identification may be used.
  3. Location and time of the hearing.
  4. Where and when written comments may be received.
- F. Planning Commission Recommendation: The Planning Commission shall review the preliminary PUD site plan in consideration of public hearing comments, technical reviews from Township staff, and other comments from consultants and applicable review agencies, and compliance with the standards and requirements of this Ordinance. The Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions, or deny the request for rezoning.
- G. The recommendation to the Township Board shall be based on the following standards:
1. The PUD shall satisfy the Intent of Section 11.01 and the Eligibility Criteria of Section 11.02.
  2. The PUD shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area. Architecture should provide coordinated and visually appealing styles, building forms and building relationships.

3. The PUD shall be adequately served by essential public facilities and services, such as roads, police and fire protection, drainage systems, water supply and sanitary sewage facilities.
  4. The proposed type and density of use shall not exceed the Township's ability to provide adequate public services, including public facilities, and utility capacities.
  5. The design of the PUD shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation, access location and design, circulation, roadway capacity, traffic operations at proposed access points and nearby intersections.
  6. Natural features shall be preserved, insofar as practical, by removing only those areas of natural vegetation or making those alterations to the topography which are reasonably necessary to develop the site.
  7. Natural drainage ways shall be preserved insofar as practical, by minimizing grading, and tree and soil removal in and adjacent to natural drainage swales.
  8. Slopes of over fifteen percent (15%) are protected and maintained in a natural state.
  9. The proposed PUD shall provide greater protection of and less adverse impact on the quality of the natural features in comparison to the impacts associated with a conventional development.
  10. The proposed development shall not have an adverse impact on future development as proposed in the Master Plan of the Township.
  11. The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the Zoning Ordinance.
  12. The proposed development shall adequately consider pedestrian and cyclist safety and circulation, and tie sidewalks, paths and trails into public facilities and adjoining properties.
  13. When proposed construction is to be phased, the project shall be designed in a manner that allows a phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of users of the open space and the residents of the surrounding area.
- H. Township Board Decision: Following receipt of the Planning Commission's recommendation, the preliminary PUD site plan shall be considered by the Township Board. The Township Board shall hold an additional public hearing as provided by the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3401). The Township Board shall take one (1) of the following actions on the request:
1. If the application is determined to be insufficient, does not fully respond to Planning Commission issues or more information is required, the request may be tabled. The Township Board shall direct the applicant to prepare additional information, revise the PUD plan, or direct the Township staff or consultants to conduct additional analysis. The application shall not be removed from the table until the conditions causing its tabling have been satisfied.
  2. If the Township Board, during its review process, believes there is new information that might modify the recommendation of the Planning Commission, the application shall be returned to the Planning Commission with the new information for its reconsideration. The Planning Commission shall provide a recommendation within forty five (45) days, or such longer time as is established by the Township Board. No additional public hearings are required, unless otherwise provided by law.
  3. Approval or Approval with Conditions:
    - a. Upon determination that a PUD site plan is in compliance with the standards and requirements of this Ordinance and other applicable Ordinances and laws, the Township Board may approve the preliminary PUD site plan.

- b. The Township Board may impose reasonable conditions with the approval of a PUD. Conditions of any approval are attached to the land and will remain through subsequent owners. The applicant shall submit a revised PUD site plan that demonstrates compliance with the conditions.
  - c. Approval of the preliminary PUD plan shall constitute approval of the rezoning and the Zoning Map shall be changed to indicate the zoning of the property as the appropriate PUD District.
  - d. Approvals may include a performance bond or similar guarantee in order to ensure the completion of required improvements or the protection of significant natural features.
4. Denial: Upon determination that a PUD site plan does not comply with standards and regulations set forth in this Ordinance or other applicable ordinances or laws, or requires extensive revision in order to comply with the standards and regulations, the Township Board shall deny the application. Re-submittal of a denied application shall be considered a new application.

### **SECTION 11.08 FINAL APPROVAL**

- A. Final site plans shall be submitted to the Planning Commission for review and approval in accordance with the Site Plan Review provisions of the Ordinance. If final site plans for at least the first phase of the project are not submitted and approved within a two (2) year period from the approval of the Development Agreement (Section 11.11), the right to develop under the approved PUD preliminary site plan shall terminate and a new application must then be filed and processed.
- B. In reviewing final site plans, the following standards and requirements shall apply, in addition to those of Section 11.07,G.
  - 1. Final site plans shall be in substantial conformance with the approved PUD preliminary plan.
  - 2. Each final site plan shall either individually or in combination with previously approved contiguous project areas, meet the standards of this Chapter and the approved PUD preliminary plan regarding layout, density, open space and land use.
  - 3. Each final site plan submission shall include a map illustrating the site or phase in relation to previously approved plans and the overall PUD.
  - 4. Any amendment to the development agreement referenced in Section 11. 11 which is requested by the developer shall be submitted for review by the Township Attorney and shall be subject to the approval of the Township Board.

### **SECTION 11.09 EXTENSIONS**

The two (2) year period for preliminary PUD approval may be extended for up to one (1) additional year, if applied for in writing by the petitioner prior to the expiration of the PUD preliminary plan approval, and granted by the Township Board, provided that the reasons for the delay are beyond the general control of the applicant.



## **SECTION 11.10 REVISIONS TO APPROVED PUD PLANS**

- A. Approval of the preliminary PUD plan and final site plan confers upon the Zoning Administrator the authority to approve certain minor deviations when an applicant or land owner who was granted site plan approval notifies the Zoning Administrator of the proposed amendment to the approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved plan.
- B. Within fourteen (14) days of receipt of a request to amend the site plan, the Zoning Administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval, as noted below.
- C. The Zoning Administrator may approve the proposed revision upon finding the change would not alter the approved design or provisions of the development agreement referenced in Section 11.11, would not reduce the area devoted to open space, and all applicable regulations of this Ordinance will be met. The Zoning Administrator shall inform the Planning Commission and Township Board of the approval in writing.
- D. The Zoning Administrator shall consider the following change(s) to be minor:
  - 1. For residential buildings, the square footage of structures may be reduced or increased by ten percent (10%) of the originally approved area, provided the overall density of units does not increase, the minimum square footage and parking requirements are met, and the building(s) do not extend outside a designated building envelop, or into any required open space or required setback.
  - 2. Gross floor area of non-residential buildings may be decreased or increased by up to ten percent (10%) or two thousand (2,000) square feet, whichever is smaller, of the originally approved area, provided parking requirements are met and the building does not extend into any required open space or required setback.
  - 3. Floor plans may be changed if consistent with the character of the use.
  - 4. Relocation of a building by up to five (5) feet, if consistent with required setbacks, open space and other requirements.
  - 5. Height of buildings may be lowered.
  - 6. Designated woodlands or areas not to be disturbed may be increased.
  - 7. Plantings on the approved landscape plan may be replaced by similar types of landscaping on an equal or greater basis; any trees shown as preserved on the final site plan and subsequently lost during construction shall be replaced on a caliper-per-caliper basis on the site. For example, if a 12-inch diameter tree is lost during the construction process, six (6) trees, which are 2 (two) inches in diameter could be planted to replace the single 12-inch tree.
  - 8. Improvements or slight redesign of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing or pedestrian/bicycle paths, where appropriate.
  - 9. Changes of building materials to another of higher quality, or a slight change in the color of the exterior material, as determined by the Building Official.
  - 10. Grade change of up to one (1) foot, after review by the Township Engineer.
  - 11. Modification of entry design, sign placement or reduction in size of signs, which is consistent with the intent of the approved PUD plan.
  - 12. Internal rearrangement of parking lots which does not affect the number of parking spaces or alter access locations or design.
  - 13. Changes to the location of accessory buildings and structures, when the new location will be consistent with the building envelope identified on the approved plan, and when it would not extend into any required open space or required setback.
  - 14. Changes required or requested by the Township, County or State for safety reasons.

- E. Where the Zoning Administrator determines that a requested amendment to the approved site plan is major, re-submittal to the Planning Commission shall be required. Should the Planning Commission determine that the modifications are inconsistent with the approved preliminary PUD plan; a revised preliminary PUD site plan shall be submitted according to the procedures outlined in this Chapter. In all cases, a change in use to a more intensive use than approved in the preliminary PUD plan shall be considered major and require resubmission of a new preliminary PUD Plan.

### **SECTION 11.11 DEVELOPMENT AGREEMENT**

- A. After receiving final PUD approval but prior to any site preparation or the issuance of any building permits, the applicant shall submit an Agreement stating the conditions upon which approval is based, for review and approval by the Township. The Agreement, after review by the Planning Commission and approval by the Township Board, shall be entered into between the Township and the applicant and be recorded with the County Register of Deeds.
- B. At a minimum, the Agreement shall provide:
  - 1. A certified boundary survey of the acreage comprising the proposed development.
  - 2. The manner of ownership of the developed land and the manner of the ownership and of dedication common areas in additions to a mechanism to protect any designated common open areas.
  - 3. Satisfactory provisions to provide a performance guarantee for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development.
  - 4. Provisions to ensure adequate protection of natural features.
  - 5. A copy of the approved preliminary PUD site plan signed by the applicant and the township supervisor or appointed designee.

### **SECTION 11.12 PERFORMANCE GUARANTEES**

The Township Board may require a performance guarantee in accordance with Section 19.04 to ensure compliance with the approved planned unit development.

### **SECTION 11.13 APPEALS**

PUD decisions granting or denying a proposal or any regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a PUD may be appealed to the Zoning Board of Appeals nor shall an application for variance be accepted. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the PUD, provided the variance does not involve alterations to open space areas as shown on the approved PUD site plan, does not violate any condition of PUD approval, and otherwise meets the applicable review standards applicable to variances in this Ordinance.

**End of Article 11**

**CHAPTER 12  
RESERVED**

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**End of Article 12**

## **CHAPTER 13**

### **Airport Overlay District**

#### **SECTION 13.01 PURPOSE**

For the purposes of this ordinance, the Airport Overlay District establishes airport zoning regulations restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of Mason Jewett Airport; providing for the allowance of variances from such regulations.

Pursuant to the authority conferred by the provisions of the Airport Zoning Act, being Act No. 23 of the Public Acts of the State of Michigan of 1950, MCL 259.431 et.seq., and for the purpose of promoting the health, safety, and general welfare of the inhabitants of the Township by preventing the establishment of airport hazards and thereby protecting the general public, users of the Mason Jewett Airport, and occupants of land in its vicinity, and preventing the destruction and impairment of the utility of said airports and the public investment therein.

#### **SECTION 13.02 APPLICABILITY**

- A. The Airport Overlay Zone hereby establishes regulations on lands within Vevay Township which are referenced in the Approach Plan for Mason Jewett Airport and the Land Use Guidelines for State of Michigan Airport Approach Plans as filed with the Michigan Department of Transportation. This Ordinance establishes height and use limitations within these lands. The height and use limitations of this Ordinance become less severe as the distance from the airport is increased.
- B. An airport hazard area is established, which area or zone consists of all the lands within Vevay Township lying beneath the approach, transitional, 149 feet horizontal, conical and 500 feet horizontal surfaces.
- C. Airport compatible land uses are defined as those developments that comply with generally accepted restrictions on location, height,, and activity that provide for safe aircraft movement and airport operations, as well as the preservation of public health, safety, and welfare for those persons located in the surrounding airport environs.

#### **SECTION 13.03 HAZARDS**

- A. The prescribed height limits are not arbitrarily set, but are based on past experience and studies made by the Michigan Aeronautics Commission and by the Federal Aviation Administration. Height limits are based upon the established elevation of the airport or upon the elevation of the end of the nearest runway.
- B. New construction, and construction increasing the height of existing structures, within the hazard area, must conform to the provisions on height limitations. This Chapter also restricts such uses of land within the vicinity of the airport as will unreasonably interfere with radio communications systems, navigational aids, or other devices used by the airport and aircraft, or would reduce visibility, or would create confusing lights, or would be subject to undesirable effects that may be caused by the operation of aircraft.

### **SECTION 13.04 PERMITS**

- A. All non single-family land uses within the overlay shall provide a sign-off to the Township by the Airport Manager with respect to the appropriateness of the proposed land use within the Overlay.
- B. A permit must be obtained from the Michigan Aeronautics Commission for the construction of a structure that is, or that increases the height of an existing structure, higher than 200 feet above the ground elevation at the structure's site or higher than an imaginary plane extending outward and upward at the slope of 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway (PA 259 of 1959, MCL 259.482 et.seq.)

### **SECTION 13.05 UNLAWFUL LAND USES**

Notwithstanding any other provisions of this Ordinance, no person may use any lands within any Airport Hazard Area in a manner which:

- 1. Would create electrical interference with radio communications between the airport and aircraft or create interference with navigational aids employed by aircraft;
- 2. Would make it difficult for flyers to distinguish between airport lights and others or result in glare to the eyes of flyers using the airport;
- 3. Would create air pollution, steam or other vapors in such amounts as to impair the visibility of flyers in the use of the airport;
- 4. Would locate or permit the operation of a dump, waste disposal site, sanitary landfill, hazardous waste facility, solid waste transfer station, or recycling facility within ten-thousand (10,000) feet of any runway at the airport, unless the construction, location, and operation of the site is approved or authorized by the Federal Aviation Administration as not being in violation of its orders, rules, or regulations applicable to the airport, or unless a waiver is issued by the Federal Aviation Administration.
- 5. Would otherwise endanger the landing, taking off, or maneuvering of aircraft;
- 6. Would attract birds;
- 7. Would raise the descent minimums of any instrument approach procedure to the airport, or otherwise limit operations at the airport, as determined by an airspace study conducted by the Federal Aviation Administration.

### **SECTION 13.06 APPEALS**

Any request for a variance to the AO District height limits shall require approval by the FAA, prior to being considered by the Board of Zoning Appeals. A request for a variance to the height limit of the underlying zoning district that will not exceed the AO District height may be considered by the Board of Zoning Appeals with the submittal of an approved FAA Form.

**End of Article 13**

# CHAPTER 14

## SITE PLAN REVIEW

### SECTION 14.01 PURPOSE

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may realize planned objectives in the use of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development be completed with minimum adverse effect on the use of adjacent streets and highways, and on existing adjacent and future land uses, rural character, and the natural environment.

### SECTION 14.02 SITE PLAN – BUSINESS, INDUSTRIAL AND OTHER USES.

- A. In addition to site plans required by other provisions of this Ordinance, a site plan conforming to the requirements of this section shall be provided for:
  - i. All new business and industrial uses;
  - ii. Changes to existing business and industrial uses when such changes result in demolition of existing structures, new construction (including additions to existing structures) changes to signage, parking and areas for ingress and egress to the property involved, or when any change is expected to generate 100 or more directional trips to the parcel.
- B. A site plan may be required for non-residential and accessory uses at the discretion of the Planning Commission or Township Board.

*(Ord. 68.01, 3-2-08) (Ord. 68.45, 11-15-17)*

### SECTION 14.03 SITE PLAN REVIEW REQUIREMENTS

#### A. Optional Preliminary Review of Site Plan.

Twelve (12) copies of a site plan may be submitted by the applicant for review by the Zoning Administrator or person designated by the Township Board prior to final submission of the site plan. The purpose of this optional procedure is to allow discussion between the applicant and the Zoning Administrator or person designated by the Township Board, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.

1. The preliminary review shall include the information as listed within subsection C, below, unless deemed unnecessary by the Zoning Administrator or person designated by the Township Board. Site plans shall be at a scale not to exceed 1 inch equals 100 feet (1" = 100').
2. The Zoning Administrator or person designated by the Township Board shall review the site plan and make any recommendations to the applicant in the context of the standards required by this Ordinance. The Zoning Administrator or person designated by the Township Board shall advise the applicant as to the general acceptability of the proposed site plan, but shall not be bound by any statements or indications of acceptance of the site plan.

#### B. Final Review of Site Plan

1. Twelve (12) copies of a site plan prepared by a professional engineer, architect, or land surveyor may be submitted without first receiving a preliminary review. Site plans shall be at a scale not less than one inch equals twenty feet (1"=20') for property under three (3) acres and at least one inch equals one hundred feet (1"=100') for those three (3) acres or more.



2. A site plan shall include the information as listed within subsection C.

C. Required Site Plan Submission Requirements

<b>Site Plan Requirements</b>
A site plan for a home occupation may be prepared by the property owner. All other site plans shall contain the seal, name, and firm address of the professional individual responsible for the preparation of the site plan.
A general location sketch showing at minimum, properties, streets and use of land within 1/2 mile of the area.
Legal description of the subject property and parcel identification number.
The date, north arrow, and scale.
Name and address of the property owner or petitioner.
Existing zoning and use of all properties abutting the subject property.
All buildings, parking, driveways, roads, streets, railroads, and access easements within 100 feet of the subject property.
The overall objectives of the proposed development.
Size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public streets and drives, and open space.
Dwelling unit densities by type, if applicable.
Location of existing and proposed utilities, including any proposed connections to public or private sewer and water supply systems.
Existing and proposed method of providing storm water storage and drainage.
Property lines with dimensions, and required setbacks shown and dimensioned.
All existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided (pursuant to Section 15.01), fire lanes, and unloading areas (pursuant to Section 15.02).
Required buffer strips or screening.
Significant natural features; and other natural characteristics, including but not limited to open space, wetlands, stands of trees, brooks, ponds, floodplains, hills, slopes of over 15%, and similar natural assets or hazards.
Any sign not attached to the building(s).
General topographical features at contour intervals no greater than 5 feet.
Existing and proposed uses, and dimensions of all existing and proposed structures on the subject property.
Location of all solid waste disposal facilities, including recycling, and required screening (pursuant to Section 15.05).
Location and specifications for existing or proposed outside, above or below ground storage areas, including storage facilities for hazardous materials.
All existing vegetation and the location, type, and size of all required landscaping, and the location, height and type of existing and required fences and walls.
Recreation areas, common use areas, and areas to be conveyed for public use and purpose.
Exterior lighting showing area of illumination and indicating the type and height of fixture to be used (pursuant to Section 15.04).
Elevation drawings of proposed buildings.

(Ord. 68.45, 11-15-17)

#### D. Additional Information

1. The Planning Commission, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s) to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs, impacts on significant natural features and drainage, soil tests and other pertinent information.
2. The Planning Commission or Township Board may require a Traffic Impact Assessment or Traffic Impact Study pursuant to Institute for Transportation Engineers standards as part of final site plan review. The level of detail required for either a Traffic Impact Assessment or Study is based upon the expected amount of traffic to be generated by the proposed use, as noted below.
  - a. Traffic Impact Assessment: A traffic impact assessment shall be required for projects expected to generate either between 50 - 99 directional trips during the peak hour or 500 - 750 directional trips during a typical day. The assessment shall evaluate current and future inbound and outbound traffic operations at site access points and shall include proposed access design and other mitigation measures that will positively affect traffic operations at these points.
  - b. Traffic Impact Study: A traffic impact study shall be required for projects expected to generate either 100 or more directional trips in the peak hour or over 750 trips on an average day. The study shall evaluate pedestrian access, circulation and safety, and current, background and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site. The study must also include proposed access design and other mitigation measures that will positively affect traffic operations at the site and nearby intersections. The study must take into account the Master Plan in analyzing future traffic developments.

### **SECTION 14.04 APPLICATION AND REVIEW**

- A. A completed site plan review packet including twelve (12) site plans, a completed application form, the application fee, and escrow deposit (if applicable), shall be submitted to the Zoning Administrator prior to the deadline for the next regular Planning Commission meeting. The Zoning Administrator shall review the packet for completeness. If deemed complete, the Zoning Administrator shall put the request on the agenda of the next regular Planning Commission meeting. Applications shall not be accepted unless all required materials and fees are submitted and are declared complete by the Zoning Administrator.
- B. The Planning Commission shall approve, deny, or approve subject to conditions, the site plan.
- C. Any conditions or modifications recommended by the Planning Commission shall be recorded in the minutes.
- D. Two (2) copies of the final approved site plan shall be signed and dated by the Planning Commission Chairperson or designee and the applicant. The Township shall keep one (1) of these approved copies on file, one (1) shall be returned to the applicant or his designated representative.
- E. Each development subject to site plan review shall be substantially under construction within one (1) year after the date of approval of the site plan, except as noted below.
  1. The Planning Commission may grant a single one (1) year extension of the time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan. The Planning Commission may require a performance guarantee as part of the extension.
  2. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.

3. If neither of the above provisions are fulfilled or the one (1) year extension of site plan then approval shall be null and void and any performance guarantees may be exercised to finalize required improvements.

## **SECTION 14.05 CHANGES IN THE APPROVED SITE PLAN**

- A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to the site plan.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) meet the standards of the ordinance and the intent of the design and will not alter the basic design or any specified conditions imposed as part of the original approval. A revised site plan shall be submitted which reflect the approved changes. Minor changes shall include the following:
  1. For residential buildings, the square footage of structures may be reduced or increased by ten percent (10%) of the originally approved area, provided the overall density of units does not increase, the minimum square footage and parking requirements are met, and the building(s) do not extend outside a designated building envelop, or into any required open space or required setback.
  2. Gross floor area of non-residential buildings may be decreased or increased by up to ten percent (10%) or two thousand (2,000) square feet, whichever is smaller, of the originally approved area, provided parking requirements are met and the building does not extend into any required open space or required setback.
  3. Floor plans may be changed if consistent with the character of the use.
  4. Relocation of a building by up to five (5) feet, if consistent with required setbacks, open space and other requirements.
  5. Height of buildings may be lowered.
  6. Designated woodlands or areas not to be disturbed may be increased.
  7. Plantings on the approved landscape plan may be replaced by similar types of landscaping on an equal or greater basis; any trees shown as preserved on the final site plan and subsequently lost during construction shall be replaced on a caliper-per-caliper basis on the site. For example, if a 12-inch diameter tree is lost during the construction process, six (6) trees, which are 2 (two) inches in diameter could be planted to replace the single 12-inch tree.
  8. Improvements or slight redesign of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing or pedestrian/bicycle paths, where appropriate.
  9. Changes of building materials to another of higher quality, or a slight change in exterior material, as determined by the Building Official.
  10. Grade change of up to one (1) foot, after review by the Township Engineer.
  11. Modification of entry design, sign placement or reduction in size of signs, which is consistent with the intent of the approved PUD plan.
  12. Internal rearrangement of parking lots which does not affect the number of parking spaces or alter access locations or design.
  13. Changes to the location of accessory buildings and structures, when the new location will be consistent with the building envelope identified on the approved plan, and when it would not extend into any required open space or required setback.
  14. Changes required or requested by the Township, County or State for safety reasons.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application. If the Zoning Administrator determines that a proposed minor change may

have a major impact on the neighborhood or area involved, he may refer the plan to the Planning Commission and the plan shall be reviewed in the same manner as the original application.

## **SECTION 14.06 REVIEW STANDARDS**

- A. The following standards shall be utilized by the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.
- B. Site Development Standards
1. The uses proposed will not adversely affect the public health, safety, or welfare.
  2. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
  3. The site plan shall provide reasonable visual and sound privacy for all dwelling units located within and adjacent to it. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands. The Planning Commission may also require road or pathway cross-connections between developments.
  4. The site shall be developed to create a pleasant, pedestrian paced atmosphere which de-emphasizes the automobile and considers rural character. Site amenities like street trees, bike racks, benches and outdoor tables may be required by the Planning Commission.
  5. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department.
  6. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution. The site shall comply with the requirements of Section 15.04.
  7. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or public streets, shall be screened in accordance with the requirements of Section 15.02.
  8. Site plans shall conform to all applicable requirements of Township, County, State, and Federal agencies. Approval may be conditioned on the applicant receiving necessary Township, County, State, and Federal permits before final site plan approval or an occupancy permit is granted.  
(Ord. 68.45, 11-15-17)
- C. Vehicular and Pedestrian Standards
1. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
  2. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the Township.
  3. The minimum number of vehicular entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the

site. The number of vehicular entrances to and exits from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors. (Ord. 68.45, 11-15-17)

4. Adequate traffic control shall be provided on site and throughout developments to ensure safe vehicular and non-motorized cohabitation. The Planning Commission may require traffic calming measures, paved road shoulders, and deceleration or turn lanes when necessary.
5. Appropriate sidewalks, trails or pathways for pedestrians and non-motorized vehicles may be required within the development and between developments but may be deferred with an appropriate performance guarantee.
6. The Planning Commission may require shared driveways or the consolidation of existing driveways where appropriate.

#### D. Environmental and Natural Features Standards

1. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or buffer strips be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
2. Landmark trees and significant vegetation slated for protection shall be marked on site to prevent their damage during construction.
3. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect the public storm drainage system. (Ord. 68.45, 11-15-17)
4. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Subsurface landscape islands within parking lots are encouraged. Catch basins may be required to contain oil filters or traps to prevent contaminants from being directly discharged to the natural drainage system.
5. Stormwater drainage design shall recognize existing natural drainage patterns. Stormwater removal shall not adversely affect neighboring properties or the public storm drainage system.
6. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
7. Provisions shall be made to accommodate stormwater on-site wherever practical. Direct discharge of stormwater into surface waters is prohibited. Where feasible, nonstructural control techniques shall be utilized which shall:
  - a. Limit land disturbance and grading.
  - b. Maintain vegetated buffers and significant vegetation.
  - c. Minimize impervious surfaces.
  - d. Use terraces, contoured landscapes, runoff spreaders, grass, or rock-lined swales.
  - e. Use infiltration devices.

### **SECTION 14.07 SITE PLAN APPROVALS**

- A. As part of an approval of any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest. A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.

- B. Conditions imposed shall be related to and ensure that the review standards of this Chapter are met and shall meet the requirements of the Zoning Act, MCL 125.3401 et. seq..
- C. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners and occupants.
- D. The approvals of other agencies, including but not limited to the Michigan Department of Transportation, the County Drain Commission, County Road Commission and Michigan Department of Natural Resources may be accommodated as part of a conditional approval by the Township. If, however, input from another review agency substantially changes the layout of a site, the new site plan may have to be reviewed again by the Planning Commission.
- E. A record of the decision of the Planning Commission, the reason for the decision reached, and any conditions attached to the decision shall be kept and made a part of the minutes of the Planning Commission.
- F. The Zoning Administrator shall make periodic investigations of developments for which site plans have been approved. Failure to maintain or comply with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.
- G. Any site plan review approval may be suspended by the Zoning Administrator if it has been determined that a material error in the original approval has been discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency. The suspension of an approved site plan shall be communicated in writing with reasons for suspension to the property owner and Township Board. The site plan may only be re-instated by the Township Board.

#### **SECTION 14.08 PERFORMANCE GUARANTEES**

The Planning Commission and Zoning Administrator may require a performance guarantee in accordance with Section 19.04 to ensure compliance with the approved site plan.

#### **SECTION 14.09 APPEAL**

If any person shall be aggrieved by the action of the Zoning Administrator or Planning Commission, appeal in writing to the Zoning Board of Appeals may be taken in accordance with the provisions of Section 18.03, within fourteen (14) days after the date of the action. The Zoning Board of Appeals shall fix a time and place for public hearing held subject to publication and notice provided pursuant to Section 18.05B of this Ordinance, at which all interested parties shall be afforded the opportunity to be heard. After the hearing, the Zoning Board of Appeals shall affirm or reverse the action of the Zoning Administrator or Planning Commission, stating its findings and the reason for its action, and a written copy of such findings, reasons and actions shall be given to the appellant.

(Ord. 68.45, 11-15-17)

**End of Article 14**

# CHAPTER 15

## SITE DEVELOPMENT REQUIREMENTS

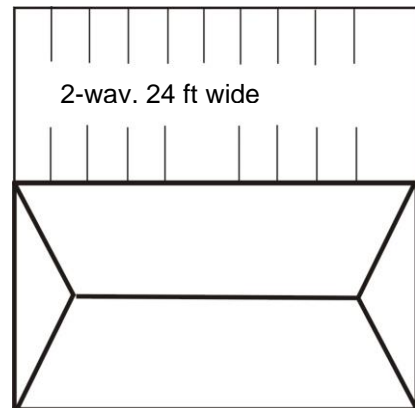
### SECTION 15.01 GENERAL PARKING REQUIREMENTS

#### A. Parking - General

1. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with the Ordinance.
2. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
3. Parking and pavement (other than access drives) shall meet the setback standards of the district for parking.
4. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
  - a. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
  - b. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator.
  - c. All or a portion of such deferred parking shall be constructed if required by the Zoning Administrator upon a finding that such additional parking is needed.
5. Maximum Parking Requirement
  - a. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, no parking lot shall have parking spaces totaling more than an amount equal to ten percent (10%) greater than the minimum parking space requirements, as determined by the Parking Requirements as noted in each Zoning District, except as may be approved by the Planning Commission.
  - b. The Planning Commission, upon application, may grant additional spaces beyond those permitted in a, above. In granting additional spaces the Planning Commission shall determine that the parking area otherwise permitted will be inadequate to accommodate the minimum parking needs of the particular use and that the additional parking will be required to avoid overcrowding of the parking area. The actual number of permitted spaces shall be based on professional documented evidence of use and demand provided by the applicant.
6. Shared Parking Areas
  - a. The Zoning Administrator may approve a shared parking arrangement for two (2) or more uses to utilize the same off-street parking facility where the operating hours of the uses do not significantly overlap.
  - b. Required parking shall be calculated from the use that requires the greatest number of spaces.
  - c. Should any use involved in the shared parking arrangement change to another use, the Zoning Administrator may revoke this approval and require separate parking facilities as required by this Ordinance.

## B. Off-Street Parking Lot Construction and Design Requirements

1. Parking spaces shall be a minimum of nine (9) feet by eighteen (18) feet.
2. All spaces shall be provided adequate access by means of maneuvering aisles.
3. Backing directly onto a street shall be prohibited.
4. The outdoor storage of merchandise; motor vehicles for sale; trucks or equipment; wrecked, junked, inoperative or unlicensed vehicles; or the repair of vehicles in areas not approved for repair activities, including the maneuvering lane, is prohibited.
5. Parking Lot Access:
  - a. Adequate ingress and egress to and from the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
  - b. Ingress and egress to and from a parking lot located in a Nonresidential District shall not be across land zoned in a Residential District or land used for residential purposes.
  - c. Access drives and maneuvering lanes shall be a minimum of twelve (12) feet in width for one-way traffic and twenty four (24) feet in width for two-way traffic.



## 6. Construction Requirements

- a. The entire public parking area, including parking spaces and maneuvering lanes, shall be provided with bituminous, asphalt or concrete surfacing, or the like. The Planning Commission may permit gravel lots in such cases as overflow parking, storage yards and truck transport lots or intermittent special event parking.
- b. Surfacing of the parking area shall be completed prior to occupancy unless seasonal restrictions apply in which case a performance guarantee shall be required which will ensure surfacing occurs by a specified time the following season.
- c. Off-street parking areas shall be at least four (4) feet from the edge of a property line or sidewalk. Bumper stops shall be secured to prevent their movement.
- d. Sunken landscape islands and rain gardens are preferred as a means to avoid large detention basins.
- e. All parking spaces shall be striped with paint or other approved material, at least four (4) inches in width. The striping shall be maintained and clearly visible.
- f. Bumper stops or curbing, sufficient to keep vehicles from encroaching on property lines, landscaping areas or sidewalks shall be provided.

## C. Off-Street Parking Requirements

1. Parking space requirements for specific uses are found in the respective Zoning Districts.
2. When units or measurements determining the number of required parking or loading spaces result in the requirement of a fractional space, any fraction up to and including one-half ( $\frac{1}{2}$ ) shall be disregarded, and fractions over one-half ( $\frac{1}{2}$ ) shall require one (1) parking space.
3. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use that is similar in type. If there is no requirement that is reasonably applicable to the use, the Zoning Administrator shall determine the number of parking spaces that must be provided.



D. Stacking Spaces

1. Certain uses are greatly reliant on vehicle access and possess characteristics that create the need for additional area devoted to stacking of vehicles. This subsection addresses these individual uses and outlines requirements for stacking spaces.
2. Each stacking space shall be shown on a site plan.
3. Each stacking space shall have a minimum dimension shown of twenty-two (22) feet in length by nine (9) feet in width. The lane containing the stacking spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces.
4. The location of stacking spaces shall be placed to avoid undue interference with on-site parking and to prevent unnecessary hazards to pedestrians.
5. Regardless of the number of stacking spaces required or provided, in no instance shall the operator permit vehicles to stack up out into any adjacent public or private street.
6. The following minimum stacking spaces shall be provided for the uses noted:

Use	Required Stacking Spaces
ATM stations	4 spaces per ATM
Vehicle Service Centers	2 spaces per service bay
Vehicle wash	1 space for self-serve washes and 10 spaces for automated washes.
Bank drive-through windows	4 spaces per service lane
Nurseries/Day Care	5 spaces
Restaurants with drive-through facilities	10 spaces per ordering station

**SECTION 15.02    LOADING REQUIREMENTS**

- A. Adequate space for standing, loading and unloading, that avoids undue interference with public use of dedicated rights-of-way, shall be provided and maintained on the same premises with every building, structure or part thereof involving the receipt or distribution of vehicles or materials or merchandise.
- B. Loading, unloading or parking of delivery vehicles and trailers in a Nonresidential District shall take place only in approved areas. Under no circumstances shall a delivery vehicle or trailer be allowed to park in a designated loading/unloading zone for longer than forty-eight (48) hours.
- C. At least one (1) loading space per commercial or service establishment shall be provided in the B-1 and B-2 Districts in addition to any required off-street parking area. Required spaces shall be provided in the rear yard. The Planning Commission may permit the side yard to be used for loading spaces, provided adequate screening is provided.
- D. All loading spaces in the I – Industrial District shall be at least ten (10) by fifty (50) feet, or other dimensions totaling at least five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or cement binder. Spaces shall be provided as follows:

Gross Floor Area (sq. ft.)	Loading and Unloading Spaces Required
0--1,400	None
1,401--20,000	1 space
20,001--100,000	1 space <u>plus</u> 1 for each 20,000 sq. ft. UFA over 20,001 sq. ft. UFA
100,001 and over	5 spaces <u>plus</u> 1 for each 40,000 sq. ft. UFA over 100,001 sq. ft. UFA

### **SECTION 15.03 RESERVED FOR FUTURE USE**

*(Ord. 68.16, 7-14-14)*

### **SECTION 15.04 LIGHTING**

A. The following lighting standards shall apply to all uses requiring site plan review:

1. Off-street parking areas shall be adequately lit to ensure security and safety. Ground lighting and wall pack lighting is encouraged in small developments over pole lighting to prevent unnecessary glare and sky glow which inhibits the view of the night sky and, therefore, negatively effects rural character.
2. Light fixtures shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.
3. Lighting shall illuminate only the parking lot or other areas approved for illumination by the Planning Commission.
4. Site lighting fixtures shall be limited to thirty (30) feet in height.
5. Canopy lighting shall be mounted flush with the canopy surface.
6. No light fixture shall protrude below the underside (facia) of any canopy.

### **SECTION 15.05 LANDSCAPING REQUIREMENTS**

A. Description and Intent: The Intent of these regulations is to provide specific landscaping requirements that achieve the following:

1. Conserve the value of land and buildings for the landowner and surrounding properties.
2. Buffer incompatible land uses and minimize the transmission from one land use to another of nuisances associated with noise, dust, and glare.
3. Harmonize various elements of a site to enhance rural character and blend with surrounding areas.
4. Minimize visual impact and establish a greater sense of privacy from adjoining property uses to allow each property to function according to its intended use while minimizing its impact on the use of surrounding properties and to maintain the rural character of the township.
5. Enhance vehicular and pedestrian traffic safety.
6. Mitigate soil erosion and facilitate stormwater infiltration.

#### **B. Landscape and Screening Requirements:**

1. The standards or requirements are intentionally flexible to encourage adaptability to specific circumstances and creative design. Applicants may provide additional landscaping to improve the function, appearance and value of their property. Compatible commercial and industrial uses may not need to screen from one another subject to Planning Commission approval.
2. All required Landscape and Screening shall be completed before the issuance of a certificate of occupancy. If it is not possible to meet all Landscape and Screening Requirements prior to the certificate of occupancy, a performance guarantee may be required by the Planning Commission in accordance with Section 19.04.

**C. General Requirements:**

1. Required landscaping information shall contain a planting schedule and plan providing the following:
  - a. The botanical and common name of each plant used.
  - b. The size of each plant to be used at the time of planting.
  - c. The quantity of each plant to be used.
  - d. The spacing and location of all proposed trees, shrubs and ground cover.
2. Required plant materials shall be of the following minimum sizes at the time of planting:

Minimum Plant Material Size			
Plant Type	Minimum Caliper <sup>1</sup>	Minimum Height	Minimum Spread
Large Deciduous Trees	2 inches	4 feet to first branch	--
Small Deciduous Trees	2 inches	4 feet	--
Evergreen Trees	--	5 feet	--
Narrow Evergreen Trees	--	3 feet	--
Large Deciduous Shrubs	--	2 feet	15 inches
Hedges <sup>2</sup>	--	4 feet	--

Footnotes: <sup>1</sup>Measured 12 inches above grade  
<sup>2</sup>Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within 2 years after planting

3. Trees Not Permitted for Planting: See Michigan DNR's "Trees Not Recommended for Planting":

[https://www.michigan.gov/documents/IC4213TreesNotRecommendedForPlanting\\_139988\\_7.pdf](https://www.michigan.gov/documents/IC4213TreesNotRecommendedForPlanting_139988_7.pdf)

The Planning Commission, however, may allow trees from this list when associated with an appropriate ecosystem, such as a wetland area.

4. Mixing of Species: New Plantings shall not contain more than thirty-three (33%) of any single plant species. The use of vegetation native to the area and Mid- Michigan is encouraged.
5. Species selection: landscaping materials shall be chosen which are best adapted to the solar exposure, soil, moisture and other site conditions which influence plant health and longevity.
6. Reserved for future use.

7. Installation
  - a. Whenever a landscape planting screen or other plantings are required under this Section, it shall be installed according to accepted planting procedures and in a sound workmanlike manner.
  - b. Reserved for future use.
  - c. Reserved for future use.
  - d. Plant material shall be installed and maintained so that at no point in time, does it obscure traffic signs or lighting, obstruct access for emergency vehicles, interfere with Clear Vision for motorists, or disrupt drainage patterns on the site or on adjacent properties.
  - e. Landscaped areas shall be covered by grass or other ground cover.
  - f. Trees and shrubs shall be setback a minimum of ten (10) feet from a vehicular access or pathway and shall not be placed within the road right of way.
8. Maintenance
  - a. Maintenance of plantings shall be done with regularity to ensure a healthy and neat appearance, and in accordance with all applicable Vevay Township ordinances.
  - b. Required landscaping (including buffer strips, trees, lawns, and ground cover) shall be maintained in a healthy, neat, and orderly appearance free of disease and insect infestations as well as clear of weeds and debris.
  - c. All unhealthy and dead plant material shall be replaced in the earliest appropriate planting period.
9. Existing vegetation
  - a. Where healthy plant material exists on a site prior to its development the Planning Commission may allow credit for the existing plant material towards the requirements of landscaping and screening.

#### **D. Buffer Zones**

1. Where buffer zones are required, one or more of the following apply as determined by the Planning Commission:
  - a. A minimum ten (10) feet wide strip, planted with evergreens or shrubbery shall be provided that maintains density and screening effect throughout the year.
  - b. A wall, berm, hedge, and/or fencing.
  - c. Significant open space so long as no residential use is within 1,320 ft of the unscreened portion of the site development.
2. Berms and Swales shall be constructed with slopes not to exceed a 1:3 gradient and shall be protected with sod, seed, shrubs or other form of groundcover, designed to prevent erosion.

### **E. Parking Lot Landscaping**

1. All paved off-street parking areas of 21 spaces or more shall provide the following landscaping within the parking lot to facilitate stormwater control by reducing impervious surfaces (in above ground or sunken landscape islands, bump-outs near the perimeter of the parking lot, as boulevards, etc.):
  - a. One (1) large deciduous shade tree, per table in 15.05(c)(2) shall be required for each twenty (20) parking spaces, provided that in no case shall less than two (2) trees be provided.
  - b. Parking lot islands shall be at least one hundred sixty (160) square feet in area, minimum ten (10) feet in width and two (2) feet shorter than adjacent parking space. Rain gardens with rolled curb and/or curbing with drainage gaps are encouraged to help manage storm water runoff.
2. When off-street parking and loading of a non-residential use abuts a residential use or district, the parking lot and loading area shall be screened from the residential use or district by a solid, fence or masonry wall at least six (6) feet high. In lieu of a fence or wall, the Planning Commission may permit a sculpted berm and landscaping of a minimum of one (1) evergreen tree planted every fifteen (15) feet along the mutual property boundary.

### **F. Site Landscaping and Screening**

1. The Planning Commission may require landscaping and/or screening to include, but not limited to, the following: Plantings shall be provided at a rate of two (2) deciduous shade, ornamental, or evergreen trees for every ten (10) feet of road frontage; ten (10) shrubs per fifty (50) linear feet of property frontage based upon one or more of the following:
  - a. Topographical and area conditions that create a hardship or impracticality.
  - b. Location of the perimeter of the property near other buildings, road frontage, or adjacent property.
  - c. Plant materials shall be creatively and functionally dispersed around the perimeter of the property.
  - d. Clustering and staggering of materials is recommended to maintain the rural character of the Township. (*Ord. 68.41, 8-14-17*)
2. The required side and rear setbacks shall be landscaped to:
  - a. Define cross-connections between properties for both pedestrian and vehicles.
  - b. Define internal access ways for vehicles and pedestrians.
  - c. To break up long expanses of building without windows.

### **G. Detention and Retention Ponds:**

1. The Planning Commission may require landscaping and/or screening to include, but not limited to, the following:

- a. Plantings shall be provided at a rate of one (1) deciduous shade or evergreen tree and ten (10) shrubs per fifty (50) linear feet of pond perimeter as measured along the top elevation of the pond bank. (*Ord. 68.41, 8-14-17*)
  - b. To the extent possible, pond configuration shall be incorporated into the natural topography of the site. Where this is not practical, the pond shall be shaped to emulate a naturally formed depression and shall be part of the natural landscape and open space system of the site.
  - c. Plantings shall replicate a natural environment. Trees and shrubs shall be clustered around the basin and contain a variety of plant material.
2. Trees, shrubs, and other vegetation shall be placed in a manner that does not hinder the structural integrity of a berm.

#### H. Utility Buildings, Outdoor Equipment, Outdoor Storage and Waste Receptacles

1. For utility buildings, stations, and/or substations, screening shall be provided consisting of a six (6) foot high wall, berm, or fence, except when all equipment is contained within a building or structure which is comparable in appearance to residential or commercial buildings in the surrounding area. All fencing shall be subject to Section 3.10.
2. Any trash receptacle or trash storage area shall be contained within an enclosure which is at least six (6) feet in height. The location of the trash receptacle or storage area shall be approved by the Zoning Administrator, unless part of a site plan approval, which will be approved by the Planning Commission.
3. When located outside of a building, and not on the roof, support equipment including air conditioning and heating devices, but not including plumbing or exhaust vents or chimneys, are to be screened to the height of the particular piece of equipment.
4. Outdoor open storage of any equipment, vehicles and materials, shall be screened from public right-of-way and residential uses or districts. Such storage shall not be located in the required front setback.

### **SECTION 15.06 CHANGE OF LAND USE**

- A. Change of use of an existing structure: When a commercial, industrial or office building has a change of use which does not require site plan review because there is no change in a building footprint or the increase in the parking requires less than 5 spaces, the new use shall comply with the following:
  1. The previously approved site plan, should one exist.
  2. All maintenance-related standards of this Ordinance.
  3. Screening and landscaping requirements of this Ordinance.
- B. Sites that add more than ten (10) parking spaces or reconfigure access points and parking areas shall obtain site plan approval.

(Ord. 68.46, 11-15-17) (Ord. 68.51, 7-14-21)

**End of Article 15**

# CHAPTER 16 SPECIAL LAND USES

## **SECTION 16.01    PURPOSE**

Special Land Uses are those uses of land which are not essentially incompatible with uses permitted in a District, but possess characteristics or locational qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. Protection of surrounding property values and compatibility with existing and intended uses of the land are important considerations. The purpose of this Chapter is to establish equitable procedures and criteria that shall be applied in the determination of requests to establish Special Land Uses. The criteria for decision and requirements provided for under the provisions of this Chapter shall be in addition to those required elsewhere in this Ordinance which is applicable to the Special Land Use under consideration.

## **SECTION 16.02    APPLICATION AND REVIEW PROCEDURES**

- A. An application for permission to establish a Special Land Use shall be submitted in accordance with the following procedures:
1. Applications for a Special Land Use shall be submitted to the Planning Commission through the Zoning Administrator. The Zoning Administrator will review the application for completeness, then transmit it to the Planning Commission. Applications not meeting the requirements shall be returned to the applicant for completion.
  2. An application for a Special Land Use shall consist of the following:
    - a. Twelve (12) copies of a Site Plan meeting the requirements of Chapter 14.
    - b. A completed Township application form.
    - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time; to be paid when the application is determined complete and accepted by the Zoning Administrator.
    - d. A legal description of the entire property that is the subject of the Special Land Use.
    - e. A statement with regard to compliance with the criteria required for approval in Section 16.03.A.1-5, and other specific criteria imposed by this Ordinance affecting the Special Land Use under consideration.
    - f. Other materials as may be required by the Planning Commission or Township Board.
- B. Public Hearing
1. Upon receipt of an application for a special land use permit, the Planning Commission shall schedule a public hearing for the purpose of receiving comments relative to the special land use application.
  2. Notice of the hearing shall be published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of the hearing. Notice shall also be given to the owners of property that is the subject of the request and to all persons to whom real property is assessed within three hundred (300) feet of the property that is the subject of the request, and to the occupants of all structures within 300 feet of the subject property, regardless of whether such occupants are located in the Township. Notification need not be given to more than one occupant of the structure, except that, if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the



manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. A copy of the notice shall also be provided to the Township Clerk. The notice shall do all of the following:

- a. Describe the nature and location of the request;
  - b. Indicate the property that is the subject of the request. The notice shall include a list of 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, and if there are no street addresses other means of identification may be used;
  - c. State when and where the request will be considered;
  - d. Indicate when and where written comments will be received concerning the request;
  - e. State when and where the zoning ordinance request and pertinent material may be examined.
3. The application for a special land use permit shall be submitted at least thirty (30) days prior to the next regular Planning Commission meeting at which it will be considered.
  4. The Planning Commission shall submit its recommendation following the public hearing to the Township Board for final approval.
  5. Upon the approval or approval with conditions by the Township Board, the applicant may apply for a building permit. When the conditions of approval require a revised site plan, it must be submitted and approved prior to the acceptance of a building permit application.
  6. If denied by the Township Board, the reasons for such denial shall be stated in the minutes of the Township Board meeting, and the applicant shall be provided a copy or a written explanation. Special land use decisions shall not be appealable to the Zoning Board of Appeals.

*(Ord. 68.02, 5-4-09)*

### **SECTION 16.03 BASIS OF DETERMINATION**

Prior to approval of a Special Land Use application, the Township Board shall ensure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special Land Use under consideration.

- A. The Township Board shall review the particular circumstances of the application under consideration in terms of the following standards, and shall approve a Special Land Use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:
  1. The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
  2. The Special Land Use shall not change the essential character of the surrounding area.
  3. The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, odor, smoke, dust, fumes, glare or site drainage.
  4. The Special Land Use shall not place demands on public services and facilities in excess of current capacity.
  5. The Special Land Use shall be in general agreement with the Township Master Plan.
  6. The Special Land Use shall comply with all site plan review standards.
- B. The Township Board may impose conditions with the approval of a Special Land Use that are

necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Special Land Use permit and shall be enforced by the Zoning Administrator.

- C. The Township Board may require a performance bond to be posted by the applicant or by some other reasonable surety to ensure that the special land use complies with the conditions of approval.
- D. If, after the establishment, the Special Land Use is found in noncompliance with the approval granted by the Township Board, the noncompliance shall be corrected in sixty (60) days to eliminate any problems as determined by the Township Board. If infractions are not corrected within the sixty (60) days, the provisions of Section 16.05 shall be initiated.

#### **SECTION 16.04 APPROVAL TERM AND EXPIRATION**

- A. A Special Land Use, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land, and shall be recorded by the applicant with the Ingham County Register of Deeds within ninety (90) days of approval and prior to the issuance of a zoning or building permit.
- B. A Special Land Use must be initiated within two (2) years from the date of approval, or the special land use permit shall be null and void. The Township Board may grant up to a one (1) year extension, with adequate explanation from the applicant, provided the approval has not been revoked as provided in Section 16.05, or the Special Land Use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion.
- C. If, by the end of the one (1) year extension, one of the following exists, the Special Land Use shall be deemed expired and no longer valid, and any zoning or building permit issued shall be revoked:
  - 1. The Special Land Use has not been initiated.
  - 2. Construction necessary for the Special Land Use has not been initiated.
  - 3. Construction has been initiated but is not proceeding meaningfully toward completion.
- D. Reapplication for approval of an expired Special Land Use shall be considered in the same manner as the original application.

#### **SECTION 16.05 REVOCATION AND CANCELLATION OF SPECIAL LAND USE**

- A. The Township Board may revoke any Special Land Use or take any other action allowed by law, if the applicant or property owner fails to comply with any of the applicable requirements in this Chapter, any conditions placed on the approval by the Township Board, or any other applicable provisions of this Ordinance. Prior to revoking a Special Land Use approval, the Township Board shall conduct a public hearing and give notice of such hearing in accordance with Section 16.02B.
- B. The Township Board may, upon request of the property owner, cancel any Special Land Use for the subject property, take any other action allowed by law, or take any action to cancel the Special Land Use not prohibited by law relative to an active Special Land Use permit.
- C. Prior to cancelling a Special Land Use, the Township Board shall give notice to the property owner of the Board meeting that the request will be heard, the property owner may rescind his or her Special Land Use cancellation request up to such action by the Township Board.

D. Request for approval of a canceled Special Land Use shall be considered in the same manner as an original application.

(Ord. 68.36, 4-16-17)

## **SECTION 16.06 SPECIFIC SPECIAL LAND USE STANDARDS**

The following Special Land Uses shall be subject to the requirements of the District in which they are located, in addition to all the applicable conditions, standards, and regulations as are cited in this Section. The following uses have such conditions, standards, or regulations:

- A. Agricultural service establishments
- B. Airports
- C. Amusement parks, fair grounds and flea markets
- D. Banquet hall, catering establishment
- E. Bed and breakfast establishments
- F. Reserved For Future Use
- G. Campgrounds, public or private
- H. Cemeteries
- I. Commercial kennels
- J. Commercial mini-storage
- K. Concrete and asphalt plants
- L. Contractors offices and storage yard
- M. Day care facility
- N. Drive through facility other than a restaurant
- O. Drive through restaurants
- P. Equine training facility
- Q. Elderly Housing
- R. Agritourism
- S. Fraternal or Social Club
- T. Funeral homes and mortuary establishments
- U. Golf course or country club
- V. Hotels and motels
- W. Libraries, museums, community centers, and similar uses that are owned and operated by a governmental agency or a noncommercial organization
- X. Municipal and public service activities
- Y. Nursing or Convalescent Homes
- Z. Open air businesses
- AA. Open Space Cluster
- BB. Outdoor recreation development
- CC. Place of religious worship
- DD. Propane or fuel storage depot
- EE. Reserved for future use
- FF. Schools, elementary, middle and high school (public, private and parochial)
- GG. Sexually oriented businesses
- HH. Shooting, ranges
- II. State licensed residential facilities
- JJ. Truck and freight terminals
- KK. Vehicle body and repair shops
- LL. Vehicle service stations
- MM. Vehicle wash establishments, either self-serve or automatic
- NN. Veterinary clinics and hospitals
- OO. Wireless communication towers not part of a federally licensed amateur radio station

- PP. Large wind energy conversion systems
- QQ. Small wind energy conversion systems
- RR. Junk/Salvage yard
- SS. Large Solar Energy Systems (LSES)

#### **A. Agricultural service establishments**

1. Uses shall include, but are not limited to, commercial grain elevators for storage, drying and sales, bulk feed and fertilizer outlets and distribution centers, seed dealership outlets and distribution centers, crop truck and cartage facilities, production and processing operations and auctions for livestock and farm related equipment. If non-livestock auctions are to be conducted, at least 75% of the auction business shall involve equipment and items clearly linked to bona-fide agricultural operations.
2. Minimum lot size shall be ten (10) acres.
3. Minimum frontage shall be five hundred (500) feet.
4. Trucking, outside storage, loading and dock areas shall be fenced and screened, pursuant to the buffering landscaping requirements of Section 15.05(D).
5. No storage or loading activities shall be permitted within fifty (50) feet of any lot line.
6. All buildings shall be set back a minimum of seventy five (75) feet from any lot line.
7. All agricultural service establishment activities shall be located at least 300 feet from any residential district or residential use. (*Ord 68.09, 8-1-11*)
8. The lot shall be located so at least one (1) side abuts an arterial or collector (county) road and all access shall be from that road.
9. If the subject parcel lot has road frontage on Hull Road or West Service Drive, the parcel is in the US 127 Corridor. Such parcels shall have a minimum lot size of six (6) acres, and a minimum road frontage of three hundred and fifty (350) feet and meet the requirements of Section 16.06(A)(1), and 16.06(A)(4)-(8).

#### **B. Airports**

1. The minimum lot size shall be twenty (20) acres.
2. All structures directly associated with the use shall be set back a minimum of one hundred (100) feet from all property lines.
3. The airport shall not be located within five hundred (500) feet of any school, church, or other public meeting places.

#### **C. Amusement parks, fair grounds and flea markets**

1. The minimum lot size shall be twenty (20) acres.
2. The lot shall be located so at least one (1) side abuts a paved arterial or collector road and all access shall be from that road.
3. Entry drives and parking areas shall be a minimum of one hundred (100) feet from adjacent property lines.
4. All main and accessory buildings shall maintain a separation of at least two hundred (200) feet from any residential dwelling located on an adjacent property.
5. Maximum building coverage shall be twenty-five percent (25%).
6. Any amusement enterprises located within five hundred (500) feet of any adjacent dwelling shall not be open later than 10:00 p.m.

7. The Township Board may require the entire premises to be surrounded by a six (6) foot fence at or near the property lines.
8. No entrances or exits shall be from a gravel road or residential road.
9. A landscaped area of at least twenty five (25) feet in width shall be maintained around the periphery of the property. Screening that complies with the landscaping provisions of Section 15.05 (D) shall be provided adjacent to Residential Districts.

#### **D. Banquet hall, catering establishment**

1. The establishment shall be located on at least two (2) acres of property with direct access to an arterial or collector road.
2. Where the site abuts a Residential District, screening shall be provided along that property line. Grass, plant materials, and sight obscuring fences or walls, of a type approved by the Planning Commission, shall be placed within the buffer zone. The Planning Commission shall use Section 15.05(D) when determining screening is needed.
3. The design is to be of a residential character and exterior materials are to be primarily wood or brick.
4. All parking areas and access drives shall be paved.
5. Parking shall be located to minimize negative impacts on adjacent properties.

#### **E. Bed and breakfast establishments**

1. The establishment shall be serviced by adequate water and sanitary sewer services, as approved by the Ingham County Health Department.
2. The establishment shall be located on property with direct access to a public road.
3. A bed and breakfast establishment shall not be permitted on any property where there exists more than one (1) other bed and breakfast establishment within six hundred and sixty (660) feet, measured between the closest property lines.
4. Such uses shall only be established in a single-family dwelling which shall be the principle residence of the owner or operator of the facility.
5. Parking shall be located to minimize negative impacts on adjacent properties.
6. The number of guest rooms in the establishment shall not exceed five (5), plus one (1) additional guest room for each ten thousand (10,000) square feet of lot area, or fraction thereof, in excess of one (1) acre of lot area, not to exceed a maximum of nine (9) guest rooms in any case.
7. Exterior refuse storage facilities beyond what is normally expected for a single-family dwelling shall not be located in any front yard and shall be properly fenced in or screened from view on three sides.
8. Signs for bed and breakfast establishments shall be limited to one (1) ground sign, or one (1) wall sign. A ground sign shall not exceed sixteen (16) square feet in size, and six (6) feet in height, and must be set back at least five (5) feet from all property lines. A wall sign shall not exceed five (5) percent of the wall area to which it is attached. Neither sign may be illuminated.
9. Accessory retail or service uses to a bed and breakfast establishment shall be made available only to overnight guests of the establishment, including but not limited to gift shops, restaurants, bakeries, weddings or special events.
10. Meals shall be served only to the operator's family, employees, and overnight guests.

11. Interior design of the establishment must adhere to typical residential characteristics so that the dwelling unit retains its inherent single-family character.
12. All guest rooms must have interior access to common areas (e.g., dining, sitting, restrooms, etc.)

#### **F. Reserved For Future Use**

#### **G. Campgrounds, public or private**

1. Campsites shall not be located within one hundred (100) feet of any property line.
2. Minimum lot area shall be ten (10) acres.
3. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
  - a. All commercial uses allowed shall occupy no more than two thousand (2,000) square feet.
  - b. No merchandise for display, sale or lease shall be located in any manner outside the main building, except for those specific items approved by the Planning Commission.
  - c. All commercial uses shall be setback two hundred (200) feet from any property line.
4. Each campsite shall have a minimum area of 1,500 square feet.
5. Common area shall be provided at the ratio of one thousand (1,000) square feet for each campsite.
6. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.

#### **H. Cemeteries**

1. Minimum lot area shall be five (5) acres and there shall be a minimum frontage of two hundred (200) feet.
2. The use shall be located on property with direct access to a public road.
3. Gravesites shall be setback a minimum of fifty (50) feet from the property line of any residential district or use.
4. Buildings, including buildings for storage of equipment, shall be set back one hundred (100) feet from the property line of any abutting residential district or use.
5. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.
6. Ingham County Health Department approval is required prior to final site plan approval.

#### **I. Commercial kennels**

1. The minimum lot size shall be five (5) acres for the first ten (10) animals, plus one (1) additional acre for each additional five (5) animals.
2. All buildings or areas in which the animals are kept or exercised shall be set back a minimum of 100 feet from any adjoining property.
3. A screened/landscaped area shall be provided between all buildings or areas in which the animals are kept or exercised, and any adjacent residential use or district.
4. Animal waste shall be managed to prevent odors and other nuisances. Such management procedures must be approved by the Ingham County Health Department.
5. A kennel permit shall be obtained from the Ingham County Animal Control Department.

#### **J. Commercial mini-storage**

1. The use shall be developed on lots of at least two (2) acres, but not more than five (5) acres in size. No more than sixty percent (60%) of the lot may be used for buildings, parking lots and access.
2. The lot shall abut and gain access from a paved road.
3. A six (6) foot, solid fence of a material acceptable to the Planning Commission, shall enclose the area occupied by the use. The fence shall be set back at least ten (10) feet from the front property line.
4. The front yard, up to the fence, shall be landscaped in accordance with Section 15.05.
5. Outdoor storage of boats and recreational vehicles is permitted provided the storage area is properly screened.
6. Minimum side and rear yards as specified for the District shall be maintained.
7. There shall be a minimum of thirty-five (35) feet between storage facilities for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, the building separation need only be twenty-five (25) feet.
8. Traffic direction and parking shall be designated by signs or painting.
9. The lot area used for parking shall be provided with a paved surface and shall be drained so as to dispose of all surface water.
10. Where the site abuts a Residential District, screening that complies with Section 15.05(D) shall be provided along that property line.

#### **K. Concrete and asphalt plants**

1. All structures and storage areas associated with the use shall be set back a minimum of one thousand three hundred twenty (1,320) feet from any residential district or use.
2. All outdoor storage of vehicles, equipment, or materials associated with the facility shall be entirely enclosed by a fence that is no less than six (6) feet in height.
3. Driveways and parking areas shall be at least one hundred (100) feet from any adjacent property line.
4. Routes of supply vehicles or material handling vehicles shall be arranged to minimize nuisances or hazards to existing residential neighborhoods or commercial businesses.
5. Ingress and egress to the facility shall be only from an arterial or collector road.
6. Hours of operation shall be limited to Monday through Saturday, 6:00 a.m. until 9:00 p.m.

#### **L. Contractors office and outdoor storage area**

1. Outdoor storage shall be screened from any adjacent residential use or district with a six (6) foot stockade fence.
2. Storage shall be limited to materials used by the contractor.

#### **M. Day care center**

1. Facilities shall be located with direct access to a paved public road.
2. A facility shall not operate between the hours of 10:00 p.m. and 6:00 a.m. unless the main building and any play area are separated from any residence by more than three hundred (300) feet.

3. Playground equipment shall not be located in front or side yard. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high or as required by the State of Michigan.
4. An off-street drop-off area is to be provided with the capability to accommodate at least four (4) vehicles in addition to the parking normally required for employees.
5. Activities associated with childcare shall not be permitted in any accessory building, structure, or attached or detached garage other than the main building.
6. There shall be provided on the site a useable outdoor area at the rate of at least sixty-six (66) square feet for each child, or as required by the State of Michigan.

**N. Drive through facility other than a restaurant**

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way nor does it interfere with internal circulation of vehicles. A minimum of five (5) stacking spaces for each service station shall be provided.
2. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
3. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward adjacent property.

**O. Drive through restaurants**

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided.
2. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
3. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
  - a. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
  - b. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward an adjacent property.
  - c. The Planning Commission may establish reasonable hours of operation where it is determined that the proposed use may generate noise, glare, or similar disturbances upon nearby residents.

**P. Equine training facility**

1. All lots shall have a minimum of three (3) acres for the first horse with one half (1/2) additional acre per each additional horse, not applicable to young equines below weaning age or six (6) months of age, whichever is greater.
2. Animal holding areas shall be a minimum of seventy-five (75) feet from an exterior property line or the ordinary high water mark of surface water.
3. Fencing shall be constructed of materials with the appropriate structural strength to restrain the animals.



4. All areas used as arenas for exercising, training, or exhibition of animals shall be maintained in a dust-free manner by an approved and acceptable means for the prevention of detrimental and nuisance effects of dust emission to surrounding properties,
5. The keeping and maintenance of horses, as provided for in this Section, shall comply with all regulations and provisions of the health and sanitation laws of the County and State. All premises and facilities upon which animals are permitted to be kept shall be maintained in a clean, orderly and sanitary condition at all times. All manure shall be removed or spread so as not to constitute a nuisance and in accord with Michigan Department of Agriculture and State and County Health Department regulations. All premises and facilities shall be treated with biologically, ecologically and environmentally approved pesticides for the control of odors, insects and rodents, which in any way can be considered a clear and present nuisance or detriment to the health safety, comfort and welfare of the general public.
6. Parking shall be provided at a minimum of one (1) parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stables.
7. Enclosed riding arenas associated with commercial equine establishments shall not exceed ten thousand (10,000) square feet in gross floor area on a minimum of ten (10) acre site, except that an additional one thousand five hundred (1,500) square feet of floor area may be permitted for each additional full acre in a lot area. No living quarters shall be located in any arena building or boarding stable.

#### **Q. Elderly Housing**

1. Maximum height of building shall not exceed three (3) stories, or forty-five (45) feet.
2. The maximum allowable number of dwelling units shall be twenty (20).
3. One (1) parking space per dwelling unit shall be required, plus parking spaces equaling an additional twenty-five percent (25%) of the required parking shall be provided and designated for non-resident (visitor) parking.
4. All dwelling units in the building shall have a minimum of four hundred fifty (450) square feet per unit.
5. A minimum of two hundred (200) square feet of open space is required per dwelling unit.
6. Retail and service uses may be permitted on the site if accessory to the elderly housing use. These uses shall be within the walls of the main structure. No freestanding signs or other identification on allowed signs shall be permitted for the uses.

#### **R. Agritourism**

1. Minimum lot size shall be five (5) acres.
2. No activity or structure shall be located within fifty (50) feet of a public road right-of-way.
3. All parking shall be out of a public right of way. A minimum of fifty (50) off-street parking spaces shall be provided. Parking facilities need not be paved.
4. Access drives shall be wide enough to accommodate two vehicles side-by-side. Multiple access drives may be required where anticipated traffic levels warrant.
5. Suitable containers for rubbish shall be placed on the premises for public use.
6. Storage structures shall be permitted where expressly authorized as part of a special land use application approval.
7. Hours of operation shall be limited to between the hours of 7:00 a.m. and 10:00 p.m. However, upon the Planning Commission's motion or upon application, the Planning

Commission may recommend and the Township Board may annually approve extended or reduced hours based upon evaluation and consideration of:

- 1) The specific activities proposed;
  - 2) Character of surrounding properties;
  - 3) Proximity of residential land use;
  - 4) Existing and proposed lighting for operations after sunset;
  - 5) Traffic hazards associated with the site, including, but not limited to, sight distance, anticipated volume of traffic, width the public roadway and shoulders, speed limits and surface of the applicable public road(s) adjacent to the site.
8. In addition to all other information required by this Ordinance, an application for agritourism shall delineate the specific activities to be offered, available or otherwise programmed, the location of such activities on the lot and setbacks from lot lines, the means of pedestrian and/or vehicular access to the activity locations, the additional parking facilities that may be required to accommodate visitors to the activities including location and configuration, measures for the collection and removal of trash, and measures to ensure the public health, safety and welfare in association with large group gatherings including potable water, sewage collection and disposal, and emergency services. (*Ord 68.22, 8-11-14*)

#### **S. Fraternal or Social Club**

1. The site shall have a minimum of two (2) acres and at least one (1) property line abutting an arterial or collector street.
2. All vehicular ingress and egress to the site shall be directly from a public thoroughfare, unless otherwise approved by the Planning Commission.
3. Where the site abuts a Residential District, a buffer zone shall be provided along that property line. Grass, plant materials, and sight-obscuring fences or walls, of a type approved by the Planning Commission, shall be placed within the buffer zone compliance with section 15.05(D) of the ordinance.

#### **T. Funeral homes and mortuary establishments**

1. Minimum lot area shall be two (2) acres and minimum lot width shall be one hundred and fifty (150) feet.
2. An off-street vehicle staging area shall be provided to accommodate funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
3. No waiting lines of vehicles shall extend off-site or onto any public road.
4. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.

#### **U. Golf course or country club**

1. The site plan shall indicate the location of service roads, entrances, driveways and parking areas and shall be designed in relationship to the public road or street to ensure pedestrian and vehicular traffic safety.
2. Development features shall be shown on the site plan; including the main and accessory buildings, structures and parking areas, and these areas shall be located to minimize adverse effects upon adjacent property.
3. Buildings and parking areas shall not be less than one hundred (100) feet from any property line or abutting Residential District or use, unless existing topographic conditions would

provide additional screening. In this case the Planning Commission may reduce the required setback to no less than fifty (50) feet. provided.

4. Whenever a swimming pool is to be provided, it shall be located at least one hundred (100) feet from abutting Residential District and shall be provided with a protective fence six (6) feet in height and entry shall be by means of a controlled gate.
5. The minimum site area for tennis, or other racket sport shall be two (2) acres and the courts shall be located at least one hundred (100) feet from abutting Residential District or use.
6. Where the site abuts a Residential District, screening shall be provided along that property line. Grass, plant materials, and sight obscuring fences or walls, of a type approved by the Planning Commission, shall be placed within the buffer strip. The Planning Commission shall use Section 15.05(D) when determining screening is needed.
7. A fifty (50) foot minimum natural vegetation strip between turf areas and natural water bodies, watercourses or wetlands must be maintained. The natural vegetation strip shall not be chemically treated.
8. The outdoor storage of trash or rubbish shall be screened in accordance with the screening requirements of Chapter 15.
9. Accessory uses may include; clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, restaurant and bar, driving range, tennis, racket sport, and swimming facilities.
10. Major accessory uses such as a restaurant shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and proshop or golf shop may be located in separate structures.
11. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
12. No building shall be erected to a height greater than that permitted in the district in which it is located.
13. The total lot area covered with principal and accessory buildings shall not exceed fifteen percent (15%).
14. All parking areas and access drives shall be paved.
15. No outdoor loudspeaker or call system shall be audible on adjoining property.
16. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the main building or as an accessory use near the entry to the course.
17. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties.
18. A minimum of two (2) satellite restrooms or other acceptable facilities are required for each nine (9) holes. The facilities are to be located away from lot lines and painted or finished in an earth tone color. Such facilities shall be approved by the Ingham County Health Department.
19. Golf courses shall retain and preserve native vegetation over at least thirty percent (30%) of the total upland area of the course to reduce water demand, excessive soil erosion and heavy nutrient run off.
20. Water quality protective measures are required as follows:
  - a. Maintenance of erosion control barriers during construction and until all ground cover is established.

- b. To the extent feasible, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
  - c. Areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on site ponding area.
  - d. A chemical storage area must be designated within an accessory building.
  - e. The area must provide secondary containment to prevent the spread of spills.
  - f. All herbicide, insecticide, fungicide and rodenticide chemicals must be stored in a locked enclosure.
  - g. An inventory manifest of stored chemicals must be posted at the entrance of the building housing them.
  - h. At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information.
  - i. All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.
  - j. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate State statutes and administrative directives.
21. In order to ensure that the site can be restored to prior conditions should golf course construction not be completed, the Township may require posting of a performance guarantee or other acceptable security.

#### **V. Hotels and motels**

- 1. Minimum lot area shall be four (4) acres and minimum lot width shall be two hundred (200) feet.
- 2. Parking areas shall have a minimum front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
- 3. Ingress and egress shall be from a paved (primary) arterial or collector road.
- 4. Minimum floor area of each guest unit shall be two hundred and fifty (250) square feet.
- 5. Maximum building height shall not exceed the height limits of the district.

#### **W. Libraries, museums, community centers, and similar uses that are owned and operated by a governmental agency or a noncommercial organization**

- 1. The proposed site shall have a minimum of two (2) acres and front upon, and all ingress and egress shall be from an arterial or collector road.
- 2. Unless greater setbacks are required by the District in which the use is located, buildings and structures shall be set back at least fifty (50) feet from the front lot line and, twenty-five (25) feet from the side and rear lot lines.

#### **X. Municipal and public service activities**

- 1. The proposed site shall have a minimum of two (2) acres and shall front upon, and all ingress and egress shall be from an arterial or collector road.

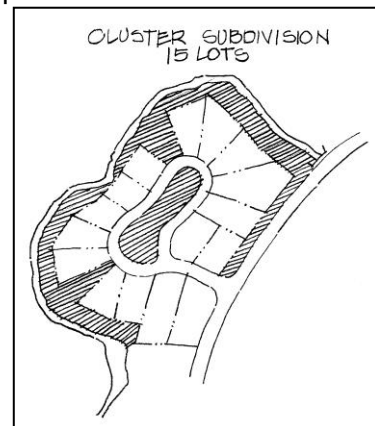
- Unless greater setbacks are required by the District in which the use is located, buildings and structures shall be set back at least fifty (50) feet from the front lot line and, twenty-five (25) feet from the side and rear lot lines.

**Y. Nursing or convalescent home**

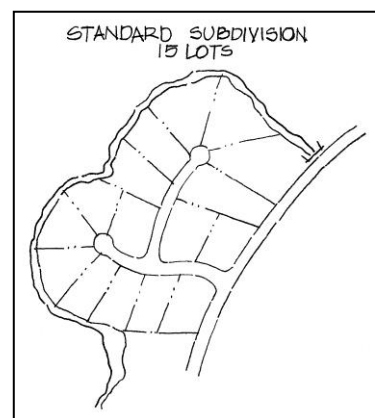
- Minimum lot size shall be three (3) acres with at least two hundred (200) feet of frontage.
- The lot location shall be such that at least one (1) property line abuts an arterial or collector street. The ingress and egress for off-street parking areas for guests and patients shall be directly from that thoroughfare.
- Main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
- The facility shall be designed to provide a minimum of two hundred (200) square feet of open space for every bed used or intended bed to be used. This open space shall include landscaping and may include off-street parking, driveways, required yard setbacks and accessory uses.

**Z. Open air businesses**

- Minimum lot area shall be two (2) acres with a minimum lot frontage of two hundred (200) feet.
- The proposed site shall front upon, and all ingress and egress shall be from an arterial or collector road.
- No access to or from such establishment shall be permitted on any (residential) local road.
- A six (6) foot fence, wall, or appropriate greenbelt shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.
- The lot area used for parking, display, or storage shall be provided with a durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
- Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
- The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.



Sample comparison;  
Cluster vs. traditional



**AA. Open Space (Cluster) Development**

- The purpose of the Open Space Cluster Development is to promote the continuation of a rural land use character, protection of environmental resources, and preservation of active agricultural lands through clustering dwelling units rather than laying them out along public roads or in a grid or curvilinear pattern found in many traditional subdivisions. The objective is to provide a sense of rural character for the residents of the individual developments affected by these regulations as well as the Township as a whole. These regulations are also intended to foster the preservation of significant natural features,

large open spaces, or active agricultural land that would otherwise be altered from their natural or undeveloped condition.

- a. Minimum lot size shall be forty (40) acres.
- b. Minimum open space shall be fifty (50%).
- c. All dwelling units shall be single-family detached housing.
- d. The open space cluster may include agricultural crops, golf courses, churches, stables, and private airports. In no case, however, shall a golf course be considered part of the required open space. The list of allowed uses shall be established in the special land use permit.
- e. The maximum base density and number of dwelling units permitted in the open space cluster shall be determined through the submission of a parallel plan showing the number of dwelling units that may be developed under the existing zoning classification. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan. The parallel plan shall meet the following minimum requirements:
  1. The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each lot.
  2. All lots or buildings shown on the parallel plan shall be located on buildable lots, which, for the purposes of this Section shall mean lots that are of sufficient size and shape to meet existing zoning requirements and accommodate a principal building, septic and well systems (where no public sanitary sewer or water system is to be used), and required streets and driveways.
  3. Areas of wetlands, stormwater control, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.
  4. In evaluating the feasibility of the parallel plan, the Planning Commission shall consider whether or not the plan would have been approved under the processes normally used to review site plans or subdivision plans, including such factors as access, lot orientation, street layout, and other considerations the Planning Commission deems appropriate.
  5. The Township Board, after recommendation by the Planning Commission, may authorize bonus densities in accordance with the table below for additional amenities provided by the developer of an open space cluster. In no case shall the density bonus total more than thirty percent (30%) of the density determined by the parallel plan.

	<b>Additional lots permitted</b>
Preservation of wetlands	5%
10% Additional open space provided	5%
20% Additional common waterfront frontage provided	5%
Trails throughout the development and a playground provided	10%
Wildlife habitat augmented (per Soil Conservation Service Standards)	5%

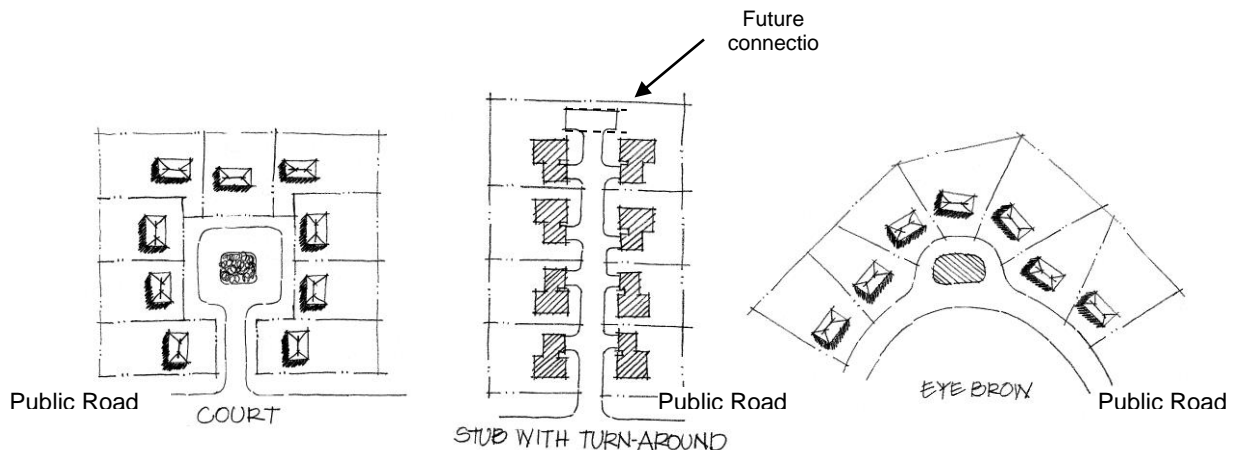
2.Design Standards:

- a. Cluster areas shall be designed to avoid a suburban subdivision appearance. Generally, neighborhood clusters should range from 10-15 units per cluster for smaller

developments (up to 50 total units) and 15-20 units for larger developments (50 or more total units).

- b. Visual screening of dwellings from off-site street networks and open space preservation development boundaries shall be accomplished through the siting of residences, maximizing existing screens, and providing new natural screens and/or open space buffers where appropriate.

- c. Dead-end or cul-de-sac streets serving the development are discouraged. Eyebrow, court, or stub-streets are preferred (see below).



- 3. Entryways to open space clusters shall be designed consistent with the rural, natural character of the surrounding area and shall consist of natural vegetation rather than groomed, landscaped areas.
- 4. Where adjoining areas are not subdivided, the arrangement of streets within the proposed open space community shall be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.
- 5. Where practical, street systems shall be designed so that their curvature or alignment produces 'terminal vistas' (the landscape element that is visible at the end of a street, or along the outside edge of a curve, where the view is focused or ends). The terminal vista shall consist of open space elements, such as water features, meadows, or playing fields. This may commonly occur at the terminus of street intersections or where there are driveways provided on only one side of the road.
- 6. Open space shall meet the standards of Section 11.06.
- 7. Development Setback
  - a. Any proposed building lot shall be located at least two hundred (200) feet from any previously existing public street right-of-way.
  - b. No native or natural vegetation shall be removed from the (200) foot setback, nor may any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the open space cluster.
  - c. Upon recommendation by the Planning Commission, the Township Board may reduce this setback to not less than one hundred (100) feet if existing landscaping or topography provides a natural screen that substantially blocks the view to the proposed development.

- d. Upon recommendation by the Planning Commission, the Township Board may require a landscape plan for the development setback area showing additional landscaping to enhance the screening of the open space cluster from the adjacent street. This landscaping may consist of existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
- e. Open space cluster sites abutting more than one (1) public street shall be permitted to reduce the setback on the shortest side of the abutting streets to one hundred (100) feet without a natural screen. No native or significant vegetation shall be removed from the one hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.

**BB. Outdoor recreation development**

1. The minimum lot size shall be ten (10) acres.
2. The lot shall be located so at least one (1) side abuts an arterial or collector road (a paved primary road or State designated highway) and all access shall be from that road.
3. Entry drives and parking areas shall be a minimum of one hundred (100) feet from adjacent property lines.
4. All main and accessory buildings shall maintain a separation of at least two hundred (200) feet from any residential dwelling located on adjacent property.
5. Maximum building coverage shall be twenty-five percent (25%).
6. Any outdoor recreation development located within five hundred (500) feet of any adjacent dwelling shall not be open later than 10:00 p.m.
7. The Planning Commission may require the entire premises to be surrounded by a six (6) foot fence at or near the property lines.
8. No entrances or exits shall be from a gravel road or residential road.
9. A landscaped area of at least twenty five (25) feet in width shall be maintained around the periphery of the property. Screening that complies with the landscaping provisions of Chapter 15 shall be provided adjacent to a residential use or districts.

**CC. Place of religious worship**

1. Religious institutions shall be located on a minimum lot size of two (2) acres.
2. The proposed site shall front upon, and all ingress and egress shall be from an arterial or collector road.
3. Unless greater setbacks are required by the District in which the use is located, buildings and structures shall be set back at least fifty (50) feet from the front lot line and, twenty-five (25) feet from the side and rear lot lines.

**DD. Propane or fuel storage depot**

1. Minimum lot size shall be five (5) acres.
2. The lot shall be located so that at least one (1) side abuts a primary road.
3. No storage shall take place closer than two hundred (200) feet from any property line, or five hundred (500) feet from any Residential District, or a greater distance if required by applicable State or Federal regulations.
4. Fencing, lighting, security, and other appropriate conditions, which may be more stringent than, but not inconsistent with, Federal or State requirements may be imposed.
5. The site shall be designed to permit easy access by emergency vehicles.



**EE. Reserved for Future Use**

**FF. Schools, elementary, middle and high school (public, private and parochial)**

1. Such uses shall require a minimum lot size of ten (10) acres, except for parks and playgrounds, which shall meet the minimum lot requirement of the District in which they are located.
2. The principal and accessory buildings and structures shall not be located within fifty (50) feet of any residential use or district.
3. All stadium and all other exterior sports arena luminaries used for the purpose of illumination of the playing area are extinguished by 10:00 p.m. or immediately after the conclusion of the final event of the day. The remainder of the facility lighting, except for reasons of security, is extinguished at 10:00 p.m. or within one hour after the event, whichever is later, and remains extinguished until one hour prior to the commencement of the next event.

**GG. Sexually oriented businesses**

1. In the development and execution of this subsection, it is recognized that there are some uses that, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them is located in proximity to a Residential District, 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 subsection. These controls are for 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 prohibited in other sections of the Zoning Ordinance.
2. Any sexually-oriented business use is permitted if:
  - a. The proposed use is not an accessory or incidental use and it is located within a zone district where the use may be permitted as a Special Land Use.
  - b. The use is not located within a 1,000 foot radius of a residential use or district, or regular place of worship, a public or private nursery school, preschool, kindergarten, elementary or secondary school, public park or a licensed child care center.
  - c. The use shall not be within a five hundred (500) foot radius of another such use. Separation distances between sexually oriented businesses may be waived by the Planning Commission if the following findings are made:
    - i. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this subsection will be observed.
    - ii. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
    - iii. That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.
    - iv. That all applicable state laws and local ordinances will be observed.
    - v. Prior to the granting of any waiver as herein provided, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may be, in its judgment, necessary for the protection of the public interest. Evidence and

guarantees may be required such that the conditions stipulated in connection with the use will be fulfilled. For purposes of this subsection, the separation between a sexually oriented business and a use listed in this subsection shall be measured from the sexually oriented business to the boundary line of the use or district in which the other use is located and the separation distance between a sexually oriented business and another sexually oriented business shall be measured from the sexually oriented businesses' lot line to the other sexually oriented businesses' lot line.

- d. If any portion of the building or structure in which the sexually oriented business is located fails to meet the separation distance requirements of this subsection, then the entire building or structure shall be ineligible for a sexually oriented business use.
  - e. The presence or existence of a city, township, county or other political subdivision boundary shall be irrelevant for the purposes of calculating and applying the separation distance requirements of this subsection.
  - f. A sexually oriented business lawfully operating is not rendered a nonconforming use by the location, subsequent to the location or grant or renewal of the sexually oriented business, of a regular place of worship, a public or private nursery school, preschool, kindergarten, elementary or secondary school, a public park, a licensed child care center, any entertainment business that is oriented primarily toward children or family entertainment, or another sexually oriented business.
3. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by fire, health, or building codes.
  4. Parking shall be provided in front of the building.
  5. No sexually oriented business shall remain open at any time between the hours of 11:00 p.m. and 10:00 a.m. and no such use shall be open on Sundays.
  6. No alcohol shall be served at any sexually oriented business.
  7. No sexually oriented business use shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that minors are not allowed.
  8. All parking areas and the building shall be well lit to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
  9. The activities to be conducted or the materials to be distributed shall not be in violation of any applicable statute, code or ordinance.

#### **HH. Shooting, ranges**

1. Minimum lot area shall be forty (40) acres for outdoor shooting ranges.
2. A minimum setback of two hundred and fifty (250) feet from all lot lines shall be maintained. No shooting activities shall take place in this setback.
3. Hours of operation shall not begin before 10:00 a.m. nor end later than 9:00 p.m. for outdoor ranges.
4. Range design and operation shall comply with all State and Federal Best Management Practices.

#### **II. State licensed residential facilities**

1. Non-residential parking setback and screening provisions shall apply.
2. The facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.

**JJ. Truck and freight terminals**

1. Minimum lot size shall be ten (10) acres with a minimum frontage of five hundred (500) feet.
2. No structures, parking areas, or facilities shall be located within forty (40) feet of the front property line. The front setback shall be landscaped in accordance with Section 15.05(D).
3. No portion of any structure, facility, access drive or parking area shall be located within one fifty (50) feet of any residential use or district.
4. Except for the required front yard setback, a minimum six (6) foot chain link fence shall enclose all developed areas of the site. A screen that complies with the landscaping requirements of Section 15.05(D) shall obscure all sides abutting a Residential District.
5. Outdoor speaker or paging systems shall be directed away from property lines and shall be designed to prevent objectionable noise levels on adjacent properties or streets.
6. All truck terminal access drives shall be located on an arterial or collector road.
7. The Planning Commission may require deceleration lanes after Ingham County Road Commission review and recommendation.
8. It shall be determined that automotive or truck traffic will be no more hazardous nor the volume of traffic any greater than is normal for the road involved. The Planning Commission shall take into consideration vehicular turning movements in relation to routes of traffic flow, proximity and adequacy of interchanges.
9. Disabled or inoperable trucks and on site trailer storage shall not be parked outside of an enclosed area more than five (5) consecutive days.
10. Trailers and other outdoor storage shall be screened from the public right-of-way and all residential districts or uses.
11. No trailers shall be stored on site for use as storage containers.

**KK. Vehicle body and repair shops**

1. No building or structure shall be located within one hundred (100) feet of any residential use or district.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. No more than three (3) inoperable vehicles per maintenance bay shall be permitted on site. Inoperative vehicles left on the site shall be stored in an enclosed building within forty-eight (48) hours or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited unless appropriately screened.
6. Where adjoining a residential use or district, a buffer zone that complies with the requirements of Section 15.05(D) shall be erected along any common lot line.

**LL. Vehicle service stations**

1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred fifty (150) feet.
2. Pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line.

3. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use without impedance of pump traffic.
4. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of twenty (20) feet from adjacent property lines is maintained, and further provided that the fascia of such canopy is a minimum of fifteen (15) feet above the average grade.
5. Where adjoining a residential use or district, a buffer zone that complies with the requirements of Section 15.05(D) shall be erected along any common lot line.
6. The Planning Commission may establish reasonable hours of operation where it is determined that the proposed use may generate noise, glare, or similar disturbances upon nearby residents.

**MM. Vehicle wash establishments, either self-serve or automatic**

1. Sufficient stacking capacity for the drive through portion of the vehicular wash establishment shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at its entrance and one (1) stacking space at its exit.
2. Vacuuming activities, if outdoors, shall be at least one hundred (100) feet from any residential use or district.
3. Wash bays for self-service establishments shall be located at least fifty (50) feet from any residential use or district.
4. The lot area used for parking shall be provided with a paved surface and shall be drained so as to dispose of all surface water into a public sewer system.
5. Where adjoining a residential use or district, a buffer zone that complies with the requirements of Section 15.05(D) shall be erected along any common lot line.
6. The Planning Commission may establish reasonable hours of operation where it is determined that the proposed use may generate noise, glare, or similar disturbances upon nearby residents.

**NN. Veterinary clinics and hospitals**

1. Buildings which house animals, runs or exercise areas shall be located at least one hundred (100) feet from a property line and shall be screened in accordance with Section 15.05(D).

**OO. Wireless communication towers not part of a federally licensed amateur radio station**

1. It is the policy of the Township to minimize the overall number of newly established locations for communication towers within the community, and encourage the use of existing structures or towers while promoting the public health, safety, and welfare and minimizing negative impacts of such sites. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, contrary to the Township's policy for collocation. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.
2. The applicant shall provide an inventory of its existing towers, antennas, or sites approved for towers or antennas that are either within the Township or within one (1) mile of the border thereof, including specific information about the location, height and design of each tower. The Planning Commission may share such information with other applicants

applying for approval under this ordinance or other organizations seeking to locate antennas within the Township, provided, however that the Planning Commission is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

3. All towers and antennas shall be located so that they do not interfere with reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference.
4. The applicant shall provide evidence that there is no reasonable or suitable alternative for collocation of antennas on an existing communication tower or building within the service area of the proposed tower. A permit for the construction and use of a communication tower shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
5. No communication tower or antenna shall be located closer than five hundred (500) feet from any residential structure located on adjacent property. This requirement may be waived by the planning commission if one of the following conditions are met: (Ord, 68.42, 8-14-17)
  - a. The proposed communication facility is located on an existing communication tower.
  - b. The communication tower is to serve solely a governmental or educational institution.
6. No communication tower and antenna shall be greater than two hundred (200) feet in height, except if in the opinion of the planning commission, the applicant has sufficiently demonstrated that a proposed communication tower in excess of two hundred (200) feet will reduce the total number of potential communication towers in the area.
7. The applicant shall provide verification with a certified sealed print that the antenna and the communication tower have been reviewed and approved by a professional engineer and that the proposed installation is in compliance with all the applicable codes.
8. The applicant shall provide the legal description of the parent parcel and any leased portion thereof.
9. A security fence at least six (6) feet in height, but not more than ten (10) feet, shall be constructed around the tower and any other related apparatuses (i.e. ground antennas, satellite dishes, accessory structures).
10. The Planning Commission may require a buffer zone in compliance with Section 15.05(D) of the ordinance.
11. All communication towers shall be equipped with an anti climbing device to prevent unauthorized access.
12. No signs shall be permitted on site, except for warning, or other cautionary signs, which shall not exceed two (2) square feet in area.
13. All new communication towers and antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color so as to reduce visual obtrusiveness.
14. No new communication tower shall be located within three (3) miles of an existing communication tower unless the applicant can demonstrate to the satisfaction of the Planning Commission that there exists no other feasible and practical locations for a new tower to address documented gaps in wireless service.
15. The applicant shall submit details of communication tower lighting approved by the Federal Aviation Administration. All lights shall be restricted to the extent that is required for compliance with Federal Aviation Administration regulations and on site security.

16. All communication tower permits issued by the Township shall be contingent upon any necessary approval of the Federal Aviation Administration, Federal Communication Commission, State Bureau of Aeronautics – Tall Structures Act and any other applicable state or federal acts.
17. The applicant shall submit a report or letter from the Federal Aviation Administration that the proposed tower complies with all airport safety requirements for all public and private airports in or within four (4) miles of the Township.
18. Communication towers and antennas shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
19. Any communication tower support facilities, equipment, building, or fixtures that is abandoned, in a state of disrepair or its use discontinued for a period of six (6) months shall be required to be removed immediately by the owner and/or lessee. Abandonment or discontinuance shall be determined when any of the following conditions are evident: disconnection of electricity; property, buildings, or grounds that have fallen into disrepair or the removal of all antennas or support structures. A one-time six (6) month extension may be granted by the Board of Trustees upon written request of the owner and/or lessee upon a showing of one of the following:
  - a. Remedial measures are underway to bring the communication tower into active use or repair.
  - b. Measures are underway to remove the tower. (Ord.68.43, 9-11-17)
20. The application shall include a description of security to be posed at the time of receiving a building permit for the communication tower to ensure removal of the communication tower when it has been abandoned or is no longer needed.
21. All new communication towers shall be designed and constructed so as to accommodate collocation of a minimum of three (3) wireless communication facilities.
22. Towers shall be of monopole construction, and not rely on guy wires for stability, except where the applicant can demonstrate to the satisfaction of the Planning Commission that there exists no other feasible and practical options.
23. Special Application Review Provisions:
  - a. After a special land use application for a communication tower is filed with the Zoning Administrator, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator proceeds as provided under subsection (b) below, the application shall be considered to be administratively complete when the Zoning Administrator makes that determination or the passing of fourteen (14) business days after the Zoning Administrator receives the application, whichever occurs first.
  - b. If, before the expiration of the fourteen (14) day period under subsection (a) above, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (a) above is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
  - c. The Planning Commission shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the

Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

**PP. The following standards shall apply to all Large Wind Energy Conversion Systems Large as defined herein, except wind monitoring stations:”**

1. Large WECS(s) require a special land use permit and a building permit prior to construction/installation.
2. The application for a special land use permit must be accompanied by:
  - A. An evaluation of the likely impact of the proposed facility in the following areas:
    - 1) Noise and vibration at any property line;
    - 2) Potential impact on wildlife, including native and migrating birds;
    - 3) “Shadow flicker” and glare impacts on adjacent properties;
    - 4) Aesthetic impact of the WECS on adjoining properties.
  - B. The following information must be detailed to supplement the site plan required for a special use permit application:
    - 1) Property lines, dimension, acreage and contours with appropriate intervals for site evaluation;
    - 2) Location and elevation of the proposed large WECS;
    - 3) Locations and dimensions of all existing structures and uses on the lot within three hundred (300) feet of the system;
    - 4) Height of any structures or trees over thirty-five (35) feet within a five hundred (500) foot radius, on-site or off-site of the proposed large WECS;
    - 5) Surrounding land use and structures, irrespective of height, within 500 feet of the large WECS location.
  - C. Additional information required:
    - 1) Standard drawings of the structural components of the large WECS, including structures, tower, base, and footings. A registered engineer shall certify drawings and any necessary calculations demonstrating that the system complies with all applicable local, state and federal building, structural and electrical codes;
    - 2) Certification from a registered engineer or qualified person that the rotor and overspeed control have been designed for the proposed use on the proposed site;
    - 3) Registered engineer’s certification of the design and safety of the proposed tower to withstand winds of eighty-five (85) miles per hour, and that the large WECS can be operated successfully on the subject property.
3. Setbacks: A large WECS shall maintain a minimum setback of two (2) times the total height of the tower to the top of the blade in its vertical position from any property line or right-of-way line and one and one-half (1½) times the tower and blade height from any habitable structures.
4. Dimensions:

- A. A large WECS shall not exceed a total tower and blade height of one hundred fifty (150) feet, unless the parcel on which the large WECS is to be located is ten (10) acres or larger.
  - B. In all cases, the minimum height of the lowest position of the large WECS blade shall be at least thirty (30) feet above the ground.
  - C. An approved large WECS is exempt from the height restrictions of the R-Rural Zoning District.
5. General Site and Design Standards:  
A large WECS shall meet all federal, state and local aviation requirements, which shall include, but not be limited to, air traffic warning lights or other marking lights, and shall be positioned to avoid undue visual impact on neighboring properties.
6. Safety Measures:
- A. Each large WECS shall be equipped with both manual and automatic controls to limit the rotation or speed of the rotor blade so it does not exceed the design limits of the rotor.
  - B. Each large WECS shall be properly grounded to safely sustain natural lightening strikes.
  - C. A large WECS shall not include any sign or advertising of any kind, except for an informational sign no larger than two (2) square feet in an area posted at the base of the tower, which shall contain the following information:
    - 1) "WARNING: HIGH VOLTAGE";
    - 2) Manufacturer's name;
    - 3) Operator's name;
    - 4) Emergency telephone number;
    - 5) Emergency shutdown procedures.
7. Radio and Television Interference:  
A large WECS shall be designed and constructed so as not to cause radio and television interference.
8. Removal of a Large WECS:
- A. The WECS owner shall advise the Township of discontinuance of WECS use or abandonment within sixty (60) days of discontinuance. Any WECS that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such WECS shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned WECS within said 90 days shall be grounds for the Township to remove the WECS at the owner's expense. The Township may, as a condition of special use permit approval, require a financial guarantee in the form of a performance bond, cash deposit or irrevocable letter of credit to provide sufficient funds for the removal of an abandoned WECS and facilities associated therewith.

**QQ. The following standards shall apply to all Small Wind Energy Conversion Systems as defined herein, except wind monitoring stations:**

- 1. A zoning compliance certificate and building permit are required prior to construction (installation) of a small WECS.
- 2. Tower height for parcels of less than two (2) acres in area, the tower hub height shall not be greater than forty (40) feet, and the gross tower height, including the blades, shall be



limited to fifty (50) feet. For parcels with land area of two (2) acres or more and located in the R-Rural District, the tower hub and height shall not be greater than sixty (60) feet, and the gross tower height, including the blades, shall be limited to ninety (90) feet.

3. Structure mounted systems shall not have a turbine hub mounted higher than the height permitted for the tower as provided herein. Documentation shall be submitted by a registered design professional, with details pertaining to the structure's ability to sustain all loads imposed.
4. Setbacks: A WECS shall be set back a distance equal to one and one-half (1½) times the height of the tower measured from the top of its blade in vertical position from all adjoining property lines or rights-of-way, and no part of a small WECS, including guy wire anchors, may extend into any adjacent yard or property unless an easement has been recorded for that purpose.
5. Noise: The WECS shall not cause sounds in excess of sixty (60) dB as measured at any property line.
6. A small WECS shall bear an approval certificate from a certification program recognized by the American Wind Energy Association.
7. A building permit application for a small WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. If structure-mounted, an engineering analysis of the tower demonstrating compliance with the State Building Code and certified by a licensed professional engineer shall also be submitted.
8. Removal: The WECS owner shall advise the Township of discontinuance of WECS use or abandonment within sixty (60) days of such discontinuance or abandonment. Any WECS that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such WECS shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned WECS within said 90 days shall be grounds for the Township to remove the WECS at the owner's expense.
9. A small WECS system may include more than one (1) turbine and tower, if the total combined rated output of all turbines on the site does not exceed one hundred kilowatts (100 kW).
10. The permit application must include:
  - a. A project summary, including: 1) a general description of the project, including its approximate name plat capacity, the potential equipment manufacturer(s), type(s), of the WECS(s), number of WECS(s) and capacity, the maximum height and diameter of the WECS rotors, the general location of the project; and 2) a description of the applicant, owner and operator, including their respective business entities.
  - b. The name(s), address(es) and telephone number(s) of the applicant(s) and property owner(s).
  - c. A description for the location of the WECS tower(s) and/or substation(s) and the location of property lines of adjoining property owners.
  - d. A site plan for the installation of the WECS, showing location of each WECS tower, guy lines and anchor bases, if any, primary structures, property lines, setback lines, public access roads and turnout locations, transmission lines, substations, ancillary equipment and layout of all structures within geographical boundaries of any applicable setbacks.
  - e. All required studies, reports, certifications and approvals demonstrating compliance with the provisions of this Ordinance;
  - f. Any other information required to demonstrate compliance with this Ordinance or any other Ordinance of the Township.

**RR. Junk/Salvage Yard.**

1. Minimum land area shall be five (5) acres.
2. A solid fence or wall not less than ten (10) feet high shall be erected around all areas wherein junk is located, with a minimum setback of one hundred (100) feet from all residential land uses, and a minimum setback of fifty (50) feet from all other land uses and roads.
3. No stored materials shall be placed so as to be visible from any public street or residence, and fencing or enclosures shall at all times be maintained in a clean and slightly fashion.
4. No junk/salvage yard shall be operated or used in a manner so as to create a nuisance by reason of noise, odors, fumes, dust, filth, vermin, or loose debris, and the site shall be kept free of litter and materials visible from adjoining properties or roads, or capable of being blown to areas beyond the site boundaries.
5. There shall be no burning of any junk, tires or other substance on the site.
6. Operation of junk/salvage yards and the terms of the special land use permit pertaining thereto shall be subject to and contain reasonable restriction on hours of operation and other conditions deemed necessary by the Township Planning Commission and/or Township Board.
7. Each special land use application shall provide all information required by the Vevay Township Zoning Ordinance and such additional information as deemed appropriate by the Planning Commission or Township Board, and shall include a plan for removal of all junk and debris from the site upon the conclusion of junk/salvage yard operations.
8. The operation of the junk/salvage yard shall at all times comply with environmental protection laws, rules and regulations of the state and federal government.
9. The special land use permit may require financial guarantees in an amount deemed appropriate by the Township, in the form of cash, surety bond, or irrevocable letter of credit to guarantee performance of the landowner/operator's obligations under the terms of said permit.

**SS. Large Solar Energy Systems (LSES)**

1. The purpose and intent of this subsection is to establish standards for the siting, installation, operation, repair, decommissioning, and removal of LSES as a special land use in the Solar Overlay District as depicted and defined by Section 31 of the Vevay Township official zoning map (8/21/2015).
2. Site Plan and Supporting Materials
  - a. An LSES is subject to the review and approval procedures of Chapter 14 of the Township's Zoning Ordinance Code, as amended. In addition to the requirements of Chapter 14, the site plan must include:
    - i. Buildings and Structures on adjacent lots.
    - ii. Location of Point of Interconnect (POI) and means of interconnection.
    - iii. In addition to section 14.05B, the relocation of any component of the LSES by less than 50 ft is considered to be a minor change if consistent with required setbacks and other requirements.
    - iv. Proposed LSES on a map with USDA farming soil type overlay.
    - v. The location and quantity of on site soil moved as part of the project.
  - b. The application for a Special Use Permit for a LSES shall be submitted on a form prepared for that purpose by the Township and shall demonstrate the support in writing of each and every legal and equitable owner of each lot within Vevay Township that is located in whole or in part within the LSES.

- c. A copy of the project site specific Safety Plan.
- d. A written description of the maintenance program to be used for the Solar Array(s) and other components of the LSES. The description shall include maintenance schedules detailing types and frequencies of maintenance to be performed at the site.
- e. A copy of any written contract with any energy provider or other purchaser of the energy produced by the LSES, demonstrating a commitment to purchase said energy. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through reasonable means authorized by applicable law, including Public Act 442 of 1976, as amended.
- f. A photometric plan for proposed lighting of any lighted areas at the site.
- g. Prior to the issuance of the SLU permit, the applicant shall submit a Drainage Plan prepared by a registered professional engineer showing how storm water runoff will be managed so as not to encourage erosion or additional drainage upon adjacent properties, and the flooding of drainage courses serving the property including roadside ditches. Drainage plan must be approved in writing by the Ingham County Drain Commission.
- h. A preconstruction and post construction noise study demonstrating ordinance compliance.
- i. The applicant shall submit documentation to verify that placement of solar panels does not direct solar glare onto nearby properties and/or public roads. This documentation shall be prepared by a registered professional engineer or other professional deemed qualified by the Planning Commission.
- j. The applicant shall deposit a cash escrow, in the amount of at least \$15,000 as per the Vevay Township Fee schedule, to be renewed as required, for engineering, legal, and professional services required by the Township pertaining to the application, subject to Township resolution.
- k. Radio Frequency Interference
  - i. Identify electromagnetic fields and potential radio frequency interference generated by the project and present a plan to prevent such interference.
- l. The applicant shall prepare a Decommissioning Plan and submit it for review and approval prior to issuance of the Special Land Use Permit.
  - i. The Plan shall include at a minimum:
    - A. All structures and facilities shall be removed, including any structures below-grade, and removed off site for disposal.
    - B. Removal of all concrete, piping, conduit, wiring, and other materials.
    - C. Written description of the proposed service life.
    - D. Estimated cost to remove and restore the site to original condition, signed by a contractor familiar with the type of work or a registered professional engineer.
    - E. Bond of 125% of the expected decommissioning costs shall be provided to the Township before issuance of required project permits.
    - F. Estimate of the decommissioning cost shall be updated and reviewed at a minimum of every three (3) years. The bond

amount shall be renewed and adjusted by the change in the decommissioning cost.

### 3. Setbacks

- a. LSES solar arrays and other structures shall be set back two hundred fifty (250) feet from public road rights-of-way, one hundred (100) feet from side and rear non-participating lot lines, or the district setbacks stated in the ordinance, whichever is greater. In addition, LSES solar arrays and other structures must be located at least four hundred fifty (450) feet from all non-participating existing residences at the time the project is granted special land use approval.
- b. LSES point of interconnect facilities shall have a setback of at least six hundred (600) feet.
- c. Vegetation within the setback zones of participating areas must be maintained, with proper mowing and noxious weed control unless used for bonafide agricultural use.

### 4. Lot Coverage

- a. Ground mounted solar panels, including the mounted angle, shall not be calculated as part of the overall lot coverage.
- b. All buildings, including substation buildings, shall be calculated as part of the overall lot coverage.

### 5. General Provisions

- a. Maximum height of a solar array shall not exceed fifteen (15) feet. Other collection devices, components, or buildings of the LSES shall not exceed thirty-five (35) feet. The height shall be measured from the natural grade at the base of the Solar Array, device, component, or building measured. The Township Board may waive or modify these height requirements for certain aspects of a LSES (such as structures associated with above-ground transmission lines) through the implementation of conditions as appropriate.
- b. If applicable, an FAA notice shall be provided by the applicant.
- c. A copy of Safety Data Sheets (SDS) for all chemical agents to be used on site, details on the type of cleaning agents, frequency, and quantity of use, and storm water quality protection measures shall be provided including any measures necessary to ensure local water wells are not impacted from such detergents. Any necessary permits from outside agencies for off-site discharge shall be provided.
- d. LSES shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be a minimum of 7(seven) feet in height as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted.
- e. In addition to requirements in Section 15.04, all lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads or increase illumination at the lot line.
- f. All collection lines and interconnections from the Solar Array(s) to any electrical substations/POI shall be located and maintained underground inside the LSES. Gen-Tie lines are exempt from this requirement.

- g. No operating LSES shall produce noise that exceeds any of the following limitations:
  - i. Fifty (50) dBA as measured at the property line of any adjacent non-participating residential use lot in existence at the time of the granted SLU approval.
  - ii. Forty-five (45) dBA as measured at any adjacent non-participating residential use lot in existence at the time of the granted SLU approval between the hours of nine (9) p.m. and seven (7) a.m.
  - iii. Sixty (60) dBA, as measured at the lot lines of the project boundary.
- h. To preserve the rural character of the Township, infrastructure including but not limited to buildings and substations must adhere to a rural motif. A rural motif may include fascia to blend infrastructure into the existing agricultural buildings throughout the Township. Building fascia is subject to planning commission approval.
- i. Under no circumstances shall contiguous forested land of more than 1 acre be deforested for development for use by the LSES. All forested areas greater than 1 acre must remain intact.
- j. Reasonable efforts shall be made to preserve Prime Farmland, as identified under federal regulation 7 CFR § 657.5 Identification of important farmlands defined by USDA Natural Resources Conservation Service, 2014; SSURGO; Ingham County Equalization, 2015. LSES operations must maximize development of non-prime farmland before building LSES operations on land designated as Prime under all circumstances and Prime if adequately drained.
- k. Apart from PA116, an LSES may not utilize parcels participating in land preservation programs, such as Open Space Preservation.
- l. Any earthwork shall maintain topsoil coverage. To the extent possible, the natural topography of the landscape shall be preserved.
- m. Any solar array or combination of photovoltaic devices that become an abandoned LSES shall be removed under the Decommissioning Plan.
- n. The ground must be restored to its original condition within twelve (12) months of becoming an abandoned LSES, or beginning of decommissioning, whichever occurs first.
- o. Bond may be utilized by the Township if the project is abandoned, and/or site restoration is not completed within twelve (12) months of end of service life.
- p. Upon certification of the Zoning Administrator that decommissioning is complete, the SLU permit shall be revoked.

## 6. Perimeter Landscaping

- a. LSES facilities shall be required to install a perimeter landscaping screening buffer surrounding and on the exterior of the security fence, excluding access points. The intention of this screening is to avoid or reduce the visual industrial nature, glare or reflection onto nearby and adjacent properties, residences, and adjacent roadways and the public at large. The Planning Commission may reduce or eliminate the buffer zone in areas other than abutting residential uses and roadways. The Planning Commission may require additional screening based upon topography and other factors to effectuate the buffer zone.
  - i. The buffer zone shall be not less than twenty-five (25) feet in depth and shall be planted with assorted vegetation to provide a year-round visual buffer both at installation and in the future.

- ii. Plantings shall be of a type and size to reach eight (8) feet in height within three (3) years.
- iii. The number, species, and spacing of the plantings shall be sufficient to provide an adequate visual buffer as determined by the Planning Commission.
- iv. Plantings must be maintained by the LSES Operator, and plantings that appear dead, are dead, diseased, or damaged vegetation must be replaced within 60 days upon notification by the Zoning Administrator.
- v. Grass and weeds must be controlled by the LSES Operator in the buffer areas during the entire growing season.
- vi. Vegetation under and around the solar panels must be maintained by the LSES Operator with proper mowing and noxious weed control and shall not be allowed to exceed twelve (12) inches in height. Parcels subject to PA 116 agreements must meet any special vegetation and maintenance requirements and shall be subject to state law and regulations.
- vii. All plant materials shall be installed between March 15 and November 15. All plantings shall be installed as soon as feasible once construction has commenced, but no later than commissioning. If the applicant or Operator is unable to plant during the installation period, the applicant or Operator will provide the Township with a cash deposit, a letter of credit, or surety bond for an amount equal to 150% of the cost of any planting deficiencies. The Township shall hold such funds until the next planting season, as deemed acceptable by the Township Board. After all plantings have occurred, the Township shall return the financial guarantee.

## 7. Safety

- a. The LSES Operator shall provide annual training regarding LSES installation(s), first response safety, and mitigation methods to the Fire Department. The training shall include site visits to include LSES inspection, as requested by the fire department(s).
- b. The LSES Operator is required to provide SDS sheets to the Fire Department and comply with any Federal and State laws and reporting requirements.
- c. The LSES Operator shall provide and maintain site safety plans to include electrical, fire, smoke, and hazardous materials release, emergency response protocols and identify all hazards with regard to electrical, fire, smoke and hazardous materials.
- d. The LSES Operator shall provide a copy to the fire department of the LSES site/safety plan which will include any response for which there is an expectation that the fire department can respond to.
- e. The LSES Operator shall maintain an emergency access road to the site that is accessible to fire department response apparatus. This access road must be maintained and accessible throughout the year.

## 8. Local, State, and Federal permits

- a. LSES facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan, Ingham County and Vevay Township, and comply with standards of the State of Michigan adopted codes.

#### 9. Inspection

- a. The Township shall have the right to inspect the premises on which any LSES is located within three (3) business days of the request to the Operator. The Township may hire one or more consultants to assist with any such inspections, at the applicant's, Operator's, or project owner's expense.
- b. The LSES shall provide a single point of contact for inspection findings.

#### 10. Roads

- a. The applicant shall complete a Road Use Agreement (RUA) with either the Ingham County Road Department or MDOT (as applicable) including a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the appropriate agency in an amount necessary to assure repair of any damage to the public roads caused by construction of the LSES or any of its elements.
- b. Any material damages to a public road located within the Township resulting from the construction, maintenance, or operation of an LSES shall be repaired at the LSES' Operator's expense.

#### 11. Complaint Resolution

- a. The LSES Operator shall provide a complaint resolution process to address any formal complaints filed with the Township relative to the SLU. At a minimum the process shall contain the following:
  - i. The LSES Operator shall provide a single point of contact to process complaints and provide status updates at the request of the Township.
  - ii. The LSES Operator shall acknowledge the receipt of the complaint within one (1) business day of notification of the complaint.
  - iii. The LSES Operator shall resolve the complaint expeditiously within thirty (30) days of the complaint.
  - iv. A planned resolution date beyond the thirty (30) day resolution deadline requires the LSES Operator to obtain approval from the Township Supervisor.

#### 12. Liability Insurance

- a. The Operator shall insure the LSES at all times and shall maintain such insurance on its own behalf and on behalf of the Township as a co-insured or as additional insured, with limits of liability as set by Township Resolution, per occurrence for damages to persons and property.

#### 13. Change in Ownership Notification

- a. Prior to a change in the ownership or operation of an LSES, including, but not limited to, by the sale or lease of that system or the underlying property, the current owner or Operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform

the Township of the intended transfer of control of the LSES and shall include a copy of the instrument or agreement affecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or Operator of the LSES shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.

14. Annual Output Report/Notification

- a. The LSES Operator shall provide the Township Planning Commission with a written affidavit affirming the project is operational and in compliance with the SLU. The report shall be provided on an annual basis or as the Planning Commission shall require.

15. Emergency Contact Person

- a. The LSES Operator shall be required to provide 24 hours, 7 days a week, direct contact number for emergency personnel to make contact. If this is a hotline, it must be staffed 24 hours, 7 days a week, otherwise a direct dial number to a focal point contact is required. This contact number shall be reviewed and updated on an annual basis. If changes to the emergency contacts are made, the LSES Operator is required to notify the Township or other governing fire department within 12 hours of any changes.

16. Signage

- a. In addition to signs required by applicable electrical codes, the LSES shall have at a minimum one sign per lot, located at the roadside and easily visible throughout all four seasons. Signs shall be two (2) to six (6) square feet in area. Additional signage on and around the solar panels is recommended.
- b. The sign shall contain at a minimum the following:
  - i. Warning high voltage.
  - ii. Participating, LSES owner's name, and Operator's name.
  - iii. Emergency telephone numbers and web address (list more than one number if needed).
  - iv. Signs shall be placed on the perimeter fence at the fence entrance gate.
  - v. Unique identification such as address of the LSES.
- c. The surfaces of the solar panels shall not be used as a sign message board.
- d. Any other signs shall be in accordance with Chapter 20.

17. Stray Voltage

- a. The Operator shall be responsible for compensation for damages due to any stray voltage caused by a LSES in accordance with the rules of the Michigan Public Service Commission.

18. Special Land Use Compliance Testing

- a. Within twelve (12) months of LSES commissioning, the Operator shall be required to present a report prepared by a Township designated third party, qualified professional, demonstrating that the LSES while in operation meets the requirements of this Ordinance and the SLU permit.



19. Abandonment

- a. Any LSES, any portion of the LSES, that is not used to produce energy for a period of twelve (12) consecutive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property in accordance with the decommissioning regulations of this Ordinance, unless the Operator receives a written extension of that period from the Township Board, at its sole discretion, where an extended repair schedule for good cause is demonstrated.

20. Penalties and Legal Proceedings

- a. Any person or Operator failing to comply with this Ordinance shall be subject to a civil fine of Two Hundred fifty and no/100 Dollars (\$250.00) for a first offense and Five Hundred and no/100 Dollars (\$500.00) for subsequent offenses. Each day a violation or other act continues shall be considered a separate offense.
- b. The Township may initiate in a court of competent jurisdiction legal proceedings at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful use or occupancy of the LSES structure in violation of the provision of this Ordinance.
- c. Any legal action taken by the Township on such property resulting in court ordered fines, costs and fees shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- d. Except for violations or conditions which constitute or have the potential for imminent personal injury or property damage, Township Official(s) shall not issue a violation notice relating to a first offense, unless a written warning is issued and the violator is given a reasonable time to correct the condition found to be in violation of this Ordinance or to warn the violator of the existence of a violation. "Reasonable time" shall be determined at the discretion of the Township based upon the nature of the existing condition or violation. Although subsequent warnings shall not be required, additional warnings may be given, in the discretion of the Township.

*(Ord. 68.06, 5-3-10; Ord. 68.09, 8-1-11; Ord. 68.10, 10-3-11; Ord. 68.16, 7-14-14; Ord. 68.18, 7-14-14; Ord. 68.19, 7-14-14; Ord. 68.20, 8-11-14; Ord. 68.22, 8-11-14) (Ord 68.36, 4-16-17) (Ord 68.42, 8-14-17) (Ord. 68.43, 9-14-17) Removed original 16.06.1 68.48 10-14-19 (Ord. 68.54, 6-14-23)*

**End of Article 16**

# CHAPTER 17 NONCONFORMITIES

## SECTION 17.01 NONCONFORMING USES, STRUCTURES, AND LOTS

### A. General Provisions

1. Any lot, use of land, or structure which has been established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time the use of land or structure was established, and any lot, use of land, or structure which has been lawfully established under a previous Zoning Ordinance and subsequently violates the terms of the permit under which it was established, shall continue to be in violation of this Ordinance.
2. An existing lot, use of land, or structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established under a previous Zoning Ordinance, created, or commenced during a period of time when no valid Zoning Ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue provided there is compliance with this Chapter.
3. A lawful use of land or structure which is under construction at the time of adoption of this Ordinance may continue subject to the provisions of this Section.
4. No commercial medical marihuana facility nor commercial medical marihuana activity operating or purporting to operate prior to December 15, 2017, shall be deemed to have been a legally existing use nor shall the operation of such marihuana facility or use be deemed a legal nonconforming use under this Ordinance. The Township may take all legal measures to abate such activity upon discovery of such activity.
5. A property owner shall not have vested rights or nonconforming use rights for commercial medical marihuana activities that would serve as a basis for failing to comply with Section 17.01 of Ordinance 68 or any amendment thereto.  
(Ord. 68.40, 5-10-17)

### B. Nonconforming Uses

1. No part of any nonconforming use shall be moved unless the movement eliminates the nonconformity.
2. If a nonconforming use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
  - a. Utilities, such as water, gas and electricity to the property, have been disconnected.
  - b. The property, buildings, and grounds, have fallen into disrepair.
  - c. Signs or other indications of the existence of the nonconforming use have been removed.
  - d. Removal of equipment or fixtures necessary for the operation of the nonconforming use.
  - e. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
3. A nonconforming use shall not be changed in use to another use that is also nonconforming unless it is more conforming than the previous use. Once a conforming use is established the prior nonconforming use may not be reestablished.

4. A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance,
5. Prior to termination of a non-conforming use due to abandonment, the township shall provide written notice by personal delivery or by first class mail of its intent to terminate such non-conforming use to the property owner as identified in the Township's most recent real property tax rolls. Said notice shall also provide the date, time and place where and when a public hearing will be held on the question of such abandonment.

#### C. Nonconforming Buildings and Structures

1. A non-conforming structure may be expanded, provided that such expansion does not result in encroachment into the non-buildable areas required by the setback regulations applicable to the Zoning District involved.
2. In the event any nonconforming building or structure shall be damaged by fire, wind or an act of God or the public enemy, it may be rebuilt or restored provided the cost of restoration thereof shall not exceed sixty (60%) of the replacement value as determined by the Building Inspector.
3. A nonconforming building or structure shall not be moved in whole or in part except when the moving results in full compliance with the provisions of this Ordinance.
4. A dwelling within a platted subdivision may be expanded or altered, provided that such construction and the location thereof does not result in an encroachment into the non-buildable areas required by the setback regulations pertaining to the lot involved which existed when the plat of the subdivision was originally approved.

#### D. Nonconforming Lots of Record

1. A nonconforming lot may be used for the purposes for which it is zoned, provided that:
  - a. If already less than the minimum requirements of this Ordinance, a required lot area or lot width shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance.
  - b. Any main building on the lot shall be located so that at least sixty-six percent (66%) of the setback requirements of the District in which the lot is located are met.
2. Combination of Nonconforming Lots
  - a. For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment to it, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:
    - i. Are in common ownership.
    - ii. Are adjacent to each other or have continuous frontage.
    - iii. Individually do not meet the lot width or lot area requirements of this Ordinance.
  - b. Parcels meeting the provisions of subsection 2.a, above, shall be combined into a lot or lots complying as nearly as possible with the lot width and lot size requirements of this Ordinance. No portion of the parcel shall be used or divided in a manner that diminishes compliance with lot width and area requirements of this Ordinance.

*(Ord. 68.02, 5-4-09; Ord. 68.06, 5-3-10; Ord. 68.14, 10-8-12, Ord. 68.40, 5-10-17)*

**End of Article 17**

## **CHAPTER 18**

# **ZONING BOARD OF APPEALS**

### **SECTION 18.01 MEMBERSHIP AND PROCEDURES**

- A. The Zoning Board of Appeals (ZBA) shall consist of five (5) members appointed by the Township Board, who shall serve terms of three (3) years, except for members who are also on the Planning Commission or Township Board, who shall serve only as long as they are members of those bodies.
- B. One member of the Planning Commission shall be a member of the ZBA, one member of the Township Board may be a member of the ZBA, and the remaining members selected and appointed by the Township Board from the electors of the Township. A Township Board member may not be chairperson of the ZBA.
- C. Meetings shall be held at the call of the Chairperson or the Zoning Administrator and at other times as the ZBA in its rules of procedure may specify. The Chairperson or, in the absence of the Chairperson, the acting chairperson, may administer oaths and compel the attendance of witnesses. A Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Zoning Board of Appeals are present.
- D. All meetings of the ZBA shall be open to the public. 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.
- E. Alternates
  - 1. The Township Board may appoint up to two (2) alternate members for the same term as regular members of the ZBA.
  - 2. An alternate member may be called to sit as a regular member of the ZBA to serve in place of a regular member for the purpose of reaching a decision in a case where the regular member has abstained for reasons of conflict of interest.
  - 3. The alternate members of the Board of Appeals may be called to sit as regular members of the Board of Appeals, if a regular member is absent from one (1) or more meetings of the Board of Appeals. An alternate member may also be called to serve in the place of a regular member for reasons of conflict of interest.
  - 4. The alternate member having been called to serve on a case shall serve on that case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board of Appeals.
  - 5. The records maintained by the Board of Appeals shall reflect the attendance and participation of an alternate member.
- F. Conflicts. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or Township Board shall not participate in a public hearing on the same matter that the member voted on as the member of the Planning Commission or Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

*(Ord. 68.02, 5-4-09)*

## **SECTION 18.02 INTERPRETATIONS**

The Zoning Board of Appeals shall have the power to hear and decide, in accordance with the provisions of this Ordinance, applications for interpretations of this Ordinance, and may make decisions on any other questions on which the ZBA is authorized to pass. In exercising all of its powers, the ZBA shall apply the standards of this Section.

(2) Upon receipt of a request for interpretation of a provision of the zoning ordinance, a reasonable time shall be fixed by the ZBA for a hearing of the request and notice given as provided by Section 18.05 of this Chapter.

B. Text Interpretations: The ZBA may hear and decide upon requests for the interpretation of the provisions of this Ordinance. In deciding text interpretations, the ZBA shall be governed by the following rules:

1. Text interpretations shall be narrow and address only the situation to be interpreted, be based on a thorough reading of this Ordinance and not have the effect of amending this Ordinance.
2. Interpretations shall give weight to practical interpretations by the Zoning Administrator if applied consistently over a long period of time.
3. Records shall be kept of all interpretations.
4. Nothing contained in this Section shall be construed to give or grant to the ZBA the power or authority to alter or change the language of this Ordinance.

C. Map Interpretations: When there is any question as to the location of any boundary line between Districts, upon a request for an interpretation of the zoning map, the ZBA shall establish the boundary based upon the map and all available information relating thereto and shall establish the boundaries to carry out the intent and purposes of this Ordinance and the Master Plan.

## **SECTION 18.03 APPEALS**

A. Upon application, the ZBA shall hear and decide appeals from and review any order, requirements, decision or determination made by the Zoning Administrator or other official or body charged with the administration of this Ordinance. Any person aggrieved, or any officer, department or board of the Township may make an appeal to the ZBA. The grounds of every appeal shall be stated in writing as part of the application.

B. An application for appeal shall be filed within fourteen (14 days) after the date of the decision that is the basis of the appeal. The appellant must file a notice of appeal and a fee with the Office of the Township Clerk. The notice shall specify the nature and grounds of the appeal and the application fee be submitted in an amount as established by the Township Board from time to time.

C. The Office of the Township Clerk shall transmit to the Zoning Administrator and to the ZBA all the papers constituting the record upon which the action being appealed was taken.

D. An appeal stays all proceedings from furthering the action being appealed unless the Zoning Administrator certifies to the ZBA that a stay would, in their opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or by the Circuit Court.

E. The ZBA shall fix a reasonable time for the hearing of the appeal, and provide notice as provided by Section 18.05. Following the public hearing, the ZBA shall decide the matter within a reasonable time. The ZBA may reverse or affirm, wholly or partly, or may modify the order requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.

*(Ord 68.11, 1-9-12) (Ord. 68.47, 11-15-17)*

## **SECTION 18.04 VARIANCES**

- A. The ZBA shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of building or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in the ordinance. If there are practical difficulties in the way of carrying out the strict letter of the zoning ordinance, the zoning board of appeals may grant a variance in accordance with this section, so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done. A variance from the terms of this Ordinance shall not be granted by the ZBA unless and until a written application for a variance is submitted and the ZBA finds:
1. That there are practical difficulties which apply to the property in question that do not apply generally to other properties in the same Zoning District, including:
    - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter; or
    - b. By reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure; or
    - c. By reason of the use or development of the property immediately adjoining the property in question, whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties; or
    - d. Another physical situation relating to the land, building or structure.
  2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.
  3. That the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
  4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
  5. The variance will not impair the intent and purpose of this Ordinance.
  6. That the immediate practical difficulty causing the need for the variance request was not created by the applicant.
  7. That the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance necessary.
- B. Use Variances: Use variances are prohibited.
- C. An application for a variance shall be submitted to the Zoning Administrator who will review the application for completeness and validity, then transmit it to the Zoning Board of Appeals. Applications not meeting the requirements shall be returned to the applicant for completion.
- D. A valid application for a variance to the ZBA shall consist of the following:
1. Six (6) copies of a site plan drawn to scale, which is sufficient to describe the nature of the request.
  2. A completed application form as provided by the Township.
  3. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
  4. A legal description and/or parcel number of the entire property that is the subject of the request.
  5. A statement with regard to compliance with the standards of Section 18.04, as applicable.

6. Other materials as may be required by the ZBA.
- E. The ZBA shall fix a reasonable time for the hearing of the variance request and provide notice as provided in Section 18.05 of this Chapter.
- F. At the hearing, a party may appear in person or by agent or attorney. The zoning board of appeals may a grant the requested variance in whole or in part and issue or direct the issuance of a permit.

## **SECTION 18.05 NOTICE OF PUBLIC HEARING**

- A. Variances: After fixing a reasonable time for the date of a hearing on the request for a variance, the Zoning Board of Appeals shall:
  1. Publish notice of the request in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of the hearing. Notice shall also be sent by mail or given by personal delivery to the owners of property for which approval is being considered.
  2. Notice shall also be given to all persons to whom real property is assessed within three hundred (300) feet of the property that is the subject of the request, and to the occupants of all structures within 300 feet of the subject property, regardless of whether such occupants are located in the Township. Notification need not be given to more than one occupant of a structure, except that, if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwellings or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
  3. Notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. Notice shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipients of the notice.
  4. The notice shall do the following:
    - a. Describe the nature of the request;
    - b. 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;
    - c. State when and where the request will be considered;
    - d. Indicate when and where written comments will be received concerning the request.
- B. Interpretations and Appeals: Upon receipt of a written request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision:
  1. A notice of the request shall be published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of the hearing. Notice shall also be sent by mail or given by personal delivery to the owners of property for which approval is being considered. If the request does not involve a specific parcel of property, this notice need only be published as provided herein and given to the person making the request.
  2. For all other requests involving a specific parcel, notice shall also be given to all persons to whom real property is assessed within three hundred (300) feet of the property that is the subject of the request, and to the occupants of all structures within 300 feet of the subject property, regardless of whether such persons are located in the Township. Notification need not be given to more than one occupant of a structure, except that, if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of

each unit or spatial area shall be given notice. If a single structure contains more than four dwellings or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

3. Notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. Notice shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipients of the notice.
4. The notice shall do the following:
  - a. Describe the nature of the request;
  - b. 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;
  - c. State when and where the request will be considered;
  - d. Indicate when and where written comments will be received concerning the request.

*(Ord. 68.02, 5-4-09)*

## **SECTION 18.06 DECISIONS OF THE ZBA**

- A. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or body or to decide in favor of the appellant on any matter. The ZBA shall render its decision upon any appeal or application submitted to it within a reasonable time after the hearing thereon.
- B. The ZBA may require a performance guarantee and/or impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision that they are required to make. Conditions shall be imposed in a manner in accordance with the Zoning Act and be related to the standards by which the decision is reached.
- C. A decision of the ZBA shall become final upon authentication of the decision or upon the approval of the minutes, unless the ZBA shall find, and so certify on the record, that it is necessary to cause the order to have immediate effect, in order to preserve property or personal rights.
- D. For each decision of the ZBA a record shall be prepared including at a minimum, the following items:
  1. Description of the applicant's request.
  2. The ZBA's motion and vote.
  3. A summary or transcription of all competent material and evidence presented at hearing; and,
  4. Any conditions attached to an affirmative decision.
- E. The decision of the Zoning Board of Appeals shall be final. An appeal from a decision of the Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals issues its decision in writing, signed by the Chairperson, if there is a chairperson, or signed by the members of the Zoning Board of Appeals, if there is no chairperson, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision. The court may affirm, reverse or modify the decision of the Zoning Board of Appeals, and may make other orders as justice requires.



F. Period of Validity

No variance granted by the ZBA shall be valid for a period longer than twelve (12) months, from the date of its issuance if not used. However the applicant may, upon written request, seek up to one (1) twelve (12) month extension of the variance from the ZBA. The ZBA may grant an extension provided that the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were reasonably beyond the control of the applicant.

*(Ord. 68.02, 5-4-09)*

**SECTION 18.07 RE-SUBMISSION**

No variance request which has been denied by the ZBA shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the ZBA finds that at least one of the following conditions exist:

- A. That the conditions involving all of the reasons for the original denial have been significantly altered; or
- B. That new conditions or circumstances exist which change the nature of the original request.

**End of Article 18**

## **CHAPTER 19**

# **ADMINISTRATION AND ENFORCEMENT**

### **SECTION 19.01 ADMINISTRATION AND ENFORCEMENT**

- A. An administrative official who shall be known as the Zoning Administrator shall be designated by the Township Board to administer and enforce this Ordinance. He may be provided with the assistance of other persons as the Township Board may direct.
- B. If the Zoning Administrator shall find any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

### **SECTION 19.02 ZONING ADMINISTRATOR DUTIES**

- A. The Zoning Administrator shall have the authority to issue zoning compliance permits in accordance with the requirements of this Ordinance.
  - 1. Excavation for buildings or structures shall not be commenced, the erection, addition to, alteration of or moving of any building or structure shall not be undertaken, or any land shall not be used, or an existing use of land be changed to a use of a different type or class, until a zoning compliance permit has been secured from the zoning administrator. A building permit shall not be issued for erection, alteration or moving of any building until a zoning compliance permit has been issued therefore.
  - 2. It shall be unlawful for the Zoning Administrator to approve any plans or issue a zoning compliance permit for any excavation or construction or use until the Zoning Administrator has inspected the plans in detail and found them in compliance with this Ordinance.
  - 3. Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this Ordinance.
  - 4. The Zoning Administrator shall not refuse to issue a permit when the applicant complies with conditions imposed by this Ordinance and all other applicable Township, County, and State regulations. Violations of contracts, such as covenants or private agreements, which may result upon the granting of the permit, are not cause for refusal to issue a permit.
  - 5. When the Zoning Administrator receives an application for a zoning compliance permit, which requires Planning Commission, Township Board, or Zoning Board of Appeals approvals, the Zoning Administrator shall so inform the applicant.
  - 6. A zoning compliance permit shall not be issued until all applicable fees, charges and expenses have been paid in full.
- B. The Zoning Administrator is not, under any circumstance, permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in the Ordinance to any person making application to excavate, construct, move, alter or use either buildings, structures or land.
- C. The Zoning Administrator shall have the authority to make inspections of buildings or premises necessary to carry out his duties in the enforcement of the Ordinance.
- D. The Zoning Administrator may not make changes to this Ordinance or vary the terms of this Ordinance in carrying out his duties.
- E. The Zoning Administrator shall require every application for a Building Permit for excavation, construction, moving, alteration or change in type of use or type of occupancy, be accompanied by a site plan prepared in accordance with specifications of Chapter 14.

- F. If a proposed excavation, construction, moving or alteration or use of land as set forth in the application is in conformity with the provisions of this ordinance and in conformance with the provisions of the building code, the Zoning Administrator shall permit a building permit to be issued, provided all other requirements for the permit are satisfied. If the Zoning Administrator does not approve an application for the permit, the reasons for the rejection shall be stated in writing on an appropriate form.
- G. The Zoning Administrator may accept a preliminary application and a lesser number of submitted documents than those required by this Ordinance in situations where basic clarification is desired before proceeding with the further technical work; and the Zoning Administrator may on a preliminary submittal indicate tentative denial or tentative approval.

### **SECTION 19.03 SCHEDULE OF FEES, CHARGES AND EXPENSES ESTABLISHED BY TOWNSHIP BOARD**

- A. The Township Board shall by resolution establish a schedule of fees, charges and expenses and a collection procedure for zoning compliance permits, Certificates of Occupancy, appeals, Special Land Uses, variances, site plan reviews, rezoning applications and other matters pertaining to this Ordinance. The schedule of fees shall be available in the office of the Zoning Administrator and may be amended only by the Township Board.
- B. An appropriate fee established by the Township Board shall accompany any application. Additionally, a separate deposit may be collected from the applicant, as determined by the Township Board, and used to reimburse another party retained by the Township to provide expert consultation and advice including but not limited to legal, planning and engineering professionals regarding the application. The amount of the deposit shall be based on a reasonable estimate to provide such services. Any unused portions of this fee shall be returned to the applicant after the Township has paid all costs for consultant services.

### **SECTION 19.04 PERFORMANCE GUARANTEE**

- A. As a condition of approval of a site plan review, Special Land Use, or variance, or other approvals authorized by this Ordinance, the Township Board, Planning Commission, Zoning Board of Appeals, or Zoning Administrator may require a performance guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development.
- B. The features or components, hereafter referred to as "improvements," may include, but shall not be limited to, survey monuments and irons, streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, paving, driveways, utilities, and similar items.
- C. Performance guarantees shall be processed in the following manner:
  - 1. Prior to the issuance of a building permit, the applicant or their agent shall submit an itemized cost estimate of the required improvements that are subject to the performance guarantee, which shall then be reviewed and approved by the Zoning Administrator.
  - 2. The amount of the performance guarantee shall be not more than one hundred percent (100%) of the cost of purchasing of materials and installation of the required improvements, including the cost of necessary engineering and inspection costs and a reasonable amount for contingencies.
  - 3. The required performance guarantee shall be payable to the Township and may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety guarantee acceptable to the Township.
  - 4. Upon receipt of the required performance guarantee, the Zoning Administrator shall authorize the issuing of a building permit for the subject development or activity, provided it is in

compliance with all other applicable provisions of this Ordinance and other applicable requirements of the Township.

5. The Zoning Administrator, upon the written request of the obligor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. A portion of the performance guarantee shall be rebated in the same proportion as stated in the itemized cost estimate for the applicable improvements.
6. When all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of the improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections.
7. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
8. The Zoning Administrator shall maintain a record of required performance guarantees.

## **SECTION 19.05 ZONING ORDINANCE AMENDMENTS**

- A. Amendment to this Ordinance may be initiated by the Township Board on its own motion or, in the manner and pursuant to the procedure hereinafter set forth, may be initiated by any person, firm or corporation filing an application therefore with the Township Board. The Planning Commission may, at its discretion, also initiate amendments to this Ordinance through the Zoning Administrator and also recommend Ordinance amendments to the Township Board for adoption.
- B. The following guidelines shall be considered by the Planning Commission, and may be used by the Township Board in consideration of amendments to the Zoning Ordinance:
  1. Text Amendment:
    - a. The proposed text amendment would clarify the intent of the Ordinance.
    - b. The proposed text amendment would correct an error in the Ordinance.
    - c. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan.
    - d. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.
    - e. In the event the amendment will add a use to a district, that use shall be fully consistent with the character of the range of uses provided for within the district.
    - f. The amendment shall not create incompatible land uses within a zoning district, or between adjacent districts.
    - g. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
    - h. As applicable, the proposed change shall be consistent with the Township's ability to provide adequate public facilities and services.
    - i. The proposed change shall be consistent with the Township's desire to protect the public health, safety, and welfare of the community.

2. Map Amendment (Rezoning): In making its recommendation to the Township Board, the Planning Commission shall consider the following criteria:
  - a. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Vevay Township Master Plan; or, if conditions have changed significantly since the Master Plan was adopted, the consistency with recent development trends in the area.
  - b. Whether the proposed district and the uses allowed are compatible with the site's physical, geological, hydrological and other environmental features. The potential uses allowed in the proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts.
  - c. Whether, if rezoned, the site is capable of accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting.
  - d. Other factors deemed appropriate by the Planning Commission.
3. Consideration of Amendment by Township Board: Upon receipt of a report and summary of hearing comments from the Planning Commission as provided for in the Zoning Act, the Township Board may modify the proposed amendment or adopt it as presented by the Planning Commission. The modified language shall be referred back to the Planning Commission for additional comment.

*(Ord. 68.37, 4-16-17)*

#### C. Amendment Procedure

1. Filing of Applications: All petitions for amendments to this Ordinance shall be in writing, signed and filed with 12 copies provided to the Zoning Administrator, who will forward them to the Planning Commission.
2. All petitions for amendments to this Ordinance, without limiting the right to file additional material, shall contain the following:
  - a. The petitioner's name, address and interest in the petition as well as the name, address and interest of every person, firm or corporation having a legal or equitable interest in the land.
  - b. The nature and effect of the proposed amendment.
  - c. If an individual property or several adjacent properties are proposed for rezoning, a location map, showing the location of the properties generally in the township, a legal description of the land(s) proposed for rezoning, the present zoning classification(s), the zoning classification of all abutting districts, and all public and private rights-of-way and easements bounding and intersecting the land under consideration.
  - d. Any changed or changing conditions in the area or in the municipality which make the proposed amendment reasonable and necessary to the promotion of the public health, safety and general welfare.
  - e. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.
3. The Zoning Administrator, after examining the submitted materials and approving the application as to form and content, shall refer the request to the Planning Commission for study and report to the Township Board.

Before submitting its recommendations of the Petition to Amend, the Planning Commission shall hold at least one public hearing. A notice of the hearing shall be published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of the hearing. Notice shall also be given to the owners of property that is the subject of the request and to all persons to whom real property is assessed within three hundred (300)

feet of the property that is the subject of the request, and to the occupants of all structures within 300 feet of the subject property, regardless of whether such persons are located in the Township. Notification need not be given to more than one occupant of a structure, except that, if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

Notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

The notice shall do all of the following:

- a. Describe the nature and location of the request;
- b. Indicate the property that is the subject of the request and, where the proposed action relates to ten or fewer adjacent properties, 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;
- c. State when and where the request will be considered;
- d. Indicate when and where written comments will be received concerning the request.

4. "RESERVE FOR FUTURE USE"

5. The Planning Commission shall then refer the proposed amendment to the Township Board, along with its summary of the public hearing and written recommendations for approval or disapproval and reasons therefore.
  - a. The Township Board may hold a public hearing if it considers it necessary or if otherwise required. If a hearing is held at the discretion of the Board, publication and notice shall be the same as provided in Section 19.05C.3. of this Ordinance;
  - b. The Township Board shall grant a hearing on a proposed Ordinance provision to an interested property owner who requests a hearing by certified mail, addressed to the Township Clerk. In this case, only the property owner requesting the hearing is entitled to notice, with said notice to contain the same information as provided in Section 19.05C.3 of this Ordinance.
6. Upon enactment, the Zoning Ordinance, as well as subsequent amendments or supplements, shall be filed with the Township Clerk, and one (1) notice of Ordinance adoption shall be published accordance with the requirements of the Zoning Act.
7. Within seven (7) days after publication, the amendment to the zoning ordinance shall be filed in the Official Ordinance Book of the Township with a certification of the Township Clerk stating the vote on passage and when published and filed. If the amendment requires a change on the Official Zoning Map, the change shall be made on the map in accordance with provisions of Chapter 4 within ten (10) days after enactment of the amendment.

*(Ord. 68.02, 5-4-09)(Ord. 68.37, 4-16-17)*

## **SECTION 19.06 ZONING AGREEMENTS**

- A. The Township Board recognizes that there are certain instances where it would be in the best interest of Vevay Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions and limitations could be proposed by an applicant as part of an application for a rezoning. Therefore, it is the intent of this Section to provide a process by which an applicant seeking a change in zoning boundaries may propose a Zoning Agreement for parcels of land of under five (5) acres, with conditions and commitments attached thereto, as part of the application for the requested rezoning. These provisions shall be in accordance with the provisions of the Zoning Act, as amended.
- B. In addition to the requirements of Section 19.05 above, an applicant requesting a change in zoning boundaries may propose a Zoning Agreement, as defined in this Section. The required application and process shall be the same for rezoning requests except as modified by the requirements of this Section.
- C. The following definitions shall apply to this Section:
1. Rezoning Offer - shall mean conditions proposed by the applicant and approved by the Township processed as part of an approval under this Section. These conditions shall constitute requirements for and in connection with the development and/or use of the property approved with a Zoning Agreement.
  2. Zoning Agreement shall mean a written agreement offered by the applicant and approved and executed by the applicant and the Township and recorded with the Ingham County Register of Deeds, incorporating the Rezoning Offer along with any requirements necessary to implement the Rezoning Offer. When necessary, the Zoning Agreement shall also include and incorporate, by reference, a site plan that illustrates the implementation of the Rezoning Offer. This plan shall not replace the requirement for a site plan as outlined in Chapter 14 or other approvals that may be required by this Ordinance.
- D. Eligibility
1. An applicant for rezoning may submit a proposed Zoning Agreement with an application for rezoning. This election shall be made at the time the rezoning is filed, or may be made at a later time during the rezoning process. Election to file a rezoning with a Zoning Agreement shall be pursuant to the Zoning Act, as amended, and this Section.
  2. In order to be eligible for the proposal and review of a rezoning with a Zoning Agreement, an applicant must propose a rezoning of property and voluntarily offer certain conditions to be set forth in a Zoning Agreement, which are equally or more restrictive than the regulations that would otherwise apply under the proposed new zoning district.
- E. Zoning Agreement
1. The Zoning Agreement shall set forth the Rezoning Offer and shall include those terms necessary to implement the Agreement. In addition, the Zoning Agreement shall include the following acknowledgments and understandings that:
    - a. The applicant proposed the Zoning Agreement and the Rezoning Offer voluntarily, and that the Township relied upon the Agreement and may not grant the rezoning without the Rezoning Offer and terms spelled out in the Zoning Agreement.
    - b. The Zoning Agreement and its terms and conditions are authorized by all applicable State and Federal law and constitution, and that the Zoning Agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the Township.
    - c. The property shall not be developed and/or used in manner that is not consistent with the Zoning Agreement.

- d. The approval and the Zoning Agreement shall be binding upon the property owner and the Township, and their respective heirs, successors, assigns, receivers or transferees.
2. If a rezoning with a Zoning Agreement becomes void in accordance with Section 19.06, K, and/or in accordance with the Zoning Act, no development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established or a new rezoning with a Zoning Agreement has been approved.
3. Each of the requirements and conditions in the Zoning Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact or other condition created by the uses, activities or conditions represented in the approved rezoning and Zoning Agreement, taking into consideration the changed zoning district classification and the specific use(s), activities, or conditions authorized.
4. No part of the Zoning Agreement shall permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new Zoning District.

#### F. Rezoning Offer

1. The Zoning Agreement shall specify the Rezoning Offer and any requirements necessary to implement it. However, the Rezoning Offer may not authorize uses or developments of greater intensity or density, and/or which are not permitted in the new zoning district; nor may any variances from height, area, setback or similar dimensional requirements in the Zoning Ordinance of Vevay Township be allowed unless a variance has been previously granted by the Zoning Board of Appeals pursuant to the requirements of Chapter 18.
2. Any uses proposed as part of a Zoning Agreement that would otherwise require approval of a Special Land Use Permit and/or Site Plan Review shall be approved as required prior to establishment of or commencement of development of the use.
3. The Rezoning Offer shall bear a reasonable and rational relationship and/or benefit to the property in question.
4. The Rezoning Offer may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use, and/or may impose more restrictive measures on the location, size, height, or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features.
5. The Rezoning Offer may also include conditions related to the development of the property that are consistent with the intent of this Section and applicable State, Federal and local regulations. These conditions may include, for example, extension of or improvements to infrastructure serving the site, site-specific improvements intended to minimize the impact of the development on surrounding properties, or such other conditions as deemed important to the development by the Applicant.
6. A Rezoning Offer that includes provisions for preservation of natural features and/or open space, facilities for drainage, facilities for traffic and access, and similar activities that take place on private land shall include a written understanding for permanent maintenance of such features or improvements by entities other than Vevay Township, unless a separate agreement for dedication of the property to the public has been executed. The Zoning Agreement shall also contain a provision for authorization and finance of maintenance by or on behalf of the Township, after notice, in the event that the property owner(s) fail(s) to timely perform necessary maintenance.



#### G. Procedure for Application, Review and Approval

1. An application for rezoning shall be the same as outlined in Section 19.05. In addition to the required materials listed in Section 19.05, a Zoning Agreement in a recordable format acceptable to the Township shall be submitted, along with any plans necessary to illustrate the Rezoning Offer.
2. The application may be amended during the process of consideration, provided that the applicant voluntarily enters any amended or additional Rezoning Offers.
3. The Township Attorney shall review the Zoning Agreement prior to the required Planning Commission public hearing. The Township attorney shall determine that the Zoning Agreement conforms to the requirements of this Section and the Zoning Act, as amended, and shall confirm that the Zoning Agreement is an a form acceptable for recording with the Ingham County Register of Deeds.

#### H. Standards of Review

1. Following the public hearing, and further deliberations as deemed necessary by the Planning Commission, the Planning Commission shall make a recommendation based upon the Review Considerations of Section 19.05, B. In addition, the Planning Commission shall consider whether the proposed Zoning Agreement and the Rezoning Offer:
  - a. Are consistent with the intent of this Section.
  - b. Bear a reasonable and rational connection and/or benefit to the property being proposed for rezoning.
  - c. Are necessary to ensure that the property develops in such a way that protects the surrounding neighborhood and minimizes any potential impacts to adjacent properties;
  - d. Are necessary to allow the rezoning to be approved, in that the property could not or would not be rezoned without the proposed Zoning Agreement and Rezoning Offer.
  - e. Lead to a better development than would have been likely if the property had been rezoned without a Zoning Agreement, or if the property were left to develop under the existing zoning classification.
  - f. Are clearly in the public interest, as compared to the existing zoning and considering the site-specific land use proposed by the applicant. In making this determination, the Planning Commission shall find that the benefit to the public as a result of approving the rezoning and Zoning Agreement clearly outweigh any reasonably foreseeable detriments.
  - g. The Planning Commission may recommend approval, approval with recommended changes (related to the Zoning Agreement), or denial of the rezoning and Zoning Agreement; provided however, that any conditions which add to or amend the Rezoning Offer are acceptable to the applicant.
  - h. Upon receipt of the Planning Commission's recommendations, the Township Board shall deliberate upon the rezoning and Zoning Agreement. The Township Board shall approve or deny the Zoning Agreement, provided that any conditions that add to or amend the Rezoning Offer are acceptable to the applicant.

#### I. Revisions by the Township Board

1. Should a Rezoning Offer be revised following the Planning Commission public hearing and recommendation, the Township Board shall be required to conduct its own public hearing, in accordance with the requirements of the Zoning Act.
2. Alternatively, should the Township Board determine that the revisions are of such substantial nature or effect that they are significantly different from the Zoning Agreement reviewed by the Planning Commission, the Township Board shall have the option to remand the application to the Planning Commission to hold a public hearing on the Zoning Agreement as revised and submit a report and recommendation to the Township Board.

3. If an applicant proposes a zoning agreement after the Planning Commission has held a public hearing on a rezoning request, the Township Board shall first remand the application to the Planning Commission who shall hold a new public hearing on the rezoning and proposed alternative zoning agreement, subject to the publication and notice required by Section 19.05 of this Ordinance, and followed by submission of a report and recommendation to the Township Board.

J. Approval

1. If the rezoning and Zoning Agreement are approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, plus a reference to the Zoning Agreement. The Zoning Map shall specify the new district, plus a small letter "a" to indicate that the property is subject to a Zoning Agreement (i.e., "R-3a"). The Township Clerk shall maintain a listing of all properties subject to Zoning Agreements and shall provide copies of the Agreements upon request.
2. Upon rezoning, the use of the property in question shall conform to all of the requirements regulating use and development within the new zoning district; however, the more restrictive requirements of the Zoning Agreement shall apply, and the Rezoning Offer shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.
3. The applicant shall record the approved Zoning Agreement with the Ingham County Register of Deeds, with proof of recording provided to the township.
4. Prior to development, a site plan shall be approved in accordance with Chapter 14, if otherwise required.

K. Expiration

1. Unless extended by the Township Board for good cause, the rezoning and Zoning Agreement shall expire two (2) years after adoption of the rezoning and Zoning Agreement, unless approved development of the property pursuant to building and other required permits issued by the Township commences within the two (2) year period and proceeds diligently to completion.
2. In the event that approved development has not commenced within the aforementioned two (2) years, the Zoning Agreement shall be void and of no effect.
3. Should the Zoning Agreement become void, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the Township is taken to bring the property into compliance with the Zoning Agreement, the Township may withhold or, following notice to the owner and a public hearing, revoke permits and certificates (in addition to or in lieu of any other lawful action to achieve compliance).
4. If the property owner applies in writing for an extension of the Zoning Agreement at least fifty (50) days prior to the expiration date, the Township Board may, after recommendation by the Planning Commission, grant an extension of up to one (1) year. No further extensions may be granted.
5. If the rezoning and Zoning Agreement becomes void as outlined above, then the land shall revert back to its original zoning classification as set forth in the Zoning Acts. The reversion shall be initiated by the Township with notice and hearing as required for rezonings by the Zoning Act and this Ordinance.

- L. Nothing in the Agreement, nor any statement or other provision shall prohibit the Township from rezoning all or any portion of the property that is part to the Agreement to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Act.

#### M. Continuation

1. Provided that all development and/or use of the property in question is in compliance with the Zoning Agreement, a use or development authorized under the agreement may continue indefinitely, provided that all terms of the Rezoning Offer and the Zoning Agreement continue to be adhered to.
2. Failure to comply with the Zoning Agreement at any time after approval may constitute a breach of agreement, and further use of the property may be subject to legal remedies available to the Township.
3. Amendment
  - a. During the initial two (2) year period, or during any extension granted by the Township as permitted above, the Township shall not add to or alter the Rezoning Offer in the Zoning Agreement.
  - b. The Zoning Agreement may be amended after the expiration of the initial two (2) year period and any extensions, in the same manner as was prescribed for the original rezoning and Zoning Agreement.

*(Ord. 68.02, 5-4-09)*

### **SECTION 19.07      REVOCATION OF ZONING APPROVALS AND ZONING AGREEMENTS**

- A. Any zoning approval, or site plan approval may be revoked after determination that one (1) or more of the following circumstances exist:
  1. A material error in the original approval has been discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency.
  2. There has been a material departure from the commitments made and the requirements of an approved plan.
  3. Material and substantial pollution, impairment or destruction of the environment, or to another legally protected public interest, would occur if the project were to be constructed as previously approved.
  4. Failure to perform, unless due to actions or circumstances beyond the applicant's control.
- B. Proper notice shall be given prior to revocation of the approval. If the Planning Commission approved a site plan, they shall vote on the revocation. The Zoning Administrator may revoke zoning compliance permits.

### **SECTION 19.08      ENFORCEMENT**

- A. Any building or structure which is erected, moved, placed, reconstructed, demolished, extended, enlarged, altered, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance, per se.
- B. A violation of this Ordinance constitutes a civil infraction. Any person, who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction.
- C. For purposes of this Section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which the person

admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

- D. The Township Board, or their duly authorized representative(s), is hereby charged with the duty of enforcing the Ordinance and are hereby empowered to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Ingham County, Michigan, or any other Court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate the non-compliance or violation. And it is further provided that any person aggrieved or adversely affected by this noncompliance or violation may institute suit and/or join the Township in the suit to abate the same.
- E. The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

### **SECTION 19.09 STOP WORK ORDER**

- A. Upon notice from the Zoning Administrator that any use is being conducted or that any work on any building or structure is proceeding contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, to owner's agent, or to the person doing the work and shall state the conditions, if any conditions, under which work or the use will be permitted to resume.
- B. Any person who shall continue to work in or about the structure, land or building or use it after having been served with a stop work order, except work that the person is directed to perform to remove a violation, shall be in violation of this Ordinance.

### **SECTION 19.10 SEVERABILITY CLAUSE**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

### **SECTION 19.11 REPEAL OF PRIOR ORDINANCE**

The Zoning Ordinance previously adopted by the Township and all amendments thereto, are hereby repealed. The repeal of the prior Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

### **SECTION 19.12 EFFECTIVE DATE**

- A. The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people and are hereby ordered to become effective immediately upon publication of a "Notice of Ordinance Adoption" in a newspaper circulating within Vevay Township. Publication shall be preceded by a public hearing and by approval of the Vevay Township Board, in that order.
- B. This Zoning Ordinance shall become effective on the 15<sup>th</sup> day of, 2008.

**End of Article 19**

# CHAPTER 20

## SIGNS

### Section 20.01. Purpose.

The purpose of this Article is to provide a framework in which the identification and informational needs of all land uses can be harmonized with community interests in public health, safety and welfare, including the preservation of the Township's overall rural character and that of its business and residential areas. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives, while recognizing that unrestricted or unregulated signage does not support the desired character of the Township nor benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers, visual blight, and decreased property values, and undermines economic development initiatives.

(Ord. 68.16, 7-14-14)

### Section 20.02. Definitions.

- A. Electronic Message Center (EMC) Signs: A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. An EMC sign may be a free-standing sign or wall sign as defined herein.
- B. Free-Standing Sign: A sign not attached to a principal or an accessory building, including signs supported by a center or multiple poles, posts and panels, and ground signs, but excluding off-premises signs unless provided elsewhere in this Chapter.
- C. Ground Sign: A free-standing sign of comparatively limited height and which is designed in such a manner that the face of the sign structure extends down to the ground, similar to a monument, or which includes supports or poles that are less than two (2) feet in height.
- D. Illumination/Illuminate: The act of highlighting the visual presence and/or impact of a sign by the use of artificially created light, such as through electrical devices.
  - 1. "Internal illumination" refers to the incorporation of the light source behind the sign face intended to be highlighted and enclosed within the framing of the sign. For the purpose of this Chapter, an EMC sign shall be construed to be an internally illuminated sign.
  - 2. "External illumination" refers to the placement of the light source in front, above, below and/or to the side of the sign face intended to be highlighted. External illumination is not enclosed within the framing of the sign but may be attached to the sign.
- E. Off-Premises Advertising Sign: A sign which identifies goods, services, facilities, events, or attractions which are available or provided at a location other than the lot upon which such sign is located (commonly referred to as a "billboard").
  - 1. Class 1 Off-Premises Sign: An off-premises advertising sign intended for viewing by vehicle travelers along the Township's local road network.
  - 2. Class 2 Off-Premises Sign: An off-premises advertising sign intended for viewing by U.S.-127 highway travelers.
- F. On-Premises Advertising Sign: A sign which identifies goods, services, facilities, events, or attractions which are available or provided at a location upon which such sign is located.
  - 1. Class 1 On-Premises Advertising Signs: RESERVED FOR FUTURE USE.
  - 2. Class 2 On-Premises Advertising Signs: Class 2 On-premises advertising signs are located on the premises and intended for viewing by US-127 highway travelers.
- G. Portable Sign: Any sign designed to be moved easily and not permanently affixed to the ground or

to a structure or building, including but not limited to "A-frame", "T-frame", or inverted "T-shaped" structures, signs mounted on wheeled trailers, hot-air and gas filled balloons, banners, pennants, and streamers.

- H. Projecting Sign: A sign mounted on a building façade, commonly mounted perpendicular to the building façade along an edge of the sign, that projects over the ground surface below and is designed or intended to be principally viewed from a position generally along side the façade and not viewed from a position generally facing the façade. A sign on a marquee, canopy or awning-type structure, irrespective of the direction the sign faces, shall not be construed as a "projecting sign."
- I. Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, banner, flag, pennant, trade names or marks, or other representation, or combination thereof, designed for the purpose of advertising or identifying an individual, a firm, an association, a profession, a business, a commodity or product, an activity, a philosophy, or an idea, which is located upon any land or structure on or in any building.
- J. Temporary Sign: A sign designed to be moved periodically Examples of temporary signs include banners, signs mounted on wheeled trailers, and hot-air and gas filled balloons.
- K. Wall Sign: A sign which is attached directly to a building wall with the sign area surface flat against or parallel to the building wall and the sign area surface not extending more than eight (8) inches from the face of the wall, including signs painted on a building wall, and including signs on a marquee, canopy or awning-type structure. A wall sign shall not be construed to include a sign attached to or otherwise part of a roof, a sign attached to a wall but which extends above the lowest portion of a roof, or a projecting sign as defined herein.

(Ord. 68.16, 7-14-14)

(Ord. 68.28, 7-11-16)

## **Section 20.03. General Standards and Regulations**

### **A. Permits/Review.**

1. Required Permit/Review: All signs shall require a Zoning Compliance Permit prior to placement, erection, replacement or alteration unless exempted by subsection (3) below. If site plan review is required for a proposed project that a proposed sign shall be part of, the proposed signage shall be reviewed as part of the site plan review procedure for the entire project, pursuant to Article 14 and a separate sign application is not necessary. If the proposed signage is to be part of an existing development for which site plan approval has already been granted or was not necessary, the Zoning Administrator shall review the sign application to ensure all applicable ordinance standards have been met prior to issuing a permit for the sign. The Zoning Administrator may defer action on proposed signage to the site plan approving body.
2. Application Information: Application for a Zoning Compliance Permit for a sign shall include the following minimum information:
  - a. Total display area of the sign in square feet.
  - b. Proposed sign height, ground clearance if applicable, and setbacks from lot lines, right-of-ways, and drives.
  - c. Type and purpose of the sign.
  - d. In the case of an EMC sign, the manufacturer's sign brightness specifications according to nit level.
  - e. The height and width of the building if the sign is a wall sign.
  - f. Lot area and frontage.
  - g. Photos of site and building.
3. Signs Exempt from Permit/Review: The following signs are exempt from the provisions of subsection (1) above but shall conform to all other regulations and standards of this Chapter

including area and height.

- a. Signs erected by a governmental entity.
- b. Indoor signs affixed to or covering windows.
- c. Signs authorized under Section 20.04.
- d. The maintenance or replacement of sign information on a previously approved sign.

B. Materials, Construction and Maintenance:

1. All signs shall be constructed and maintained in a manner consistent with building code provisions and maintained in good structural condition at all times, free of hazards to the general public. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.
2. A sign shall be integrally designed so that its elements are of a unified character versus comprised of an assemblage of different sign types and materials. In the case where two (2) opposing sign faces are of differing shapes and/or sizes, resulting in the back of one (1) face not being fully obscured by the opposing face of the sign, the exposed backing shall be of a finished material and designed and constructed to appear as an integral part of the entire sign and of a similar character. No support shall be used to accommodate multiple sign units or faces intended to serve the same business, tenant or occupant or a lot.
3. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports. Signs shall be maintained free of peeling material, fading, rust, rot, insect infestation or other conditions reflective of a state of disrepair.

C. Lighting:

1. Authorized Lighting: Signs may be illuminated unless specified otherwise, and may be internally or externally illuminated unless specified otherwise.
2. Moving Illumination: No sign shall include flashing, blinking, moving or variable intensity illumination except as authorized in subsection (4) below in association with an electronic message center (EMC) sign.
3. Exterior Illumination Levels: Exterior illumination of a sign shall not result in reflected light that exceeds a brightness level of 0.3 foot candles above ambient light as measured according to the same specifications for EMC signs in subsection (C)(6).
4. Interior Illumination: Interior illumination shall be limited to individual letters, lettering, symbols and logos on a sign. All other sign elements shall be opaque or otherwise not illuminated. This subsection (4) shall not apply to temporary signs authorized by Section 20.04.
5. Source of Illumination: The source of sign illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the lot on which the sign is located. All externally lit signs shall be illuminated by lights affixed to the sign and directed downward on the sign face only. This subsection (5) shall not apply to neon lights, and exposed bulbs not exceeding fifteen (15) watts, provided such signs shall not exceed four (4) sq. ft. in area.
6. EMC Signs: EMC signs shall comply with the following illumination standards:
  - a. An image on an EMC sign, and any portion of an image on an EMC sign, shall stay constant for a minimum of eight (8) seconds, without any change in movement, light intensity or color. Message scrolling and similar moving messages, including animation and animation-like imaging, are prohibited.
  - b. Any change or transition in display on an EMC sign shall not exceed one (1) second in duration.
  - c. An EMC sign shall be equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions. No EMC sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle meter at a distance determined by the square root of the sign's square



foot area multiplied by 100. An example of such a determination in the case of a 12 sq. ft. sign is:

$$\sqrt{\text{of the product of } (12 \times 100) = 34.6 \text{ feet measuring distance}}$$

- d. The measure of light emitted from an internally illuminated sign at its surface shall not exceed 500 nits from dusk to dawn and 2,000 nits during all other times of a day. A nit is equal to one (1) candela per square meter.

#### D. Measurements

1. Sign Area: The area of a sign shall be computed by calculating the square footage of a sign face as measured by enclosing the most protruding points or edges of all sign faces of the sign within a parallelogram, rectangle, triangle, or circle, or combination thereof, including any framing.
  - a. Where a sign has two (2) or more similarly shaped faces placed back-to-back, and at no point are less than eighteen (18) inches apart from one another, the area of the sign shall be the area of one (1) face. Where a sign has two (2) or more similarly shaped faces placed back-to-back, and are greater than eighteen (18) inches apart from one another at any point, the area of the sign shall be the combined area of each face.
  - b. Where a sign has two (2) faces placed back-to-back, and at no point are less than eighteen (18) inches apart from one another, but the signs are of differing sizes, the sign area shall be that of the larger sign.
  - c. In the case of a sign with three or more faces, the area of the sign shall be the area of all faces combined.
2. Sign Setbacks: Sign setbacks shall be measured from the lot line horizontally to the nearest edge of the sign. The "nearest edge of the sign" shall be the leading edge of the sign closest to such lot line as viewed from above in plan or bird's eye view.
3. Sign Height: The height of a ground sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the average ground elevation within ten (10) feet of the sign base. The height of a sign placed upon a berm shall be measured from the base elevation of the berm.

#### E. Prohibited Signs:

1. Signs which, due to location, design, color, or lighting, encourage confusion among drivers due to unauthorized traffic signs, signals or devices, or signs that make use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse drivers or pedestrians.
2. Signs that obstruct free and clear vision of approaching, intersecting or merging traffic.
3. Signs on parked vehicles, within view of a public right-of-way or adjacent lot, where the sign is the primary use of the vehicle.
4. Signs greater than two (2) sq. ft. in area that are affixed to trees, shrubs or similar natural features.
5. Signs affixed to fences and utility poles, and structural elements not capable of supporting such signs,
6. Signs that obstruct ingress or egress from a required door, window or other required point of access.
7. Signs comprised of banners except as otherwise expressly authorized in association with a temporary sign according to Sec. 20.04.
8. Signs placed in, upon, or over any public right-of-way, alley, or other public place, except that signs for the sole purpose of providing directional information for religious institutions, schools, governmental entities, and bona fide public service organizations are permitted in such public place upon approval of the governmental entity having jurisdiction over such right-of-way.

9. Signs that revolve or have any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement irrespective of the cause of the movement, is prohibited. Banners, pennants, festoons, spinners and streamers, and similar devices, which move due to wind or mechanical devices and which are intended to draw attention to a location are considered moving signs and are prohibited except as otherwise expressly authorized in association with a temporary sign according to Sec. 20.04. This subsection (9) shall not be construed to prohibit EMC signs or signs that rely on light-emitting diodes (LEDs) provided such signs are in compliance with Sec. 20.03(C).
  10. Signs that have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexually explicit character including any sign elements portraying "specified anatomical areas" or "specified sexual activities" as defined in Chapter 2 under "Sexually Oriented Businesses."
  11. Signs that constitute a portable sign as defined in this Chapter, except where authorized as a temporary sign according to Section 20.04.
  12. All other signs not expressly authorized by this Ordinance.
- L. Pre-emption by County, State or Federal Regulations: Nothing in this Chapter shall be construed as prohibiting a sign required by county, state or federal rules or regulations, including in the case of signs pertaining to the storage or application of hazardous materials.

(Ord. 68.16, 7-14-14)

### **Section 20.04. Signs Permitted in All Districts.**

- A. The following signs are permitted in all Districts, subject to the standards and limitations prescribed herein in addition to those of Section 20.03, and such signs shall be set back a minimum distance of ten (10) feet from all lot lines.
1. Dwelling identification and home occupation signs: No more than one (1) sign shall be erected for the purpose of identifying a dwelling unit, a home occupation, or family home day care facility. Such sign shall not exceed six (6) sq. ft. in sign area and in the case of a home occupation sign, such sign shall not be illuminated. These limitations shall not prohibit the display of an additional non-illuminated address identification sign posted along the abutting road for postal and emergency identification purposes where such sign complies with the most current guidelines published by the U.S. Postal Service.
  2. Development Identification: A residential or non-residential development consisting of a platted subdivision, condominium subdivision, multiple family development, manufactured housing community, or other unified development consisting of at least five (5) dwelling units or at least three (3) buildings used for commercial, industrial or institutional purposes, shall be permitted one (1) sign per vehicle entrance having a sign area not exceeding twenty-four (24) sq. ft. and a height not exceeding six (6) feet. The sign shall be for the sole purpose of identifying the development and may be illuminated.
  3. Real Estate/Dwelling Unit/Personal Property Availability Signs:
    - a. One (1) non-illuminated sign advertising the sale or lease of the lot, building, building space, or residence on which the sign is located shall be permitted, provided no more than one (1) sign shall be erected for each two hundred (200) feet of road frontage or portion thereof, no sign shall exceed an area of six (6) sq. ft. and a height not exceeding four (4) feet.
    - b. A platted subdivision, site condominium, multiple family development, manufactured housing community, or other unified residential or non-residential development consisting of at least five (5) dwelling units, or three (3) acres of land in the case of a non-residential development, is permitted one sign advertising the sale or lease of lots, buildings or residences, not exceeding sixteen (16) sq. ft. in area and five (5) feet in height. Such sign may be illuminated and the sign shall be removed within six (6) months after the sale of ninety percent (90%) of all lots, units, or buildings within said development.

- c. In addition to (a) and (b) above, a maximum of two (2) additional non-illuminated signs, not to exceed an area of four (4) sq. ft. each and four (4) feet in height, may be erected in a development of multiple dwellings or units for the purpose of directing the public to a model home or rental office in such development.
  4. Construction Signs: Non-illuminated signs identifying the owners, financiers, contractors, architects and engineers of a project under construction and for which project a Zoning Compliance Permit has been granted, provided such signs do not exceed a cumulative total of twenty-four (24) sq. ft. in area per road frontage and a maximum eight (8) feet in height. Such signs shall be erected no earlier than thirty (30) days prior to the commencement of construction and shall be removed no later than thirty (30) days after a certificate of occupancy is issued or eighteen months, whichever occurs first.
  5. Bulletin Board: A single bulletin board sign shall be permitted on a lot in any district that is used for a religious institution, school, museum, library, or other similar institution. Such sign shall have a maximum height of six (6) feet, shall not exceed eighteen (18) sq. ft., and shall not be included in sign area calculations for compliance with Table 20-1. Such sign may be illuminated.
  6. Reserved for future use.
- (Ord. 68.28, 7-11-16)
7. Directional Signs: Signs that are used solely for the purpose of providing traffic directions or instructions in association with a lot on which they are located, such as “entrance,” “exit,” “in,” and “out”, are permitted in all districts on the lot on which they serve provided such signs shall not exceed three (3) sq. ft. in area and four (4) feet in height. Such signs may be internally lit only, and shall not count toward the permissible sign area standards of Table 20-1.
  8. Flags: Flags with the insignia of a public governmental entity including an agency or department of such governmental unit; community organization; institution; business or other entity are permitted. In the case of a flag with the insignia of a community organization, institution; business or other entity not comprising a public governmental entity, the following restrictions shall apply:
    - a. No more than three (3) flags shall be erected on a lot.
    - b. No flag shall exceed (25) feet in height and thirty-two (32) square feet in area. Any portion of a flag that exceeds fifteen (15) square feet in area shall be applied to the total permissible free standing sign area according to Table 20-1.
    - c. The flag shall be set back from all lot lines a minimum distance equal to the height of the flag.
  9. Warning Signs: Non-illuminated warning signs such as no trespassing, no hunting and warning of electrical current or animals, provided that such signs do not exceed two (2) sq. ft.
  10. Building Signs: Signs carved into stone, concrete, or similar material, or made of bronze, aluminum, or other noncombustible material, which identify the name of a building, a building’s date of erection, or monumental citations, provided such signs do not exceed ten (10) sq. ft. in area and are an integral part of the building structure. Such signs may be illuminated.
  11. Stick-On Signs: Miscellaneous stick-on and painted signs affixed to vending machines, gas pumps, ice containers, and similar outdoor items of less than six (6) feet in height, indicating the contents or announcing on-premises sales, provided each sign does not exceed two (2) sq. ft. in area. Such signs shall not be illuminated.
  12. Historical Markers: Historical markers, plaques, or signs describing township, county, state or national designation as an historic site or structure by the State Historical Commission, including centennial farms, not exceeding twenty (20) sq. ft. in area and six (6) feet in height. Such signs may be illuminated.
  13. Public Notice Signs: Signs and notices of a governmental entity as may be deemed necessary and appropriate by the unit of government.

14. Agricultural Dealer Plot Signs: Signs on a farm that provide information about agricultural products used on such farm, provided each sign shall not exceed four (4) square feet and shall not be displayed between November 30 and April 1. Such signs shall not be illuminated.
15. Temporary sign, public event: Non-illuminated temporary signs containing public messages concerning temporary or special events are subject to the following restrictions:
  - a. The sign shall not be displayed for more than thirty (30) days.
  - b. No more than one (1) sign may be erected on the lot to which the sign applies.
  - c. The sign shall not exceed eighteen (18) square feet in area.
  - d. The sign shall be located no closer than twenty (20) feet from all lot lines.
  - e. The lot on which the sign is located shall not have more than two (2) such signs erected within a calendar year, and there shall be a passing of a minimum of sixty (60) days between the display of such two (2) signs.

(Ord. 68-28, 7-11-16)

16. Temporary sign, grand opening: Signs intended to announce the opening of a public or private facility, including a business but excluding a home occupation, subject to the following restrictions:
  - a. The sign shall not be displayed for more than thirty (30) days.
  - b. No more than one (1) sign may be erected on the lot to which the sign applies.
  - c. The sign shall not exceed thirty-two (32) square feet in area.
  - d. The sign shall be located no closer than twenty (20) feet from all lot lines.
  - e. Wind-blown devices, such as pennants, spinners and streamers may be used as part of or in association with such sign.
17. Temporary sign, special purpose: Temporary signs for purposes not otherwise addressed above in this Section 20.04 are permitted subject to the following limitations:
  - a. Such temporary signs shall not exceed eighteen (18) sq. ft. in area except in a residential district, in which case such signs shall not exceed twelve (12) square feet.
  - b. No more than one (1) temporary special purpose sign may be displayed on a lot at any single time.
  - c. A temporary special purpose sign shall not be displayed for more than fourteen (14) days during any calendar year.
  - d. The area of a temporary special purpose sign shall not be applied to the total allowable sign area according to Table 20-1 of this Chapter except when such sign is in a B-1, B-2 or M-1 District.

(Ord. 68.16, 7-14-14)

### **Section 20.05. Additional Signs Permitted by District.**

In addition to the signs permitted by Section 20.04 and the limitations thereof, signs pertaining to an authorized and approved business, use or activity on a lot may be erected on such lot provided the signs are wall signs or freestanding signs unless specified otherwise, and comply with the District standards of Table 20-1. Nothing in Table 20-1 shall be construed as authorizing a sign, sign area or sign height that is otherwise prohibited by Section 20.04.

(Ord. 68.16, 7-14-14)

## **Section 20.06. Off-Premises Advertising Signs.**

- A. Class 1 Off-Premises Seasonal Temporary Signs: Class 1 off-premises advertising signs are permitted on a seasonal temporary basis only, for the purpose of directing persons to a seasonal event authorized under this Ordinance such as a farm market or other agri-tourism events, subject to the following restrictions:
1. A Class 1 off-premises advertising sign shall not be displayed on the same lot for more than forty-five (45) consecutive days and for more than ninety (90) days in any calendar year.
  2. No more than two (2) Class 1 off-premises advertising signs shall be erected on a lot at any single time.
  3. A Class 1 off-premises advertising sign shall not exceed six (6) square feet in area and four (4) feet in height.
  4. A Class 1 off-premises advertising sign shall be located no closer than twenty (20) feet from all lot lines.
  5. A Class 1 off-premises advertising sign shall not be illuminated.
- B. Class 2 Off-Premises Signs: Class 2 off-premises advertising signs are permitted in compliance with the Highway Advertising Act, P.A. 106 of 1972, as amended, and the following additional limitations:
1. Class 2 off-premises advertising signs are permitted only on a lot in an Industrial District and where such lot has frontage along U.S - 127.
  2. Class 2 off-premises advertising signs shall be set back from all lot lines according to the setback standards of Section 9.03 but in no case shall such a sign be located within of three hundred (300) feet of an R-1A, R-1B, R-M, and M-H District, and any dwelling existing at the time of erection of the sign.
  3. There shall be a minimum of one thousand five hundred (1,500) feet between any two (2) Class 2 off-premises advertising signs along the same side of the road or highway. A double-face or V-type sign shall be construed as a single sign.
  4. A Class 2 off-premises advertising sign's total sign area facing any single direction shall not exceed two-hundred fifty (250) sq. ft.
  5. A Class 2 off-premises advertising sign shall not exceed a height of twenty (20) feet above the average grade. Average grade shall be determined by the ground on which the billboard sits or the grade of the abutting road, whichever is higher.
  6. A Class 2 off-premises advertising sign shall comply with the lighting standards of Section 20.03(C).

*(Ord. 68.16, 7-14-14)*

## **Section 20.07. Class 2 On-Premises Advertising Signs**

- A. Class 2 On-Premises Advertising Signs: Class 2 On-premises advertising signs are permitted in compliance with the Highway Advertising Act, P.A. 106 of 1972, as amended, and subject to the following additional limitations:
1. Only one (1) Class 2 On-premises advertising sign shall be permitted on an Agricultural and Industrial lots.
  2. Class 2 On-premises advertising signs are permitted only on a lot in an Agricultural District and/or Industrial District where such lot is adjacent to US-127.
  3. Class 2 On-premises advertising signs shall only be permitted on a lot utilized for public utility facilities or public use.

4. Class 2 On-premises advertising signs shall be set back from all lot lines according to the setback standards of Section 9.03, but in no case shall such a sign be located within of three hundred (300) feet of an R-1A, R-1B, R-M, and M-H District, and any dwelling existing at the time of erection of the sign.
5. A Class 2 On-premises advertising sign's total sign area facing any single direction shall not exceed two-hundred fifty (250) sq. ft.
6. A Class 2 On-premises advertising sign shall not exceed a height of twenty (20) feet above the average grade. Average grade shall be determined by the ground on which the sign sits or the grade of the abutting road, whichever is higher.
7. A Class 2 On-premises advertising sign shall comply with the lighting standards of Section 20.03(C).
8. There shall be a minimum of one thousand five hundred (1,500) feet between any two (2) Class 2 On-premises advertising signs and Class 2 Off-premises advertising signs along the same side of the road or highway. A double-face or V-type sign shall be construed as a single sign.
9. Removal of a Class 2 On-premises advertising sign:
  - a. The sign owner shall advise the Township of abandonment or discontinuance of the use of the Class 2 On-premises advertising sign within sixty (60) days of discontinuance. The owner or property owner shall remove the sign within ninety (90) days of abandonment or discontinuance and restore the property to its natural state.
  - b. Failure to remove an abandoned sign within ninety (90) days of abandonment or discontinuance and return the property to its preconstruction state shall be grounds for the Township to remove the sign at the sign owner's or property owner's expense. The Township may, as a condition of special use permit approval, require a financial guarantee in the form of a performance bond, cash deposit or irrevocable letter of credit to provide sufficient funds for the removal of an abandoned or discontinued use of the sign and facilities associated therewith.

*(Ord. 68.28, 7-11-16)*

### **Section 20.08. Nonconforming Signs.**

The continuance of a lawful use of any sign existing on the date of adoption of this Ordinance or amendment thereto, although such sign may not conform to the provisions of this Chapter, shall be permitted according to Chapter 17.

*(Ord. 68.16, 7-14-14)*

*(Ord. 68.28, 7-11-16)*

**Table 20-1**

In addition to the signs permitted by Section 20.04 and Section 20.07 and the limitations thereof, signs pertaining to an authorized non-residential use or activity on a lot may be erected on such lot provided the signs are wall signs or freestanding signs unless specified otherwise, and comply with the District standards of Table 20-1 below. Nothing in Table 20-1 shall be construed as authorizing a sign, a sign area or a sign height that is otherwise regulated by Section 20.04, Section 20.06, and Section 20.07. (Ord. 68.28, 7-11-16)

See “Special Provisions” on following page.

FS = Free-Standing Sign    WS = Wall Sign

District	Authorized Signs And Number	Maximum Area of Signs	Maximum Sign Height	Minimum Sign Setback from Lot Lines
A-1	<b>FS:</b> One (1) <b>WS:</b> One (1)	<b>FS:</b> 32 sq. ft. <b>WS:</b> 32 sq. ft.	<b>FS:</b> 8'; 6' for ground sign. <b>WS:</b> Top of roof wall.	<b>FS:</b> 10'; 50' if the adjacent yard is in an A-1, R-1A, R-1B, R-M or M-H District.
R-1A, R-1B, R-M, M-H See Sec. 20.4 for dwellings.	<b>FS:</b> One (1) <b>WS:</b> One (1)	<b>FS:</b> 24 sq. ft. <b>WS:</b> 32 sq. ft.	<b>FS:</b> 8'; 6' for ground sign. <b>WS:</b> Top of wall.	<b>FS:</b> 10'; 50' if the adjacent lot yard is in an A-1, R-1A, R-1B, R-M or M-H District.
B-1, B-2	<b>FS:</b> One (1) <b>WS:</b> One (1)	<b>FS:</b> 1 sq. ft. for each 2' of building length generally oriented to the road, measured as a straight line between building corners, except no sign shall be required to be less than 16 sq. ft. and no sign shall be greater than 32 sq. ft. in the B-1 District and 64 sq. ft. in the B-2 District, unless the sign is a ground sign in which case it shall not exceed thirty-two (32) sq. ft. <b>WS:</b> 15% of the vertical area of the building façade to which the sign is attached. This maximum standard shall be increased to twenty percent (20%) where the building is set back more than one hundred (100) feet from the road right-of-way, and shall be increased to twenty-five percent (25%) where the building is set back more than three hundred (300) feet from the road right-of-way.	<b>FS:</b> 10'; 6' for ground sign. <b>WS:</b> Top of wall.	<b>FS:</b> 10'; 50' if the adjacent yard is in an A-1, R-1A, R-1B, R-M or M-H District.
M-1	<b>FS:</b> One (1) <b>WS:</b> One (1)	<b>FS:</b> 1 sq. ft. for each 2' of building length generally oriented to the road, measured as a straight line between building corners, except no sign shall be required to be less than 16 sq. ft., and no sign shall exceed 64 sq. ft. unless the sign is a ground sign in which case it shall not exceed thirty-two (32) sq. ft. <b>WS:</b> 20% of the vertical area of the building façade to which the sign is attached, except no sign shall be required to be less than 32 sq. ft. and no sign shall exceed 50 sq. ft.	<b>FS:</b> 8'; 6' for ground sign. <b>WS:</b> Top of wall.	<b>FS:</b> 10'; 50' if the adjacent lot yard is in an A-1, R-1A, R-1B, R-M or M-H District.

**Table 20-1**  
**Special Provisions**

1. ALL DISTRICTS.

- A. Width/Length Ratio: No free-standing sign shall have a dimension that exceeds five times that of its opposite dimension, such as in the case of a sign's width and length.
- B. Window Signs: No sign affixed to or covering a window which is intended to be viewed from the outside shall exceed one-quarter (25%) of the window area except in the case of the advertising of the grand opening of a business for a period not to exceed forty-five (45) days. Window signage in excess of a total of twenty-five (25) sq. ft. shall be applied to the calculation of total wall sign area.
- C. Corner Lot: The standards of Table 20-1 shall apply to each frontage separately for a corner or through lot, provided each frontage meets the minimum lot width standard of the district in which it is located and the frontage is upon a road classified as "primary" according to the Ingham County Road Department.

2. A-1, R-1A, R-1B, R-M, and M-H Districts.

- A. Farm Market: One (1) sign may be erected on a farm in association with a farm market, for the purpose of advertising such farm market, provided the sign shall not exceed sixteen (16) sq. ft. in area and shall be displayed only during the seasonal period when the sale of market items is available.
- B. Illuminated Signs: Illuminated signs are prohibited except as follows:
  - 1. Illuminated signs are permitted according to Section 20.04.
  - 2. In addition to illuminated signs authorized by Section 20.04, illuminated signs are permitted in the A-1, R-1A, R-1B, R-M, and M-H Districts subject to the following limitations:
    - a. Illumination shall be limited to signs pertaining to the principal use of the lot and/or any special land use that may be authorized on such lot, but excluding signs pertaining to residences, home occupations and other uses of a predominantly residential character, including an accessory use to a residence.
    - b. Except as provided by subsection (c) below, illuminated signs shall be ground signs only and shall be externally illuminated only.
    - c. Internally illuminated signs, including freestanding and wall signs, are permitted subject to the following limitations:
      - 1) An internally illuminated sign is restricted to the front yard of a lot with frontage along U.S-127, Hull Road or West Service Road, provided such sign is located within 200' of such frontage.
      - 2) An internally illuminated sign shall not be closer than 200' to a dwelling existing at the time of erection of the sign, to the north and south of the sign, and the illuminated face of the sign shall not be visible from within an existing dwelling within 300' of such sign.
      - 3) No more than one (1) internally illuminated sign shall be erected on the lot.
      - 4) In the case of a corner lot, an internally illuminated sign shall be located within the yard having frontage along U.S-127, Hull Road or West Service Road.
      - 5) In the case of an EMC sign, the EMC sign shall be an integral part of a larger freestanding or wall sign, and no more than sixty percent (60%) of the freestanding or wall sign area shall be comprised of the EMC sign area but in no case shall an EMC sign exceed eighteen (18) sq. ft. in area.



3. B-1, B-2 and M-1 Districts.

A. EMC Signs:

1. An EMC sign shall be an integral part of a larger freestanding or wall sign, and no more than sixty percent (60%) of the freestanding or wall sign area shall be comprised of the EMC sign area but in no case shall an EMC sign exceed eighteen (18) sq. ft. in area.
2. That portion of a freestanding or wall sign comprised of an EMC sign shall not exceed a height of eight (8) feet

B. Business Center Signs:

1. Business Center Defined: For the purpose of this subsection (1), a business center shall be defined as a grouping of two or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise developed as a unified grouping of businesses.
2. Freestanding Signs: A business center shall be permitted one (1) free-standing sign according to the height and area standards of Table 20-1, for the purpose of identifying the business center and which may include information on individual businesses or tenants located within. In the case of a business center that exceeds three hundred (300) linear feet of building along a single road, one (1) additional such sign is permitted.
3. Ground Signs: In the case of a business center comprised of multiple buildings and served by an internal road network, one (1) ground sign shall be permitted for each building provided such sign is located in the immediate proximity of the building to which it pertains and does not exceed five (5) feet in height and eighteen (18) sq. ft. in area.
4. Wall Signs: A business center shall be permitted one (1) wall sign according to the height and area standards of Table 20-1, for the purpose of identifying the business center and which may include information on individual businesses or tenants located within. In addition, the business center shall be permitted one (1) wall sign for each business or tenant space having frontage along a public road or parking area, and such sign shall be attached to the façade of such business or tenant space. The total area of all wall signs shall not exceed fifteen percent (15%) of the vertical surface area of the facade forming the building frontage generally oriented to the road frontage or parking area, and the total wall sign area for a specific business or tenant having frontage along such public road or parking area shall not exceed fifteen percent (15%) of the vertical surface area of the frontage facade comprising the specific business or tenant facade.

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**End of Article 20**

## **CHAPTER 21 MINING**

### **SECTION 21.01. PURPOSE**

The purpose of this Ordinance is to amend Vevay Township's Zoning Ordinance, No. 68, by adding Chapter 21 – "Vevay Township Mining Ordinance," to regulate extraction by mining of topsoil, soil, sand, peat, marl, clay, gravel, stone, or similar materials, and similar other products, (hereafter referred to as "earthen materials") in a manner that makes proper provision for the present and future health, safety, and welfare of the inhabitants of the Township, and the growth of the Township, to prevent the diminution of the quality or quantity of local surface water, ground water, and other nearby natural resources, to insure compatibility with nearby land uses and those land uses which may be affected by the extractive operation, the means of extractive operations, the transportation of extracted materials; and to preserve and protect public services and facilities which may be affected by extractive operations.

Subsection I, of Section 16.06, of Chapter 16, entitled, "Commercial extraction and processing to topsoil, stone, rock, sand, gravel, lime, or other soil or mineral resources," shall be and is hereby deleted in its entirety, and Subsection I is hereby reserved for future use.

### **SECTION 21.02. DEFINITIONS**

For the purposes of this Ordinance, the following words and phrases shall have meanings ascribed by this Ordinance, and then used and defined by state and federal law and regulation and customary usage.

- A. "Air contaminant". A person cannot cause or permit the emission of an air contaminant, alone or in reaction with other air contaminants, that would result in injurious effects to human health or safety, animal life, or plant life of significant value, or cause the unreasonable interference with the comfortable enjoyment of life and property. (R 336.1901.) Dust control methods shall include reasonable measures to comply with R 336.1901. (Michigan Air Pollution Control Rule 901.)
- B. "Crushing" means size reduction into relatively coarse particles by stamps, crushers, or rolls.
- C. "De-watering" means the lowering of ground water or surface water elevation by discharging water to an off-site location or to another portion of the site.
- D. "Excavation" means the act or process of removing soil and/or rock materials from one location and transporting them to another. It includes digging, breaking, loading, and hauling, either at the surface or underground.
- E. "Extractive" or "mining" or "operations" means:
  - 1. The commercial removal of any topsoil, soil, sand, peat, marl, clay, gravel, stone, or similar material by cutting, digging, stripping, excavating, or any other

- methods or processes, pneumatic, hydroflow or mechanical fracturing or drilling.
2. The processing, storage, loading and transportation of the above-named materials.
- F. “Exemptions” to extractive or mining operations means:
1. Ordinary, customary, and necessary grading and preparation of land and access to land for tilling and cultivation of soils for the growing of crops.
  2. Ordinary, customary, and necessary grading and preparation of land for construction of subdivision or condominium development, buildings structures or related septic systems.
- G. Earthen materials means: topsoil, soil, sand, peat, marl, clay, gravel, stone, or similar materials, and other similar products. Earthen materials expressly exclude “Nonferrous metallic mineral” that means: “any ore or material to be excavated from the natural deposits on or in the earth for its metallic content, but not primarily for its iron or iron mineral content, to be used for commercial or industrial purposes.” MCL 324.63201(k).
- H. “Fence” means any permanent or seasonal partition, wall, or structure erected for the purpose of separating, screening, enclosing or protecting property.
- I. “Noise abatement” means: 1) an activity to reduce the emission of noise or vibrations from a given source, or to protect persons and built-up structures from exposure to noise and vibrations; 2) a set of strategies or techniques to reduce and control annoying or harmful noise in an environment.
- J. “Owner/applicant” or “operator” means any person, firm, entity or corporation engaged in or who has applied for a permit to engage in extractive operations whether individually, jointly or through subsidiaries, agents, employees, contractors or any person engaged in or controlling an extractive operation.
- K. “Operational area” means the total, entire area of all parcels of land upon which extractive operations are proposed and/or undertaken. Operational Area may also be referred to as the “property” or “site.”
- L. “Processing” means the washing, sorting, crushing, aggregating, grinding, blending, mixing, or cutting of mined material.
- M. “Reclamation” and “Rehabilitation” means restoration of mined land to near and similar use, or condition; backfilling, grading, topsoil replacement, and revegetation, on all areas affected by surface impacts incidental to a mining operation shall occur as contemporaneously as practicable with mining operations.
- N. “Reclamation Plan” means a conservation and development plan consisting of a written record of land user decisions on proposed use, conservation treatment, and maintenance of eligible lands and water that will protect, enhance, and maintain the resource base. A reclamation plan contains pertinent soils data, a planned land use

map or drawing, a record of use and treatment decisions including a schedule of conservation treatment, and other resource data as appropriate.

- O. "Review" means determination whether "extractive" or "mining" or "operations" and activities subject to this ordinance are in compliance with the Special Land Use permit and Township ordinances.
- P. "Stockpile" means material, including, but not limited to, surface overburden, rock, topsoil, soil, sand, peat, marl, clay, gravel, stone, or similar material that in the process of mining and beneficiation or treatment has been removed from the earth and stored on the surface.

### **SECTION 21.03. SPECIAL LAND USE PERMIT APPLICATION**

- A. No extractive nor mining operations shall be conducted within the Township until all requirements of this Ordinance have been included in the application for permit and such special land use (SLU) permit has been issued.
- B. A special land use permit application shall include the name(s) of the property owner(s) as well as the operator of the proposed mining operations, and legal descriptions and aerial maps of all parcels proposed to be utilized in the mining operations process.
- C. A SLU permit granted pursuant to this Ordinance is valid for ten years, after which it expires. The SLU permit is subject to a five-year review. Any renewal of the permit is subject to the same process first used to obtain the SLU permit, except as otherwise required by the Planning Commission. A SLU permit renewal shall require compliance with any amendments to the Zoning Ordinance, and its amendments, adopted since the SLU permit was first issued. Renewal shall include appearing and attesting to any changes, in writing or plan documents, in the extractive operations verified by the zoning administrator, changes to the area expected to be mined, reclamation efforts, dust control efforts, noise abatement issues, estimated traffic, new areas expected to be mined, and verifying that financial sureties and insurances and other agency permits are current.

### **SECTION 21.04. REQUIRED MATERIALS**

- A. In addition to the information required for site plan review pursuant to Chapter 14 of the Zoning Ordinance, the application for commercial extraction and processing of earthen materials shall include the following plans:
  - 1. A mining overview plan, to show proposed areas for earthen materials extraction with detail as to what areas are to be mined and the anticipated depth of mining for at least the following 10 years.
  - 2. A mining operations plan, to describe daily and actual mining operations, including crushing operations, to describe when, where, and how operations are expected to occur, and actions that will be taken to minimize negative impacts on surrounding parcels, including but not limited to noise and dust.

3. A site reclamation and rehabilitation plan, to outline actions expected to be taken to return the land to a permitted use when mining operations have concluded.

B. Materials or information as requested by the Planning Commission.

## **SECTION 21.05. MINING OVERVIEW PLAN AND OPERATIONS PLAN REQUIREMENTS; PROHIBITIONS**

- A. Mining Overview Plan. In addition to the information required for the site plan review, the application for commercial extraction and processing of earthen materials shall include the following:
1. A written legal description of all of the parcels proposed for any use in the operations.
  2. Twelve (12) copies of the mining overview plan, drawn and sealed by a registered civil engineer, shall be submitted to the Township, and including the following, at a minimum:
    - a. A North arrow, scale, and date.
    - b. Shading indicating the extent of land area on which earthen materials removal operations and activities will take place.
    - c. The location and width of all easements or rights-of-way on or abutting the lands.
    - d. The location and nature of all structures on the lands.
    - e. The location and direction of all water courses, flood plains, flood ways, and flood control channels.
    - f. Existing elevations of the lands at intervals of not more than five (5) feet.
    - g. All soil boring results and the resultant typical cross sections showing the estimated extent of overburden, and estimated extent of earthen materials located in, or on the lands, and the water table.
    - h. Earthen materials processing and storage areas (including crushing, washing, asphalt plants, etc.).
    - i. Proposed fencing, gates, parking areas, and signs. The perimeter of the area to be mined shall be adequately fenced to prevent unauthorized access, with adequate signing to alert the public of conditions or operations.
    - j. Roads for ingress to, and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by earthen materials removal activities and movement of vehicles.
    - k. A map showing access routes between the subject lands and the nearest public paved arterial or collector road, with the permit or letter issued by the Ingham County Road Department for hauling mined product.
    - l. Any pumping of water shall ensure that ground water and well water resources are not disrupted by the operation.
    - m. Methods to be used for mine water management. Pond to pond is a preferred method. Off-site dewatering is prohibited.
    - n. Proposed method of managing overburden (e.g., seeding, grading, erosion and sedimentation control, etc.).
    - o. The area anticipated to be mined in a ten (10) year timeframe.
    - p. A complete list and copies of all required permits including but not limited to those from the Department of Environment, Great Lakes, and Energy (EGLE),

the Michigan Department of Natural Resources (MDNR), the Ingham County Road Department, the Ingham County Drain Commissioner, and the Mine Safety and Health Administration.

- B. Mining Operations Plan. The mining operations plan shall include the following information as well as any additional information that may be required by the Planning Commission:
1. A narrative description and explanation of the proposed extraction operations and activities, including:
    - a. The date of commencement.
    - b. Proposed hours and days of operation.
    - c. Estimate of quantity of earthen materials to be removed.
    - d. Description of extraction and processing methods, including surface water and ground water management, any chemical use, use of any water additives, methods and plans to protect adjacent or nearby sensitive resources such as wetlands, residential or agricultural wells, and other surface or ground water resources, and proposed equipment and the noise rating of each type thereof.
    - e. A summary of the procedures and practices that will be used to ensure compliance with the conditions of this subsection.
    - f. Description of size of trucks and daily volume of traffic entering and leaving the site, and on-site circulation pattern.
  2. Final products shall be limited to the processing of materials from the site, unless the site is located in an industrial district. Processing equipment and any accessory structures shall not be located in a public right-of-way, and shall be located in a manner that the Commission determines will minimize visual, dust, and noise impacts upon nearby property.
  3. Additional screening requirements beyond those required in Chapter 15 of the Zoning Ordinance based on the unique specifics of the proposed operation and the area to be mined.
  4. Narrative for on-site use of petroleum products and other commercial products used for extraction and processing of the site soil or earthen materials. For fuel/petroleum products, the narrative shall, at a minimum, include specifications for storage, refueling protocols, spill prevention, and spill response and cleanup to prevent adverse surface or ground water effects on-site or off-site, and reporting of spills and responses. The Township may consider recommendations from agencies such as the Ingham County Health Department, the Ingham County Drain Commissioner, the MDNR, and the EGLE regarding prevention of water or resource contamination.
  5. For proposed operations and pumping below the water table, the applicant must first submit and receive Township approval of the applicant's narrative regarding:
    - a. Management of surface or ground waters;
    - b. Procedures to prevent contamination of surface or ground waters;
    - c. Prevention of adverse off-site effects on surface or ground water quality or quantity; and
    - d. Prevention of adverse effects to sensitive resources, such as wetlands or other local features, located on-site or near the site.
  6. Applicant shall supply a hydrogeological analysis, prepared by a Michigan registered professional engineer or professional hydrogeologist, demonstrating no impact to existing water supply wells within the influence of site water pumping

operations. The Planning Commission may require that the analysis includes the baseline water levels in the potable water wells of residential parcels adjoining the parcels that are part of the mining operations. The cost of the study shall be borne by the applicant.

7. Measures to routinely abate dust, such as paving roads onsite, tire-washing, etc., as well as for crushing operations.
8. Noise control measures, including crushing operations.
9. Crushing operations, including the daily hours, the expected number of days of operations, during what months such operations shall be conducted, and how much product is likely to be crushed both daily and in total per season.
10. Descriptions and construction details of any retention or sedimentation basins.

## **SECTION 21.06. RECLAMATION AND REHABILITATION PLAN**

- A. The applicant shall file a Reclamation and Rehabilitation Plan, prepared by a professional engineer or registered landscape architect at a scale of one (1) inch equals two hundred (200) feet, for restoring the site to a safe, attractive and usable condition. The plan shall be filed at the time of application for the special land use permit. The Planning Commission shall review the plan and make recommendations to the Township Board.
- B. The Reclamation and Rehabilitation Plan shall include the following information:
  1. Boundary lines of the property to be reclaimed, and dimensions and bearings of the property lines, correlated with the legal description.
  2. Location and extent of natural features to be retained after extraction operations, including but not limited to wetlands, streams, ponds, and wooded areas.
  3. The slope of all restored areas. All final slopes shall meet the requirements of this section.
  4. Proposed completed topography at contour intervals of not more than five (5) feet.
  5. The phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area.
  6. Proposed ground cover and other plants to stabilize the soil surface and to beautify the restored areas. All land cover and other plantings shall be native species and comply with the requirements of Chapter 15 of the Zoning Ordinance.
  7. A description of the methods and materials to be utilized in restoring the site.
  8. A proposal of intended improvements. Improvements means those features and actions associated with the project which are considered necessary by the Township Board to protect natural resources or the health, safety, and welfare for the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage.
  9. A sanitary landfill or other disposal or refuse site is not permitted.
- C. The Reclamation and Rehabilitation Plan shall be in accordance with the following standards:



1. Any grading or backfilling shall be with non-noxious, non-toxic, non-flammable, non-combustible, non-decomposable, and sanitary solids to ensure:
  - a. That unless the proposed end use of the excavated area is to be a pond, the operational area shall not collect or retain stagnant water.
  - b. That the surface of such area is graded or backfilled as necessary to produce a surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
  - c. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
2. Top soil shall be replaced on excavated areas, excepting where streets, surface water, or other planned improvements are desired. Top soil shall be applied to a depth of four (4) inches.
3. Vegetation shall be restored by the appropriate seeding of grasses and the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface, and to minimize erosion.
4. Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
5. Upon cessation of mining operations by abandonment or otherwise, the owner and/or operator, within a reasonable period of time not to exceed twelve (12) months, shall remove all product processing structures, buildings, stockpiles, and equipment; provided that buildings and structures which have a function under the reclamation plan, and which can be lawfully used under the requirements of the zoning district where located, may be retained.
6. Final reclamation and rehabilitation shall be completed within twelve (12) months after cessation of mining operations by abandonment or otherwise, and be completed within a time period specified in the Reclamation and Rehabilitation Plan as approved. The Township may require the final reclamation to be evaluated by an outside expert/consultant. The cost shall be borne by the owner.

## **SECTION 21.07. REQUIREMENTS FOR MINING EXTRACTION OPERATIONS**

- A. Setbacks. No cut or excavation shall be made closer than fifty (50) feet to any road right-of-way or property line nor to a depth that penetrates a plane projected at a one on one slope down from the right of way line or property line, in order to ensure subterranean support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage, or parking of equipment, or limits of excavation where the site is located within two hundred (200) feet of any Residential District or use. The Planning Commission may recommend and the Township Board may establish additional measures to minimize noise from equipment, including, but not limited to, generators. Crushing machinery shall be located as near as possible to the center of the property and shall not be located closer than 500 feet, or less as recommended by the Planning Commission based upon unique site conditions, from any residence or commercial establishment or place of public

assembly. Prior to the placement of a crusher, the operator shall obtain the EGLE air quality division permit(s) or a EGLE letter of dismissal.

- B. Hours of operations. Extraction operations and loading and hauling operations shall not occur prior to 7:00 a.m. or after 6:00 p.m., Monday through Friday. Saturday operations shall not occur prior to 8:00 a.m. or after 5:00 p.m. Operations shall not occur any time on Sundays or holidays. The Board of Trustees may temporarily modify operational hours upon a showing of substantial and immediate need to address public necessity. The Planning Commission may recommend and the Township Board may approve shorter hours of operation for crushing activities and special conditions for crushing activities, taking into consideration the character of land uses on adjacent property, proximity to residential land uses, noise levels of crushing activities and machinery, and such other criteria as may be deemed appropriate and relevant.
- C. Structures. No business or industrial buildings or structures of a permanent nature shall be erected, except where such structure is a permitted use within the district where the operations are located.
- D. Routes. The property owner/operator shall request that the Ingham County Road Department identify and provide to the Township routes for truck movement to and from the site in order to minimize the wear on public roads, and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be constructed and maintained to minimize dust, mud, and debris, and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public road. Portions of driveways or roadways may be required to be paved to minimize nuisance dust.
- E. Nuisance. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon stockpiling techniques of excavated material upon the site.
- F. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this Ordinance. Such conditions may include, though not limited to, weed control, erosion and sedimentation control, fencing and visual screening including berms, requirements for ground water monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.
- G. Financial. An escrow of an amount sufficient to cover the estimated costs of any and all consultants and experts, including Township legal counsel. An initial escrow amount shall be at least \$5,000, and any cost beyond the amount in the escrow shall be paid by the applicant prior to the issuance of a Special Land Use permit. The applicant shall reimburse the Township for related expenses and shall replenish the escrow within two weeks of notice by the Township. The property owner(s) shall be required to bear the cost of inspections, preparation of the annual report, and additional meetings of the Planning Commission.

- H. Bond. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, naming Vevay Township as the insured party, and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have such other terms and shall be in such amount as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.

The performance bond shall not be refunded, reduced, or transferred until the earthen material removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by Township officials.

The timely and faithful compliance with all of the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of any such compliance with the terms of the performance bond, or if the special use is revoked, expires, or is not renewed, the Planning Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.

A bond for reclamation purposes, in an amount of at least \$10,000 per acre of mined and developed areas of the operation.

- I. Insurances. For each SLU permit issued under this Chapter, the owner, owners, and operators shall be required to carry a liability insurance policy approved by the Township board to cover property damage for surface and/or subsurface occurrences and bodily injury in an aggregate amount not less than five million dollars (\$5,000,000) for each person or property injured or damaged. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon adjoining properties, as a result of conditions or activities existing upon the site. The Township's elected and appointed officials, employees and agents shall be included as additional named insureds. A certified copy of the policy shall be placed on file with the Township Clerk before a permit is issued.
- J. The bonds and insurance required in this Ordinance shall be continuously renewed and remain in effect throughout the duration of the excavation operations and the completion of the reclamation and rehabilitation of the site. The applicant or owner/operator shall notify the Township of any notice of intent to cancel such bonds or insurance no less than twenty (20) days before the cancellation thereof. Failure of the applicant, or owner/operator, or any person named in the application to maintain such bonds and insurance shall be cause for immediate cessation of operations and possible revocation of special land use permit, pursuant to the due process provisions of Section 16.05.

## **SECTION 21.08. COMPLIANCE**

- A. Right of Entry. The Township, through its agents, shall have the reasonable right to enter any operational area, upon notification to the owner/operator, to conduct the necessary inspections while reviewing the application. The Township, or its agents, shall also have the right to conduct the necessary periodic inspections to determine violations and compliance of this Ordinance or the conditions of the permit. Refusal to

permit entry shall result in rejection of the application or possible revocation of the permit, pursuant to the due process provisions of section 16.05. Substantiated complaints shall be remediated within a timetable set by the designated Township official, but in no case more than 10 days.

- B. Violation. Any violation of this Ordinance or the permit given pursuant to it shall justify revocation of the permit provided that the Township gives the applicant ten (10) days within which to cure the violation. Failure on the Part of the owner/operator to correct the reported violation within ten (10) days after such demand is made shall entitle the Township Board to cancel the permit and demand that all activities cease and that reclamation and rehabilitation be done and completed as provided for in this Ordinance.
- C. Penalties. Any person or other entity that violates any of the provisions of this Ordinance is responsible for a civil violation subject to a civil fine of not less than \$500.00.

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the Township has expended in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

- D. Public Nuisance. The use of any land in Vevay Township in violation of this Ordinance is hereby declared to be a public nuisance, per se, and may be abated by order of any court of competent jurisdiction.
- E. Other governmental complaint or notification. Any person, firm, corporation, or any other organization having ownership interest or operational responsibilities in the operational area that receives a complaint or notification concerning the operational area from any governmental entity regarding the operational area shall notify the Township in writing, with a copy of said notification, within 30 days of the notification.

## **SECTION 21.09. REPORTING**

The owner/operator shall cooperate with Township personnel to ensure all inspections, reports and permits are current and up to date and timely submitted.

To insure compliance with the SLU permit and this Ordinance, the Zoning Administrator shall conduct periodic inspections and shall file a written annual report to the Planning Commission, the land owner(s), and the current mining operator. The report shall include, at a minimum:

1. Variations from the mining operations plan and the reclamation plan.
2. Insurances and financial instruments are up to date.
3. Reports during the year about the operations by other entities.
4. On-site water management.
5. Fuel containment and reports of any spills.
6. Operational area conditions, including perimeter fencing and other structures on site.

7. Complaints (including noise) or violations and actions taken to remediate those complaints;
8. Complaints of mining affecting surrounding private potable water wells;
9. Dust abatement activities;
10. Duration of mining operations;
11. Change in the product being mined or produced;
12. Any actions or interventions taken by other governmental agencies.
13. Progress of reclamation.
14. Insurance claims filed and status of required insurance policies and bonds.
15. Changes in operations or areas being mined and reclaimed and rehabilitated during the upcoming year.
16. Notice to the property owner and operator in the ninth year that the SLU permit needs to be renewed or it will expire.
17. Location and visual screening of crushing operation.
18. The phone number and email of contact persons concerning operations, including any complaints regarding operations.

#### **SECTION 21.10. SAVINGS CLAUSE**

Except as specifically amended herein, all other provisions of the Vevay Township Zoning Ordinance shall remain in full force and effect.

#### **SECTION 21.11. SEVERABILITY**

The various parts, sentences, paragraphs, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this Ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this Ordinance.

#### **SECTION 21.12. REPEALER**

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

End of Article 21

## Vevay Township Zoning Ordinance, Ord. 68 as Amended Summary Table of Amendments

*Through Ordinance 68.24 – February 9, 2015*

This Summary Table of Amendments, and the amendment ordinance numbers and adoption dates in parentheses at the end of each Section amended since the original adoption of Ordinance 68 on June 2, 2008, are references for the benefit of the reader and have no regulatory effect. The amendment summaries under “Affected Subject(s)/Summary” generally pertain to revisions to existing provisions of the Ordinance, as compared to the addition or deletion of entire sections, unless otherwise noted. This Table is not part of the Zoning Ordinance and is for reference only.

Ord. # and Adoption Date	Affected Section(s)	Affected Subject(s) / Summary
<b>68.01</b>	2.02	Definition of Agricultural Service Establishment
<b>3-2-08</b>	14.02	Added site plan review requirements for business, industrial and other uses.
<b>68.02</b>	14.09	Appeals to the ZBA
<b>5-4-09</b>	16.02(B)	Special land use hearing/review procedures
	17.01(B)5	(5) added – nonconforming use abandonment provisions
	18.01(C)	ZBA meetings
	18.01(F)	ZBA member conflicts
	18.05	ZBA hearing notices
	18.06(E)	ZBA decisions
	19.05(C)3	Ordinance amendment hearing requirements
	19.05(C)5	Ordinance amendment procedures
	19.06(I)3	Zoning agreements
<b>68.03</b> <b>8-3-09</b>	Zoning Map	Rezoned from M-2 to B-2: #33-10-10-16-100-027; #33-10-10-16-100-009; #33-10-10-16-100-003; #33-10-10-16-100-005; #33-10-10-16-100-004; #33-10-10-16-200-005; and #33-10-10-16-200-006.
		Rezoned from A-1 to M-1: #33-10-10-16-400-010 and #33-10-10-16-400-011
<b>68.04</b>	3.09(F)	Accessory building area/setbacks in agricultural/residential districts
<b>11-5-09</b>	9.03(A)	M-1 District standards for lots, yards and buildings
<b>68.05</b> <b>1-4-10</b>	Zoning Map	Rezoning from A-1 to R1-B an approximately one-acre parcel in southwest ¼ of Sec. 15, along south section line
<b>68.06</b>	2.23	Added definitions for wind energy conversion systems
<b>5-3-10</b>	3.09(D)	Accessory buildings in front yards and on irregular lots.
	3.09(F)	Accessory building setbacks in agricultural and residential districts.
	5.02, 6.02, 8.02, 9.02	Table of Uses – added wind energy conversion systems as special land use
	5.02, 6.02,	Table of Uses – home occupations reclassified as special land use
	9.03(A)	M-1 District standards for lots, yards and buildings.
	16.06(I)5	Commercial extraction standards – setbacks and hours of operation
	16.06(K)	16.06(K) – Kennels recodified as 16.06(J) – Kennels
	16.06(S)10	Farm market hours of operation
	16.06(QQ) & (RR)	Added standards/requirements for small and large wind energy conversion systems
<b>68.07</b>	5.03(A)	Agricultural Districts: lot, yard and building requirements
<b>9-9-10</b>	6.03(A)	Residential Districts: lot, yard and building requirements

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## Summary Table of Amendments

Continued

Ord. # and Adoption Date	Affected Section(s)	Affected Subject(s) / Summary
<b>68.08</b> 4-4-11	3.02	Added provisions prohibiting uses contrary to federal, state and local law
<b>68.09</b> 8-1-11	16,06(A)7	Agricultural service establishment setbacks from residential districts and uses
<b>68.10</b> 10-3-11	2,11 9.02	Definition for Junk/Salvage Yard M-1 District Table of Uses – added junk/salvage yards and motor vehicle body/repair shops as special land uses
	16.06(QQ)	Added requirements for junk/salvage yards
<b>68.11</b> 1-9-12	18.03(B) 18.03(C)	ZBA appeals / application requirements and procedures
<b>68.12</b> 3-12-12	9.01 9.02	M-1 District purpose statement M-1 District Table of Uses – added indoor recreation facilities
	9.03(C)	M-1 District parking requirements – added indoor recreation facilities
<b>68.13</b> 5-14-12	2.10	Added definition for indoor recreation facility
<b>68.14</b> 10-8-12	17.01(C)1 17.01(C)4	Expansion of nonconforming structures (4) added – expansion of nonconforming dwellings in plats
<b>68.15</b> 11-15-12	Zoning Map	Rezoned from B-1 to B-2: #33-10-10-06-201-007, -008, -010, -012, -013, -017, -019, -021, -022, -023; #33-10-10-06-202-002; and #33-10-10-06-204-007, -009, -010, -011, -012, -013
<b>68.16</b> 7-14-14	2.19 5.03(C), 6.03(C), 7.03(C), 8.03(D), 9.03(D)	Definitions for signs moved to new Chapter 20 Sign provisions deleted (subject matter moved to Chapter 20)
	9.02	M-1 District Table of Uses – deleted billboards (subject matter moved to Ch. 20)
	15.03	Deleted sign provisions (subject matter moved to Chapter 20)
	16.06(F)	Deleted billboard provisions (subject matter moved to Chapter 20)
	Chapter 20	Added Chapter 20 – Signs
<b>68.17</b> 7-14-14	2.13 3.06 3.07	Definition of lot width Street access and frontage Lot width to depth ratios and width exceptions
<b>68.18</b> 7-14-14	16.06(QQ) & (SS)	(QQ) recodified as (SS) for junk/salvage yards
<b>68.19</b> 7-14-14	16.06(QQ)	(QQ) restored for large wind energy conversion systems
<b>68.20</b> 8-11-14	2.23 3.26 5.02, 6.02, 9.02, 7.02	Definitions pertaining to wireless communication towers Added section addressing wireless communication facilities as permitted use Table of Uses – wireless communication towers and antennae
	16.06(PP)	Wireless communication tower standards/requirements

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## Summary Table of Amendments

Continued

Ord. # and Adoption Date	Affected Section(s)	Affected Subject(s) / Summary
<b>68.21</b> <b>8-11-14</b>	2.19	Added solar energy systems definitions
	3.27	Added solar energy systems standards/requirements
<b>68.22</b> <b>8-11-14</b>	2.02, 2.07, 2.18	Definitions of agriculture, agritourism, farm market and roadside stand
	3.14	Deleted roadside stand provisions (included under farm market provisions)
	3.28	Added farm market provisions
	5.02	Agricultural District Table of Uses – agriculture, confined livestock facilities, farm markets, raising of fur-bearing animals and roadside stands
	6.02	Residential Districts Table of Uses – agriculture, intensive livestock facilities, farm markets, and roadside stands
	16.06(S)	Farm Market provisions deleted and replaced with Agritourism provisions
	16.06(FF)	(FF) deleted – raising of fur-bearing animals or game birds
<b>68.23</b> <b>12-8-14</b>	3.11(C) & (D)	Swimming pools
<b>68.24</b> <b>2-9-15</b>	8.02	Business Districts Table of Uses – Wind energy conversion systems/small
<b>68.25</b> <b>9-14-15</b>	4.02	Add paragraph G to adopt the Official Zoning Map
<b>68.26</b> <b>3-16-16</b>	4.02	Rezone property B-1 to B-2 on Official Zoning Map #33-10-10-16-300-010
<b>68.27</b> <b>6-13-16</b>	4.02	Rezone property B-2 to M-1 on Official Zoning Map #33-10-10-16-100-009
<b>68.28</b> <b>7-11-16</b>	20.02 20.04 20.07 20.08 20-01	Definitions –add On-Premises Advertising Sign Signs Permitted in all districts Class 2 On-Premises Advertising Signs Nonconforming Signs Table 20-01 intro changed
<b>68-29</b> <b>11-16-16</b>	4.02	Rezone Property RM to A1/ RM to R1B on Zoning Map #33-10-10-17-300-042 #33-10-10-17-300-038, 17-300-039, 17-30-040, 17-300-041 / 33-10-10-17-300-031 33-10-10-17-300-046
<b>68-29</b> <b>11-16-16</b>		Repeal Ordinance number 66
<b>68-30</b> <b>12-12-16</b>	4.02	Rezone Property B-2 to M-1 Industrial on Zoning Map #33-10-10-16-300-010
<b>68-31</b> <b>4-16-17</b>	3.09	Table, to increase the square footage of all accessory buildings over 1acre-3acre, 3 acre-5acre, and over 5 acres.
<b>68.32</b> <b>4-16-17</b>	5.02	“Table of Uses” section “Non-residential” to add “Large Solar Energy System” requiring a Special Land Use (SLU)
<b>68.33</b> <b>4-16-17</b>	7.03	“Development Requirements”-Table to delete individual lot front, side and back setbacks
<b>68.34</b> <b>4-16-17</b>	8.03	Amend to provide for alternative Minimum Lot Area under certain circumstances
<b>68.35</b> <b>4-16-17</b>	9.02	“Table of Uses” to add “Large Solar Energy Systems” requiring a Special Land Use (SLU) permit to the table
<b>68.36</b> <b>4-16-17</b>	16.05	To revoke and cancel special use permits

<b>Ord. # and Adoption Date</b>	<b>Affected Section(s)</b>	<b>Affected Subject(s) / Summary</b>
<b>68-37 4-16-17</b>	19.05	Delete subparagraph 19.05.C.4 because there is no County Planning Commission. Replace subparagraph 19.05.C.5 to clarify amendment procedure.
<b>68.38 4-16-17</b>	4.02	Rezone property B-1 to B-2 on Official Zoning Map #33-10-10-06-204-006
<b>68.39 5-10-17</b>	3.02	Uses Not Permitted In Any Zoning District –to prohibit any land use, enterprise or activities which violate state or local laws.
<b>68.40 5-10-17</b>	17.01	Nonconforming Uses, Structures and Lots and Subsection A “General Provisions”
<b>68.41 8-14-17</b>	15.05 F.1	Site Development Requirements – Site Landscaping for Cell Towers
<b>68.42 8-14-17</b>	16.06 PP.5	Wireless Communication Towers or Antennas distances to adjacent properties
<b>68.43 9-11-17</b>	16.06 PP.19	Wireless Communication Towers Time Limit on Discontinued Use
<b>68.44 11-15-17</b>	3.05 3.27	Amend A thru L –Regulations Applicable to all Single Family Dwellings C.1 - Large Solar Energy Systems
<b>68.45 11-15-17</b>	14.02 14.03 14.06 14.09	Site Plan Site Plan Review Requirements Review Standards Appeal-to correct scrivener’s error
<b>68.46 11-15-17</b>	15.05	Site Development Requirements
<b>68.47 11-15-17</b>	18.02	Interpretations –paragraph A and B
<b>68.48 10-14-19</b>	21 16.06.l	To add Chapter 21 Mining Removal of I. Commercial Extraction & Processing of topsoil, sand & gravel
<b>68.49 3-17-2020</b>	3.27	to provide for the placement, installation, landscaping, and construction regulations for Small Solar Energy Systems (SSES)
<b>68.50 5-20-2021</b>	3.27	to provide for the placement, installation, landscaping, and construction regulations for Small Ground Mount Solar Energy Systems (SSES)
<b>68.51 7-14-21</b>	15.05	to amend landscaping requirements to conserve the value of land and buildings by encouraging creative design of screening plants and trees, and the installation and maintenance of the landscaping.
<b>68.52 2-28-22</b>	2.02 3.04 3.09 3.15 9.03	Definitions of Accessory Buildings
<b>68.53 1-11-23</b>	3.09 3.17 (C)	Breezeways & Corner Lot Setbacks
<b>68.54 6-14-23</b>	2.19 3.27 16.06	Solar Energy Systems (Large & Small)
<b>68.55 7-12-23</b>	16.06	Agricultural Service Establishments

**End of Summary Table of Amendments**