

ALAIEDON TOWNSHIP ZONING ORDINANCE

Ordinance 103

**Adopted By The
Alaiedon Township Board
January 26, 2009**

**As Amended Through
Ordinance 103-19**

February 12, 2024

**Alaiedon Township
Ingham County, Michigan**

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**Alaiedon Township
County of Ingham, State of Michigan**

**ORDINANCE NO. 103
ZONING ORDINANCE**

An Ordinance enacted by Alaiedon Township under Public Act 110 of 2006, the Michigan Zoning Enabling Act, to regulate the use and development of land and provide for the establishment of districts within which specified land use and development may occur including restrictions and requirements for structures, buildings, yards, and development densities, and to establish a permitting system to ensure reasonable review and authorization of land uses and development including the issuance of permits, appeals of decisions, and penalties for violations.

THE ALAIEDON TOWNSHIP BOARD ORDAINS:

**Article 1
TITLE and PURPOSE**

Section 1.1 Title

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

Section 1.2 Purpose

It is the purpose of this Zoning Ordinance to regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land in accordance with the land's character and adaptability, to ensure that the use of land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, to promote public health, safety, and welfare including the conservation of property values and natural resources including farmland, woodlands, wetlands, and water resources, to implement the goals, objectives and policies of the Alaiedon Township Comprehensive Plan adopted pursuant to the Township Planning Act, Public Act 168 of 1959, as amended, and to advance all other purposes as authorized by the Michigan Zoning Enabling Act.

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End of Article 1

Article 2 GENERAL ADMINISTRATION, ENFORCEMENT, and PENALTIES

Section 2.1 Purpose

It is the purpose of this Article to provide for the administration and enforcement of this Ordinance, including the creation of a review and permit process. The primary permit process shall require the issuance of a Zoning Permit which shall indicate that the uses and plans for which the permit is requested comply with this Ordinance. Upon the issuance of a Zoning Permit, the applicant may establish the use for which the permit has been issued, including the erection of a building or structure, provided a Building Permit has been obtained from the Building Inspector demonstrating conformance to the requirements of the Construction Code. For single family and two-family dwellings, a Building Permit may simultaneously serve as a Zoning Permit.

Section 2.2 Zoning Permit Required

A. Permit Required/Conformance to Ordinance: Except as provided in subsection (B) below, no grading or excavation shall be initiated, no fence, wall, structure or building shall be erected, altered, or moved, and no land or building shall be used or undergo a change in use as delineated in the Permitted Uses tables of Article 3 until the Zoning Administrator has issued a Zoning Permit that shall signify the proposed activity conforms to the requirements of this Ordinance and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the Construction Code through the issuance of a Building Permit. A Zoning Permit shall be on a form established for such purpose and the completed form shall identify the specific use authorized, the drawings that graphically portray the proposed alterations and improvements to the property, and any conditions made part of such permit. No Zoning Permit or Building Permit shall be issued for any structure, building or use of land where the use, construction, addition, or alteration would be in violation of this Ordinance. See Section 2.4 regarding application review procedures.

1. In the case of a single-family or two-family dwelling, a Building Permit may simultaneously serve as a Zoning Permit. However, any Building Permit application that is to simultaneously serve as an application for a Zoning Permit shall include all information required by this Ordinance for a Zoning Permit, in addition to any information that may be necessary to conform to the Construction Code for Building Permit approval.

B. Zoning Permit Exemption: A Zoning Permit shall not be required for the following:

1. The alteration of any building wall provided no change is made to the location of an exterior wall and such alterations are in compliance with all requirements and standards of this Ordinance. A Building Permit may be necessary for such an alteration pursuant to the Construction Code.
2. Fences for single family and two family dwellings, and agricultural uses.

Section 2.3 Responsibility for Administration

A. General Administration: The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Planning Commission, the Zoning Board of Appeals, and such personnel as designated by the Township Board in accordance with P.A. 110 of 2006, as amended, and this Ordinance. The Township Board shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance. The Zoning Administrator may simultaneously serve as the Building Inspector.

B. Duties of the Zoning Administrator: Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. The Zoning Administrator shall perform the duties specified in this Ordinance including, at a minimum:

1. Review Applications: Undertake and/or assist in the review of Zoning Permit applications and other applications made under this Ordinance, including applications for plot plans, site plans, special land use approvals, and variances.
2. Issue Zoning Permits: Issue Zoning Permits and other approvals when all provisions of this Ordinance have been met and the necessary approval has been granted by the proper body or official.
3. File of Applications: Maintain files of all applications submitted under this Ordinance, action on such applications, and any performance guarantees associated with permits.
4. Inspections and Violations: Assist in the investigation and resolution of violations of this Ordinance including inspections of buildings or premises to investigate, monitor and ensure conformance with this Ordinance.

5. Record of Complaints: The Zoning Administrator shall keep a record of any complaint of a violation of this Ordinance and of the action taken consequent to each complaint.
6. Reports: The Zoning Administrator shall report to and attend meetings of the Planning Commission, Zoning Board of Appeals, and Township Board, as requested by such bodies, on activities pertaining to the issuance of permits, complaints of violation, actions taken on such complaints, and other Ordinance administrative and enforcement matters as may arise. The Zoning Administrator shall prepare an annual report to the Township Board regarding permits, violations, and related Ordinance matters.

Section 2.4 Zoning Permit Application and Review Procedures

A. General Application and Review Procedures: An application for a Zoning Permit shall be available from the Zoning Administrator. Upon approval of the application, which is to include, at a minimum, the application form and all required supporting data and documents including a plot plan or site plan, a Zoning Permit shall be issued. Whenever the Zoning Administrator determines an application for a single-family or two-family dwelling and accessory uses and structures thereto is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the Zoning Permit. Zoning Permit applications for uses, buildings and structures not associated with a single-family or two-family dwelling shall be issued by the Zoning Administrator only after the designated approving body, consisting of the Township Board unless expressly provided otherwise by this Ordinance, directs the Zoning Administrator to do so.

1. Plot Plan / Site Plan: An application for a Zoning Permit shall include the submittal of a plot plan or site plan. An application for a single family or two-family dwelling and accessory structures thereto, shall include the submittal of a plot plan according to subsection (B) below. A site plan shall be required for all other uses, structures and buildings and shall be prepared according to Article 14 (Site Plan Review), unless expressly provided otherwise by this Ordinance.
2. Special Land Uses: In addition to meeting the site plan requirements of Article 14, a Zoning Permit application for a use classified as a "special land use" according to Permitted Uses tables of Article 3 shall be processed according to the provisions of Article 15 (Special Land Uses), which requires Township Board action after receipt of a Planning Commission recommendation.
3. Variances: Where the approval of a variance by the Zoning Board of Appeals pursuant to Article 16 is necessary for the approval of a proposed plot plan or site plan, no such plot plan or site plan shall be approved nor shall such project be issued a Zoning Permit until action on such variance request has first been taken by the Zoning Board of Appeals.
4. Incomplete Applications: If Zoning Permit application materials are not administratively complete when received by the body that is to take action on the application, the body may deny such application or otherwise delay action on the application until it is made complete in a readily comprehensible manner.
5. Performance Guarantees: A performance guarantee may be required as a condition to the issuance of a permit in order to ensure conformance with the requirements of this Ordinance (see Section 2.6).
6. Permit Refusal in Writing: In any case where a Zoning Permit or other approval requested under this Ordinance is refused, the reasons shall be provided to the applicant in writing. Such notification may include a copy of the meeting minutes and motion containing such reasons.

B. Single Family and Two-Family Dwellings/Plot Plan Approval

1. Application Required: Application for a Zoning Permit for a single family or two-family dwelling, including alterations and accessory structures and buildings thereto, shall be submitted to the Zoning Administrator on a form for that purpose. See Section 2.2(B) for exceptions. Three (3) copies of all application materials shall be submitted and shall consist of:
 - a. The completed application form, and all permit applications, approvals and supporting documents associated with required state or federal permits.
 - b. An accurate, readable, drawing of scale not less than 1" = 100', constituting a plot plan, identifying the following:
 - 1) Name, address and telephone number of the applicant (and owner if different).
 - 2) A scaled property line survey showing property dimensions, bearings, lot area, legal description, and an arrow pointing north, prepared by a Michigan-licensed surveyor.
 - 3) The location and footprint of existing and proposed structures and heights of such structures, and the number of sleeping rooms therein. See definition for "building height" in Article 21.
 - 4) Distances of buildings and structures from lot lines.
 - 5) A description of proposed use(s) of the building(s), land and structures.
 - 6) Configuration of the driveway and parking areas, including dimensions.
 - 7) Existing public and private right-of-ways and easements.
 - 8) Existing and/or proposed location of septic drain field and potable water well, and other existing and proposed utility locations.

- 9) In the case of a corner lot, the designated side and rear yard.
 - 10) Any other information deemed necessary by the Zoning Administrator to determine Ordinance compliance and provide for the enforcement of this Ordinance.
2. Application Review: The Zoning Administrator shall review the Zoning Permit application and plot plan and determine their conformity with the provisions of this Ordinance including requirements pertaining to lot area, lot width, setbacks, building height, and permitted uses.
 3. Action on Application: After conducting a review, the Zoning Administrator shall deny, approve, or conditionally approve the application as it pertains to requirements and standards contained in this Ordinance. The applicant shall be notified in writing of the Zoning Administrator's action on the application including any conditions associated with an approval. The decision by the Zoning Administrator shall be made within fifteen (15) days of the receipt of a complete plot plan application including copies of all required county, state and federal applications and permits. See Section 2.04(C)(1) below regarding withholding of approval. A plot plan shall be approved if it contains the information required by, and is in compliance with this Ordinance.
 4. Approved Plot Plans: At least two (2) copies of an approved plot plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. A third copy shall be returned to the applicant. For identification of the approved plans, each copy shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the plot plan and delivered to the applicant.
 5. Plot Plan Changes: The Zoning Administrator shall review and act on proposed changes to an approved plot plan in the same manner as described by this subsection (B).

C. Permit Withholding, Expiration, and Revocation.

1. Withholding Permit: Where this Ordinance grants approval authority to a specific body, as in the case of plot plan approval by the Zoning Administrator and variance approval by the Zoning Board of Appeals, the designated approving body may withhold approval of an application pending verification that an applicant has received required county, state or federal permits including but not limited to sewage disposal and potable water permits, soil erosion and sedimentation control permits, flood plain permits, and MDEQ permits for alteration of wetlands. Similarly, such body may condition its approval of the requested application on the receipt of any of the above mentioned county, state or federal approvals or withhold the issuance of a Zoning Permit until said permits from other agencies have been obtained.
2. Expiration of Permit: A Zoning Permit shall become null and void after one (1) year from the date of its issuance unless the development or activity authorized has passed its first building inspection by the Building Inspector, provided however, that the body which approved such permit may waive or extend the period of time in which the permit is to expire for a single period of no greater than 180 days if it is satisfied that the owner is maintaining a good faith intention to proceed with construction. Upon expiration, the permit shall be renewable only upon reapplication.
3. Revocation: A body which grants approval of a permit or application under this Ordinance, such as in the case of a Zoning Administrator's approval of a plot plan and the Township Board's approval of a Special Land Use application, may revoke or cancel such approval in the case of failure or neglect to comply with this Ordinance, or in the case of any false statement or misrepresentation made in the application.
 - a. Prior to the revocation of a permit for any use or building subject to site plan approval, the Township Board shall hold a hearing on such revocation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on the revocation. At the hearing, the Township Board shall state the basis for the revocation and the permit holder shall be given the opportunity to present evidence and testimony against such revocation.
 - b. Following the hearing, the Township Board may revoke the permit, delay such revocation for a specified time period to permit the permit holder time to correct specified violations, or find there is no basis for such revocation.
 - c. Upon permit revocation, or in the case where revocation is delayed to correct violations, all further construction and usage shall cease other than for the purpose of correcting violations, unless specifically provided for otherwise by the Township Board. Failure to comply with a revocation order is declared to be a nuisance per se and a violation of this Ordinance.

Section 2.5 Building Permit / Permit of Occupancy Required

- A. Building Permit:** No driveway or any other grading, excavation, or construction shall be initiated prior to the issuance of a Zoning Permit and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the Construction Code through the issuance of a Building Permit.
- B. Occupancy Permit:** No structure or use shall be occupied, in whole or in part, without first receiving a permit for occupancy from the Building Inspector pursuant to the Construction Code.

Section 2.6 Performance Guarantee for Compliance

- A. Purpose:** In authorizing any Zoning Permit or granting other approvals under this Ordinance other than a single-family or two-family dwelling and accessory structures and uses thereto, the approving body for such permit or approval may require that a performance guarantee be furnished to ensure compliance with the requirements, specifications and conditions imposed with the granting of such permit or approval.
- B. Requirements of Guarantee:** The performance guarantee shall meet the following requirements:
1. **Improvements Covered:** Improvements that shall be covered by the performance guarantee include those features of a project that are considered necessary by the body or official granting approval to protect the natural resources or the health, safety and welfare of residents of the Township and future users or inhabitants of the proposed project area including roadways, lighting, utilities, sidewalks, screening and drainage. In no case shall any portion of a performance guarantee be required for improvements intended to serve the public at large versus users of the development site, or for facilities or improvements that are likely to result in public ownership or responsibility.
 2. **Form:** The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, or surety bond, acceptable to the Township Treasurer, which names the property owner as the obligor and the Township as the obligee. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
 3. **Amount and Time Required:** The amount of the performance guarantee shall be equal to the estimated cost of improvements for which the performance guarantee is to cover, according to a detailed cost estimate submitted by the applicant and found satisfactory by the Township Board. After approval of the cost estimate, the performance guarantee shall be submitted at the time of issuance of the permit authorizing the approved use or construction. No performance guarantee shall be required prior to the date on which the Township is prepared to issue the Zoning Permit.
- C. Return of Performance Guarantee:** The following procedure shall be followed in the return of performance guarantees:
1. **Request for Payment:** As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said improvements. The Zoning Administrator shall inspect said improvements and shall transmit a recommendation to the Township Board indicating either approval, partial approval, or rejection of the improvements with a statement of the reasons for any rejection.
 2. **Approval of Payment:** The Township Board shall either approve, partially approve or reject the return of the performance guarantee for the improvements or conditions, after consideration of the recommendation of the Zoning Administrator's written statement, and shall notify the obligor in writing of the action of the Township Board within forty-five (45) days after receipt of the notice from the obligor of the completion of improvements. Where approval or partial approval is granted, the Township Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be returned shall be proportional to the work completed and shall be based on the itemized cost estimate for the applicable improvement.
 3. **Lack of Full Completion:** Should installation of improvements fail to meet full completion based on the approved site plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent contractor, and assess all costs of completing the improvements or conditions against the performance guarantee. Any balance remaining shall be returned to the applicant.

Section 2.7 Timely Action on Applications

A. General Intent: All approvals applied for under this Ordinance shall be acted upon in a timely manner. However, in no case shall the matter of a timely decision undermine the intent of this Ordinance that all requested approvals undergo the necessary and adequate review to ensure all requirements and standards have been met and the public health, safety and welfare is preserved.

B. Specific Guidelines: The following time provisions shall apply unless specifically provided otherwise by this Ordinance or special circumstances arise such as delays associated with the acquisition of county, state or federal permits, the submittal of an incomplete application, the need to submit additional application materials following initial deliberations, or unforeseeable practical delays in distributing applications to the necessary review bodies. The prescribed review periods below require that an application must be received by the Zoning Administrator at least fifteen (15) days prior to the meeting when the Planning Commission would normally begin deliberation on such application and, if submitted within a lesser time, the Planning Commission may delay initiating deliberations until its next regularly scheduled meeting or special meeting called for the purpose of deliberating said application.

1. **Applications Requiring Zoning Administrator Action:** A complete application for a Zoning Permit for a single-family or two-family dwelling or an accessory structure or use thereto shall be acted upon by the Zoning Administrator within fifteen (15) days of the submittal of the complete application.
2. **Applications Requiring Planning Commission Action:** Action on an application by the Planning Commission, as in the case of making a recommendation to the Township Board regarding an application for special land use approval or an amendment petition, shall occur within ninety (90) days of receipt of a complete application. Where a public hearing is required to be held, this time frame shall be extended by thirty (30) days.
3. **Applications Requiring Township Board Action:** Where this Ordinance requires the Township Board to act on an application, as in the case of a site plan, the Township Board shall take action on the application within ninety (90) days of the receipt of a complete application. Where the Township Board must delay action until receipt of a recommendation from the Planning Commission, as in the case of a special land use application or rezoning petition, the Township Board shall take action on the application within ninety (90) days of the receipt of such recommendation.
4. **Applications Requiring Zoning Board of Appeals Action:** Where the Zoning Board of Appeals is required by this Ordinance to act upon a request for a variance, ordinance interpretation, administrative appeal, or other request as provided by this Ordinance, the Zoning Board of Appeals shall take action on the request within ninety (90) days of the receipt of a complete application.
5. **Public Hearing Notices:** See Section 2.11.

Section 2.8 Application Fees

A. Application Fees Required: Fees for the administration and review of development proposals, rezoning requests, actions before the Zoning Board of Appeals, inspections and the issuance of permits required under this Ordinance shall be deposited with the Township Clerk in advance of processing any application. The amount of such fees shall be established by the Township Board by resolution and may be revised from time to time. Such fees shall be limited to covering actual costs incurred by the Township and may include but are not limited to costs associated with conducting meetings and inspections, public notices, postage, photocopying, staff time, mileage, and any costs associated with assistance provided by qualified professionals including planners, engineers, and/or attorneys.

B. Professional Review and Fee: For any application for a Zoning Permit, variance, or other approval under this Ordinance, the reviewing body may require the payment of a professional review fee when professional input is desired before a decision is made, due to the character or complexity of the proposal or concern over the potential impacts of the project. The applicant is entitled to a refund of any unused professional review fee. If actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to final action on such application. A professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and matters which may create a threat to public health, safety or the general welfare, and may include a recommended course of action. Mitigation measures or alterations to a proposed design may be suggested where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review contracted for by the Township and a copy of the statement of expenses for the professional services rendered.

Section 2.9 Site Inspections

The Zoning Administrator shall have the authority to make inspections of premises for the purposes of verifying information on an application, monitoring conformance with the regulations and standards of this Ordinance, and for any other purpose associated with responsibilities of the Zoning Administrator granted by this Ordinance. The owner or his agent or representative, and the occupant or lessee of every building, or other person having the care and management thereof, shall give the Zoning Administrator free access thereto upon request at all reasonable times. No person shall interfere with the Zoning Administrator in the discharge of his/her duties.

Section 2.10 Violations, Penalties, and Fines

A. Violations are Nuisances Per Se: Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including conditions and safeguards established in connection with any approval including permits, variances, appeals, and site plans, are declared to be nuisances per se.

B. Penalties and Fines: The owner of record or tenant of any premises, building, structure, premises, or part thereof, and any architect, building contractor, agent, or other person who commits, participates in, assists in, or maintains a violation of this Ordinance may each be found guilty of a separate offense and suffer the penalties herein provided. Such person or bodies found to be in violation of this Ordinance shall be responsible for a municipal civil infraction and shall be subject to the payment of civil fines and other penalties in accordance with the Alaiedon Township "Municipal Civil Infraction Ordinance." Each and every day of violation shall be a separate offense. In addition, the Township Board may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. It shall be conclusively presumed for purposes of enforcement, notwithstanding the lack of actual knowledge, that the owner of record as disclosed by the Township's current assessment roll, has authorized all uses of the land and premises owned.

Section 2.11 Public Hearing Notices

A. Hearing Notice Content: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do all of the following:

1. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject 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 such as a tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. Indicate the date, time and place of the hearing(s).
4. Indicate when and where written comments will be received concerning the request.

B. Recipients and Means of Notice: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in (A) above.

1. General public, by publication of the hearing notice in a newspaper of general circulation in the Township.
2. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
3. To all persons to whom real property is assessed within 300 feet of the boundary of the project subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in Alaiedon Township, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
 - a. Subsection (3) above shall not apply in the case of rezoning requests involving eleven (11) or more adjacent properties, or an ordinance interpretation request or an appeal of an administrative decision that does not involve a specific property.
 - b. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, a single 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.

4. To each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing, by mail, in the case of a text amendment or zoning map amendment.

C. Timing of Notice and Determination of Notice Given: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15) days before the date the request will be considered, including applications for zoning map amendments (rezonings), text amendments, special land uses, variances, appeals and ordinance interpretations. The notice under subsection (B) shall be 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.

D. Confirmation of Notices Made by Mail or Personal Delivery: The Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

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End of Article 2

Article 3 ZONING DISTRICTS, REGULATIONS, and MAP

Section 3.1 Establishment of Districts

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

Agricultural Districts

A-1 General Agricultural District

Residential Districts

R-1 Rural Residential District
R-2 Medium Density Residential District
R-MF Multiple Family Residential District
R-MHC Manufactured Housing Community District

Business Districts

B-1 General Business District
GO General Office District
OW Office Warehouse District

Industrial Districts

I-1 Light Industrial District
I-2 General Industrial District

Other Districts

PUD Planned Unit Development District

Section 3.2 Compliance with District Regulations

A. Compliance Required: Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure, occurring after the effective date of this Ordinance, shall be subject to all regulations of this Ordinance that are applicable in the Zoning District in which such use, building, or structure shall be located.

1. **Filling of Land:** Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same District regulations as are applicable for lands to which the fill is attached or otherwise adjacent.

Section 3.3 Zoning District Map

A. Official Zoning Map: The boundaries of the respective Districts enumerated in Section 3.1 are defined and established as depicted on the Official Zoning Map entitled ALAIEDON TOWNSHIP ZONING MAP, which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein. The Official Zoning Map shall be located at the official offices of Alaiedon Township and shall be the final authority with regard to the current zoning status of all land in the Township, along with supporting minutes of Township Board meetings regarding District changes, regardless of the existence of copies of the Official Zoning Map which may be made and published from time to time.

B. Map Identification and Changes: This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is the Official Zoning Map of the Alaiedon Township Zoning Ordinance adopted on the 26th day of January, 2009.* If, in accordance with the provisions of this Ordinance, changes are made in District boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map.

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

1. Boundaries indicated as approximately following roads or highway shall be construed as following the center lines of said roads or highways.
2. Boundaries indicated as approximately following section lines, quarter section lines, quarter-quarter section lines, or lot lines shall be construed as following such lines.
3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such boundary lines.
4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
6. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines, shall be construed as moving with the actual shorelines. Boundaries indicated as approximately following the centerlines of streams, canals, or other bodies of water shall be construed to follow such centerlines.
7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) Districts, the land in question shall be considered to be zoned according to the District that applies greater limitations on the overall intensity of development based on such features as minimum lot sizes, density controls, setbacks, and scope of authorized uses.

Section 3.4 Purposes of Zoning Districts

See Table 3-1.

Section 3.5 Permitted Uses in Zoning Districts

A. Uses Permitted in Each Zoning District: The Permitted Principal Uses Tables of this Article identify the principal land uses permitted in each of the Districts enumerated in Section 3.1. No land use shall be established except in conformance with the Permitted Principal Uses Tables. In order to ensure all possible benefits and protection for the Districts in this Ordinance, the Tables delineate whether a land use permitted in a particular District is a "Use Permitted by Right" or a "Special Land Use".

1. Uses Permitted by Right: Uses permitted by right are the primary uses and structures specified for which the District has been established, and are subject to plot plan approval (Sec. 2.4(B)) or site plan approval (Article 14).
2. Special Land Uses: Special land uses are uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures permitted in the District, but could present potential injurious effects upon the primary uses or are otherwise unique in character, and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. All such uses shall be subject to a public hearing and site plan approval. See Article 15, Procedures for Special Land Uses.
 - a) To assure adequate review of proposed land developments and meet the goals and objectives of this Ordinance and the Alaiedon Township Comprehensive Plan, any use that exceeds 10,000 sq. ft. in gross floor area in a Business District, or 20,000 sq. ft. in gross floor area in an Industrial District, whether such floor area is in a single building or part of multiple buildings, is classified as a Special Land Use and subject to the provisions of Article 15, Procedures for Special land Uses.

B. Accessory Uses: Unless otherwise specified in this Ordinance, accessory uses which are clearly incidental to and customarily associated with the principal use of the property, are permitted in all Districts and shall conform to all applicable standards of this Ordinance, including Section 20.11 (Accessory Uses, Buildings, and Structures).

C. Prohibited Uses: Any use of land not specifically permitted is prohibited, including any use of land not specifically identified in the Permitted Principal Uses Tables. The Planning Commission may be petitioned to initiate an amendment to the Ordinance to authorize an otherwise prohibited use and standards that will apply for that use. If the Township Board approves such an amendment, then an application can be submitted to establish that use. Nothing in this subsection (D) shall be interpreted to infer that approval of such an amendment will result in approval of a subsequent application for the use in question.

Section 3.6 Site Development Requirements of Zoning Districts

A. All land uses shall comply with the site development requirements of the District in which they are located, as delineated in the Site Development Requirements Table of this Article, in addition to all other applicable site development provisions of this Ordinance including, but not limited to:

1. Article 7: Off-Street Parking and Loading.
2. Article 8: Landscaping and Screening.
3. Article 9: Environmental Standards.
4. Article 10: Development Standards for Specific Land Uses.
5. Article 20: Supplemental Provisions.

B. No part of a setback area, yard, or other open space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, yard, or other open space similarly required for any other use, building or structure.

C. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein, including lot size and lot width.

D. No portion of one lot, once established and/or improved with a building or structure, shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform to all of the requirements established herein.

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

Section 3.7 Special District Provisions

A. Manufactured Housing Community District (R-MHC)

1. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Michigan Mobile Home Commission Act, a preliminary plan shall be submitted for review by the Township Board. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Township Board shall generally follow the procedures and requirements in Article 14 of this Ordinance, where applicable, except where said procedures and requirements are superseded by the requirements in P.A. 96 of 1987, as amended, or the Mobile Home Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Township Board shall take action of the preliminary plan within sixty (60) days after the Township receives the preliminary plan.
2. All manufactured housing communities shall be constructed and maintained in accordance with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission pursuant to the authority vested in the Mobile Home Commission by such Act. The construction of a manufactured housing community shall not be initiated, nor shall a manufactured housing community be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Consumer Services, Michigan Department of Commerce, and all other agencies pursuant to the Mobile Home Commission Act.
3. In addition to complying with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission, the following standards and provisions shall apply:
 - a. Minimum Parcel Size: Ten (10) acres.
 - b. Minimum Site Size: The mobile home park shall be developed with sites averaging at least 5,500 square feet per mobile home unit. This 5,500 square foot standard may be reduced to no less than 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space.

**Table 3-1
PURPOSES of ZONING DISTRICTS**

Table 3-1 identifies the principal purposes of the Districts of this Ordinance. The Principal Permitted Uses Tables of this Article identify the specific uses permitted in each District. The Principal Permitted Uses Tables may identify uses permitted in each District in addition to those referenced in the following purpose statements where considered compatible with and/or supportive of the principal purposes of the District, including certain special land uses.

DISTRICTS	PURPOSE
<u>ALL DISTRICTS</u>	
All Districts	It is the purpose of all Districts to protect important environmental resources to the greatest extent practical; that all Districts be located in coordination with the Alaiedon Township Comprehensive Plan; that uses minimize negative impacts on surrounding land uses; that all non-residential uses complement the community’s rural character through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces and lighting; that development ensure safe and efficient vehicular travel and access and minimizes congestion, turning conflicts, and pedestrian hazards; and that each use be adequately served by facilities and services including sewage disposal, potable water, fire protection, and roads. Additional and more specific purposes of each District are delineated below.
<u>AGRICULTURAL DISTRICTS</u>	
A-1	It is the purpose of the A-1 General Agricultural District to encourage and provide opportunities for agriculture and retention of land areas in Alaiedon Township that are well suited for production of plants and animals useful to humans due to soil, topographic and other conditions, while also providing opportunities for comparatively low density rural residential lifestyles and development patterns that encourage the preservation of farmland, open spaces, natural resources, and the Township's rural character. Persons considering residing in this District should be aware that noise, dust, odors, crop protection product applications and other generally accepted agricultural management practices may continue on a long term basis. See also the “All Districts” purpose statement above.
<u>RESIDENTIAL DISTRICTS</u>	
R-1	It is the principal purpose of the R-1 Rural Residential District to provide opportunities for healthy low density rural residential lifestyles and development patterns that encourage the preservation of open spaces, natural resources, and the Township's rural character, while still enabling landowners within the District to pursue commercial and hobby farming. Persons considering residing within this District should be aware that the traditional smells, noises, pesticide applications, and other generally recognized agricultural activities may continue on a long term basis. See also the “All Districts” purpose statement above.
R-2	It is the principal purpose of the R-2 Medium Density Residential District to provide opportunities for healthy suburban residential lifestyles and meet the varied housing needs of current and future residents, including the accommodation of both single and two-family dwellings at densities greater than that permitted in the R-1 District. See also the “All Districts” purpose statement above.
R-MF	It is the purpose of the R-MF Multiple Family Residential District to provide alternative healthy housing opportunities of a greater density than those of the R-1 and R-2 Districts, in the form of multiple family development, to meet the varied housing needs of current and future residents. It is intended that this District be established only where sanitary sewer is to be provided. See also the “All Districts” purpose statement above.
R-MHC	It is the purpose of the R-MHC Manufactured Housing Community District to provide opportunities for healthy residential development and lifestyles associated with manufactured housing communities as regulated by the Michigan Mobile Home Commission Act. It is the intent of this District that, in light of the comparative speed at which a manufactured housing community can be constructed and the resulting rapid increased demands on public infrastructure and community services, this District be established only where development of such acreage will not outpace the Township’s ability to effectively manage and accommodate demands upon public infrastructure and community services. See also the “All Districts” purpose statement above.

Table 3-1 Continued on Next Page

Table 3-1 Continued (Purposes of Zoning Districts):

DISTRICTS	PURPOSE
<u>BUSINESS DISTRICTS</u>	
B-1	It is the principal purpose of the B-1 General Business District to provide opportunities for business establishments that address the varied consumer needs of the local population including retail services, personal services, offices, and other business enterprises, as well as uses catering to the highway traveler and a more regional population where determined to be compatible with surrounding conditions. See also the “All Districts” purpose statement above.
GO	It is the principal purpose of the GO General Office District to provide an environment which is dedicated nearly exclusively to office use including offices performing administrative, professional and personal services, as well as support services such as lodging and conference facilities. See also the “All Districts” purpose statement above.
OW	It is the principal purpose of the OW Office Warehouse District to accommodate a mixture of office, warehouse, showroom and retail uses that are considered to be compatible with one another. It is the intent of the District to provide opportunities for a combination of such uses among the lots in the District, and upon any single lot, where determined appropriate according to the regulations of this Ordinance. This district is not intended to accommodate any manufacturing, production, processing or similar industrial operations, for which there are more appropriate Districts. See also the “All Districts” purpose statement above.
<u>INDUSTRIAL DISTRICTS</u>	
I-1	It is the purpose of the I-1 Light Industrial District to provide for a variety of manufacturing and other industrial uses that can be generally characterized as being of low intensity, including comparatively small building sizes and the absence of objectionable external affects beyond the district. It is the intent of this District to permit the manufacturing, compounding, processing, packaging, assembly, or treatment of finished or semi-finished products from previously prepared material, and except for limited exceptions prohibit the processing or raw materials. See also the “All Districts” purpose statement above.
I-2	It is the purpose of the I-2 General Industrial District to provide for a variety of manufacturing and other industrial uses including those that may have heightened public services demands, may be more noticeable and objectionable due to the external impacts of the uses such as in the case of building size and truck traffic, and which may involve the processing of raw materials. See also the “All Districts” purpose statement above.
<u>OTHER DISTRICTS</u>	
PUD	See Section 4.1, Planned Unit Development (PUD) District.

End of Table 3-1

**Table 3-2
Permitted Principal Uses in Agricultural and Residential Districts**

PRINCIPAL USES		ZONING DISTRICTS				
		BR = Use Permitted by Right, S = Special Land Use - = Prohibited Use				
		A-1	R-1	R-2	R-MF	R-MHC
Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character						
1	Agricultural uses.	BR	BR	-	-	-
2	Livestock auction yards and grain/seed elevators and sales.	S	-	-	-	-
3	Commercial stables. (Sec. 10.4)	S	-	-	-	-
4	Sales of agricultural products, a minimum of 51% of such sales, by sales volume, is grown on the farm where the sales occur.	BR ³	-	-	-	-
5	Sales of agricultural products where less than 51% of such sales, by sales volume, is grown on the farm where the sales occur.	S ³	-	-	-	-
6	Shooting ranges. (Sec. 10.22)	S	-	-	-	-
7	Natural resource conservation areas, wildlife management areas, nature preserves, and game refuges.	BR	BR	-	-	-
8	Campgrounds and retreat centers. (Sec. 10.3)	S	-	-	-	-
9	Golf courses and country clubs. (Sec. 10.11)	S	S	S	S	-
10	Seasonal agricultural labor housing	S	-	-	-	-
11	Extraction operations. (Sec. 10.8)	S	S	S	S	S
Uses of a Primarily Residential Character						
1	Single family dwellings. (Sec. 20.11)	BR	BR	BR	-	BR ¹
2	Two family dwellings.	BR	BR	BR	-	-
3	Multiple family dwellings. (Sec. 10.17)	-	-	-	BR	-
4	Manufactured housing communities. (Sec. 3.8)	-	-	-	-	BR
5	Day care, family home.	BR	BR	BR	-	-
6	Day care, group home. (Sec. 10.7)	S	S	S	-	-
7	Foster care facility, family home.	BR	BR	BR	-	-
8	Foster care facility, group home. (Sec. 10.9)	S	S	S	-	-
9	Rooming/boarded house.	-	-	-	S	-
10	Convalescent and Nursing Homes.	S	S	S	S	-
Uses of a Primarily Commercial, Industrial or Business Character						
1	Day care center. (Sec. 10.6)	-	S	S	S	S
2	Wireless communication facility improvements ² . (Sec. 10.26)	S ²	S ²	S ²	S ²	S ²
3	Landscape Supply and Services. (Sec. 10.14)	S	-	-	-	-
4	Veterinarian clinics and pet care facilities. (Sec. 10.13)	S	-	-	-	-
5	Bed and breakfast establishments. (Sec. 10.2)	S	-	-	-	-
6	Recycling Center.	S	-	-	-	-
7	Hospitals and medical clinics.	S	S	S	S	-
8	Commercial wind energy conversion facility (Commercial WECF), including a wind energy conversion testing facility. (Sec. 10.5)	S	-	-	-	-
Uses of a Public, Semi-Public, or Other Character						
1	Public facilities owned by Alaiedon Township including, but not limited to, township hall, storage buildings, and parks.	BR	BR	BR	BR	BR
2	Public facilities owned by other than Alaiedon Township.	S	S	S	S	S
3	Churches and other religious institutions, and other public or semi-public places of assembly not otherwise specified above.	S	S	S	S	S
4	Private landing strips. (Sec. 10.20)	S	-	-	-	-
Other Uses Not Listed Above						
1	Single facility solar systems. ⁴	BR	BR	BR	BR	BR

Footnotes for Table 3-2:

1. Single family dwellings permitted by right in MHC District only when located in a manufactured housing community.
2. See Section 10.25 for conditions pertaining to communication towers authorized by right (BR).
3. Irrespective of the particular labeling of this cell, any sales of agricultural products that incorporates the use of a building in excess of 10,000 sq. ft. in gross floor area is classified as a Special Land Use.
4. See Article 20, Section 20.29 for required criteria related to single facility solar systems.

End of Table 3-2

**Table 3-3
Permitted Principal Uses in Business Districts**

PRINCIPAL USES		ZONING DISTRICTS ¹		
		B-1	GO	OW
		B-1	GO	OW
Uses of a Primarily Residential Character				
1	Dwellings.	S ²	-	-
Uses of a Primarily Commercial or Business Character¹				
1	Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building including, but not limited to, groceries, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry and hardware.	BR	-	S
2	Standard restaurants and other establishments that provide food or drink for consumption on the premises, but excluding the serving of alcohol.	BR	BR	-
3	Standard restaurants and other establishments that provide food or drink for consumption on the premises, and may include the serving of alcohol.	S	BR	-
4	Drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle retail or service establishments including restaurants, financial institutions, and similar facilities.	S	BR	-
5	Personal service establishments which perform services on the premises within a completely enclosed building, such as, but not limited to, shoe repair shops, barber and beauty shops, photographic studios, appliance repair, and dry cleaners.	BR	BR	S
6	Offices which perform services on the premises including but not limited to financial institutions, insurance offices, real estate offices, artist offices and galleries.	BR	BR	BR
7	Offices of an executive, administrative, clerical and similar character, in which the principal function of the office does not entail on-site visits by customers.	BR	BR	BR
8	Professional offices for accountants, doctors, lawyers, insurers, financial and other consultants, architects, and similar office uses.	BR	BR	BR
9	Offices and showrooms of plumbers, electricians, decorators, and similar trades in connection with not more than 25% of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise.	BR	-	BR
10	Service stations. (Sec. 10.25)	S	-	-
11	Banks and other financial institutions, excluding drive-through services.	BR	-	-
12	Vehicle repair shops. (Sec. 10.25)	S	-	-
13	Sale of new or used cars, farm machinery, and other vehicles and equipment, including indoor and outdoor sales and display, and the service and repair of such vehicles and equipment. (Sec. 10.18)	S	-	-
14	Sale of outdoor home and garden supplies such as plant materials and garden equipment and tools, lawn furniture, and play equipment, including indoor and outdoor sales and display. (Sec. 10.18)	S	-	-
15	Motels and hotels, including conference centers. (Sec. 10.16)	S	S	-
16	Health clubs.	S	-	S
17	Indoor commercial recreation such as theaters, bowling alleys, skating rinks, indoor shooting ranges, and similar uses.	S	-	-
18	Funeral homes and mortuaries, including a dwelling occupied by the facility owner. (Sec. 10.10)	S	-	-
19	Day care center. (Sec. 10.6)	S	-	-
20	Wireless communication facility improvements 3. (Sec. 10.26)	S ³	S ³	S ³
21	Veterinarian clinics and pet care facilities	S	-	S

Table 3-3 Continued Next Page. See End of Table for Footnotes

(Table 3-3 continued)

PRINCIPAL USES		ZONING DISTRICTS ¹		
		B-1	GO	OW
		BR= Use Permitted by Right	S = Special Land Use,	- = Prohibited Use
		B-1	GO	OW
Uses of a Primarily Commercial or Business Character¹				
22	Hospitals and medical clinics.	S	-	-
23	Vehicle / car wash facility. (Sec. 10.24)	S	-	-
24	Sexually oriented business. (Sec. 10.21)	S	-	-
25	Commercial outdoor recreation facilities, limited to miniature golf courses, go-cart race tracks, batting cages, and may include accessory indoor facilities including arcades and food services.	S	-	-
26	Mini-storage facilities (Sec 10.15)	S	-	S
Uses of a Primarily Industrial Character¹				
1	Warehousing, storage and transfer establishments, and truck terminals.	-	-	BR
2	Commercial solar energy systems (CSES)	S	S	S
Other Uses Not Listed Above				
1	Public facilities owned by Alaiedon Township including, but not limited to, township hall, meeting rooms, offices of officials and staff, vehicle and equipment storage buildings, and parks.	BR	BR	BR
2	Public facilities owned by other than Alaiedon Township.	S	-	-
3	Churches and other religious institutions, and other public or semi-public places of assembly not otherwise specified above.	S	-	-
4	Single facility solar systems. ⁴	BR	BR	BR

Footnotes for Table 3-3

- ¹ Irrespective of the particular labeling of a cell in this table, any use that exceeds 10,000 sq. ft. in gross floor area in a Business District, whether such floor area is in a single building or part of multiple buildings, is classified as a Special Land Use.
- ² Dwellings permitted as a special land use when located above the first or second story of a commercial building in a B-1.
- ³ See Sec. 10.25 for conditions pertaining to wireless communication facility improvements authorized by right (BR).
- ⁴ See Article 20, Section 20.29 for required criteria related to single facility solar systems.

End of Table 3-3

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**Table 3-4
Permitted Principal Uses in Industrial Districts**

PRINCIPAL USES		ZONING DISTRICTS ¹	
		I-1	I-2
		BR = Use Permitted by Right S= Special Land Use ¹ – = Prohibited Use	
		I-1	I-2
Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character			
1	Extraction operations. (Sec. 10.8)	S	S
Uses of a Primarily Commercial or Business Character¹			
1	Mini-storage facilities. (Sec. 10.15)	BR	BR
2	Veterinarian clinic and pet care facilities.	S	–
3	Wireless communication facility improvements. (Sec. 10.26)	S ²	S ²
4	Offices and showrooms of plumbers, electricians, decorators, and similar trades including making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and the storage of equipment and building materials.	BR	BR
Uses of a Primarily Industrial Character¹			
1	Building material storage and sales yard, including lumber yards and incidental millwork, and storage facilities for building materials including sand, gravel, stone, lumber, and contractor's equipment.	BR	BR
2	The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, canvas, cork, felt, hair, horn, leather, paper, plastics, plant based agricultural commodities, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, sheet metal, wax, and wire. "Previously prepared materials" are materials processed, manufactured, or created at another location and transported to the parcel in this District for assembly into new products.	BR ³	BR ³
3	Except as provided below in (4) The manufacturing, compounding, assembling or treatment of articles or merchandise from raw materials versus previously prepared materials as described above in (3).	–	S
4	The manufacturing, compounding, assembling or treatment of articles or merchandise from plant based agricultural commodity raw materials.	S	S
5	Production, processing, or testing utilized in the development or prototyping of a product.	S	BR
6	Monument and art stone production and sales.	BR	BR
7	Printing and publishing.	BR	BR
8	Assembly of electrical appliances, electronic instruments and devices, including the manufacture of small parts such as computer parts.	BR	BR
9	Junkyards and salvage yards. (Sec. 10.12)	--	S
10	Tool and die manufacturing establishments.	S	BR
11	Plastic molding and extrusion.	S	BR
12	Trade schools.	S	S
13	Warehousing, storage and transfer establishments, and truck terminals.	S	S
14	Commercial solar energy systems (CSES)	S	S
Other Uses Not Listed Above			
1	Public facilities owned by Alaiedon Township including, but not limited to, township hall, meeting rooms, offices of officials and staff, vehicle and equipment storage buildings, and parks.	BR	BR
2	Public facilities owned by other than Alaiedon Township.	S	S
3	Single facility solar systems. ⁴	BR	BR

Footnotes for Table 3-4

- ¹ Irrespective of the particular labeling of a cell in this Table, any use that exceeds 20,000 sq. ft. in gross floor area in an Industrial District, whether such floor area is in a single building or part of multiple buildings, is classified as a Special Land Use.
- ² See Article 10, Site Development Requirements for Specific Land Uses, for conditions pertaining to communication towers authorized by right (BR).
- ³ Accessory sales of such articles and merchandise are permitted as an accessory use to such industrial operation.
- ⁴ See Article 20, Section 20.29 for required criteria related to single facility solar systems.

End of Table 3-4

**Table 3-5
Site Development Requirements¹**

All principal land uses shall comply with the site development requirements of Table 3-5 unless otherwise specified by this Ordinance. See also Section 3.6 (Site Development Requirements), Article 10 (Site Development Standards for Specific Land Uses), and Section 20.11, Accessory Buildings and Structures.

Zoning District	Minimum Lot Area	Minimum Lot Width ⁷ and Frontage ⁷	Maximum Building Height ⁹	Maximum Lot Coverage ⁹	Minimum Yard Setback		
					Front	Side	Rear
A-1 Agricultural	SFD: 2 Acres TFD: 2.5 Acres	SFD: 200 ft. TFD: 220 ft.	2.5 stories, not to exceed 35 ft. ⁶	20%	60 ft. ²	30 ft. ^{2,3}	40 ft.
R-1 Rural Residential	SFD: 2 Acres TFD: 2.5 Acres	SFD: 200 ft. TFD: 220 ft.	2.5 stories, not to exceed 35 ft. ⁶	20%	60 ft. ²	30 ft. ^{2,3}	40 ft.
R-2 Medium Density Residential	SFD 28,750 SF with sewer, otherwise 2.0 Acres ⁸	132 ft. with sewer, otherwise 220 ft.	2.5 stories, not to exceed 35 ft.	20%	60 ft. ²	12 ft. ^{2,3}	40 ft.
R-MF Multiple Family Residential	See Article 10						
R-MHC Manufactured Housing Comm.	See Section 3.7(A)						
B-1 General Business	1 Acre	200 ft.	2 stories, not to exceed 30 ft. ⁶	40%	60 ft. ²	10 ft. ^{2,3,5}	30 ft. ⁵
GO General Office	1 Acre	200 ft.	30 ft. ⁶	40%	60 ft.	20 – 40 ft. ^{3,4,5}	20 – 40 ft. ^{3,4,5}
OW Office Warehouse	1 Acre	200 ft.	40 ft. ⁶	40%	60 ft. ²	20 ft. ^{2,3,5}	30 ft. ⁵
I-1 Light Industrial	1 Acre	200 ft.	3 stories, not to exceed 40 ft. ⁶	50%	60 ft. ²	20 – 40 ft. ^{3,4,5}	20 – 40 ft. ^{3,4,5}
I-2 General Industrial	1 Acre	200 ft.	3 stories, not to exceed 40 ft. ⁶	50%	60 ft. ²	20 – 40 ft. ^{3,4,5}	20 – 40 ft. ^{3,4,5}

SFD = Single family dwelling TFD = Two family dwelling SF = Square Feet 1 Acre = 43,560 square feet

See following page for Footnotes.

**Footnotes for Table 3-5
SITE DEVELOPMENT REQUIREMENTS**

1. All uses shall comply with the site development requirements of Table 3-5 unless expressly specified otherwise by this Ordinance. See also Article 7 – Off-Street Parking and Loading, Article 8 – Landscaping and Screening, Article 9 – Environmental Standards, Article 10 – Development Standards for Specific Land Uses, Article 20 – Supplemental Provisions, and other Articles as applicable.
2. Front yard setbacks shall be measured from the road right-of-way, as shall side yard setbacks where such side yards abut a road in the case of a corner lot. The required front yard setback shall be increased to the average of the front yards along the same side of the road, within 1,000 feet of the development site, where one or more such yards exceeds the minimum required by the district, but in no case shall the resulting required front yard setback be greater than one hundred (100) feet or less than sixty (60) feet.
3. For a corner lot, the minimum required front yard setback shall apply to both yards abutting a right-of-way.
4. Side and rear yard setbacks in Industrial and General Office Districts shall be ten percent (10%) of the lot width and depth respectively but shall not be less than twenty (20) feet nor need be greater than forty (40) feet. See also Footnote 5.
5. In the case where a lot in a Industrial or Business District abuts an Agricultural or Residential District, the minimum side and rear yard setbacks for such lot shall be sixty (60) feet for that portion of a building of twenty (20) feet in height or less, and the setback shall be further increased two (2) feet for each additional one (1) foot of height over twenty (20) feet. The provisions of this footnote supersede the footnote provisions of Footnote 3 and Footnote 4.
6. The following height exceptions shall apply:
 - a. The maximum height of farm structures shall be 75' feet.
 - b. All structures and buildings in association with special land uses in Agricultural and Residential Districts, including hospitals and religious institutions, and all principal buildings in a Business or Industrial District, may exceed the height limitations of Table 3-5 provided the minimum front, side and rear yard setback standards are increased one (1) foot for each additional one (1) foot of height above the Table 3-5 standard, and the site plan approving body finds that the exemption shall not undermine the character and enjoyment of nearby properties.
 - c. The following are exempted from the height limitations of Table 3-5 provided no portion of the building or structure exceeding such height may be used for human occupancy and the site plan approving body finds the exemption shall not undermine the character and enjoyment of nearby properties:
 - (1) Those features that are purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and similar features, provided such features do not exceed more than twenty percent (20%) of the structure's gross roof area and provided that no portion of the building or structure may be used for human occupancy.
 - (2) Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell structures, ventilators, bulkheads, masts and aerials, communication towers and antennas as regulated by Section 10.25, fire and hose towers, wire transmission structures, cooling towers, or other structures where the manufacturing process requires a greater height.
7. All lots shall conform to the following configuration requirements:
 - a. The depth of a lot shall not exceed four (4) times its width.
 - b. The minimum frontage/lot width standard of Table 3-5 shall extend from the front lot line to the proposed building setback line and over at least seventy percent (70%) of the lot area.
 - c. Lesser frontage and width standards than those of Table 3-5 may be approved where the front lot line abuts a curvilinear road segment, such as a cul-de-sac, where without such reduction, such lots would be unnecessarily excessive in overall width or area, or otherwise result in irregular or impractical configurations. However, such reduction shall not exceed forty percent (40%), and the minimum front yard setback shall be increased to the line at which there is compliance with the lot width standard.
8. The minimum lot area for two-family dwellings in the R-2 District shall be 40,000 square feet with sewer, otherwise 2.5 acres.
9. See Article 21 for definition of "building height" and "lot coverage".

End of Article 3

(Ord 103-19, allowing Personal Services by Right, affecting Sec 3.1, Table 3-3)

(Ord 103-15, adopted 12-13-21, affecting Sec. 3.1: Tables 3-2, 3-2 & 3-4)

(Ord. 103-14, adopted 6-14-21, affecting Sec. 3.1; Tables 3-1 & 3-4)

(Ord. 103-13, adopted 6-14-21, affecting Sec. 3.1; Tables 3-3 & 3-4)

(Ord. 103-11, adopted 3-25-19, affecting Sec. 3.1; Tables 3-3)

(Ord. 103-10, adopted 2-25-19, affecting Sec. 3.1: Tables 3-2, 3-3 & 3-4)

(Ord. 103-4, adopted 2-11-13, affecting Sec. 3.1; Tables 3-1, 3-2; 3-3, 3-4, and 3-5; and Zoning Map)

Article 4 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Section 4.1 Purpose

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

Section 4.2 PUD Is A Separate District

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

Section 4.3 Minimum Eligibility Criteria

- A. The following minimum eligibility criteria shall be met in order for PUD approval:
1. **Recognizable and Substantial Benefit**: The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community as a whole. Such benefit must otherwise be unfeasible or unlikely under the regulations of other Districts.
 2. **Availability and Capacity of Public Services**: The proposed type and intensity of use shall not result in an unreasonable burden on the availability and use of existing public services, facilities, and utilities.
 3. **Compatibility with the Comprehensive Plan**: The proposed development shall be in accordance with the goals and policies of the Alaiedon Township Comprehensive Plan.
 4. **Compatibility with the PUD Intent**: The proposed development shall be consistent with the intent and spirit of these regulations, as stated in Section 4.1.
 5. **Economic Impact**: The proposed development shall not impede the continued use or development of surrounding properties for uses permitted on such properties.
 6. **Unified Control of Property**: The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance and the specifications of the PUD approval.

Section 4.4 Use and Design Standards

A. Permitted Uses and Mix of Uses: Any use authorized in this Ordinance is permitted in a PUD as a principal or accessory use provided that public health, safety, and welfare are not impaired and the essential character of the proposed PUD meets the general intent of the Comprehensive Plan. Where the Master Plan provides for residential development patterns, commercial and other nonresidential uses may be permitted as part of a PUD that also contains a residential component, provided that the residential component shall be dominant. The determination of the predominance of the residential component shall take into account such considerations as the extent to which the non-residential use serves residents in the PUD compared to others who will travel to the site, the amount of traffic generated by the non-residential use compared to the residential component, the operational hours of the non-residential use, the proportional land area allocated to the non-residential use, and building floor area allocated to the non-residential use.

B. Design Standards and Waivers: The site development standards for all proposed individual land uses and facilities in a PUD shall conform to this Ordinance, including such standards pertaining to lot area and dimensions, density, lot coverage, setbacks, parking, loading, landscaping and screening, and similar requirements, except that the Township Board may waive such standards where such modifications will result in a higher quality of development than would be possible without the modifications.

1. Unless a waiver is granted, standards pertaining to lot area and dimensions, density, lot coverage, and setbacks shall comply with those standards of the District which most closely characterizes the dominant character of the PUD development.
2. Unless a waiver is granted, mixed uses shall comply with the regulations applicable for each individual use, including the standards of Table 3-5 (Article 3) and Article 10, Standards for Specific Land Uses. If regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply.
3. The waiving of development standards may be authorized only upon a finding by the Township Board that there are adequate features or planning mechanisms designed into the project to achieve the objectives intended to be accomplished with respect to each of the standards from which a departure is sought.

Section 4.5 Approval Standards

A. Each application and site plan for a PUD shall conform to all applicable provisions of this Article and the following:

1. Site Plan Approval Standards, Section 14.4.
2. General Approval Standards for Special Land Uses, Section 15.6.

Section 4.6 Procedure for Review and Approval

A. Optional Preapplication Conference: Prior to the submission of a preliminary site plan for PUD approval, the applicant may request a meeting with the Planning Commission Chairperson and the Township Supervisor, together with such consultants and local officials and staff as either the Township or the applicant deem appropriate. The purpose of the meeting is to inform township officials of the general theme for the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements. Statements made in the course of a preapplication conference shall not be legally binding commitments. At the preapplication conference (or conferences), the applicant may present a general sketch plan of the proposed PUD which provides an overview of the proposed project.

B. Preliminary Plan: Application, Public Hearing, and Action:

1. The applicant shall submit to the Township Clerk twenty (20) copies of a preliminary plan and an application form supplied by the Zoning Administrator. The Zoning Administrator shall forward copies to the Planning Commission. The Preliminary Plan shall comply with the requirements of Section 14.3(A) and include a detailed text description of the proposed development and all Ordinance standards that the applicant is seeking a waiver for.
2. The Planning Commission shall review the preliminary plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review of the preliminary plan submittal, the Planning Commission shall act on the preliminary plan as if it were an application for rezoning, and in doing so, shall follow the provisions of Article 17 including the holding of a public hearing.
3. Following the public hearing and any fact finding and additional studies, the Planning Commission shall prepare written findings regarding the preliminary plan's conformance with the applicable requirements of this Article and Ordinance, including the approval standards of Sections 14.4 and 15.6. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the application including the preliminary plan. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its decision, and any recommended conditions relating to an affirmative recommendation.
4. The Township Board shall take final action to approve, deny, or approve with conditions the application and preliminary plan. In reviewing the preliminary plan, the Township Board shall consider the applicable requirements of this Article and Ordinance, including Sections 14.4 and 15.6. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision. The effect of Township Board approval of the preliminary plan shall be:
 - a. to authorize the fundamental PUD character and layout embodied in the preliminary plan, including any conditions applied to the approval, for inclusion in a final site plan.
 - b. to authorize a change on the Zoning Map to classify the subject property as "PUD".

C. Final Plan and Permit Issuance

1. Within eighteen (18) months following receipt of preliminary plan approval, the applicant shall submit to the Zoning Administrator twenty (20) copies of a final plan, or phase one of a final plan, including a final site plan conforming with Section 14.3(B) and including a detailed text description of the proposed development and all Ordinance standards that the applicant is seeking a waiver for. If the final plan has not been submitted within such period, the preliminary plan approval shall become null and void unless the Township Board extends the time for submission of the final plan upon a showing by the applicant that no material change of circumstances has occurred having bearing on the original action of the Township Board, found upon inspection by the Township Board to be valid.
2. The Zoning Administrator shall record the date of the receipt of the final site plan and transmit copies to the Planning Commission and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, consultants, Ingham County Drain Commissioner, and Ingham County Road Commission.
3. The Planning Commission shall review the final plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its recommendation, and any conditions relating to an affirmative decision. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the final plan. The Township Board shall take final action to approve, deny, or approve with conditions the final plan. In reviewing the final plan, the Township Board shall consider the applicable requirements of this Article and Ordinance, including Sections 14.4 and 15.6. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision.
4. If and when the final site plan is approved, all improvements and use of the property shall be in conformity with the final site plan and any conditions imposed. The applicant shall record an affidavit with the Register of Deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved PUD unless a site plan revision is approved by the Township Board upon request or approval of the applicant or applicant's transferee and/or assignees. Upon receipt of the recorded documents, the Zoning Administrator shall issue a permit for that portion of the PUD project receiving final site plan approval.

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End of Article 4

Article 5
RESERVED for FUTURE USE

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End of Article 5

Article 6
RESERVED for FUTURE USE

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End of Article 6

Article 7

OFF-STREET PARKING and LOADING

Section 7.1 Purpose

It is the purpose of this Article to establish standards and requirements to ensure that parking spaces shall be adequately provided and maintained by each property owner in every District for the off-street parking of motor vehicles as may be necessary, including in association with employees and patrons and the receiving and distribution of goods by motor vehicle, to prevent hazards and undue interferences among and between vehicles and pedestrians and protect the public health, safety and welfare.

Section 7.2 General Requirements

A. Fractional Space: When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

B. Requirements for a Use Not Mentioned: In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. This determination shall be made during site plan review proceedings and a record of the rationale applied shall be documented for the record.

C. Use of Off-Street Parking Areas: Off-street parking areas shall be reserved for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No commercial repair work, storage, selling or any other activity shall be conducted in an off-street parking area except as may be expressly authorized during site plan approval proceedings.

D. Building Additions or Other Increases in Floor Area: Whenever a use requiring off-street parking is increased in area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.

E. Location and Joint Use of Parking Areas: All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same District as the use they are intended to serve. The joint use of parking facilities by two or more uses may be granted during site plan review proceedings whenever such joint use is practical and satisfactory to each of the uses intended to be served, and when all requirements of this Article are met.

1. **Computing Capacities:** In computing capacities of any joint use, the total space requirement shall be the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
2. **Record of Agreement:** A copy of a proposed agreement between joint users shall be filed with the application for a Zoning Permit and a copy shall be recorded with the County Register of Deeds upon approval of the application. The agreement shall include a guarantee for continued use of the parking facility by each party and a provision requiring written approval by all joint users and the site plan approving body for termination of such agreement.

F. Vehicles Waiting to Park/Exit: There shall be a minimum of fifty (50) linear feet of on-site storage to accommodate vehicles waiting to park or exit the site without using any portion of a public road right-of-way or in any other way interfering with road traffic and parking circulation. The site plan approving body may increase this length where it determines additional distance is necessary to adequately address public safety issues due to anticipated traffic volumes, patterns and/or types of vehicles.

G. Decrease in Parking Areas: No off-street parking area that exists on the date of adoption of this Ordinance, or which is provided subsequent thereto, for the purpose of complying with this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient to meet the requirements of this Article.

H. Barrier-Free Parking Spaces: Barrier-free parking spaces shall be provided in accordance with the most current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division. Such spaces shall be placed in the most convenient locations to facilitate access into a building. Such spaces shall be clearly identified by both adequate paint striping and wall or post signs.

Section 7.3 Site Development Requirements for Off-Street Parking

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

A. Marking and Designation: Parking areas shall be so designed and marked as to provide for orderly and safe movement and parking of vehicles.

B. Driveways: Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. Two-way drives for ingress and egress to a parking area shall be not less than twenty-five (25) feet wide and all turning radii shall comfortably accommodate vehicle turning patterns. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot in a Residential District, and a minimum of ten (10) feet from all other lot lines.

C. Surface: All required off-street parking areas intended to accommodate four (4) or more spaces shall be paved with concrete, bituminous asphalt or similar material, approved by the site plan approval body. The site plan approval body may waive this requirement for special land uses in Agricultural and Residential Districts upon its determination that such paving is not in character with the surrounding and intended land use pattern, and the lack of paving will not cause a nuisance to current and future residents. Paved parking spaces shall be marked with striping.

D. Drainage: All required off-street parking areas shall provide adequate surface drainage facilities to collect and properly manage storm water runoff. Off-street parking areas shall be drained so as to prevent direct drainage onto abutting properties and public streets.

E. Location/Setback:

1. Off-street parking areas shall be set back a minimum distance of twenty (20) feet from the front lot line and any public right-of-way, and a minimum distance of ten (10) feet from side and rear lot lines. The side and rear yard setback shall be increased to twenty (20) feet where such yard abuts an Agricultural or Residential District.
2. Off-street parking areas shall be designed and arranged to prohibit a parked vehicle from being closer than five (5) feet to a building, including any bumper overhang.

F. Lighting: Parking lots devoted to serving other than single family and two family dwellings shall be lit throughout the hours in which such use is in operation. Such lighting shall not exceed an intensity of five (5) foot candles and shall not be less than one and one-half (1½) foot candles, as measured five (5) feet above the ground. In no case shall such lighting cause light levels to exceed one-half (1/2) foot candle in an abutting Agricultural or Residential District. See also Section 9.4 regarding outdoor lighting.

G. Parking Spaces and Maneuvering Lanes: Each parking space within an off-street parking area shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a public road right-of-way shall be prohibited. The layout of off-street parking areas shall comply with the following minimum standards:

Parking Pattern	Maneuvering Lane Width		Parking Space Width	Parking Space Length
	One-Way	Two-Way		
0° (Parallel)	14 ft.	23 ft.	9 ft.	25 ft.
30° to 53°	15 ft.	22 ft.	9 ft.	21 ft.
54° to 74°	18 ft.	22 ft.	9 ft.	21 ft.
75° to 90°	18 ft.	24 ft.	9 ft.	18 ft.

H. Service Drives and Connections to Adjacent Parking Areas: To minimize traffic hazards and congestion and protect the public health, safety and welfare through appropriate access management, the site plan approving body may require the development of a parcel in a Business or Industrial District to include one or both of the following improvements, where practical and feasible, in association with a proposed site plan:

1. Off-street parking areas shall provide for direct vehicular access to existing or potential off-street parking areas on adjacent parcels to minimize the necessity for additional curb cuts onto public roads and vehicles unnecessarily entering onto public roads to gain access to nearby parcels or businesses.
2. Off-street parking areas shall include a service drive across the front or rear of the respective lot to collect traffic from parking areas and funnel the traffic to one or more curb cuts along a public road, so as to reduce the number of curb cuts that would otherwise be required if each parking area accessed the public road. Such service drives shall be designed to afford connections to existing or potential service drives on adjacent parcels.

I. Number of Spaces: See Section 7.4.

J. Landscaping and Screening

1. **Peripheral Tree Plantings:** While such plantings need not be evenly spaced, there shall be provided a minimum of one (1) tree for every fifty (50) linear feet of parking lot edge. Such trees shall be located within ten (10) feet of the edge of the parking lot. A minimum distance of three (3) feet shall be maintained between proposed tree plantings and the edge of curbing and pavement. Deciduous trees shall have a minimum two and a half (2 1/2) inch caliper and coniferous trees shall be a minimum of eight (8) feet in height.
2. **Parking Island Plantings:** Where a parking lot includes greater than twenty (20) parking spaces located within the interior of the parking lot such that the spaces are not directly adjacent to the edge of the lot, landscaped islands shall be provided among such interior spaces at a rate of one island for every fifteen (15) interior spaces. Such landscape islands shall be of a minimum six (6) feet in width and include a minimum of one (1) deciduous tree of at least two and a half (2 1/2) inch caliper. No evergreen trees shall be located within the landscape islands.
3. **Screening:** Where a parking lot contains four (4) or more parking spaces and is within one hundred (100) feet of an Agricultural or Residential District, or public road, a berm, fence, wall and/or vegetative screen shall be installed to screen views to the parking area. All berms and plant material, either individually or in combination, shall be of such height and spacing to effectively screen the parking lot border to a minimum height of four (4) feet at the time of berm and plant material installation. Shrub materials shall be of an evergreen or otherwise densely-branched screening character.

Section 7.4 Parking Space Requirements

A. Compliance with Required Number of Parking Spaces:

1. **Required Spaces:** This Section identifies the number of required off-street parking spaces in all Districts, by land use type. Such parking spaces shall be located on the lot or parcel upon which the land use is located unless joint use of parking areas is permitted according to Section 10.2(E).
2. **Waiver:** In recognition that certain commercial uses generate significantly heightened demands for parking spaces during seasonal or holiday shopping periods, the site plan approving body may, upon request by the applicant, waive up to twenty-five percent (25%) of the required number of parking spaces as a reserved parking area for possible future use. However, the site plan approving body may subsequently require the applicant to construct such parking spaces upon a determination by the site plan approving body that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public safety and welfare is at risk. Upon such a determination, the applicant shall convert the reserve parking area into available parking spaces, meeting all requirements of this Article, within six (6) months of such determination. The approved site plan shall clearly identify the location of this reserve parking area including parking spaces and aisles, and no buildings, structures, or similar improvements shall be established in the reserve parking area. This subsection shall apply only to commercial uses that are required to provide more than thirty (30) parking spaces.

B. Residential Uses:

1. **One and Two Family Dwellings:** Two (2) spaces for each single family dwelling unit.
2. **Multiple Dwellings:** Two (2) spaces for each multiple family dwelling unit plus one space per five (5) units for guest parking, and one (1) additional parking space shall be provided for each employee of the largest work shift.
3. **Manufactured Housing Community:** Two (2) spaces for each mobile home site plus one (1) space per three (3) units for guest parking.
4. **Group Homes (adult foster care):** One (1) space for every three (3) residents of the home, and one (1) additional parking space shall be provided for each employee of the largest work shift.

C. Commercial Uses: In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift and for each vehicle that is to be located on the lot due to ownership or lease by the business, company or use occupying said lot.

1. **Housing, Lodging, and Care Facilities:**
 - a. **Hospital, Nursing Facility, Convalescent Home, Home for the Aged:** One (1) space for each three (3) beds.
 - b. **Motels and Hotels:** One (1) space for each sleeping unit, plus spaces required by this Section for accompanying bars, restaurants, banquet rooms, and other associated facilities.
 - c. **Medical Clinics:** Two (2) spaces for each examination or treatment room.
 - d. **Day Care Centers, Child Care Center, Nursery School, School of Special Education:** One (1) parking space for each 350 square feet of usable floor space or one (1) space for each seven children, whichever is greater.

2. Recreation:
 - a. **Par 3 Golf Courses:** Three (3) spaces for each hole.
 - b. **Par 4 or Greater Golf Courses:** Four (4) spaces for each hole.
 - c. **Miniature Golf Courses:** Two (2) spaces for each hole.
 - d. **Batting Cages:** Two (2) spaces per cage.
 - e. **Roller Skating Rinks and Pool and Billiard Rooms:** One (1) space for every three (3) persons allowed based on the maximum capacity of the facility as determined by the State Fire Marshall.
 - f. **Bowling Alleys:** Three (3) spaces for each alley.
 - g. **Swimming Pools:** One (1) space for every three (3) persons allowed based on the maximum capacity of the facility as determined by the State Fire Marshall.
 - h. **Racquetball/tennis:** Three (3) spaces per court plus one (1) space for each two hundred (200) square feet of net floor area.
 - i. **Athletic Clubs, Physical Exercise Establishments, Health Studios, Self-Defense Clubs:** One (1) parking space per two hundred (200) square feet of net floor area plus, in the case of a gymnasium, one (1) space per four (4) persons based on the occupancy load established by the State Fire Marshall.

3. Retail Sales:
 - a. **Automobile or Machinery Sales:** One (1) space for each 200 square feet of showroom floor area. Spaces used for storage of vehicles for sale shall not be used to meet parking requirements.
 - b. **Clothing, Furniture, Appliance, Hardware, Automobile, and Machinery Sales.** One (1) space per four hundred (400) feet of gross floor area.
 - c. **Service Stations:** Two (2) spaces for each repair and service stall (a service stall is not considered a parking space).
 - d. **Standard Restaurants, Taverns, Bars:** One (1) space for every one-hundred (100) square feet of usable floor area.
 - e. **Restaurant, Drive-Through (with indoor eating facilities):** One (1) space for every three (3) seats and fifteen (15) square feet of floor area devoted to placing orders, plus sufficient area for eight (8) stacking spaces for drive-through windows.
 - f. **Restaurant, Drive Through (no indoor eating facilities):** One (1) space for every 15 square feet of usable floor area.
 - g. **Restaurant, Carry-Out (no indoor eating facilities):** One (1) space for every fifteen (15) square feet of usable floor area, provided a minimum of five (5) spaces are provided.
 - h. **Supermarket, Self-Service Food Store:** One (1) space for every two-hundred (200) square feet of gross floor area, excluding walk-in refrigeration units.
 - i. **Retail Stores and Facilities, (not otherwise specified above):** One (1) space for every two hundred (200) square feet of gross floor area.

4. Services:
 - a. **Banks and Financial Institutions:** One (1) parking space for every 200 square feet of usable floor area plus sufficient area for five (5) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
 - b. **Barber Shops and Beauty Parlors:** Two (2) spaces for each beauty/barber chair, pedicure and manicure chair, and similar chairs where clients receive services.
 - c. **Vehicle Service/Repair:** Two (2) spaces for each service bay, provided at least six (6) spaces are provided.
 - d. **Car Wash, Automatic:** For those systems which do not operate as a continuous conveyor system accommodating multiple vehicles at a single time, reserve parking or storage for eighty (80) percent of the manufacture's hourly rated capacity for the system in use shall be required.
 - e. **Car Wash, Self-Service:** Reserve parking required to accommodate up to five (5) times the maximum number of vehicles able to be undergoing some phase of washing at the same time, determined by dividing the awaiting wash line(s) by twenty (20) feet.
 - f. **Funeral Homes and Mortuaries:** One (1) space for every fifty (50) square feet of floor area of chapels and assembly rooms.
 - g. **Pet Care Facilities:** One (1) space for each three hundred (300) sq. ft of usable floor area except for areas set aside for dog stalls or similar containment areas, which shall be provided one (1) parking space for each ten (10) stalls or similar containment area.
 - h. **Laundromat:** One (1) space for every three (3) washing or drying machines.
 - i. **Offices and Professional:** One (1) space for every two hundred (200) square feet of gross floor area.

- j. **Personal Service Establishments (not otherwise specified above):** One (1) space per four hundred (400) feet of gross floor area.

D. Industrial Uses:

1. Manufacturing, Testing, Research Establishments: The greater of one (1) space for every four hundred (400) square feet of floor area, one (1) space for each employee in the case of one work shift, or one (1) space for every two (2) employees in the case of multiple shifts.
2. Warehouses, Wholesale Stores: One (1) space for every eight hundred (800) square feet of floor area.

E. Other Uses: In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift and for each vehicle that is to be located on the lot due to ownership or lease by the business, company or use occupying said lot.

1. **Religious Institutions:** One (1) space for each three (3) seats or five (5) linear feet of pew or bench seating in the main unit of worship.
2. **Non-School Auditorium, Theater, Assembly Hall:** One (1) space for each four (4) seats or five (5) linear feet of bench seating, or one (1) space for each three (3) persons based on the occupancy load as established by the State Fire Marshall, which ever is greater.
3. **Private Civic, Fraternal Club or Lodge, Community Centers:** One (1) space for each two (2) members, based upon the load capacity as determined by the State Fire Marshall.
4. **Elementary and Middle Schools:** One (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym, otherwise, one (1) space per two (2) classrooms.
5. **High Schools:** One (1) space for each ten (10) students (based on the capacity of the facility as determined by the Fire Marshall), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
6. **Libraries, Museums, Post Offices:** One (1) space for every eight hundred (800) square feet of floor area.
7. **Outdoor Theaters and Other Outdoor Entertainment Facilities:** One (1) space for every four fixed seats and one (1) additional space for every five hundred (500) square feet available to accommodate additional attendees not otherwise restricted to a fixed seating area.

Section 7.5 Loading and Unloading Site Development and Space Requirements

A. Additional Space: Loading space required under this Section shall be provided as area additional to off-street parking space required under Section 10.4.

B. Access: Access to a truck standing, loading, and unloading space shall be provided directly from a public road or alley and such space shall be so arranged to provide sufficient off-street maneuvering as well as adequate ingress and egress to and from the road or alley.

C. Screening: All loading and unloading areas that are adjacent to a different District or residential property, or face or are visible from residential properties roads, shall be screened.

D. Location:

1. A loading-unloading area shall not be located in any front yard.
2. A loading-unloading area shall not be located in a required side or rear yard setback except where such yard adjoins a Business or Industrial District, but in no case shall such loading-unloading area be located within ten (10) feet of the lot line.
3. In no case shall a loading-unloading area be located closer than fifty (50) feet to a residential lot line.

E. Space Requirements: There shall be provided an adequate space for standing, loading, and unloading services. Each space shall be a minimum of twelve (12) feet in width and twenty-five (25) feet in length, and fifteen (15) feet in height, open or enclosed. The site plan approval body may require a greater space length where necessitated by the anticipated type of truck traffic. The number of spaces shall be provided according to Table 7.5-1.

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**Table 7.5-1
Loading and Unloading Space Requirements**

Use	Gross Floor Area	Minimum Spaces Required
Commercial uses such as retail, personal services, and automotive services.	First 2,000 square feet:	None.
	Each additional 20,000 square feet or fraction thereof:	One (1) space.
Hotels and offices.	First 2,000 square feet:	2 spaces, plus 1 space per each 100,000 square feet of gross floor area, or fraction thereof, in excess of the first 100,000 square feet.
	Next additional 50,000 square feet or fraction thereof:	One (1) space.
	Each additional 100,000 square feet:	One (1) space.
Wholesale and storage.	First 20,000 square feet:	One (1) space.
	Each additional 20,000 square feet or fraction thereof:	One (1) space.
Manufacturing.	First 20,000 square feet:	One (1) space.
	Each additional 20,000 square feet or fraction thereof:	One (1) space.
	Up to 2,000 square feet:	2 spaces, plus 1 space per each 100,000 square feet of gross floor area, or fraction thereof, in excess of the first 100,000 square feet.
Hospitals.	First 10,000 square feet:	None.
	Next additional 100,000 square feet or fraction thereof:	One (1) space.
	Each additional 200,000 square feet:	One (1) space.
Schools, religious institutions, and other public assembly buildings.	For each building.	One (1) space.
	Greater than 10,000 square feet:	One (1) space.

End of Article 7

(Ord. 103-10, adopted 2-25-19, affecting Sec. 7.4 (C) (4) (g))

Article 8

LANDSCAPING and SCREENING

Section 8.1 Purpose

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

Section 8.2 Uses Subject to This Article

The requirements of this Article shall apply to those uses for which site plan approval is required under Article 14, Site Plan Review, and any other use so specified in this Ordinance. This Article shall not apply to single family and two-family dwellings.

Section 8.3 Landscape Plan Required

A. A detailed landscape plan is required to be submitted as part of a site plan (see Article 14). The plan shall be prepared at a minimum scale of 1" = 100' and shall identify all buffer areas (see Sections 8.4 and 8.5). The landscape plan shall include, but not necessarily be limited to, the clear delineation of the following:

1. Proposed plant location, spacing, size, common and botanical name, and growth habit of each plant type proposed.
2. Identification of grass and other proposed ground cover, including common and botanical name.
3. Existing and proposed contours.
4. Planting and staking details in either text or drawing form to ensure proper installation of proposed plant materials, including significant construction details to resolve specific site conditions such as tree wells to preserve existing trees.
5. Identification of existing trees and vegetative cover to be preserved and those trees of ten (10) inches or larger in diameter, measured five (5) feet from ground surface, to be removed.

Section 8.4 Buffer Areas

A. Side and Rear Yard Buffer Areas: A buffer area shall be established along all side and rear lot lines. The buffer area shall not be used for storage or used in any other manner except for the purposes of a buffer.

1. The buffer area shall extend ten (10) feet from the respective lot line. The buffer area shall be planted and maintained with evergreens such as spruce, pines, or firs, and deciduous trees. While such plantings need not be evenly spaced, the trees shall be provided at an overall rate of at least one (1) evergreen tree per thirty (30) linear feet and one (1) deciduous tree per fifty (50) linear feet. At the time of their planting, evergreen trees shall be a minimum of six (6) feet in height and deciduous trees shall have a caliper of at least two and a half (2 1/2) inches, measured five (5) feet above the ground surface, and be a minimum of twelve (12) feet in height. The remainder of the buffer area shall be landscaped in grass, shrubs, trees and/or other ground cover.
2. In the case where the buffer yard abuts a parcel in an Agricultural or Residential District, or where the buffer yard is in an Industrial District and abuts a Business District, the buffer yard shall also include a berm, wall or fence. Such berm, wall or fence, either individually or in combination, shall be at least four (4) feet in height. This height standard shall be increased by the site plan approving body if determined necessary to adequately mitigate negative impacts.

B. Front Yard Buffer Areas: A buffer area shall be established along all front lot lines. The buffer area shall not be used for storage or used in any other manner except for the purposes of a buffer. The buffer area shall extend twenty (20) feet from the respective lot line except in the case of Industrial Districts, where the buffer shall extend to the full depth of the required front yard setback for the respective building. The front yard buffer area shall be landscaped with a minimum of one (1) tree meeting the minimum size requirements specified in Section 8.4 above for each fifty (50) lineal feet, or portion thereof, of frontage adjoining the road right-of-way. The remainder of the front yard buffer area shall be landscaped in grass, shrubs, trees and/or other ground cover. Access ways from public rights-of-way through required buffer area shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required trees.

Section 8.5 Parking Lot Landscaping and Screening

See Section 7.3(J).

Section 8.6 Minimum Standards of Landscape Elements

A. Quality and Composition: Plant material shall be free of insects and diseases, and hardy to the climate. Plant species which are generally considered undesirable due to limited disease tolerance, low wood strength and/or high wood-splitting tendencies, such as boxelder, mulberry, and willows, are prohibited unless specifically authorized by the site plan approving body based on the manner in which the plant material is to be used or located. A mixture of plant material shall be required to protect against insect and disease infestation.

B. Existing Trees: If existing plant material is labeled "To Remain" on site plans by the applicant or required by the site plan approval body, protective techniques such as fencing, placed at the dripline around the perimeter of the plant material, shall be indicated on the site plan. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the site plan approving body, the applicant shall replace them with trees that meet Ordinance requirements. Such replacement trees shall be a minimum two inches (2") in caliper and planted at a rate of two (2) trees per two inches (2") of tree caliper of the tree cut down, damaged, or otherwise destroyed.

Section 8.7 Installation, Maintenance and Completion

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

Section 8.8 Fencing and Walls Construction

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

Section 8.9 Waivers and Modifications

Any of the requirements of this Article may be modified through site plan review proceedings, provided the approving body makes a finding that identifies characteristics of the site or site vicinity that would make required buffer areas, fencing, or screening unnecessary, inappropriate, or ineffective, or where it would impair vision at a driveway or street intersection.

End of Article 8

Article 9

ENVIRONMENTAL PROTECTION

Section 9.1 Purpose

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

Section 9.2 Natural Resources

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

1. Applicable fire safety and emergency vehicle access requirements of the State Construction Code and State Fire Marshall.
2. Requirements of the Michigan Department of Consumer and Industry Services and the Ingham County Health Department.
3. Requirements of the Michigan Department of Environmental Quality including those applying to air and water quality protection, wetlands, stream crossings, fills in or near water bodies or in flood plains, and waste disposal.
4. Regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances including fuels and other flammable liquids.
5. Requirements of the Federal Communications Commission.

B. Discharges and Flammable/Hazardous Materials

1. No use shall discharge, or otherwise result in, obnoxious, toxic or corrosive fumes or gases deleterious to the public health, safety or welfare, or otherwise be of a nuisance, including radioactive emissions.
2. No use shall discharge, or otherwise result in, dust, particulate matter, smoke, odorous gases, or other odorous matter in such quantities as to be offensive to the public health, safety and general welfare at or beyond the property line.
 - a. This subsection shall not apply to farm operations in compliance with most current published Generally Accepted Agricultural Management Practices of the Michigan Commission of Agriculture.
 - b. This subsection shall not be interpreted as prohibiting an industrial use in an Industrial District from discharging smoke or other gases provided such discharge does not exceed a Number 1 Ringlemann Chart rating, such discharge does not exceed four (4) minutes in any thirty (30) minute period, and such discharge is not offensive to the public health, safety and general welfare at or beyond the property line.
3. Any atmospheric discharge requiring a permit from the Michigan Department of Environmental Quality or federal government shall have said permit(s) as a condition of approval for such use.
4. No use shall discharge, or otherwise result in, any materials of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements.

C. Sensitive Lands:

1. Where a portion of a parcel is characterized by sensitive or fragile environmental features, including wetlands, hydric soils, or flood plains, new development on the parcel shall only occur on those portions of the parcel void of such features where reasonably feasible.
2. Except where required to do so by state or federal law, the Township shall not approve any land use which requires a county, state, or federal permit until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits, or satisfactory evidence has been submitted to the approving body verifying the acquisition of such permit is not necessary.
3. The Township may require mitigation measures be taken to replace those resources disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.

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

1. Removal of Topsoil: Stripping and removal of topsoil from a site is prohibited prior to the completion of all approved site improvements and the seeding, sodding, and landscaping of all disturbed areas except where expressly authorized as part of an approved site plan. "Disturbed areas" shall be interpreted to mean any area of a lot which is altered by grading or other construction activities and which area is not proposed to be paved or otherwise built upon. This subsection (1) shall not apply in the case of a single family dwelling for which a Zoning Permit and Building Permit has been issued, provided the topsoil to be removed is limited to the immediate area of the proposed site improvements according to such permits.
2. Drainage/Flow Restrictions:
 - a. Temporary and permanent grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface waters flow away from the building or structure.
 - b. It shall be prohibited to increase the rate or quantity of runoff upon adjacent properties or public roads, to cause erosion or filling of a roadside ditch, stream or other water body, to block of a public watercourse, or create standing water over a sewage disposal drainage field.

Section 9.3 Potable Water and Sewage Disposal

Any building intended for human occupancy and used for dwelling, businesses, industrial, recreational, or institutional purposes shall not be erected, altered, used or moved upon any premises unless said building shall be provided with a safe, sanitary and potable water supply and a safe and effective means of collection, treatment, and disposal of generated wastes including human excreta and domestic, commercial, and industrial wastes. All sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Ingham County Health Department as well as those of other applicable local, county, state, or federal agencies.

Section 9.4 Lighting

A. No lighting shall in any way impair the safe movement of traffic on any road.

B. Lighting associated with a commercial, industrial, or other non-residential uses shall comply with the following:

1. A wall, fence, or berm, at least four (4) feet in height, shall be erected to prevent headlight glare from shining onto adjacent residential property. Such wall/fence shall in no way impair safe vertical or horizontal sight distance for moving vehicles.
2. Exterior lighting shall be designed and installed so that the surface of the source of light shall be hooded or louvered to the greatest extent practical to ensure that:
 - a. all emitted light is directed downward and confined to the lot or parcel upon which the light source is located.
 - b. light sources shall not be visible from beyond the lot lines and shall be so arranged to reflect light away from adjacent properties.
 - c. no more than one half (0.5) foot candle power of light shall cross a lot line five (5) feet above the ground.

C. Outdoor lighting which need not comply with the standards of (B) above shall be limited to outdoor recreation and amusement areas, and similar outdoor use of light, provided the lighting is designed with baffling and glare guards to ensure that no more than one half (0.5) foot candle power of light shall cross a lot line five (5) feet above the ground in a Residential District, and such lighting is turned off during hours the facility is closed to the public.

Section 9.5 Vibration

The operation of any land use including equipment and devices associated therewith, that creates vibrations that are typically discernible by human senses at or beyond the lot line of the source, is prohibited. For the purposes of this Section, "typically discernible by human senses" means vibrational motion of such character to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.

Section 9.6 Glare and Heat

Any operation which produces glare or heat shall be conducted within an enclosed building or other enclosure so as to be completely imperceptible from any point at or beyond the lot lines of the lot upon which the source of glare or heat is located.

Section 9.7 Noise

A. The use of any lot shall not cause the emittance of sound from any source or combination of sources, which when measured in accordance with the procedure described herein, exceeds the sound level limits in Table 9.7-1 below.

1. Measurement of sound level shall be made using a microphone set at a height of approximately five (5) feet along the lot line on which the sound source being measured is located.
2. A violation shall not be deemed to exist unless the sound level measured is at least six (6) decibels higher than the sound level measured with the sound source or sources not in operation. Duration of sound shall be measured by observing the sound level meter and recording the sound level measured at intervals of time not to exceed five (5) minutes.
3. All measurements shall be made using a sound level meter which meets the most current requirements of the American National Standard "Type 2 or Type 1 Sound Level Meters," and which has been set for fast meter response and the A-weighting network.

Table 9.7-1
A-Weighted Sound Level Limits (Decibels)

Duration of sound, as a percentage of any one hour period.	Districts		Districts	
	Agricultural and Residential		Business and Industrial	
	6:00 pm - 6:00 am	6:00 am - 6:00 pm	6:00 pm - 6:00 am	6:00 am - 6:00 pm
30 minutes or more:	45	50	55	65
More than 5 minutes but less than 30 minutes:	50	55	60	70
5 minutes or less:	55	65	70	75
Maximum, any duration:	65	75	80	80

B. This Section shall not apply to motor vehicles registered for use on public roads, agricultural equipment and operations, home landscape maintenance machines and snow blowers that meet their respective product requirements, the emission of sound for the purposes of alerting persons of an emergency or emergency vehicle, and the emission of sound in the performance of emergency work.

Section 9.8 Flood Plain Regulations

A. Flood Plain Defined: For the purpose of this Section, "flood plain" shall be defined as that land subject to a one percent or greater chance of flooding in any give year in association with Sycamore Creek and its tributaries, as established and published by the Corps of Engineers of the U.S. Army and as may be updated and revised from time to time, including as may be delineated on a Flood Insurance Map prepared under the direction of the Federal Emergency Management Authority.

B. Uses Permitted: Irrespective of any other provisions of this Ordinance, no use shall be established on any portion of a lot where such portion is within a flood plain except as follows:

1. Uses Permitted by Right
 - a. Agriculture, provided it is an authorized use in the District.
 - b. Parks, playgrounds, golf courses, preserves, trials, and similar outdoor recreation and conservation uses, provided such uses are authorized in the District and no alteration is made to the land within such floodplain or any other alteration that may interfere with the flow of a water course or the flood plain capacity.
 - c. Required yard and setback areas.

2. Uses Permitted by Special Land Use Approval

- a. Use of any portion of a lot where such portion is within a flood plain, for any use or structure authorized in the District and not otherwise permitted under subsection (1) above, is classified as a special land use and may be authorized according to Article 15.
- b. In addition to complying with the approval standards of Article 15 for special land uses and all other applicable standards of this Ordinance, any use and structure to be located in a floodplain under this subsection (2) shall comply with the following:
 - (1) Shall be designed so as not to reduce the water impoundment capacity of the flood plain or significantly change the volume or speed of the flow of water. Such design may be accomplished by the use of piles, stilts, cantilevering, or other such construction methods that will place the desired structures above the determined flood elevation in a safe manner so that the foundation and structural supports shall withstand the anticipated level, volume and velocity of the flood water and minimize the impeding or otherwise alteration of the natural free flow of the flood water.
 - (a) Dumping or filling in a flood plain area is prohibited except where expressly authorized by the Township Board upon a finding that the flow and natural impoundment capacity of the flood plain will be maintained or improved by means of compensating excavation and shaping of the flood plain, so that no significant or measurable change in flow or reduction in impoundment capacity will result.
 - (2) Shall demonstrate acquisition of all required state and federal permits including as may be required by the Michigan Department of Environmental Quality.
 - (3) Shall provide for first floor elevations of all building to be a minimum of one (1) foot above the established flood plain elevation.

End of Article 9

Article 10

STANDARDS and REGULATIONS for SPECIFIC LAND USES

Section 10.1 Purpose and Applicability

The purpose of this Article is to establish standards and regulations in association with certain land uses to ensure the establishment of such uses minimizes negative impacts upon adjacent land uses and the Township as a whole, and encourages orderly development in coordination with surrounding conditions and within the development site itself. Where deemed beneficial to provide greater clarification of the purpose or character of use regulations addressed by this Article, such Sections are accompanied by a further defined “purpose” statement. Unless otherwise specified, each use listed in this Article shall be subject to all setback, lot area and other standards of the District in which the use is located. Where this Article establishes a standard more stringent than that required elsewhere in this Ordinance, including Table 3-5 of Article 3, the standard of this Article shall apply. Any requirements of this Article regarding application submittal data, plans, and drawings shall be in addition to the data requirements of Article 14, Site Plan Review. Compliance with the standards in this Article does not relieve the owner or operator of a permitted use from complying with additional standards in other applicable Township ordinances.

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

B. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

C. Additional Standards:

1. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

Section 10.2 Bed and Breakfast

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards:

1. No bed and breakfast use shall be permitted within a subdivision plat or site condominium, or on any property where there exists another bed and breakfast use within one thousand (1,000) feet, measured as a straight line distance between the structures.
2. The exterior appearance of the structure shall not be altered from its single family dwelling character.
3. There shall be no employees on the premises except those residing in the dwelling.
4. Meals may be served to overnight guests only. No separate or additional kitchen facilities shall be provided for the guests.
5. The number of bedrooms available for use by guests shall not exceed six (6) and all rooms utilized for sleeping shall be part of the primary residential structure.
6. No receptions, private parties or activities, for which a fee is paid, shall be permitted except as may be expressly authorized in association with the special land use approval of a bed and breakfast.
7. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
8. Lavatories and bathing facilities shall be available to all persons using the premises.
9. All parking for guests shall be in the rear yard except where the approving body finds adequate measures have been provided to minimize impacts on neighboring properties. In no case shall parking areas be located within fifty (50) feet of a lot line.
10. There shall be no sale or offer for sale of goods that are not produced personally by the owner of the establishment on the same lot.
11. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

Section 10.3 Campgrounds

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. All campsites, common use and recreation areas, restrooms, and principal and accessory buildings shall be setback a minimum distance of two hundred (200) feet from all lot lines.

B Additional Standards:

1. A common use area shall be provided at a rate of five hundred (500) square feet per campsite, except that a minimum of ten thousand (10,000) square feet shall be provided.
2. A convenience store may be permitted to operate within a campground as an accessory and subordinate use to the campground where the campground exceeds more than 40 campsites, the approving body determines such store is to be located to significantly discourage use of the store by non-campers, and such enterprise is expressly authorized as part of an approved campground application.
3. Each campsite shall be clearly defined on the ground by stakes or markers, and no parking space shall be closer than thirty (30) feet to another space.
4. All vehicular access ways between the campground entrance and campsite areas shall be lighted.
5. Each campsite shall have a picnic table and designated place for fires.
6. No more than one (1) permanent dwelling shall be allowed in a campground, which shall only be occupied by the owner, manager or an employee.
7. All campgrounds shall be licensed by the State of Michigan.
8. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

Section 10.4 Commercial Stables

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. A commercial stable shall not be established on any lot less than ten (10) acres in area.
2. Stables, buildings housing horses, and off-street parking areas shall be set back a minimum of one-hundred (100) feet from all lot lines. No public viewing areas, such as bleachers or designated assembly and viewing areas in association with special events such as shows, exhibitions, and contests, shall be permitted within one hundred (100) feet of all lot lines.

B Additional Standards:

1. Commercial stables shall not be located in platted subdivisions or site condominiums unless specifically designed as an equestrian community and located in an A-1 or R-1 District.
2. A vegetative strip of at least fifty (50) feet wide shall be maintained around all surface waters.
3. The facility shall be constructed and maintained so that manure, dust, and drainage shall not create a nuisance or hazard to adjoining property or uses.
4. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

Section 10.5 Commercial Wind Energy Conversion Facility (Commercial WECF)

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Height: The permitted maximum total height of a wind turbine, measured from the normal ground elevation below to the highest point of the wind turbine including to a blade tip in its vertical position if such tip is the highest point, shall be 400 feet. The permitted maximum total height of a test tower facility shall be 300 feet, measured from the normal ground elevation below to the tip of the highest point of the wind turbine.
 - a. All heights shall comply with the requirements of the Federal Aviation Authority and county, state and federal regulations including the Michigan Tall Structures Act and the Michigan Airport Zoning Act.
 - b. As a condition of approval, the Township may require a lesser height for a wind turbine if reasonably necessary to comply with the general special land use approval standards of Section 15.6.3

2. Setbacks and Separation Distances: WECFs shall comply with the following:
 - a. No part of a Commercial WECF or WECF Testing Facility (including guy wire anchors associated with a Testing Facility) shall be located within or above any required front, side or rear yard setback according to Table 3-5, Site Development Requirements.
 - b. All wind turbines shall be set back a minimum distance of one thousand (1000) feet from all property lines, right of way and habitable structures.
 - c. No wind turbine shall be located closer to another wind turbine than the minimum separation distance recommended by the manufacturer or the wind energy industry as may be published from time to time.

B Additional Standards:

1. Rotor/Blade Clearance: No rotor/blade shall approach closer than twenty (20) feet to the ground surface below and seventy-five (75) feet to any structure or tree.
2. Noise Emissions: No WECF shall produce noise levels that exceed fifty-five (55) decibels on the dB(A) scale, measured along the property lines of the parcel on which the WECF is located. This sound pressure level shall not be exceeded for more than three (3) minutes in any hour of the day. If the ambient sound pressure level exceeds 55 d(B)(A), the standard shall be the ambient dB(A) plus 5 dB(A). Within sixty (60) days of the commercial operation of the WECF, the applicant shall submit sound pressure level measurements recorded by a third party, qualified professional, according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Section 9.7 shall not apply.
3. Appearance:
 - a. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive color, and maintained in such condition throughout the life of the WECF. Any additional buildings or structures shall, to the extent reasonably practical, use materials, colors, textures, screening and landscaping to enhance the compatibility of the facility with surrounding conditions.
 - b. Commercial WECF shall not be artificially lighted, except to the extent required by the Federal Aviation Authority or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. Strobe lights, as may be required by the Federal Aviation Authority, shall be shielded from the ground.
 - c. Wind turbines shall not be used for displaying any advertising except that each wind turbine shall have one (1) sign of no greater than four (4) square feet that shall provide operational information including, but not necessarily limited to, a warning of high voltage and a specification of the manufacturer's name, company/utility operator, and emergency number(s).
4. Electromagnetic Interference: No Commercial WECF shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the WECF. No WECF shall be installed in any location within the line of sight of an existing microwave communications link where operation of the WECF is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
5. Vibrations and Wind Currents: Under no circumstances shall a Commercial WECF or Testing Facility produce vibrations or wind currents humanly perceptible beyond the property boundaries of the parcel on which the WECF or Testing Facility is located.
6. Safety Measures:
 - a. All access doors to wind turbine towers and electrical equipment shall be lockable, and no climbing device shall be made part of a wind turbine except within the interior of the tower from such lockable door or where not located within twelve (12) feet of the ground when placed on the exterior of the tower.
 - b. A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten (10) feet high with barbed wire fence.
 - c. All electrical equipment shall include applicable warning signs.
 - d. All electrical wiring shall comply with all applicable safety and stray voltage standards.
 - e. All electrical distribution lines from the WECF to the off-site electrical network shall be located and maintained underground on the property where the WECF will be located.

7. Abandonment: Any Commercial WECF or Testing Facility which is not used for 180 consecutive days or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property.
8. Compliance with Electrical and Township Codes: All WECFs and Testing Facilities shall comply with the electrical and building codes of the Township and all other regulations and requirements of county, state and federal agencies.
9. Access to site (including trench transmission lines) shall be by use of public roads, across participating parcels, or where easements have been obtained from non-participating parcels.
10. Decommissioning.
 - a. The decommissioning shall be completed within 12 months after the end of the useful life. Upon request of the Owner(s) or Operator(s), and for a good cause, the Planning Commission may grant a reasonable extension of time. Each wind turbine will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of 180 days. All Decommissioning expenses are the responsibility of the Owner(s) or Operator(s).
 - b. Decommissioning shall include the removal of each WECF, Buildings, electrical components, and roads to a depth of 60 inches, as well as any other associated facilities. Any foundation shall be removed to a minimum depth of 60 inches below grade, or to the level of the bedrock if less than 60 inches below grade. Following removal, the location of any remaining WECF foundation shall be identified on a map as such and recorded with the deed to the Lot with the County Register of Deeds.
 - c. All access roads to the WECF shall be removed, cleared and graded by the WECF owner(s), unless the Lot owner(s) requests, in writing, a desire to maintain the access road. The Township will not be assumed to take ownership of any access road unless through official action of the Township Board.
 - d. The site and any disturbed earth shall be stabilized, graded and cleared of any debris by the Owner(s) of the WECF. If the Lot is not to be used for agricultural practices following removal, the Lot shall be seeded to prevent soil erosion, unless the Lot owner(s) requests in writing that the land surface areas not be restored.
 - e. An independent and certified professional engineer shall be retained to estimate the total cost of Decommissioning ("Decommissioning Costs"). When determining this amount, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index (or equivalent or its successor). The estimates by the engineer shall be submitted to the Planning Commission at the time of application and every five years thereafter.
 - f. The WECF Owner(s) or Operator(s) shall comply with Section 2.6 (Performance Guarantees) for compliance of this ordinance in an amount equal to Decommissioning Costs. Decommissioning funds shall not be less than 100 percent of Decommissioning costs, as amended every five years.
 - g. A condition of the bond shall be notification by the bond company to the Township Clerk at least 10 days before the bond's expiration or termination.
 - h. Failure to keep the bond in effect while a WECF is in place will be a violation of the Special Approval Use permit. If a lapse in the bond occurs, the Township may take action up to and including requiring ceasing operation of the WECF until the bond is reposted.
 - i. The escrow agent shall release the Decommissioning funds when the Owner(s) has demonstrated and the township concurs that Decommissioning has been satisfactorily completed.
 - j. If Decommissioning is not completed within the required period, then the Township may take such measures as necessary to complete Decommissioning. The Special Approval Use application shall constitute agreement and consent by the Owner(s), Operator(s), and Lot owner(s), including their respective heirs, successors and assigns, that the Township may take such action as necessary to implement the Decommissioning plan.

C. Application Requirements: In addition to conformance with the site plan submittal requirements of Article 14, the following additional information shall be made part of the application. Where the application is for a Wind Energy Conversion Testing Facility only, the Township Board may waive any of the submittal requirements specified below and in Article 14 where it determines such information is not necessary in evaluating the application solely for testing purposes based on the character of the site, surrounding conditions, and the nature of the testing facility.

1. Proposed buildings and structures and their uses, including the location of proposed wind turbines, underground and overhead wiring including wiring depths, substations and accessory structures.
2. Location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy

- wire anchors, security fencing, and other above ground structures associated with the Commercial WECF.
3. Locations and height of all adjacent buildings, structures, and above ground utilities located within 300 feet of the exterior boundaries of the parcel where the proposed Commercial WECF and/or Testing Facility will be located. Specific distances to other on-site buildings, structures, and utilities shall also be provided. The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown, whether to be utilized or not with the Commercial WECF or Testing Facility, located on the lot or parcel involved, as well as within 1,000 feet of the boundaries of such parcel or lot.
 4. A lighting plan describing all lighting that will be utilized, including any lighting that may be required by the FAA. Such plan shall include but is not limited to the planned number and location of lights, light color and whether any lights will be flashing.
 5. Planned security measures to prevent unauthorized trespass and access.
 6. Engineering data concerning construction of the wind turbine tower and base.
 7. Narrative description of facility operations including anticipated regular and unscheduled maintenance, and the manner in which the site will be returned to its original condition upon termination of its use as a Commercial WECF.
 8. Proof that the proposed WECF site has a minimum wind rating of 3 according to the U.S. Department of Energy, National Renewable Energy Laboratory.
 9. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the county to accommodate construction vehicles, equipment or other deliveries.
 10. The applicant shall conduct an analysis of the alternating changes in light intensity caused by the moving blades of a WECF casting shadows on the ground and stationary objects, commonly referred to as "shadow flicker". The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of the year. The analysis shall identify areas where shadow flicker may affect the occupants of structures and measures that shall be taken to eliminate or mitigate flicker on such structures.
 11. The applicant shall submit modeling and analysis that will confirm that the WECF will not exceed the maximum permitted sound pressure levels specified in Section 8.12.3. Modeling and analysis shall conform to IEC 61400 and ISO 9613.
 12. A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the WECF and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code as adopted by the Township. Drawings and engineering calculations shall be certified by a registered engineer licensed in the State of Michigan.
 13. The applicant shall provide a decommissioning and reclamation plan meeting the requirements of this Section.
 14. A description of routes to be used by construction and delivery vehicles shall be shown, with any street or private road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of any damage caused by construction of the WECF which complies with Section 2.6 (Performance Guarantees for Compliance) of this ordinance.

Section 10.6 Day Care Centers

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards:

1. All outdoor play areas shall be set back a minimum distance of fifty (50) feet from all lot lines.
2. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
3. Day care center buildings authorized in Agricultural or Residential Districts shall be of an overall residential character including exterior construction materials and general architecture. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the area.
4. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.
5. No approval shall be granted prior to the applicant's receipt of a license from the Michigan Office of Child and Adult Licensing.
6. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

Section 10.7 Day Care Facility, Group Home

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards:

1. A group home day care facility shall not be located closer than fifteen-hundred (1,500) feet to any of the following facilities as measured along a road, street, or place maintained by this state or a local unit of government and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley:
 - a. Another group home day care facility licensed by the State of Michigan.
 - b. An adult foster care group home licensed by the State of Michigan.
 - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
 - d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
2. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high and shall comply with all administrative rules of PA 116 of 1973, as amended.
3. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the surrounding area. No play equipment shall be located in the front yard.
4. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.
5. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.
6. No approval shall be granted prior to the applicant's receipt of a license from the Michigan Office of Child and Adult Licensing.
7. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

Section 10.8 Extraction Operations

A. Additional Materials to be Submitted: In addition to the information required by Article 14 for site plan review, the following information shall be provided:

1. Location of all buildings within two hundred (200) feet of any activity proposed for the site.
2. Detailed proposal as to method of operation, what type of machinery or equipment will be used, estimated period of time that such operation will cover, and all haul roads and truck entrance locations to be used.
3. Detailed description of the material to be extracted, the anticipated average amount of material to be extracted each year, the total estimated area to be devoted to extraction, the estimated extraction area during the first year and each subsequent year, the location of each principal phase, number of acres included in each phase, and the estimated length of time to complete extraction of each phase.

4. Proposed plans for fencing.
5. Depth to and directional flow of groundwater, and analysis data documenting the extent to which the extraction operation may undermine surface and ground water conditions of nearby properties such as in the case of lowering water levels of surface water bodies and ground water resources from which wells rely upon.
6. Proposed side slopes and depths for all portions of the extracted area, including interim and final grades.
7. Detailed storm water management plans that delineate how runoff is to be removed from extraction areas including the delineation of proposed interim and finished grading and revegetation, directional flow of swales and other drainage courses, settling ponds and retention/detention ponds, points of discharge of runoff, the avoidance of stagnant ponding, and measures to minimize erosion and sedimentation of existing on-site and off-site water bodies.
8. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
9. A detailed reclamation plan that complies with the following:
 - a. Describes in detail the intended reclamation use of the site upon completion of extraction activities, the spatial arrangement of proposed reclamation uses, and preliminary final grading of the site. No land intended for redevelopment shall have a final elevation less than the elevation prior to the commencement of extraction operations or less than six (6) feet above the seasonal high ground water table, whichever is less.
 - b. Depiction of finished, stabilized, side slopes, and provisions for revegetation and stabilization.
 - c. The inclusion of a landscape plan, including an inventory of plant/tree species to be used, sizes, and locations, and the manner in which vegetation shall be restored upon the site including appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface to minimize erosion. The landscape plan shall provide that a layer of arable topsoil shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of four (4) inches in accordance with an approved grading plan and intended reclamation use.
 - d. Final slopes no greater than a 3:1 (horizontal:vertical) ratio.
 - e. No noxious, flammable or toxic backfill and grading materials shall be used.
 - f. Provides for the removal of all rubbish, debris, structures, buildings, and equipment within 365 days of the termination of extraction operations.
 - g. The inclusion of a reclamation schedule that provides, in part, that reclamation shall be carried out progressively so as to ensure that no active extraction area exceeds five (5) acres in area, unless expressly authorized otherwise by the Township Board upon finding that no practical alternatives exist and the public health, safety and welfare will be ensured.

B. The following site and developmental requirements shall apply:

1. Minimum lot area shall be ten (10) acres.
2. Notwithstanding any other minimum setbacks required by this Ordinance, all extraction activities, including alteration of existing topographic conditions, fixed and temporary buildings and equipment, washing and stockpiling of materials, truck parking and truck storage areas, shall be set back a minimum distance of one hundred (100) feet from all lot lines and two hundred (200) feet from a residence existing at the time an application is submitted.
3. There shall be not more than one (1) entrance-way from a public road to said lot for each six hundred sixty (660) feet of frontage.
4. All buildings, structures, fuel storage, active excavation areas, stockpiling, and storage of equipment shall be visually screened from view from all residences within five hundred (500) feet of such areas.
5. All areas which are subject to current extraction operations, or past extraction operations but which have yet to be reclaimed or otherwise exhibit slopes in excess of 3:1 (horizontal to vertical), shall be fenced to a minimum height of six (6) feet. Any gates made part of such fencing shall be secured at all times when the site is unattended by the operator. Such fencing shall include signs no less than three (3) square feet in area and spaced no greater than two hundred (200) feet apart, with the following or similar notice: "Warning – Danger, Excavation in Progress."

C. Special Performance Standards:

1. Rumble strips shall be provided along access drives to discourage the tracking of dirt onto adjacent roads. Public streets within 1000 feet of the exit of the extraction site shall be kept reasonably clear on a daily basis of mud, dirt and debris from vehicles exiting the site.
2. Measures shall be employed as necessary to prohibit windborne dust, sand, or other materials from leaving the extraction site, including the seeding of exposed earth, use of berms and vegetative screens, and the application of chemicals to non-vegetated areas provided such chemicals are biodegradable and non-toxic.
3. No topsoil shall be removed from the extraction site except as may be delineated on an approved site plan or otherwise authorized as part of a conditional approval of the application.
4. The extraction shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
5. Truck or heavy vehicle traffic related to extraction operations shall use major thoroughfares for access to the greatest extent feasible. The applicant shall make an adequate financial guarantee with the Township or Ingham County Road Commission to address any additional road maintenance and/or improvements necessitated by extraction operation truck traffic.
6. Extraction operations, including crushing, washing, processing, loading and transport operations, shall commence no earlier than 7:00 a.m. and cease no later than 7:00 p.m. on weekdays and, on Saturdays between May 1st through November 30th, no earlier than 7:00 a.m. and cease no later than 5:00 p.m. Extraction operations shall not occur on Sundays and Christmas Day, Thanksgiving Day, Memorial Day, Labor Day, and July 4th. The Township Board may modify the limitations of this subsection (5) upon a finding that specific conditions are present or are to be established that support more lenient limitations.
7. Proper measures shall be taken to minimize the nuisance of noise. Extraction operations, including crushing, washing, processing, loading and transport operations, shall not cause noise levels along the lot's property lines to exceed 60 decibels.
8. All temporary structures shall be removed from the premises upon completion of the extraction activity unless said structures are of sound construction and are compatible with the approved reclamation plan. Said structures shall be accurately depicted upon the approved reclamation plan.
9. The site shall be rehabilitated progressively as extraction areas are worked or abandoned so that they shall be in a condition of being entirely lacking in hazards and be inconspicuous, and blended with the general surrounding ground form. Reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the extraction activity will damage the reclaimed areas. Extraction areas shall be reclaimed pursuant to the approved reclamation plan. The excavator shall be required to post an acceptable performance guarantee pursuant to Section 2.6 of this Ordinance to address the reclamation costs for each five (5) acres of land to be disturbed or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance guarantee has been posted for that area of the site.
10. No area of an extraction parcel shall be subject to extraction operations except that which is approved for such activity according to an approved site plan, except where such expansion is applied for and approved according to the provisions of this Ordinance. Any expansion of an extraction operation beyond that area covered by a valid Zoning Permit shall be subject to the special land use provisions of Article 15.
11. Any performance bond that may be required according to Section 2.6 may cover anticipated yearly or other periodic inspections.

D. Abandonment/Termination of Use:

1. An operator shall submit written notice to the Township Board of the abandonment of an extraction operation within six (6) months of such abandonment.
2. When extraction operations have ceased for more than 365 consecutive days or when, by examination of the premises or other means, the Township determines that the extraction operation, or portion thereof, has been abandoned, the Township Board shall give the owner written notice of the Township Board's intention to declare the extraction operation abandoned. Within thirty (30) days following receipt of such notice, the owner shall have an opportunity to submit evidence that the use of the extraction operation, or portion thereof, is continuing. The Township Board shall then render a decision as to the extent to which extraction operations may continue or the operation shall be declared as abandoned. Upon a declaration of abandonment, the owner shall complete all provisions of the approved reclamation plan not otherwise completed to date, within six (6) months of such declaration, except upon a finding by the Township Board that there exists special or unique conditions that support a different time frame for completion.

3. Where an extraction operation has been declared abandoned, a new application and permit shall be necessary before additional extraction activities may occur.

E. Time Limitation on Permit: A permit for an extraction operation shall be valid for three (3) years. No less than every three (3) years from the issuance of such permit, the applicant shall submit project status documents delineating the status of extraction operations to date including the current limits of extraction, reclamation efforts undertaken and completed to date, updated phasing plans for the remainder of the approved extraction area, and the status of any alleged violations and corrective actions. The Township Board shall consider such documents and upon finding such documents are satisfactory, the Township Board shall renew the permit for an additional three (3) years. The Township Board shall not deny the renewal of such permit if the extraction operation is in compliance with the Zoning Ordinance and all conditions made part of the original permit.

F. When reviewing and taking action on a special land use application for an extraction operation, and in addition to reviewing such application according to the general special land use approval standards of Section 15.6, such application shall also be reviewed to determine whether adequate documentation has been submitted demonstrating that “no very serious consequences” will result by the approval of such application. The determination of “no very serious consequence” may be based on any of the following factors as may be applicable:

1. The relationship of extraction and associated activities with existing land uses.
2. The impact on existing land uses in the vicinity of the property.
3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
5. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
6. The overall public interest in the extraction of the specific natural resources on the property.

Section 10.9 Foster Care Facility, Group Home

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards:

1. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for employees.
2. The facility shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility, and provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.
3. Any outdoor children’s play area shall be enclosed with fencing, a minimum of four (4) feet high.
4. The property, including landscape and structural elements, shall be developed and maintained in a manner that is consistent with the general character of residential properties within the general area.
5. No approval shall be granted prior to the applicant’s receipt of a license from the Michigan Office of Child and Adult Licensing.
6. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

Section 10.10 Funeral Homes

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards:

1. The lot shall have frontage on at least one (1) paved road classified by the Ingham County Road Commission as a paved primary or secondary road according to PA 51 of 1951, and take its access from such road.
2. The site plan shall include the plan for accommodating the parking of vehicles and the facilitation of processions that will minimize traffic congestion and hazards along the abutting roads. No waiting line shall extend into a public road right-of-way.
3. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

Section 10.11 Golf Courses, Country Clubs, and Driving Ranges

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Regulation length 18-hole golf courses shall have a minimum lot size of one-hundred twenty (120) acres. Eighteen-hole par-3 courses, and nine-hole courses with regulation length fairways, shall have a minimum lot size of sixty (60) acres.
2. All principal and accessory buildings, and parking areas, shall be not less than one hundred (100) feet from all lot lines.

B Additional Standards:

1. No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of a lot line.
2. The minimum length of a driving range shall be two hundred seventy-five (275) yards, measured from the tee to the end of the range, and no driving station shall be located within seventy-five (75) feet of any lot line. The area shall be buffered by vegetation to minimize the impact upon adjoining properties. Additional buffering conditions necessary to minimize the impact or safety threats upon adjacent land uses may be imposed.
3. Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course. The minimum width for fairways shall be one hundred (100) feet, unless the golf course designer can demonstrate that, because of the location of trees, sand traps, berms, or other features, a narrower fairway will not compromise safety.
4. Accessory uses may include managerial facilities, maintenance sheds, restrooms, lockers, restaurants and drinking establishments, racket sports, swimming facilities, clubhouses, and other uses having a customary accessory relationship with a country club, provided all standards of this Ordinance are met and the approving body determines that such uses are clearly accessory and subordinate in character to the principal use of the parcel as an outdoor recreational facility.
5. Outdoor swimming pools and surrounding deck areas shall be located a minimum of one hundred (100) feet from all lot lines. Pool areas shall be enclosed by a six (6) foot fence that shall include controlled access gates for all means of entry.
6. A minimum fifty (50) foot buffer zone between turf areas and natural water bodies, watercourses or wetlands shall be maintained. The buffer zone may be selectively pruned or thinned, and weeds and dead plant material may be removed. However, the buffer shall consist of natural vegetation and shall not be chemically treated.
7. A hydrogeological study shall be completed and submitted to document the anticipated impact of the golf course on groundwater supply. This study shall inventory and analyze well logs from surrounding properties, giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells. The study shall be performed by an engineer or hydrologist licensed in the State of Michigan.
8. Detailed plans for hazardous materials storage shall be provided. Buildings in which hazardous materials are stored shall be designed to contain spills, shall not have floor drains that discharge into a septic system or other pathway to the groundwater, shall be lockable, and shall be kept locked. An inventory manifest of stored hazardous materials must be posted at the entrance of the storage building and filed with the Township. Plans for emergency containment and clean-up shall also be provided.
9. The design of buildings shall be of an overall residential or lodge character and exterior materials shall be primarily wood, siding, stone or brick.
10. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

Section 10.12 Junkyards

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The minimum lot size shall be five (5) acres.

B Additional Standards:

1. A solid fence or wall enclosure at least eight (8) feet in height, but no greater than ten (10) feet in height, shall be provided around all sides of the area used to store, dismantle, or otherwise work on junk. Such fence or wall shall be of sound construction, painted or otherwise finished neatly and inconspicuously. The enclosed area shall be set back at least one-hundred (100) feet from all lot lines, except that this setback shall be increased to two-hundred (200) feet where the yard abuts an Agricultural or Business District.
2. No junkyard enclosure shall be erected within one thousand (1000) feet of a church, school, public building, park, cemetery, dwelling, or Residential District.
3. All activities shall be confined to within the enclosed area including storage or stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all equipment and operative and inoperative vehicles. There shall be no stocking of material above the height of the enclosure.
4. No open burning shall be permitted. All processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
5. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust.
6. The operation shall be licensed by the Michigan Secretary of State.
7. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environmental Quality.
9. No junk yard shall be used for the dumping or disposal of household, commercial, or industrial garbage and trash.
10. All junk material shall be fully removed from the site prior to the termination of said use.
11. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

Section 10.13 Pet Care Facilities

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Within the A-1 District, buildings where animals are kept, outdoor runs, and outdoor group exercise areas (versus walking trails) shall not be located closer than 100 feet to any lot line except where no more (5) dogs are maintained on the lot at any time, in which this setback shall be reduced to fifty (50) feet. Within the B-1, I-1 and OW Districts, all outdoor areas to which dogs have access shall be setback a minimum distance of fifty (50) feet from all lot lines except that the setback shall be increased to one hundred (100) feet along a lot line where the adjacent lot is in an Agricultural or Residential District.

B. Additional Standards:

1. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor. The site plan application materials shall document the manner in which animal stalls are to be constructed and animal waste is to be disposed, and measures to be taken to protect against odors, fleas, and the spread of disease.
2. All animals must be licensed and maintained in a healthful and careful manner.
3. All buildings housing animals shall be insulated in such a manner that animal noises are not audible to a human at any lot line.
4. Habitual barking or unusual noise that results in a nuisance to neighboring land owners or residents is prohibited.
5. All outdoor dog area including runs, pens or exercise yards and play area shall be fully screened by a solid fence or wall of a minimum height of six (6) feet and shall not be used between the hours of 9:00 p.m. and 7:00 a.m.
6. Animals shall be kept confined and not allowed to run at large on the property except as part of supervised training.
7. No pet care facility shall be used for the overnight boarding of animals unless expressly authorized as part of the special land use permit application approval process.

8. When located in the A-1 District, a pet care facility building shall be of a residential appearance including exterior materials, roof lines and overall architecture.
9. Drop-off or pick-up of a pet shall not interfere with the vehicular circulation on the lot or adjacent public roads.
10. Retail sales are permitted provided they are clearly accessory to the dog care services provided on the lot. Such retail sales shall not occupy more than one hundred (100) sq ft. of combined floor and wall area viewable to the public unless expressly authorized by the approved permit and additional parking is provided as may be required by Article 7.
11. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.
12. A special land use permit application for a pet care facility shall include a detailed narrative description of the services to be provided including the number of stations that may be available for grooming purposes; the extent to which training classes may be offered, their intended frequency and maximum number of participants per class; a floor plan delineating the manner in which various areas of the facility are to be used including multiple use areas and the square footage of each; and the basis for the proposed number of parking spaces according to the services provided.

Section 10.14 Landscape Services

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards:

1. The outdoor storage of landscape supplies shall not be located in a front yard nor encroach into the principal building's required side or rear setback. In addition, there shall be no outdoor storage of landscape supplies within three hundred (300) feet of a Residential District.
2. All equipment other than licensed vehicles shall be stored in fully or partially enclosed buildings.
3. The handling and storage of road salt, fertilizers, pesticides, and other hazardous materials shall comply with all local, county and state rules and regulations.
4. No composting shall be undertaken except where expressly authorized as part of the zoning permit approval. Such composting area shall be clearly indicated on a site plan and shall be managed to prohibit odors beyond the lot lines.
5. The storage or burning of grass clippings, leaves, brush, or other organic material brought onto the lot from off-site locations is prohibited.
6. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

Section 10.15 Mini Storage Facilities

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards:

1. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee.
2. There shall be a minimum of thirty-five (35) feet (forty-five (45) feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty five (25) feet. Traffic direction and parking shall be designated by signaling or painting.
3. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units.
4. Storage spaces shall not contain more than 500 square feet each.
5. All storage shall be within the enclosed building area unless specifically provided for otherwise as part of an approved site plan, as in the case of the storage of recreational vehicles. No outdoor storage shall occur within a front yard and within fifty (50) feet from a side and rear lot line.
6. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.
7. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

Section 10.16 Motels and Hotels

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The front yard setback shall be seventy-five (75) feet.
2. Side and rear yard setbacks shall be forty (40) feet except that such setback shall be increased to sixty (60) feet where the yard abuts an Agricultural or Residential District.

B Additional Standards:

1. Each unit shall contain at least a furnished bedroom and bath and a minimum gross floor area of three hundred (300) square feet.
2. Motels and hotels shall provide customary motel services, such as maid service, linen service, and telephone and/or desk service.
3. A hotel or motel may include accessory services including meeting rooms and restaurants provided such uses are contained within the motel building, comply with the provisions of this Ordinance including adequate off-street parking in addition to the motel itself, and such uses are make part of the zoning permit application for which approval is granted.
4. A caretaker's residence may be established within the motel only.

5. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

Section 10.17 Multiple Family Developments

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The minimum lot area shall be one (1) acre, and the minimum lot frontage and width shall be one hundred fifty (150) feet.
2. Maximum lot coverage shall not exceed thirty-five percent (35%).
3. Maximum building heights shall not exceed thirty-five (35) feet, except that any portion of a building in excess of one hundred (100) feet in length and within one hundred (100) feet of an A-1, R-1, or R-2 District shall not exceed twenty-five (25) feet in height.
4. Buildings shall comply with the following minimum setbacks:
 - a. Sixty (60) feet from an exterior property line along a road right-of-way.
 - b. Forty (40) feet from an exterior property line not otherwise comprising a road right-of-way line.
 - c. Twenty-five (25) from an interior road right-of-way.
 - d. Twenty-five (25) from the edge of a parking lot or access drive not otherwise comprising a road right-of-way.

B Additional Standards:

1. The minimum distance between any two buildings on the lot shall be equal to fifty (50) feet plus an additional five (5) feet for each story over one (1), except that the minimum distance between any two buildings on the lot that are generally arranged end-to-end shall be the height of the taller building but no less than twenty (20) feet.
2. There shall be provided easily accessible and usable open space in the development in an amount of ten percent (10%) or more of the site area or one hundred (100) square feet per dwelling unit, whichever is greater, but in no case shall less than ten thousand (10,000) square feet be provided. No single designated open space shall be less than 1,200 square feet in area and no open space area shall be fully enclosed by a building. Such open space shall be available for recreation and leisure.
3. All access drives shall have a minimum pavement width of thirteen (13) feet for one-way streets and twenty-four (24) feet for two-way streets.
4. In no case shall a residential building be more than one hundred fifty (150) feet from the parking lot from which it is served.
5. Accessory buildings, structures, and uses that are clearly customary and incidental to the functioning of the development are permitted, including business and administrative offices, laundry facilities and auxiliary storage for tenants, and community buildings.
6. The minimum floor area for multiple family dwelling units shall be as follows:
 - a. Efficiencies: 400 sq. ft. of heated living area.
 - b. One bedroom units: 750 sq. ft. of heated living area.
 - c. Two bedroom units: 850 sq. ft. of heated living area.
 - d. Three bedroom units: 950 sq. ft. of heated living area.
 - e. Four or more bedroom units: 1,050 sq. ft. of heated living area, plus 100 sq. ft. of heated living area for each additional bedroom in excess of the fourth bedroom.
7. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

Section 10.18 Open Air Businesses (Sales of Vehicles, Landscape Supplies, Outdoor Furniture, and Similar Outdoor Sales)

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards:

1. All outdoor sales, storage or display areas shall include a building of a minimum two hundred (200) square feet in area, which functions in association with the business.
2. All outdoor sales, storage and display areas shall comply with the minimum setback standards for the building on the premises.
3. Any lot devoted to the sale of vehicles shall have frontage on at least one (1) paved road classified by the Ingham County Road Commission as a primary road according to PA 51 of 1951.
4. In the case of vehicle sales, the following shall apply:
 - a. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building

- except minor maintenance including tire, oil and wiper replacement.
- b. All vehicle display and storage areas shall be asphalt or concrete paved except where the approving body determines such paving is not necessary in specific locations due to the prohibition of public access to such areas, the limited use of such areas on a day-to-day basis, or other reasons the approving body finds applicable.
 5. The outdoor storage or display of any soil, fertilizer, sand, or similar exposed or packaged materials shall be sufficiently contained to prevent any adverse effect on water bodies, wetlands, drainage ways and adjacent properties.
 6. Outdoor broadcasting of voice or music shall be prohibited.
 7. Any premises used for outdoor sales, display or storage shall be kept free of trash and litter. All outdoor materials and products shall be fully removed from the premises prior to the permanent, seasonal, or otherwise temporary termination of said use. Such premises shall be left in a clean and orderly condition.
 8. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

Section 10.19 Open Space Preservation Communities

A. Purpose: It is the purpose of Open Space Communities (OSPC) to provide opportunities for residential development which, because of the more flexible standards available to OSPCs under this Section and according to Section 506 of the Michigan Zoning Enabling Act, more effectively encourage the preservation of the Township's natural resources including farmland and sensitive environmental areas, and the Township's rural character. The regulations of this Section propose to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the District within which the OSPC is proposed to be located, so that the remainder of the site can be preserved as open space.

B. Standards:

1. Uses: Uses within an OSPC shall be limited to those dwelling types authorized by the District in which the OSPC is located and customary accessory uses to dwellings, in addition to the open space as required by this Section.
2. Number of Lots/Dwellings: The number of dwellings and lots in an OSPC shall not exceed the number attainable by the Conventional Plan according to subsection (C)(2) below.
3. Minimum Lot Area and Width:
 - a. Lot Area: The minimum lot area shall be that which is necessary for acquisition of all required public health permits and approvals including potable water and on-site sewage disposal where such public utilities are not available. Where such public utilities are provided, the minimum lot area shall be no less than twenty-five percent (25%) of the normally required lot area of the respective District.
 - b. Lot width: Minimum lot widths shall be of such dimension so that no lot has a depth greater than four (4) times its width.
4. Special Setbacks: All buildings and structures shall comply with the setback requirements of the District in which the OSPC is located except as follows:
 - a. Along the OSPC parcel perimeter, adjacent to a road outside of the OSPC parcel: One hundred feet (100) feet, except where the approving body finds the natural or proposed topography, vegetation, or other conditions provide adequate screening and buffering, in which case such setback may be reduced to no less than seventy (70) feet.
 - b. Along the OSPC parcel perimeter, but not adjacent to a road: Fifty (50) ft.
 - c. Along a road inside of the OSPC parcel: Twenty-five (25) ft.
 - d. Along lakes, ponds, rivers, streams, and wetlands: Fifty (50) feet, except that this setback shall not prohibit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's water resources within the setback.
5. Guarantee of Open Space: An OSPC shall include permanently dedicated open space. Such required open space shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, acceptable to the approving body. Further subdivision of open space land or its use for other than conservation, agricultural uses, or preservation in an undeveloped state, is prohibited. The applicant shall guarantee to the satisfaction of the approving body that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. For the purposes of this Section, "undeveloped state" shall be construed to mean a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a

recreational trail, picnic area, children's play area, greenway, or linear park. For the purposes of this Section, "greenway" shall be construed to mean a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

- a. A minimum of sixty-five percent (65%) of the OSPC parcel shall be designated as permanent open space. However, in no case shall the area of year-round submerged land such as ponds, lakes, and year-round submerged wetlands be used to meet this minimum required open space.
 - b. The open space conveyance shall:
 - 1) Indicate the proposed allowable use(s) of the dedicated open space.
 - 2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
 - 3) Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
 - c. Open space shall be located on the parcel to meet the following objectives:
 - 1) To preserve distinctive natural features and rural characteristics such as mature woodlands, steep slopes, wetlands, floodplains, stream corridors, special plant and animal habitats, and panoramic views.
 - 2) To minimize impact from development on wetlands, rivers, and other sensitive environmental areas.
 - 3) To promote the effective preservation of the existing character along the public road frontages that the OSPC abuts, to the extent such frontage areas are characterized by open space areas, significant vegetation, environmental resources, and/or scenic views, through the retention of such features by additional building setbacks, strategic placement of dedicated open space, proposed native planting screens, and/or other means.
6. Fire Protection: Fire protection measures shall be provided in all OSPCs which provide public water, and in OSPCs which are generally characterized by lots of approximately one half (1/2) acre or less in size where such lots are clustered or otherwise generally adjacent to one another. Fire protection measures shall include an adequate on-site source of water for use by the local fire department and associated infrastructure to enable the local fire department to effectively respond to a fire emergency.
7. Access and Circulation
- a. All dwellings within an OSPC shall gain access from an interior road within the OSPC.
 - b. A non-motorized circulation system may be required along one side of, or all of, the internal roads of the OSPC to ensure safe non-motorized travel. Such circulation system shall be coordinated with existing or planned pedestrian ways, roads, and activity centers in the area. Non-motorized circulation networks shall encourage ease of access from residences to the designated open space areas.
8. Extension of Public Sewer/Water: No OSPC shall require the extension of a public sewer or public water supply system unless development of the land without the exercise of the OSPC option would similarly depend upon an extension.
9. Other Articles: See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

C. Special Application and Approval Requirements:

1. Unified Control: The application shall demonstrate that the proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
2. Conventional Plan: At the time the applicant submits a site plan for the OSPC, the applicant shall also submit a conventional plan which shall illustrate a practical and reasonable manner for developing the project parcel according to the conventional development standards of the District in which it is located including the normally required minimum lot area and width. This plan shall identify the total number of lots and dwellings reasonably attainable. The approving body shall make the final determination as to the number of dwellings and lots reasonably attainable by conventional design. This information shall be used when determining the permissible number of dwellings and lots for an OSPC proposal.
 - a. The conventional plan referenced in subsection (2) above need not be an engineered set of construction drawings, but shall be of such detail and clarity to demonstrate conformity with all state,

county and township regulations including, but not limited to, potable water and sewage disposal, storm water management including necessary detention and retention ponds, and general road design and construction. The conventional plan shall demonstrate the feasibility of the proposed plan both in regard to its construction and its negligible impact upon sensitive environmental resources including wetlands and drainage courses and, in doing so, shall include the following: natural features such as wetlands, woodlands, flood plains, streams, rivers, county drains, lakes, ponds, and topography (at two-foot intervals); and man-made features such as existing roads, structures, utilities, easements, and adjacent land use conditions. A conventional plan shall not be considered by the approval body if it determines that it does not provide the necessary level of detail or information to assess such conventional plan for the purposes of subsection (2) above.

3. **Recording of Approval Action/Permit Issuance:** The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved OSPC plan unless a change is approved by the Township. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Township Clerk. Upon receipt of the recorded documents, the Township Clerk shall direct the Zoning Administrator to issue a zoning permit for the OSPC.

Section 10.20 Private Landing Strips

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards:

1. Runways shall be one thousand two hundred (1,200) feet in land length and fifty (50) feet in useable width, with a clear approach in each direction of 10:1 (horizontal to vertical) for a distance of 10,000 feet, except where the applicant can demonstrate that the intended type of aircraft to be used has standard operational characteristics that make such standards excessive such as in the case of “ultra light” aircraft.
2. Runways, hangers, maintenance buildings, and any other structures associated with the landing strip shall be located a minimum of one-hundred (100) feet from lot lines.
3. Approval of landing strips shall not be made prior to the receipt of the Federal Aviation Authority's review of the proposed landing strip.
4. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

Section 10.21 Sexually Oriented Businesses

A. Purpose: There is convincing documented evidence that sexually oriented businesses, because of their very nature, can facilitate and support undesirable and detrimental patterns of activity in their vicinity. These impacts are incompatible with activities and uses in residential areas, near educational, recreational, and religious facilities, and among local businesses and their immediate neighborhood. Such impacts can be exacerbated when such businesses locate in close proximity to each other or near establishments serving alcoholic beverages. Impacts contribute to blight and downgrading the quality of life in the adjacent area. The Township desires to prevent adverse affects and thereby protect the health, safety, and welfare of the citizenry, preserve the property values and character of surrounding neighborhoods and deter the spread of blight. It is not the intent of this Ordinance, including this Section, to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact content neutral provisions that address the adverse effects of sexually oriented businesses. It is the purpose of this Section to regulate sexually oriented businesses and related activities to promote the health, safety, and general welfare of the Township. It is not the intent of this Section to condone or legitimize the distribution of sexually oriented materials.

B. Definitions: For the purposes of this Section, the following terms, phrases and definitions shall apply:

1. **Adult Bookstore:** A commercial establishment that, as a principal business purpose, offers for sale or rental or for any form of consideration any one or more of the items set forth in subsection (a) or (b):
 - a. Books, magazines, periodicals or other printed matter or photographs, films, motion picture video or other video reproductions, slides, or other visual representations or media, that depict or describe specified anatomical areas or specified sexual activity.
 - b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

The sale of such materials shall be deemed to constitute a “principal business purpose” of an establishment if it comprises twenty-five percent (25%) or more of sales volume or occupies twenty-five percent (25%) or more of the display area, or visible inventory, within the establishment.

2. Adult Live Entertainment Center: A nightclub, bar, restaurant, or similar commercial establishment that features one (1) or more of the following:
 - a. Persons who appear in the state of nudity.
 - b. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.
 - c. Films, motion pictures, video reproductions, slides, and other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
3. Adult Motel: A hotel or motel or similar commercial establishment that provides or permits one (1) or more of the following:
 - a. Accommodations to the public for any form of consideration and provides patrons with closed-circuit television (as distinguished from commercial cable services) transmissions, films, motion pictures, videos, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
 - b. Sleeping rooms for rent for a period of time that is less than twelve (12) hours.
 - c. The sub-renting of a sleeping room for a period of time that is less than twelve (12) hours by the tenant or occupant of the room.
4. Adult Motion Picture Theater: A commercial establishment that shows films, motion pictures, videos, slides, or other photographic reproductions or visual media, that depicts or describes specified anatomical areas or specified sexual activities, including commercial establishments that offer individual viewing booths. This phrase shall not apply to a motel or hotel, as defined in this Ordinance, which offers for a fee the viewing of movies within a customer's room including movies that depict specified anatomical areas or specified sexual activity.
5. Adult Smoking or Sexual Paraphernalia Store: An establishment having, as part of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting, or inhaling marijuana, narcotics, or other stimulating or hallucinogenic drug-related substances.
6. Adult Theater: A theater, concert hall auditorium, or similar commercial establishment that features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of specified anatomical areas or specified sexual activities.
7. Escort: A person who, for any form of consideration and regardless of who pays that consideration, agrees to act or offers to act as a companion or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.
8. Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
9. Manager's Station: Designated area from which a premises is managed or supervised.
10. Massage Parlor: Any establishment having a fixed place of business where massages are administered for a fee or other consideration including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing homes, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, face, neck, or shoulders. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet two (2) or more of the following criteria:
 - a. Proof of graduation from a school of massage licensed by the State of Michigan.
 - b. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; plus three (3) references from professional massage therapists who are members of a massage association referred to in this section.
 - c. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or other recognized massage association with equivalent professional membership standards.
 - d. A current occupational license from another state.
11. Nude Model Studio: Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include the following:
 - a. An educational institution funded, chartered, or recognized by the State of Michigan.
 - b. Any modeling session for a local, nonprofit organization that is not open to the public or to any persons other than members of the organization, that is for the purpose of instruction in the artistic depiction in two (2) dimensional or three (3) dimensional media of the human form, during which no specified sexual activities occur and during which the model remains in a fixed pose.

12. Open Dance Hall: An establishment where open dancing by patrons is available during at least four (4) days per week with or without partners furnished by the establishment.
13. Public Nudity or State of Nudity: Knowingly or intentionally displaying in a public place, or in any other place for payment or promise of payment by any person, including, but not limited to payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
 - a. A woman's breast feeding of an infant irrespective of whether the nipple is covered during or incidental to the feeding.
 - b. Any display of any part of the anatomy occurring as part of the regular curriculum of an educational institution that is funded, chartered, or recognized by the State of Michigan.
14. Sexual Encounter Center: A business or commercial enterprise, except that which is part of the practice of and under the supervision and control of a physician, psychologist or psychiatrist licensed to practice in Michigan, that, as one of its principal business purposes, offers for any form of consideration one (1) or more of the following:
 - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.
 - b. Activities between male and female and/or persons of the same sex when one (1) or more of the persons is in a state of nudity.
15. Sexually Oriented Business: A business or commercial enterprise engaging in or consisting of an adult bookstore, adult live entertainment center, adult motel, adult motion picture theater, adult smoking or sexual paraphernalia store, adult theater, escort, escort agency, massage parlor, nude model studio, open dance hall, or sexual encounter center.
16. Specified Anatomical Areas: Any of the following:
 - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast at or below the top of the areola.
 - b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
17. Specified Sexual Activities: Any of the following:
 - a. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
 - b. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
 - c. Masturbation, actual or simulated.
 - d. Human genitals in a state of sexual stimulation or arousal.
 - e. Excretory functions as part of or in connection with any of the activities set forth in (a), (b), (c) or (d) above.

C. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

D. Additional Standards:

1. No exterior portion of the sexually oriented business, including signage, shall have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexual or explicit manner except to the extent otherwise permitted by the provisions of this ordinance.
2. Separation Requirements
 - a. No sexually oriented business shall be located within seven hundred fifty (750) feet of any of the following:
 - 1) A church, synagogue or regular place of worship.
 - 2) A public or private elementary or secondary school.
 - 3) A boundary or any Residential District.
 - 4) Any dwelling irrespective of the District.
 - 5) A public park.
 - 6) A licensed day-care center or preschool.
 - 7) Another sexually oriented business.
 - b. For the purposes of subsection (2)(a) above, measurement shall be made as a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a public park, church, synagogue, regular place of worship, public or private elementary or secondary school or preschool, or licensed day care center, or to the nearest boundary of a Residential District or dwelling. However, the distance between any two (2) sexually oriented business uses shall be made from the closest exterior wall of the structure in which each business is located and in no case shall a sexually oriented business be located in the same building, structure, or portion thereof, containing another sexually oriented business.

- c. A sexually oriented business lawfully operating as a conforming use shall not be rendered a non-conforming use by the subsequent location of a use within the separation requirements of subsection (2)(a) and (b) above.
3. Signs of a minimum 24" by 36" size shall be posted on both the exterior and interior walls of the entrances of the business, in a location that is clearly visible to those entering and exiting the business. In addition, such signs shall be posted in at least two (2) conspicuous places, easily viewed by persons occupying the premises. Such signs shall have lettering that is at least two (2) inches in height, with the following printed statements:
 - a. Persons under the age of eighteen (18) years are not permitted to enter the premises.
 - b. No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.
4. No merchandise or activities of the establishment shall be visible from any point outside the establishment.
5. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
6. A sexually oriented business that offers live entertainment shall provide all of the following:
 - a. A dressing room for performers with direct access between said dressing area and the performance area or stage, so that the performer may enter the performance area without entering the area from which patrons view the performance. The dressing area for performers shall be separate and not freely accessible from areas of the business accessible to patrons, and such dressing area shall contain hot and cold running water and toilet facilities.
 - c. All performances shall occur on a stage elevated at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest employee or patron.
 - d. At least one (1) employee shall be on duty and situated in a manager's station at all times that any patron is present inside the premises.
 - e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manger's stations of every area of the premises to which any patron is permitted access for any purpose excluding rest rooms. Said unobstructed view from manager's stations shall remain unobstructed by any doors, walls, merchandise or display racks, or other materials at all times. No patron shall be permitted to access any area of the premises which has been designated on the approved site plan as an area in which patrons shall not be permitted.
 - f. Rest rooms shall not contain any video reproduction equipment.
7. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

E. Additional Application Requirements: In addition to complying with the submittal requirements of Article 14, Site Plan Review, and Article 15, Special Land Uses, application for a sexually oriented business shall include the following additional information:

1. A diagram of the premises specifying the location of manager's stations. A manager's station shall not exceed thirty-six (36) square feet of floor area.
2. The location of all overhead lighting fixtures and illumination levels (in foot candles) at floor level throughout the premises.
3. Any portion of the premises in which patrons are not permitted.

Section 10.22 Shooting Ranges

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Minimum lot area shall be forty (40) acres for outdoor firearm shooting activities and shall be ten (10) acres for outdoor archery-only shooting activities.

B Additional Standards:

1. Minimum front, side and rear yard setbacks for outdoor shooting stations shall be two hundred fifty (250) feet.
2. An outdoor shooting range shall be fenced around its boundaries with a fence at least six (6) feet high, to clearly identify the boundaries of the shooting range. The range shall be clearly posted with warning signs around its perimeter. All vehicular access shall be controlled by locked gates.
3. A site plan for the range, whether indoor or outdoor, shall be submitted clearly indicating all safety provisions to prohibit any projectile discharged within the confines of a shooting range from exiting the range.

4. The Township may submit a copy of the site plan to law enforcement agencies for review and comment.
5. All indoor and outdoor activities, including the shooting of projectiles and storage of projectiles, shall comply with the most current published standards and guidelines of the National Rifle Association and National Field Archery Association, as applicable.
6. Hours of outdoor operation shall be between sunrise and sundown, according to such times as published by the National Weather Service, unless expressly authorized otherwise by the approving body.
7. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

Section 10.23 Transfer of Development Rights

A. Purpose: The purpose of this Section is to establish a means for severing development rights from a “sending” parcel in an area of the Township planned for predominantly farmland and resource preservation, and transferring such development rights to a “receiving” parcel located in an area planned for residential growth, according to the Alaiedon Township Master Plan. As part of such transfer, a conservation easement is established upon a portion of the sending parcel to ensure its perpetual availability for farmland and resource preservation. This process is referred to as the transfer of development rights (TDR) and is established under the authority of planned unit development legislation under Section 503 of the Michigan Zoning Enabling Act. Provisions for the transfer of development rights under this Section are intended to direct growth to those areas of the Township most appropriate to accommodate such growth, and more effectively protect those areas of the Township where a resource preservation theme is dominant.

B Definitions: For the purpose of this Section, the following words and phrases shall have the meanings specified:

1. **Development Rights:** The rights of the owner of a parcel of land, under land development regulations, to divide or otherwise configure that parcel and the structures thereon to attain a particular number of dwelling units. One (1) development right shall equal one (1) dwelling unit.
2. **Net Area:** "Net area" can be expressed in either net acres or net square feet and is equal to the total area of a parcel according to its legal description less the following:
 - a. Rights-of-way and easements associated with public and private roads and other access ways.
 - b. Dedicated improvements such as parks and storm water detention and retention facilities.
 - c. Areas subject to easements, covenants, or deed restrictions that prohibit the construction of home sites or access ways.
 - d. Year-round submerged lands including ponds, streams and year-round submerged wetlands.
 - e. Fifty percent (50%) of all wetlands not otherwise comprising year-round submerged land.
3. **Receiving District:** One (1) or more Districts in which the development rights of parcels in a sending District may be transferred.
4. **Receiving Parcel:** A parcel in a receiving District that is the subject of a transfer of development rights, where the owner of the parcel is receiving development rights from a sending parcel, and on which an increased number of dwelling units is allowed by reason of the transfer of development rights under this Section.
5. **Sending District:** One (1) or more Districts in which the development rights of parcels in the District may be transferred for use on a parcel in a receiving District.
6. **Sending Parcel:** A parcel in a sending District that is the subject of a transfer of development rights, where the owner of the sending parcel is conveying some or all development rights of the sending parcel to a receiving District.
7. **Transfer of Development Rights:** The procedure prescribed by this Section whereby the owner of a parcel in a sending District may convey such parcel's development rights to the owner of a parcel in a receiving District, and the development rights so conveyed are extinguished on the sending parcel and may be exercised on the receiving parcel only, in addition to the development rights already existing on the receiving parcel.
8. **Recipient:** The owner of a parcel in a receiving District who acquires development rights from a sending parcel pursuant to this Section.
9. **Transferor:** The owner of a parcel in a sending District who transfers development rights to a parcel in a receiving District pursuant to this Section.

C. Sending and Receiving Districts, Rights to Transfer Development Rights, and Lot Standards.

1. Sending District: The A-1 General Agricultural District shall be the sole sending District for the purposes of the transfer of development rights, except that the sending district shall not include any A-1 District zoned land that is located in the Secondary Agricultural/Rural Residential Area as delineated on the Future Land Use Map of the Alaiedon Township Master Plan. Each transferor shall have the right to sever the rights to develop the parcel in the A-1 District, excluding that which is located in the Secondary Agricultural/Rural Residential Area as delineated on the Future Land Use Map of the Alaiedon Township Master Plan, and to transfer the rights to a receiving parcel consistent with the purposes of this Section.
2. Receiving Districts: Receiving Districts shall be the R-1 and R-2 Districts only. The recipient of transferred development rights may retire the transferred rights or apply them to the recipient's property in a receiving District in order to obtain approval for development of a greater number of dwelling units than would otherwise be allowed. The maximum allowable increase in the number of dwelling units on a receiving parcel as part of a transfer of development rights shall be thirty percent (30%). See subsection (D)(5) for the determination of the number of development rights available on the receiving parcel prior to the transfer of development rights from the sending parcel.
3. Lot Standards: Any transfer of development rights pursuant to this Section shall not alter or waive the development standards of the receiving District such as building heights, lot coverage, signage, and authorized uses, except as follows:
 - a. The conventional minimum lot area standard of the receiving District may be reduced by no greater than fifty percent (50%).
 - b. The conventional minimum lot width and frontage standards of the receiving District may be reduced by no greater than fifty percent (50%), provided in no case shall the minimum lot width and frontage be less than seventy (70) feet.
 - c. The conventional minimum front, rear and side yard setback standards of the receiving District may be reduced by no greater than twenty percent (20%).
 - d. Modification of the conventional standards for lot area, lot width and frontage, and setbacks, shall only be to the extent necessary to accommodate the transferred development rights on the receiving parcel.

D. Application and Approval Procedures: Application for the transfer of development rights shall be subject to the Special Land Use review and approval procedures specified in Article 15 except as otherwise clarified or provided below:

1. The application form shall be signed by both the proposed transferor of development rights and the proposed recipient of the development rights.
2. The application shall include a property line survey, correlated with a legal description, showing property line dimensions and bearings, lot area, graphic scale, and a north arrow, of both the sending parcel and the receiving parcel.
3. The application shall identify the number of development rights available on the sending parcel in the A-1 District. One (1) development right shall be available for each lot of a minimum of two (2) acres in area and two-hundred (200) feet of frontage along the existing public road abutting the parcel, that could reasonably be created. One (1) additional development right shall be available for each ten (10) acres comprising the balance of the parcel not otherwise characterized by year-round submerged lands, provided that where these ten (10) acres formula results in a fractional value, the fractional value shall be rounded to the nearest whole number.
4. The application shall include the full text of the conservation easement to be applied to the sending parcel. Such easement shall be applied to the entire sending parcel, irrespective of how many development rights are proposed for transfer to the receiving parcel subject to the application, except that a single area of no greater than three (3) acres may be excluded from the easement for the purpose of comprising an existing residence, farmstead, or other existing use on the sending parcel. The easement shall provide that the legally described geographic area of the sending parcel shall remain perpetually in an undeveloped state and used solely for agricultural uses or for other open space use of a resource conservation purpose including natural field and woodland areas.
5. The application shall identify the number of development rights available on the receiving parcel prior to the utilization of any transfer of development rights, which shall equal the net area of the sending parcel divided by 150% of the conventional minimum lot area of the receiving District. For example purposes only, if the receiving parcel is in the R-2 District and the minimum lot area for the R-2 District is 28,750 square feet (public sewer available), then the number of development rights available on the receiving parcel prior to the utilization of any transfer of development rights shall be the net area of the receiving parcel divided by 43,125 square feet ($28,750 \times 150\% =$

43,125).

- a. Where the formula results in a fractional value, the fractional value shall be rounded down to the nearest whole number.
 - b. Where the receiving parcel is of a unique character that the Planning Commission or Township Board finds such formula may not accurately depict the number of development rights available due to, for example, excessive parcel narrowness or extensive wetlands traversing across the parcel making certain upland areas unavailable or impractical to develop, such body may require the applicant to provide a graphic development concept for the receiving parcel to further clarify the basis for the proposed number of development rights available on the receiving parcel prior to the utilization of the transfer of development rights to such parcel.
 - c. The applicant may submit a development concept for the receiving parcel, at the applicant's initiative, to document available development rights on the parcel if the applicant believes the formula specified above does not accurately depict the number of development rights available. The Township Board may, at its discretion, rely on such development concept in determining the number of existing development rights available on the receiving parcel.
6. The application shall include a proposed preliminary site plan for the development of the receiving parcel, which shall specify the number of development rights available on the receiving parcel prior to the utilization of any transfer of development rights, the number of development rights being transferred to the receiving parcel, and the total number of dwellings and lots included in the preliminary plan. Any proposed modifications to the conventional standards of the receiving district for lot area, lot width and frontage, and setbacks, shall comply with subsection (C)(3) above.
 7. The application shall include the proposed instruments of transfer as described in subsection (E) below, and shall be subject to review by the township's legal counsel.
 8. Upon approval of a special land use application for TDR including a final site plan for the receiving parcel, the applicant shall record the approved instrument of transfer with the County Register of Deeds, specifying the date of final Township approval and declaring that all improvements and modifications to the sending and receiving parcels shall be carried out in accordance with the instrument of transfer. Copies of the recorded documents shall be presented to the Township Clerk. Upon receipt of satisfactory recorded documents, the Township Clerk shall direct the Zoning Administrator to issue a zoning permit for the transfer of development rights to the receiving parcel and the development of the receiving parcel according to the approved site plan.

E. Instruments of Transfer: A proposed instrument of transfer of development rights shall be prepared by an attorney licensed to practice law in Michigan and shall contain the following:

1. The names of the transferor and the recipient;
2. The legal description for the sending parcel and receiving parcel, prepared by a licensed surveyor named in the instrument, and which includes a statement of the number of development rights as approved by the Township Board for transfer from the sending parcel to the receiving parcel;
3. A certificate of title for the rights to be transferred;
4. Covenants providing for the following:
 - a. The transferor grants and assigns to the recipient and the recipient's heirs, assigns, and successors, a specific number of development rights from the sending parcel being transferred to the receiving parcel;
 - b. The transferor acknowledges that the transferor has no further use or right of use with respect to the development rights being transferred.
5. Conservation easement provisions as required by subsection (D)(4).
6. All provisions of the instrument of transfer shall run with and bind the sending parcel and may be enforced by Alaiedon Township and any other party as provided by law.

Section 10.24 Vehicle / Car Wash Establishment

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards:

1. The facility shall have frontage on and gain direct access to a paved road.
2. All washing activities shall be carried on within an enclosed building or under a covered structure with side walls separating individual washing bays.
3. Vacuuming activities shall be set back a minimum of one hundred (100) feet from property used for residential purposes.
4. Maneuvering lanes and stacking lanes shall be located on the site and shall provide sufficient room to avoid waiting cars encroaching into a road right-of-way.
5. Each bay shall be graded and drained to collect run-off originating in the bay.
6. Trash containers shall be provided and emptied as necessary to prohibit litter.
7. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

Section 10.25 Vehicle Repair Shops and Service Stations

A. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards:

1. The lot shall have frontage on at least one (1) paved road classified by the Ingham County Road Commission as a primary or secondary road according to PA 51 of 1951, and take its access from such road.
2. Fuel pumps and pump canopies shall comply with the minimum setback requirements for the principal building according to Table 3-5.
3. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
4. Vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall not be maintained on the property for more than thirty (30) days. Such vehicles shall be parked or stored in a rear yard only, shall be screened, and shall be setback the minimum distance required for principal buildings in the district.
5. Vehicle renting or leasing in association with a repair facility may exist only as an accessory use to the principal repair activities, and only upon approval of a site plan delineating such rental/lease area and the type and maximum number of vehicles to be stored on the site for such purpose.
6. All lighting mounted to the underside of a canopy shall be fully recessed.
7. The application materials shall identify the extent, quantities, and types of explosive, flammable, or otherwise hazardous materials that may be used, and the measures to be used for proper handling, storage, and disposal of such materials.
8. See also Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

Section 10.26 Wireless Communication Facility Improvements

A. Definitions: For the purposes of this Section, the following phrases shall have the following meanings:

1. 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.
2. Equipment compound: An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
3. 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.
4. 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.
5. Wireless Communication Facility: All structures and accessory facilities, and improvements thereto, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio

signals; including, but not limited to, equipment compounds, wireless communications equipment, and wireless communications support structures. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities, towers for personal communications only, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

6. Class One Wireless Communication Facility Improvements: Any wireless communication facility modifications that meet all of the following requirements:
 - a. No construction or other improvements provide for the erection of a new wireless communications support structure, but may provide for an increase in height of an existing tower as provided by subsection (d)(1) below.
 - b. All proposed wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - c. The existing wireless communications support structure or existing equipment compound is in compliance with this Ordinance or was previously approved by the Township.
 - d. The proposed collocation of equipment shall not do any of the following:
 - 1) 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.
 - 2) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - 3) 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.
7. Class Two Wireless Communication Facility Improvements: The erection of a new wireless communications support structure, or any modification of an existing wireless communication facility that is not classified as Class One Communication Tower Improvements.

B. Application, Review and Approval

1. Class One Wireless Communication Facility Improvements: Class One Wireless Communication Facility Improvements constitute a use permitted by right in any district. The Zoning Administrator shall forward all applications to the Township Board for review and approval. The Township Board shall evaluate the application to determine compliance with this Ordinance and approve such application upon determining compliance. The Township Board may waive any of the regulations and standards of this Section upon a finding that such a waiver is justified due to specific site conditions including natural screens and topography, specific surrounding conditions including land uses and distances to structures, or other conditions that justify increased flexibility to accommodate such tower.
2. Class Two Wireless Communication Facility Improvements:
 - a. Class Two wireless communication facility improvements constitute a special land use and shall be subject to this Ordinance's provisions addressing the same including compliance with Article 15, Special Land Uses, and Article 14, Site Plan Review. The Township Board may waive any of the standards of this Section upon a finding that such a waiver is justified due to specific site conditions including natural screens and topography, specific surrounding conditions including land uses and distances to structures, or other conditions that justify increased flexibility to accommodate such tower. The following procedural provisions shall also apply:
 - 1) After a special land use application for wireless communication equipment is filed with the Planning Commission, the Planning Commission shall determine whether the application is administratively complete. Unless the Planning Commission proceeds as provided under subsection (b) below, the application shall be considered to be administratively complete when the Planning Commission makes that determination or the passing of fourteen (14) business days after the Planning Commission receives the application, whichever occurs first.
 - 2) If, before the expiration of the fourteen (14) day period under subsection (a) above, the Planning Commission 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.

- 3) The Township Board shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete, except that in the case of a special land use application for wireless communications equipment that will not be collocated on an existing wireless communications support structure or in an existing equipment compound, or for a wireless communications support structure, the period for approval or denial shall be 90 days. If the Township Board fails to timely approve or deny the application, the application shall be considered approved and the Township Board shall be considered to have made any determination required for approval.

C. Standards:

1. The lot on which a tower is located shall comply with the minimum lot area requirement of Table 3-5. A smaller portion of said lot may be leased for tower purposes and such leased area need not comply with the area requirements of Table 3-5.
2. Equipment buildings shall not exceed three hundred sixty (360) square feet in floor area and nine (9) feet in height.
3. The base of a tower shall occupy no greater than five hundred (500) square feet of area and shall be fenced with a minimum six (6) foot high fence with anti-climbing measures. In the case where guy wires or a similar support system is used, fencing shall surround all locations where such supports are anchored to the ground.
4. Class Two towers and antennas shall be set back from lot lines a minimum distance equal to seventy-five percent (75%) of the tower's height. Setbacks for guy wires and accessory buildings shall comply with the setback standards of the district according to Table 3-5.
5. The following separation distances shall apply to Class Two towers. Separation distances shall be measured from the base of the tower to the lot line of the off-site use except where otherwise noted, and measurements shall not extend beyond Township boundaries.

Off-Site Use or Designated Area	Separation Distance
Single-family and two-family dwellings.	200 feet or 300% of the tower's height, whichever is greater.
Vacant land zoned for single-family or two-family dwellings, and vacant land that is platted or has received preliminary plat approval.	200 feet or 300% of the tower's height, whichever is greater.
Vacant residentially zoned land not otherwise addressed above.	100 feet or 100% of the tower's height, whichever is greater.
Multiple-family dwellings.	100 feet or 100% of the tower's height, whichever is greater.
Land not zoned for residential use, vacant or otherwise.	The setback standards of Table 3-5 or seventy-five percent (75%) of the tower's height, whichever is greater.
Another communication tower.	2 miles, measured by a straight line between the base of the existing and proposed tower.

6. Towers shall be of monopole construction in a Residential District or within one thousand (1,000) feet of such a district.
7. Towers shall be of a white, light gray, silver or other similar color that blends with the background sky, and shall be constructed of or treated with corrosive resistant material.
8. Towers and antenna shall not be artificially lighted unless required by the Federal Aviation Administration or Federal Communications Commission. If lighting is required, the lighting plan shall cause the least disturbance to surrounding uses.
9. Signage shall be limited to emergency information only.
10. The landscape plan required by Article 14, Site Plan Review, shall provide for a planting program that effectively screens the view of the tower facility from nearby residential properties, and shall provide for coniferous plantings spaced at no greater than fifteen (15) feet apart.
11. All towers and antennas including all support systems, antenna mounts, structural and electrical components, and wind load resistance, shall comply with the most current standards and regulations of the Federal Aviation Authority, Federal Communications Commission, State Construction code, and all other codes and agencies having jurisdiction, and shall be maintained in compliance. If such standards and regulations are changed including regulations concerning non-ionizing electromagnetic radiation, the owners of the towers and antennas shall bring such towers and antennas into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and

- regulations, unless such standards and regulations mandate a different schedule.
12. All towers and antenna shall comply with the height restrictions of any airport management plan filed with and approved by the Michigan Aeronautics Commission.
 13. No persons shall be located on a communication tower site except for the occasional presence of personnel associated with periodic maintenance or emergency conditions.
 14. The design of buildings and structures shall, to the greatest extent practical, use materials, colors and textures that will encourage their compatibility with surrounding buildings. Where an antenna is installed on a structure other than a tower, the antenna and supporting equipment shall be of a color to make the antenna and equipment as visually unobtrusive as reasonably practical.
 15. Collocation
 - a. Statement of Policy: It is the policy of the Township to minimize the overall number of newly established locations for communication towers within the community, and encourage the use of existing structures or towers while promoting the public health, safety, and welfare and minimizing negative impacts of such sites. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, contrary to the Township's policy for collocation. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.
 - b. Feasibility of Collocation: Collocation shall be deemed to be "feasible" for purposes of this subsection (3) where all of the following are met:
 - 1) The communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
 - 2) The tower on which collocation is being considered has the structural integrity to provide structural support.
 - 3) The collocation being considered is technologically reasonable in that the collocation will not result in unreasonable transmission interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - 4) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the approving body, taking into consideration the standards contained in this Section.
 - c. Requirements for Collocation:
 - 1) 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.
 - 2) All new communication towers shall be designed and constructed so as to accommodate collocation of a minimum of three (3) wireless communication facilities.
 16. Removal
 - a. Any tower that is not operated for a continuous period of 365 days shall be considered abandoned, and the owner of such tower shall remove the same and the site shall be restored to the condition it existed prior to the placement of the tower within ninety (90) days of receipt of notice from the Zoning Administrator for such removal. In the case where there are multiple users of a single tower, removal of the tower shall be not required until all users cease use of the tower for a continuous period of 365 days.
 - b. If the required removal of a facility has not been completed within ninety (90) days of the condition specified in subsection (a) above, the Township may remove or secure the removal of the facility with reliance on the security posted at the time application was made for establishing the facility.

E. Nonconforming Towers/Antenna: Nonconforming towers and antennas shall be subject to the provisions of Article 11, Nonconforming Lots, Uses, and Structures, except that a nonconforming tower or antenna that is damaged or destroyed may be rebuilt provided the new tower is of the same type, height, and location of the original tower, and the tower facility is of no greater intensity than the original facility. This provision shall apply provided all building permits for the new tower are acquired within 180 days of the damage date. If such permits are not acquired within this time frame or said permits expire, the tower or antenna shall be deemed abandoned and subject to the removal provisions of subsection (D)(4).

F. Additional Application Requirements: In addition to submitting the information required for all special land use applications, including a site plan pursuant to Article 14, each applicant for a communication tower shall provide the following additional information. Any information of an engineering nature that the applicant submits, whether civil, mechanical, electrical, or structural, shall be certified by a licensed professional engineer of applicable expertise registered in the State of Michigan.

1. An inventory of its existing towers, antennas, or sites approved for towers or antennas, that are within the Township and one (1) mile of the border thereof, including specific information about the location, height, and design of each tower, the distance from the proposed tower, the owner(s)/operator(s) of the existing tower(s), and any additional information that is relevant in terms of potential collocation or in demonstrating the need for the proposed facility.
2. Elevation drawings of the proposed tower and any other structures.
3. The distance between the proposed tower to dwellings within a one-half (1/2) mile radius, and the distance to Residential districts and platted and similar neighborhood developments.
4. Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
5. A notarized, sworn statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.
6. For wireless communication systems, identification of the entities providing the backhaul network (i.e., the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long-distance providers, and/or the public switched telephone network) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
7. A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures, to provide the services of the proposed new tower.
8. A certification by a professional engineer of applicable expertise licensed in Michigan that all construction features of the tower comply with the requirements of all agencies having jurisdiction and the State Construction Code.
9. Certification that all franchises required by law for the construction or operation of a wireless communication system have been obtained, along with a copy of such franchise documents.

Section 10.27 Commercial Solar Energy Systems (CSES)

A. Additional Materials to be Submitted: In addition to the information required by Article 14 for site plan review and Article 15 for special land use applications, the following information shall be provided:

1. Project Description and Rationale: identify the type, size rated power output, performance, safety, and noise characteristics of the system, including the name and address of the manufacturer, and model. Identify time frame, project life, development phases, likely markets for the generated energy, and possible future expansions.
2. Operator's Agreement: Provide the operator's agreement, which shall set forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency proceedings and general safety documentation.
3. Analysis of Traffic: Provide an assessment of anticipated traffic to the CSES during construction phases and once the CSES is operational, including the anticipated daily vehicles by frequency and type such as construction workers' and employees' personal vehicles, earth moving and clearing vehicles, and other construction vehicles.
4. Visual Impacts: Review and demonstrate the visual impact using photos or renditions of the project or similar projects with consideration given to the tree plantings and setback requirements and shall include setbacks, panel size, location of the property line, buildings, fences, greenbelts and road right of ways.
5. Wildlife: Review potential impact on wildlife on the site.
6. Environmental Analysis: Identify impact analysis on the water quality and water supply in the area, and dust from project activities.
7. Waste: Identify solid waste or hazardous waste generated by the project and the manner of disposal.
8. Lighting: Indicate the extent of exterior lighting to be installed including locations, heights, fixture specifications, light levels along property lines, and the frequency of lights to be illuminated.
9. Transportation Plan: Provide access plan during construction and operation phases. Show proposed project service road ingress and egress access onto primary and secondary routes, and layout of the CSES service road system.
10. Public Safety: Provide a description of the public health and safety risks the CSES may present to the occupants of dwellings and other buildings adjacent to and within one-half mile of the proposed CSES, in areas more distant from the site, and within public right-of-ways. The description shall also address measures to address such risks including emergency and standard shutdown procedures, and the security of the CSES and persons that may accidentally or purposefully enter the CSES including any fencing or other access control program.
11. Sound Limitations and Review: Identify noise levels at the property line of the project boundary when completed.

12. Telecommunications Interference: Provide a description of the extent to which the CSES shall interfere with wireless communications within one (1) mile of the CSES, or otherwise alter electromagnetic field conditions.
13. Power: Identify how the CSES will connect to the power grid.
14. Glare: Provide a report prepared by a qualified person with documented training, certification and/or licensing in glare associated with CSES including training in the use of computer software designed to assess glare potential, attesting to the glare and radiation impact on nearby properties and public roads and verifying compliance with this Section.
15. Project Duration, Decommissioning, and Reclamation: Provide a detailed decommissioning plan addressing the project's estimated duration period, the manner in which all CSES features shall be removed, and the manner in which the parcel shall be reclaimed to its former condition. The decommissioning plan shall include a detailed description of the financial security guaranteeing removal of the system, and which shall be posted at the time of receiving a construction permit for the facility. The security shall be in a form as required by Section 2.6. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer, shall present a detailed basis for the estimate including estimated hours and costs for labor and equipment, and shall be subject to approval by the Township.

B. Compliance with Table 3-5: See Table 3-5 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as provided or clarified below:

1. No CSES solar panel shall exceed twenty (20) feet in height as measured from the ground directly below except that in the case of roof-mounted solar panels, no portion of a panel shall extend more than five (5) feet above the roof surface directly below.
2. Setbacks for solar panels and equipment shall be based on the minimum required building setbacks of Table 3-5 though such features may be accessory structures.

C. Additional Standards:

1. Glare/Placement: Solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways, and any glare that may be produced shall be in compliance with the rules and regulations of the Federal Aviation Authority. Solar collection panels and equipment are prohibited in a front yard. In the case of a lot that does not include a building not otherwise, part of the CSES, the front yard shall be construed to extend from the front lot line to a distance of sixty (60) feet.
2. Maximum Lot Coverage: Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to maximum lot coverage restrictions.
3. Noise: The Section 9.7 sound restrictions shall not apply to a CSES, but no CSES shall result in sound levels exceeding 65dBA at any time as measured according to Section 9.7.
4. Local, State and Federal Permits: A CSES shall obtain all necessary permits from the U.S. Government, State of Michigan, and Alaiedon Township, and comply with the County, State of Michigan, and Federal regulations.
5. Electrical interconnections: All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. All electrical wiring shall be below ground except connections to overhead transmission lines or where a physical barrier or other feature unreasonably interferes with underground installation. No CSES shall be installed until evidence has been provided to the Planning Commission that the electric company has agreed to allow the property owner to install an interconnected customer owned generator to the grid.
6. Lighting: No exterior lighting shall be erected except upon satisfactory evidence that such lighting is necessary for the proper operation or security of the facility. No light may adversely affect adjacent parcels. All lighting shall be shielded from adjoining parcels, and light poles are restricted to eight (8) feet in height from the ground except upon satisfactory evidence that a greater height is necessary, no reasonable alternatives are available, and the greater height shall not create nuisance conditions.

7. Screening: Ground-mounted solar panels and equipment shall be screened on all sides by shrubs and trees. Trees shall be of predominantly evergreen species and shall be a minimum of six (6) feet in height at the time of planting and with a projected growth rate of a minimum of six (6) inches per year and to a minimum projected height of twenty (20) feet, and spaced no greater than twelve (12) feet apart measured on-center. The site plan shall specify the proposed plant material according to common name, botanical name, and minimum planting size, and the selected plant material shall be predominantly species native to Michigan. Required screening shall be configured to appear natural such as clustering and non-linear plantings, and need not be in the immediate area of the panels that the plantings are intended to screen if the planting locations provide for the intended screening effect. No tree shall be located within five (5) feet of a lot line. All plant material shall be maintained in a healthy condition to provide the intended screening, shall be permitted to grow according to its natural habit, and shall be replaced upon death or disease. The screening requirements of this Section shall replace the screening provisions of Article 8 except as the Township Board may find otherwise appropriate.
- a. In the case where a dwelling is present within one hundred (100) feet of proposed solar panels or equipment, additional plantings shall be provided to more effectively screen the panels from such dwelling.
 - b. In the case where proposed ground-mounted solar panels are to exceed fifteen (15) feet in height, the Township Board may increase the minimum required tree height in excess of six (6) feet for the initial tree plantings but not to exceed nine (9) feet.
 - c. The Township Board may modify or otherwise permit modifications to screening requirements including plant type, size and spacing, upon finding that the required or proposed modifications shall provide a suitable screening effect. Criteria to be considered for such modifications shall include the proximity of dwellings on other lots, whether the adjacent property is vacant and not likely to be developed within the next five (5) years based on nearby development trends, the visibility of the CSES from public roads, the presence of natural features on the site that serve to assist in the screening of the panels such as topographic or vegetative conditions, and the presence of existing structures that will assist in the screening of the panels.
2. Abandonment: In the event that a CSES has been abandoned or has not been in operation for 365 consecutive days or more from the time the CSES was determined to have been abandoned, the systems shall be removed within 180 days from the date of such abandonment. If the property owner fails to remove or repair a defective or abandoned system in a timely manner, the Township may pursue legal action to have the system removed and assess its cost to the tax roll. The applicant shall be responsible for costs and attorney fees incurred by the Township in securing removal of all structures. See subsection (A)15.

End of Article 10

(Ord. 103-17 adopted 4-10-23, amending Sec. 10.5)

(Ord. 103-13 adopted 6-14-21, adding commercial solar energy Sec. 10.27)

(Ord 103-10, adopted 2-25-19, amending Sec 10.13)

(Ord. 103-4, adopted 2-11-13, affecting Sec. 10.8 and Sec. 10.26.)

Article 11

NONCONFORMING LOTS, USES and STRUCTURES

Section 11.1 Purpose

It is recognized that there exists lots, structures and uses of land and structures within the districts established by this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, and which would be prohibited, regulated or restricted under the terms of this Ordinance or subsequent amendment. It is the purpose of this Article to permit legal nonconforming lots, structures and uses to continue until they are removed or discontinued, and to provide for their maintenance and repair but not their expansion, enlargement, extension or other alteration which in any way increases its nonconformity, except as otherwise provided by this Article.

Section 11.2 Nonconforming Lots

A. Notwithstanding limitations imposed by other provisions of this Ordinance, any use and customary accessory structures may be erected on any single lot of record in existence at or before the effective date of adoption or amendment of this Ordinance, where such use is an authorized use by right in said District according to Article 3, even though such lot fails to meet the requirements for area, width, and/or frontage that are generally applicable in the district. However, all yard dimensions, setbacks and other requirements not involving area, width, and/or frontage, shall conform to the regulations for the district in which such lot is located unless a variance is obtained through approval of the Zoning Board of Appeals.

1. If two or more lots or combinations of lots and portions of lots share one or more common boundaries and continuous frontage, and are in single ownership of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for area, width, and/or frontage, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion of said parcel shall be used or divided in a manner that diminishes compliance with the lot area, lot width and lot frontage requirements established by this Ordinance.

Section 11.3 Nonconforming Uses

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

1. No nonconforming use shall be enlarged or increased in area or bulk, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance. However, a nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
2. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use.
4. Irrespective of other requirements of this Article, if no structural alterations are made, any nonconforming use of a structure and lot may be changed to another nonconforming use of less nonconformance, provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is more appropriate to the District than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose of this Article. Where a nonconforming use, structure, or use and structure in combination is hereafter changed to a less nonconforming character, it shall not thereafter be changed to a greater nonconforming character.
5. Any nonconforming use of land or structure, or combination thereof, which is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such use is located, and the nonconforming use may not thereafter be resumed.
6. If a nonconforming use ceases for any reason for a period of more than 180 consecutive days, the subsequent use of such lot shall thereafter conform to the regulations and provisions of this Ordinance for the district in which such lot is located.

Section 11.4 Nonconforming Structures

A. Existing Structure: Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance or subsequent amendment by reason of restrictions on area, lot coverage, height, setbacks or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No nonconforming structure may be enlarged or altered in any way which increases its nonconformity.
2. Should a nonconforming structure be destroyed by any means to an extent of more than fifty percent (50%) of its appraised value, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the respective site development standards for the district in which it is located. In identifying the extent of destruction and the appraised value of the structure prior to its damage, the Zoning Administrator may seek a written opinion from a qualified building appraiser and the opinion shall include the basis for the opinion.
3. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure to an extent of more than fifty percent (50%) of its appraised value, exclusive of foundations, shall eliminate the nonconforming status of the land, and all subsequent uses and structures on the land shall conform to the applicable district regulations.

B. Structure Under Construction: Where a structure is under construction pursuant to a valid zoning permit issued prior to the effective date of this Ordinance or amendment thereto, nothing in this Article shall prohibit the completion of such structure even though it may not conform to the terms of this Ordinance or subsequent amendment provided that construction is commenced within thirty (30) days after the issuance date of the permit and all foundation work, framing, walls and roofing is completed within 270 days of such issuance date.

Section 11.5 Repairs and Maintenance

A. Nonconforming Structure Housing a Conforming Use: Nothing in this Article shall be deemed to prohibit repairs, maintenance, and structural alterations to a nonconforming structure in which a conforming use exists provided such work does not result in an increase in the structure's nonconformity.

B. Conforming Structure Housing a Nonconforming Use: On any conforming structure devoted in whole or in part to a nonconforming use, work may be done in any one (1) calendar year period on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten (10) percent of the then building's replacement cost prior to the initiation of repairs, exclusive of foundations, provided that the cubic content of the structure as it existed at the time of passage or amendment of this Ordinance shall not be increased.

C. Nonconforming Structure Housing a Nonconforming Use: In the case of a nonconforming structure devoted in whole or in part to a nonconforming use, repairs and maintenance to either shall comply with the limitations of subsections (A) and (B) above as applicable.

D. Unsafe Building: Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.

Section 11.6 District Changes

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

Section 11.7 Illegal Nonconformities

Nonconforming lots, uses and structures existing at the effective date of this Ordinance or amendment thereto, that were established without approval of zoning compliance or without a valid building permit, or those nonconforming lots, uses and structures that cannot be proved conclusively as existing prior to the effective date of this Ordinance or amendment thereto, shall be declared illegal nonconforming uses, shall be removed within ninety (90) days following such effective date, and shall not be entitled to the status and rights accorded legally established nonconformities by this Article.

End of Article 11

Article 12
(RESERVED for FUTURE USE)

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End of Article 12

Article 13
(RESERVED for FUTURE USE)

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End of Article 13

Article 14

SITE PLAN REVIEW

Section 14.1 Purpose

It is the purpose of this Article to specify standards, application and data requirements, and the review process that shall be followed in the preparation of site plans as required by this Ordinance. These requirements are incorporated into the Zoning Permit application process to ensure that the appropriate bodies are afforded an opportunity to review and evaluate proposed uses and development of sites with regard to such considerations as parking, vehicular and pedestrian circulation, drainage, landscaping and screening, signage, lighting, environmental and community character protection, and conformance with all applicable provisions and standards of this Ordinance. This Article establishes a review process that requires the application materials to be subject to Township Board approval. In the case of a Special Land Use, the application materials shall be subject to final action by the Township Board after receiving a recommendation from the Planning Commission.

Section 14.2 Site Plan Approval Required

A. Uses Requiring Site Plan Approval: Except as provided by subsection (1) below, site plan approval is required prior to the Zoning Administrator's issuance of a Zoning Permit for all authorized uses including, but not limited to, commercial and industrial uses, special land uses, and condominium and platted subdivisions.

1. **Exceptions:** Site plan approval shall not be required for farm buildings and single family and two-family dwellings and accessory uses and structures thereto, including temporary dwellings. See Sec. 2.4(B) regarding plot plan approval for single family and two-family dwellings and accessory uses and structures thereto, which require plot plan approval by the Zoning Administrator.

Section 14.3 Review Procedures

A. Preliminary Site Plan Required: Prior to preparing a detailed final site plan and seeking approval of such final site plan, the applicant shall seek approval of a preliminary site plan for the purpose of receiving approval of the general design and layout of the project. A preliminary site plan shall be reviewed and acted upon in the same manner as a final site plan, as delineated in subsections (B) – (E) below.

1. **Level of Detail:** The preliminary site plan shall be prepared according to the manner and information required for a final site plan pursuant to Section 14.3(B), except that detailed construction drawings to address specific site improvements are not necessary. However, the detail of the preliminary information shall adequately portray the arrangement and feasibility of critical components of the project such as, but not limited to, preliminary storm water management including flow direction and preliminary location of detention/retention basins; preliminary grading including approximate limits of clearing and proposed contours at minimum two (2) foot intervals; vehicular circulation including road alignments, parking spaces and parking circulation; lot areas and lot lines; signage; and landscaping.
 - a. A preliminary site plan shall be evaluated according to the level of information required at the preliminary plan level. A preliminary plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.
2. **Approval Period:** Approval of the preliminary site plan is valid for a period of one (1) year. If a complete final site plan has not been submitted during this period, the approval of the preliminary site plan shall be null and void. This time limit may be extended by the Township Board upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that suggest revisions to the layout and/or design of the development. In the case of an expired preliminary site plan that is not granted an extension of time, such plan shall not undergo review or action except upon a wholly new application according to this Section.
3. **Sketch Plan Option:** Prior to the submission of a preliminary site plan, an applicant may submit a sketch plan of the proposed development which identifies basic development features such as property location and lot lines and the general location of proposed buildings, roads, and parking areas. The purpose of such submittal is to for the applicant to receive initial feedback from the Township Board regarding the appropriateness of the proposal prior to moving forward with the preparation of a more detailed preliminary site plan. Given that critical development information is not required for a sketch plan such as storm water management, grading, road design, and the limits of grading and clearing, comments offered in the course of reviewing a sketch plan shall not be legally binding nor be interpreted as assuring a specific action on any subsequent preliminary application submitted.

4. **Simultaneous Preliminary/Final Site Plan Approval:** An applicant may voluntarily submit a site plan that is intended to meet both the preliminary site plan and final site plan provisions of this Article, the effect being to avoid the formal and separate preliminary approval phase and seek immediate final site plan approval. An applicant choosing to exercise this option bears the risk of expending the additional time and money that may be required for preparation of final site plan application materials without the benefit of any formal action by the Township Board to review and act favorably on a preliminary site plan application. This option is made available under this Article in recognition that certain uses subject to site plan approval may be of such character that the normally required two-phased preliminary and final site plan approval process is not necessary. Uses that may be more appropriate for simultaneous preliminary and final site plan approval may be uses that include the erection of no new buildings, uses that do not require alterations to existing topographic conditions, uses that require no new off-street parking areas, and/or uses that do not rely on new underground storm or sanitary sewer infrastructure. However, nothing in this subsection (4) shall be construed to require the Township Board to approve simultaneous preliminary/final site plan approval even if such conditions are part of a proposed site plan.
 - a. In the case of such a simultaneous preliminary/final application and where the Township Board denies final site plan approval, the Township Board shall specify in its motion whether the denial applies to the site plan as both a final and preliminary plan or whether the alleged final site plan is approved as a preliminary site plan only, along with any conditions that may be made part of such preliminary approval.
 - b. In the case of such a simultaneous preliminary/final application, the applicant shall specify in writing the applicant's intent to seek simultaneous preliminary and final site plan approval.

B. Final Site Plan Application Submittal, Distribution and Data: Twenty (20) copies of a final site plan application shall be submitted to the Township Clerk along with any application fees. The application shall consist of a form available from the Zoning Administrator, and the final site plan itself. Upon receipt of the application materials, the Township Clerk shall record the date of their receipt and transmit copies to the Township Board, and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, engineering and planning consultants, and the County Road Commission and Drain Commissioner. The Township Clerk shall request all reviewing agencies to respond within twenty (20) days of receipt of the materials. The Township Board need not delay taking action on the application if such response has not been received within such period.

1. The site plan shall be provided on a professional quality drawing of scale not less than 1" = 100' and with a north arrow on each sheet, and shall clearly present the required information. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and shall bear the seal and signature of the licensed individual. The site plan shall present all necessary information in a clear and comprehensible fashion and be of such clarity and detail to permit determination of its conformance to this Ordinance and the satisfactory construction of the project, if approved, to ensure public health, safety and welfare.
2. A final site plan shall include, at a minimum, the following except where the Township Board determines, upon a request by the applicant, that the waiving of specific submittal items identified below, due to the particular character of proposed development or site or surrounding conditions, shall not undermine officials' ability to effectively evaluate the extent to which the site plan complies with the standards of this Ordinance and protects the public health, safety and welfare:
 - a. The applicant's full name, address and phone number, and the name and address of the person and firm who prepared the plan and the date on which each drawing contained within was prepared or last revised.
 - b. A vicinity sketch showing the location of the site in relation to the surrounding road system for a minimum distance of one-quarter mile in all directions. The vicinity sketch, or other component of the site plan materials, shall also identify the existing zoning classification and current use of all properties within three hundred (300) feet in every direction of the proposed use, including land uses on the opposite side of any road, and the location of all structures and buildings within one-hundred (100) feet of the property.
 - c. A property line survey, correlated with a legal description, showing property line dimensions and bearings, lot area and graphic scale.
 - d. Existing uses, buildings, structures, roads, easements and all other existing site improvements, with a designation as to which are to be retained, removed, or otherwise altered, and the delineation of any driveways or other curb cuts within one-hundred (100) feet of the property.

- e. Existing natural features on and within three-hundred (300) feet of the site including woodlands; wetlands; drainage courses, water bodies, and 100-year flood plain areas; topography at no greater than two-foot contour intervals; and soils by type and drainage features according to the County Soil Survey or well/boring logs. The location of all trees of ten inches (10") or greater in diameter not otherwise part of a woodland area, measured at five feet (5') above ground surface, shall be identified by size and type.
- f. Required front, side and rear yard setbacks for principal buildings in the district.
- g. Proposed uses, buildings, structures, and lots, including a project narrative that addresses the intended use of the property and each building proposed; the acreage devoted to each use if multiple uses are proposed; the total number of dwelling units and density for each housing type and for the project as a whole; total and usable floor area of each building; carports or garages; amount of recreational and open space and type of recreation facilities to be provided; computations associated with the number of parking spaces required and provided; and related information as pertinent or otherwise required by this Ordinance.
- h. Proposed public right-of-ways, private easements, and deed restrictions.
- i. Proposed roads, drives, and alleys including widths, cross-sections and profiles; acceleration, deceleration and turn lanes; driveways, parking spaces, and parking aisles, with an indication of the total number of spaces and typical space and aisle/driveway dimensions, the direction of travel, and the inside radii of all curves including driveway curb returns; and sidewalks and other non-motorized travel ways. Proposed traffic control measures (including signs) shall also be indicated.
- j. Proposed source and location of all public and private utilities including potable water, sewage disposal, and electrical and communication lines, and the necessary easements that exist or are proposed to be established for installation, repair and maintenance of such utilities.
- k. Proposed accessory buildings and structures including trash receptacles, signs, and lighting.
- l. A graphic illustration of the location and extent to which natural features on the site shall be disturbed or otherwise cleared including those under subsection (e) above.
- m. Proposed landscaping/screening plan in compliance with the requirements of Article 8.
- n. Proposed grading, storm drainage and storm water management plan, including soil erosion and sedimentation control measures and spot elevations to adequately portray drainage patterns and final elevations and grades. Such plan shall include the location of drainage easements, exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water. The point of discharge for all drains and pipes shall be specified on the site plan as well as invert and related elevations, and pipe lengths and slope, to construct the same. Such plans shall document the extent of clearing of vegetation and the extent of other clearing, cuts, fills, or other grading, and the finished floor elevations of all buildings.
- o. Proposed location and specifications for any existing or proposed above or below ground storage facilities for any toxic or hazardous substances, as well as any containment structures or clear zones required by government authorities; a complete inventory of toxic or hazardous substances to be stored or used on the site, including the quantity of substances, substance names and characteristics; the proximity of such materials to ground water aquifers, wetlands, surface waters, existing and proposed wells, storm sewers, storm drains, and sanitary sewers; and a proposed storage and disposal plan for such materials including their transfer and/or transport.
- p. Proposed elevation drawings of all buildings and floor plans for all buildings to be occupied.
- q. A statement identifying all federal, state and local permits required, if any.
- r. Proposed project completion schedule.
- s. Other information as is necessary to enable the Township Board to determine whether the proposed site plan shall conform to the provisions of this Ordinance including, but not necessarily limited to, aerial photographs and environmental and traffic impact and mitigation reports.

C. Review for Completeness: Upon receipt of the application materials, the Township Board shall review the materials and determine their completeness. If determined to be insufficient in adequately portraying the required information, the Township Board shall delay further consideration of the application until such time that the application materials have been made satisfactory, and shall notify the applicant in writing of the deficiencies.

D. Township Board Action on Final Site Plan: Upon receipt of a complete application, the Township Board shall review the final site plan application materials and determine their conformity with the applicable provisions of this Ordinance including the standards of Section 14.4. After conducting a review, the Township Board shall deny, approve, or conditionally approve the final site plan as it pertains to requirements and standards contained in this Ordinance, including the standards of Section 14.4. A site plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the Township Board for approval shall be stated in writing, together with the reasons, and delivered to the applicant (See Sec. 20.2 regarding conditional approvals). The Township Board may require the submittal of a fully revised final site plan upon its determination that the conditions necessary for the approval of such plan are of an extent or character that a fully revised set of documents is necessary to clearly portray the plan as anticipated to be approved.

1. Issuance of Zoning Permit: Upon approval or conditional approval of the site plan by the Township Board, and upon all other approvals as may be required by this Ordinance, such as in the case of a Special Land Use, the Zoning Administrator shall issue a Zoning Permit authorizing the use and construction subject to the approved application.
2. Building Permit Required: Upon issuance of a Zoning Permit, no construction shall be initiated prior to the acquisition of all necessary Building Permits from the Building Inspector unless expressly authorized by the Township Board.

E. Planning Commission Recommendation on Final Site Plan for Special Land Use and Final Action by the Township Board: In the case of a Special Land Use application and upon receipt of a complete application, the Planning Commission shall review the site plan application materials and determine their conformity with the applicable provisions of this Ordinance including the standards of Section 14.4. After conducting a review, the Planning Commission shall recommend to the Township Board to deny, approve, or conditionally approve the site plan as it pertains to requirements and standards contained in this Ordinance, including the standards of Section 14.4. The Planning Commission may recommend conditions in association with an approval (See Sec. 20.2 regarding conditional approvals). The Township Board shall then carry out final review and approval proceedings as described in (D) above. See Article 15, Special Land Uses.

F. Approved Site Plans: Three (3) copies of an approved site plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each of the three approved copies shall be signed and dated with the date of approval specified, by the Township Supervisor and Clerk.

G. As-Built Drawings: The applicant shall submit three (3) copies of as-built drawings upon completion of construction activities, but no later than sixty (60) days from the issuance of a permit of occupancy by the Building Inspector. Such drawings shall identify all improvements made upon the site including utility services.

Section 14.4 Site Plan Approval Standards

A. Specific Site Development Standards: Each preliminary and final site plan shall conform with the specific site development standards of this Ordinance including, but not limited to, requirements pertaining to lot area, lot width, setbacks, heights, permitted uses, nonconformities, lighting, potable water, sewage disposal, and the provisions of:

1. Article 7, Off-Street Parking and Loading.
2. Article 8, Landscaping and Screening.
3. Article 9, Environmental Protection.
4. Article 10, Development Standards for Specific Land Uses.
5. Article 11, Nonconforming Lots, Structures, and Uses.
6. Article 20, Supplemental Provisions.
7. Other Articles as applicable.

B. General Site Plan Approval Standards: In addition to compliance with the standards of subsection (A) above, all site plans shall comply with the following general site plan approval standards:

1. All elements of the Plan shall be harmoniously and efficiently organized in relation to the size and character of the lot, the manner in which buildings and support facilities on the lot relate to one another, and the character of the proposal as viewed from nearby properties and roads.
2. The site plan shall be of a character that supports the purpose of the District in which the development is to be located, as described in Table 3-1 of Article 3.
3. The site plan shall not impede the normal and orderly development, improvement, or enjoyment of surrounding property for uses permitted in the District, including matters pertaining to visual impacts

- from lighting, signage, outdoor storage, and off-street parking.
4. The site plan shall preserve the environmental character of the site insofar as practical by minimizing the removal or disturbances to on-site natural features such as trees, woodlands, soils, topography, water courses and wetlands.
 5. The site plan shall provide for the removal of storm water so as to minimize on-site flood conditions and assure the well being of the users of the property, while not adversely affecting adjacent properties and public and natural drainage systems due to flooding, erosion, sedimentation, or other negative impacts. Storm water management plans shall rely on existing drainage patterns where practical and minimize topographic alterations, and incorporate the necessary measures to discourage soil erosion and sedimentation and the discharge of impurities into the groundwater and nearby water courses.
 6. The site plan shall provide vehicular and non-motorized circulation and parking in a manner that ensures visually clear, safe, convenient and efficient travel in the site and at ingress and egress points, including minimizing congestion and conflicting turning patterns, minimizing negative impacts upon abutting properties and roads including coordination with the existing and planned public circulation system and improvements thereto and the avoidance of unnecessary curb cuts, and ensuring that all buildings shall be so arranged as to permit emergency access by some practical means to all sides.
 7. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Underground facilities shall be provided to the greatest extent feasible.
 8. Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and public health, safety and welfare. In developments that are intended to be of a mixed-use character, the approving body may require a phasing plan to ensure that the intended dominant character of the development is preserved, such as the specification of a number or percentage of the proposed residential units in a predominantly residential development be constructed prior to or concurrently with nonresidential components.
 9. Site plans shall conform to all applicable Township planning documents including the Alaiedon Township Comprehensive Plan, other applicable ordinances, and state and federal statutes.

Section 14.5 Conformity to Approved Site Plans

Property which is the subject of site plan approval shall be developed in compliance with the approved site plan and any approved changes thereto. If construction or use of the property does not conform to such approved plans, the approved Zoning Permit shall be subject to revocation by the Zoning Administrator pursuant to Section 2.4(C).

Section 14.6 Changes to Approved Site Plan

A. Site Plan Changes: No changes shall be made to an approved site plan prior to, during, or after construction except according to the following procedures:

1. **Major Changes:** Major changes to an approved site plan shall be reviewed and acted upon according to Section 14.3. A "major change" shall include the following:
 - a. a change in excess of five (5) feet in the location of vehicular circulation ways, parking areas, or exterior building walls.
 - b. a change in the number of accesses to a street or alley or any other change impacting the basic circulation pattern and/or traffic flow.
 - c. a reduction or increase of more than four (4) parking spaces or one-hundred (100) square feet of floor area.
 - d. an increase in the number of dwelling units or the realignment of lot lines in a platted or condominium subdivision where such realignment exceeds five (5) feet at any single point.
 - e. an increase of more than three (3) feet in building height.
2. **Minor Changes:** Minor changes shall be subject to Zoning Administrator approval. Approved changes shall be clearly specified in writing and signed by the Zoning Administrator. The Zoning Administrator shall keep accurate records of approved changes. The Zoning Administrator may defer action on a minor change to the Township Board.
 - a. Minor changes to an approved site plan shall include changes not otherwise identified as a major change in (A)(1) above including changes to required landscaping and screening where the change will not alter the overall appearance and effectiveness of the required landscaping and screening, and changes to the location, elevation or grade of storm sewer, sanitary sewer, or other utilities where the Township Engineer has approved such changes.

Section 14.7 Pre-Existing Site Plans Under Review

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

End of Article 14

Article 15 SPECIAL LAND USES

Section 15.1 Purpose

It is the purpose of this Article to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the landowner, investor or developer, but that will, at the same time, promote the purpose of this Zoning Ordinance and ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide control and reasonable flexibility, this Article provides for the review of certain specified land uses, referred to as "special land uses," which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and/or to the community as a whole. Land uses and structures possessing these characteristics may be authorized within certain zoning districts as specified in Article 3 (Zoning Districts), by the issuance of a Zoning Permit for the specified Special Land Use. This Article establishes a review process that requires the application materials to be subject to Planning Commission review and final action by the Township Board after receiving a recommendation from the Planning Commission.

Section 15.2 Review Procedure

A. Review/Approval: The review procedures for an application for a Special Land Use shall be identical to the review and approval procedures for site plans according to Article 14, including the information to be submitted and the determination of application completeness, except as otherwise clarified below:

1. **Use/Site Plan Inseparable:** An application for a Zoning Permit for a Special Land Use shall be an application to determine the appropriateness of both the proposed use on the subject property, and the manner in which the proposed use is to be arranged and function on the site as delineated in the required site plan. The use and site plan shall be viewed as inseparable and shall be acted upon through a single motion.
2. **Application:** An application for a Zoning Permit for a Special Land Use shall consist of the following:
 - a. An application form available from the Zoning Administrator, signed by the property owner(s) and applicant(s).
 - b. A preliminary site plan prepared according to Sec. 14.3(A).
 - c. A detailed description of the proposed project, in narrative form.
3. **Preliminary Approval/Public Hearing:** An application for a Zoning Permit for a Special Land Use shall require Township Board action on a preliminary application, following the submittal of a recommendation by the Planning Commission. Upon finding that the application materials are complete, and prior to the Planning Commission forwarding a recommendation to the Township Board, the Planning Commission shall hold a public hearing on such application. Notice of the hearing shall comply with Section 2.11. Following receipt of the Planning Commission's recommendation, the Township Board shall deny, approve, or approve with conditions the preliminary application for special land use/site plan.
 - a. Action on the preliminary application by the Planning Commission and Township Board shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions recommended. The Planning Commission and Township Board shall refer to the approval standards set forth in Sec. 15.6 in addition to those specified for site plan approval (Sec. 14.4) prior to taking preliminary action.
4. **Final Approval:** Following approval of a Special Land Use preliminary application, final application approval shall only require Township Board action unless the Township Board specifically requests the Planning Commission to submit a recommendation on the final application. A public hearing on the final application shall not be required provided such final application is substantively similar to the approved preliminary application including both the character and features of the use and site plan.
 - a. Action on the final application by the Township Board shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions recommended. The Township Board shall refer to the approval standards set forth in Sec. 15.6 in addition to those specified for site plan approval (Sec. 14.4) prior to taking final action.

5. **Simultaneous Preliminary/Final Approval:** An applicant may voluntarily submit a special land use application that is intended to meet both the preliminary and final application provisions of this Article, including preliminary and final site plan approval, the effect being to avoid the formal and separate preliminary approval phase and seek immediate final approval. An applicant choosing to exercise this option bears the risk of expending the additional time and money that may be required for preparation of final application materials without the benefit of any formal action by the Township Board to review and act favorably on a preliminary application. This option is made available under this Article in recognition that certain special land uses may be of such character that the normally required two-phased preliminary and final approval process is not necessary. Uses that may be more appropriate for simultaneous preliminary and final approval may be uses that include the erection of no new buildings, uses that do not require alterations to existing topographic conditions, uses that require no new off-street parking areas, and/or uses that do not rely on new underground storm or sanitary sewer infrastructure. However, nothing in this subsection (5) shall be construed to require the Township Board to approve simultaneous preliminary/final approval even if such conditions are part of an application.
 - a. In the case of such a simultaneous application and where the Township Board denies final approval, the Township Board shall specify in its motion whether the denial applies to both the final and preliminary application or whether the alleged final application is approved as a preliminary application only, along with any conditions that may be made part of such preliminary approval.
 - b. In the case of such a simultaneous preliminary/final application, the applicant shall specify in writing the applicant's intent to seek simultaneous preliminary and final approval.

Section 15.3 Appeals

A person aggrieved in association with a special land use decision may appeal the special land use application decision to the circuit court only.

Section 15.4 Reapplication

No application for a Zoning Permit for a Special Land Use which has been denied wholly or in part by the Township Board shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the original action, as determined by the Township Board. A reapplication shall require a new fee and the process shall follow all provisions of Section 15.2.

Section 15.5 Changes

A. Site Plan: Changes to an approved site plan shall comply with the application and review procedures of Section 14.6. In the case where a proposed site plan change constitutes a major change according to Section 14.6, the Planning Commission shall hold a public hearing on such site plan change according to the notice requirements of Section 2.11. If the Township Board determines that such major change would alter the essential character of the site plan, the proposed change shall not occur until such change is applied for and approved according to the application and review procedures of Section 15.2.

B. Use or Activity: A change in the character of the use or activity from what the originally approved Zoning Permit authorized shall not occur until such change is applied for and approved according to the application and review procedures of Section 15.2. Examples requiring a new application and review procedure include the establishment of another special land use, an expansion or increase in intensity of use including but not necessarily limited to the erection of additional buildings, the extension of authorized hours of operation, or the addition of two-hundred (200) square feet or more of floor area.

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Section 15.6 Approval Standards

A. General Standards: No Special Land Use application shall be approved except where the application complies with the following standards:

1. Be consistent with the general policies and objectives of the Alaiedon Township Comprehensive Plan.
2. Be designed, constructed, operated and maintained so as to be compatible with the existing and planned character of the general vicinity, taking into consideration such features as the bulk, placement, and materials of construction of proposed structures, open space areas, lighting, and landscaping and screening.
3. Will not be hazardous, disturbing, or detrimental to the use, peaceful enjoyment, economic value or development of neighboring property, or the vicinity in general, taking into consideration such features as the location of driveways and traffic flow patterns including turning patterns, vehicular and pedestrian safety, the intensity and character of traffic and parking conditions, hours of operation, and the production of noise, glare, vibration, odors, or other external impacts.
4. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment including air, soil, surface water, and ground water resources.
5. Be served adequately by essential public facilities and services such as roads, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools; and minimize the impact of traffic generated by the proposed development on adjacent properties.
6. Will not create excessive additional requirements at public cost for public facilities and services.
7. Comply with the site plan approval standards of Section 14.4.

B. Specific Standards: In addition to compliance with the above standards in subsection (A), special land uses shall comply with the standards and regulations applicable to each specific land use as may be identified in Article 10.

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End of Article 15

Article 16 ZONING BOARD of APPEALS (ZBA)

Section 16.1 Purpose

The purpose of this Article is to establish a Zoning Board of Appeals (ZBA) pursuant to Public Act 110 of 2006, including its responsibilities, procedures, and standards of review, to ensure that the objectives of this Ordinance are fully and equitably achieved.

Section 16.2 Creation and Membership

A. Establishment and Appointment of Members: The ZBA first established by the Alaiedon Township Zoning Ordinance adopted on November 6, 1972, as amended, is hereby retained in accordance with Public Act 110 of 2006. The ZBA shall consist of three (3) members, appointed by the Township Board by majority vote. One (1) of the members shall be a member of the Planning Commission. One (1) regular or alternate member of a ZBA may be a member of the Township Board but shall not serve as the chairperson. The remaining regular members, and any alternate members, shall be selected from the electors of the Township residing within. The members selected shall be representative of the population distribution and of the various interests present in the Township. An employee or contractor of the Township Board may not serve as a member of the ZBA.

B. Alternate Members: The Township Board may appoint not more than two (2) alternate members to the ZBA, each appointed for a term of three (3) years. The alternate members shall be called on a rotating basis to sit as regular members of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings of the ZBA. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the ZBA.

C. Terms of Appointment: Members shall be appointed for three (3) year terms except in the case of a Planning Commission and/or Township Board member serving on the ZBA, whose terms on the ZBA shall be limited to the time they are members of the Planning Commission or Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment. Members may be reappointed.

D. Removal from Office / Conflict of Interest: A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 16.3 Organization

A. Rules of Procedure and Officers: The ZBA may adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The ZBA shall annually elect from its members a chairperson, vice-chairperson, and secretary.

B. Meetings and Quorum: Meetings of the ZBA shall be held at the call of the chairperson and at such other times as the ZBA in its rules of procedure may specify. A majority of the total regular membership of the ZBA shall comprise a quorum. The ZBA shall not conduct official business unless a quorum is present. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act.

C. Oaths and Witnesses: The chairperson may administer oaths and compel the attendance of witnesses.

D. Records: 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 according to the Freedom of Information Act. All minutes shall state the grounds for each determination, including findings of fact and conclusions.

Section 16.4 Jurisdiction

The ZBA shall act upon questions as they arise in the administration of this Ordinance and take other actions as specified in this Ordinance. The ZBA shall perform its duties and exercise its powers as provided in Public Act 110 of 2006. The ZBA shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but shall have the power to act on those matters so specified in this Ordinance including Ordinance interpretations, variances, and the review of an order, requirement, decision, or determination made by an administrative official or body charged with the enforcement of this Ordinance.

Section 16.5 Appeals for Administrative Reviews

A. Authority: The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, or decision by the Zoning Administrator or by any other body or official in administering or enforcing the provisions of this Ordinance. Within this capacity the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of such body or official. The ZBA shall have all the powers of the body or official from whom the appeal is taken. However, in no case shall the ZBA hear an appeal of a Special Land Use or Planned Unit Development decision. Such appeals shall be subject to circuit court appeal only.

B. Standards: The ZBA shall reverse or otherwise modify the decision of such body or official from whom the appeal is taken only if it finds that the action or decision appealed:

1. was arbitrary or capricious, or
2. was based upon an erroneous finding of a material fact, or
3. constituted an abuse of discretion, or
4. was based upon erroneous interpretation of the Zoning Ordinance or zoning law, or
5. did not follow required procedures.

C. Procedures:

1. **Application Requirements:** A written application for an appeal for administrative review shall be completed and filed with the Township Clerk on forms established for that purpose, within twenty-one (21) days after the date of the meeting during which the meeting minutes addressing the decision being appealed was approved. Application for an administrative review shall specify, at a minimum, the name, address, and phone number of the applicant; the decision being appealed; and the basis for the appeal. A minimum of seven (7) copies of the completed application shall be submitted along with any application fees.
2. **Stay:** An appeal for an administrative review filed under this Section stays all proceedings in furtherance of the action appealed unless the officer or body from whom the appeal is taken certifies to the ZBA, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would in the opinion of the officer or body would cause imminent peril to life or property. If such a certification is filed, the proceedings shall only be stayed by a restraining order. A restraining order may be granted by the ZBA or by the circuit court, on application, on notice to the officer or body from whom the appeal is taken and on due cause shown.
3. **Record of Facts / Transmission of Record:** Upon receipt of an application for an administrative review, the officer or body from whom the appeal is taken shall transmit to the ZBA all papers constituting the record upon which the action appealed from was taken. In hearing and deciding appeals under this Section, the ZBA's review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information which had not been presented to the administrative official or body from whom the appeal is taken.
4. **Hearing:** Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. See Sec. 2.7 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney. See subsection (5) regarding participation at the hearing by a member of the ZBA who is also a member of the Planning Commission or the Township Board.
5. **Decision:** The ZBA shall render a decision in the form of a motion or resolution containing a full record of the findings and determination of the ZBA, and basis for such determination. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse or otherwise modify the action subject to the appeal. A member of the ZBA who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing, deliberation, or vote, on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

Section 16.6 Interpretations

A. Authority: The ZBA shall hear and decide upon requests to interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning, including the determination of the precise location of the boundary lines between zoning districts (see Article 3).

B. Procedures:

1. **Application Requirements:** A written application for an interpretation shall be completed and filed with the Township Clerk on forms established for that purpose. Application for an interpretation shall specify, at a minimum, the name, address, and phone number of the applicant; the standard, regulation or provision requiring an interpretation; and a plot plan, site plan, or similar drawing illustrating the application or relevance of such interpretation. A minimum of ten (10) copies of the completed application shall be submitted along with any application fees.
2. **Hearing:** Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. See Sec. 2.7 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.
3. **Decision:** The ZBA shall render a decision in the form of a motion or resolution containing a full record of the findings and determination of the ZBA, and basis for such determination. In deciding on an interpretation, the ZBA shall ensure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.
 - a. Prior to deciding a request for an interpretation, the ZBA may confer with Township staff and consultants to gain insight into the provision subject to interpretation and any consequences which may result from differing decisions.
 - b. A decision providing an interpretation may be accompanied by a recommendation to the Planning Commission for consideration of an amendment of the Ordinance.

Section 16.7 Variances

A. Authority: The ZBA shall have the power to authorize specific variances from specific site development standards contained in this Ordinance, such as lot area and width requirements, building height and setback requirements, yard width and depth requirements, lot depth to width ratio requirements, off-street parking and loading space requirements, and sign requirements. The ZBA shall not have the power to authorize variances from requirements of this Ordinance pertaining to permitted uses of land in a District.

B. Standards: The ZBA shall have the power to authorize variances from specific site development requirements provided that all of the standards listed below are met and the record of proceedings of the ZBA contains evidence supporting each conclusion.

1. That there are practical difficulties that prevent carrying out the strict letter of this Ordinance due to unique circumstances, such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property in relation to such conditions, that do not generally apply to other property or uses in the same district, and shall not be recurrent in nature. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
2. That the practical difficulty or special condition or circumstance is not a result of the actions of the applicant.
3. That the variance will relate only to property described in the variance application.
4. That the variance will be in harmony with the purpose of this Ordinance and the intent of the District, including the protection of public health, safety and welfare in general and vehicular and pedestrian circulation specifically.
5. That the variance will not cause a substantial adverse effect upon surrounding property including property values and the development, use and enjoyment of property in the neighborhood or District.
6. That strict compliance with the site development requirement in question would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
7. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

C. Procedures

1. **Application Requirements:** Application for a variance shall specify, at a minimum, the name, address, and phone number of the applicant; the legal description for the lot subject to the variance; a specification of the Ordinance's standards for which a variance is sought and the specific variance being requested; and a plot plan, site plan, or similar drawing that adequately illustrates the proposed improvements to the lot for which the variance is requested. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings, including any information the applicant may chose to submit to demonstrate conformance with the standards of subsection (B) above. A minimum of seven (7) copies of the completed application shall be submitted along with any application fees.
2. **Hearing:** Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. See Sec. 2.7 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.
3. **Decision:** The ZBA shall render a decision in the form of a motion or resolution containing a full record of the findings and determination of the ZBA, and basis for such determination. The concurring vote of a majority of the members of the ZBA shall be necessary to grant a variance.
 - a. In granting a variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance. See Article 20 (Supplemental Provisions) regarding conditional approvals.
 - b. A variance shall become null and void unless the construction authorized by such variance has been commenced within six (6) months after the granting of the variance; and the occupancy or use of the land, structure, and/or building for which the variance was granted has taken place within one (1) year after the granting of the variance. The ZBA may extend this time limit upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that undermine the basis for the original issuance of the variance.
 - c. No application for a variance which has been acted upon shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the original action, in the discretion of the ZBA.

Section 16.8 Review by Circuit Court

A. Circuit Court Review: The decision of the ZBA shall be final. However, any party aggrieved by an order, determination or decision of the ZBA may obtain a review thereof in the Circuit Court provided that application is made to the Court within thirty (30) days after the ZBA issues its decision in writing signed by the chairperson, or within twenty-one (21) days after the ZBA approves the minutes of its decision. The Circuit Court shall review the record and decision of the ZBA to insure that the decision:

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

End of Article 16

Article 17

ZONING MAP and TEXT AMENDMENTS

Section 17.1 Purpose

This Article establishes procedures for the review and action on amendment requests. Requested amendments to this Ordinance shall be processed according to Public Act 110 of 2006, as amended, and in doing so, the procedures of this Article shall be followed. It is not intended that this Ordinance be amended except to correct an error, to address changed or changing conditions including in a particular area in the Township and in strategies to ensure the public health, safety and welfare, to conform with the Comprehensive Plan and/or other ordinances of the Township, and to meet a public need for new or additional land uses in appropriate locations.

Section 17.2 Initiation of Amendments

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

Section 17.3 Procedures

A. Application, Distribution and Data: A petitioner shall submit twenty (20) copies of a completed application to the Township Clerk on a form established for that purpose, which shall include a detailed description of the proposed amendment including the name, address and phone number of the applicant and the desired change(s) and reason(s) for such change(s), along with any application fees. The Township Clerk shall record the date of their receipt and transmit copies to the Planning Commission, Township Board, and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, consultants, and the Ingham County Road Commission.

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

B. Planning Commission Action

1. **Public Hearing:** The Planning Commission shall review the application materials. Upon finding that the application materials are satisfactorily complete and the Planning Commission has a clear understanding of the requested amendment, the Planning Commission shall establish a date for at least one (1) public hearing on the application and hold such hearing. Notice of the public hearing shall comply with Section 2.11. Any application not properly filed or complete may be returned to the applicant with a written notice of deficiencies.
2. **Planning Commission Review / Recommendation:** In reviewing any amendment application, the Planning Commission shall identify and evaluate all factors relevant to the application.
 - a. If the petition involves an amendment to the official zoning map, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
 - 1) What, if any, identifiable conditions related to the petition have changed which justify the proposed amendment?
 - 2) What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
 - 3) Will the petitioned district change adversely affect the value of the surrounding property?
 - 4) Is the site's environmental features compatible with the host of uses permitted in the proposed district, and will development under the petitioned district change be likely to adversely affect environmental conditions?
 - 5) Can the subject parcel comply with all requirements of the proposed zoning classification?
 - 6) Is the subject property able to be put to a reasonable economic use in the zoning district in which it is presently located?

- 7) Is the proposed rezoning consistent with the zoning classification of surrounding land?
 - 8) Does the petitioned district change generally comply with the Comprehensive Plan?
 - 9) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
- b. If the petition involves an amendment to the text of the Ordinance, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
- 1) Is the proposed amendment supported by documentation, such as from the Zoning Board of Appeals, that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
 - 2) Is the proposed amendment supported by reference materials, planning and zoning publications, information gained at seminars or experiences of other communities to more effectively deal with certain zoning issues?
 - 3) Is the proposed amendment supported by significant case law?
3. Planning Commission Recommendation: The Planning Commission shall transmit its findings of fact and a summary of comments received at the public hearing to the Township Board, along with its recommended action on the amendment request.

C. Township Board Action

1. After receiving the findings and recommendations of the Planning Commission, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings and recommendations. The Township Board may refer any proposed amendment back to the Planning Commission for further consideration and comment within a time specified by the Township Board. The Township Board may adopt the amendment, with or without changes. Such action shall be by Ordinance, requiring a majority vote of the Township Board.
 - a. The Township Board may hold additional public hearings if the Township Board considers it necessary. The Township Board shall grant a hearing on the proposed amendment to any interested property owner who has filed a written request to be heard. Such written request shall take the form of a certified mail letter from the property owner to the Township Clerk. A hearing under this subsection (a) is not subject to the requirements of Section 2.11, except that notice of the hearing shall be given to the interested property owner according to Section 2.11(A) and (C). The Township Board may require the property owner to justify the property owner's interest on which the additional hearing request is based.

D. Publication of Notice of Ordinance Amendments: Following adoption of amendments by the Township Board, the amendments shall be filed with the Township Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Promptly following adoption of an amendment by the Township Board, a copy of the notice of adoption shall also be mailed to the airport manager of each airport that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice. The adoption notice shall provide either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment, the effective date of the amended Ordinance, and the place and time where a copy of the amendment ordinance may be purchased or inspected.

1. Effective Date: The effective date of an amendment shall occur no less than the expiration of 7 days after publication of the notice of adoption as provided in (D) above.

Section 17.4 Resubmittal

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

Section 17.5 Review of Zoning Ordinance

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

End of Article 17

Article 18
(RESERVED for FUTURE USE)

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End of Article 18

Article 19
(RESERVED for FUTURE USE)

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End of Article 19

Article 20 SUPPLEMENTAL PROVISIONS

Section 20.1 Purpose

The purpose of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations, or standards in addition to the regulations contained elsewhere in this Ordinance, and to establish such exceptions, regulations, and standards. The following supplemental provisions apply to all zoning districts unless otherwise indicated.

Section 20.2 Conditional Approvals

A. Conditions on Discretionary Decisions: The Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, variance or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:

1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Protect the natural environment and conserve natural resources and energy.
3. Insure compatibility with adjacent uses of land.
4. Promote the use of land in a socially and economically desirable manner.

B. Requirements for Valid Conditions: Conditions imposed shall meet all of the following requirements:

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

C. Record of Conditions and Changes: Any conditions imposed shall be recorded in the record of the approval action. These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.

D. Performance Guarantees: Performance guarantees may be required to ensure compliance with conditions on discretionary decisions pursuant to the requirements of Section 2.6.

Section 20.3 One Single-Family Dwelling to a Lot

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

Section 20.4 Moving Buildings

No existing building or structure within or outside of the Township shall be relocated upon any lot within the Township unless the building or structure meets all provisions of this Ordinance and the Michigan Construction Code.

Section 20.5 Essential Services

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

Section 20.6 Earth Sheltered Dwellings

In the case where a berm or similar landform is created to abut a wall or roof of a dwelling, the bottom edge of the berm shall meet the setback requirements for the district in which it is located. In the case where more than fifty percent (50%) of the exterior wall area of such an earth sheltered home is not visible due to such berming or other use of landforms adjacent to the dwelling, the dwelling shall constitute an "earth sheltered dwelling." Applications for earth sheltered dwellings shall be deferred to the Township Board. In arriving at a decision on such Zoning Permit application, the Township Board shall follow the regulations and standards of Section 2.4(B). In addition, the Township Board shall take into consideration the visual character of the proposed dwelling and the extent that it shall be compatible with other dwellings within a one thousand (1,000) foot radius. An application for an earth sheltered home shall include documentation that the proposed dwelling meets all applicable rules and regulations including the Michigan Construction Code and county health department requirements.

Section 20.7 Permitted Yard Encroachments for Principal Buildings

A. Architectural features such as cornices, eaves, gutters, chimneys, pilasters and similar features may project two and one half (2.5) feet into any required setback area. Balconies, and fire escapes and outside stairways of open construction, may project a maximum of five (5) feet into any required setback area.

Section 20.8 Frontage, Access, Driveways and Roads

A. Frontage/Access: All lots hereinafter created in the Township shall have frontage on a public road and take their access from such frontage so as to provide safe, convenient vehicular access to all buildings on such lot, including for fire protection, other emergency vehicles, and any required off-street parking. Such frontage shall meet the minimum standards of Table 3-5.

B. Access/Driveways: All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises which shall be part of the plot plan or site plan as applicable. Driveways shall comply with the following standards:

1. Driveways shall be within ten (10) degrees of perpendicular to the abutting road, for a minimum distance of twenty (20) feet from the road right-of-way, shall be no closer than ten (10) feet to a side lot line except where located within a platted subdivision or site condominium, and shall be graded and drained to prohibit the ponding of water.
2. No driveway shall serve more than one (1) single family dwelling or more than one (1) dwelling unit in a two family dwelling unless specifically approved otherwise.
3. Where a dwelling is erected more than two hundred (200) feet from the public road right-of-way from which it gains access, such driveway shall be constructed prior to the erection of any above-grade walls including any framing for such walls, and shall comply with the following minimum standards:
 - a. Drivable surface width of ten (10) feet.
 - b. Surface material of six (6) inches of processed gravel or concrete, or two and one half (2.5) inches of bituminous pavement, laid upon a base absent of all topsoil.
4. The following additional standards and limitations shall apply to driveways serving non-residential uses except upon a finding by the site plan approving body that a less stringent standard is necessary to ensure the proper functioning of such use, and that such lesser standard shall not undermine the public health, safety and welfare based on such factors as projected turning patterns and vehicle trips per hour and throughout the day, as supported by published traffic engineering and safety studies and principles, and surrounding road and land use conditions.
 - a. No lot shall be served by more than one (1) driveway.
 - b. No driveway shall be located closer than one hundred (100) feet to another driveway whether such other driveway is located on the same or different lot.
 - c. No driveway shall be located closer than one-hundred (100) feet to the intersection of any two (2) roads.
 - d. Curbing or other physical barrier shall be provided to prohibit vehicles accessing a lot from a road except from the designated and approved driveway location.
 - e. No driveway consisting of two lanes shall exceed twenty-five (25) feet in width at the road right-of-way line. Three-lane driveways shall not exceed thirty-five (35) feet in width.

C. Roads:

1. All public roads shall be subject to site plan approval according to Article 14. Review of such roads under Article 14 shall also address the appropriateness of the location, character and extent of such roads in compliance with Section 10 of Public Act 168 of 1959, The Township Planning Act.

2. Public roads shall be designed and constructed according to the most current standards of the Ingham County Road Commission except where such agency approves exceptions to such standards according to a submitted site plan, and the Township Board affirms such exceptions.
3. No lot shall rely on a private easement for access to such lot. Such private easements for access, sometimes referred to as "private roads" and not accepted by the Ingham County Road Commission for general public use, are prohibited. This subsection (3) shall not be interpreted to prohibit the continued use of existing lawful private access easements.

D. Exceptions: This Section shall not apply to buildings and activities associated with a farm operation.

Section 20.9 Keeping of Animals as Accessory Residential Use

A. Definitions: For the purpose of this Section, the following phrases shall have the following definitions:

1. "Vicious animal" shall be defined as any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.
2. "Large livestock" shall be defined as horses, ponies, cattle and other livestock that can be reasonably expected to grow to a similar or larger size by weight or height upon reaching maturity.

B. Keeping of Vicious Animals: No vicious animal shall be kept permanently or temporarily in any district.

C. Keeping of Household Pets: The keeping of household pets, including dogs cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in association with any residentially-used lot provided such activities do not constitute a kennel as defined in this Ordinance, unless approval for such kennel has been granted pursuant to this Ordinance.

D. Keeping of Livestock as Accessory Residential Use: The keeping of large livestock as an accessory use to the principal residential use of a lot is prohibited in all districts except the A-1 and R-1 Districts and is subject to the following limitations. This subsection (D) shall not apply to agricultural uses as defined in this Ordinance.

1. The lot shall be a minimum of two (2) acres for the first animal. The lot shall be a minimum of one (1) additional acre in area for each animal on the lot classified as "large livestock." Newly born horses, cows, donkeys, mules and other animals that exceed forty pounds (40 lbs.) in weight at birth may be maintained on said parcel for up to six (6) months irrespective of this limitation.
2. No storage of manure, odor or dust producing materials, or structures housing livestock, shall be permitted within fifty (50) feet of a lot line.
3. Livestock shall be managed by the occupants of the premises.

Section 20.10 Single Family Dwelling Standards

A. All single family dwellings shall comply with the following standards, provided that the following standards shall not apply to mobile homes located in a licensed manufactured housing community except to the extent required by state or federal law.

1. A single family dwelling shall have a minimum floor area of 1,000 square feet, provided that a two-story dwelling must have a minimum of 850 square feet of living area on the first floor and a minimum of 350 square feet of living area on the second floor.
2. A single family dwelling shall have a minimum width across its front, side and rear elevation of twenty-two (22) feet.
3. A single family dwelling shall have a roof pitch of a minimum of 4:1 (horizontal:vertical) over at least seventy percent (70%) of its roof area, except that this limitation shall not prohibit the extension of an existing roof pitch over an addition to the dwelling.
4. A single family dwelling and all modifications thereto shall comply in all respects with the Michigan Construction Code and the fire codes of the Township. Where a dwelling is required by law to comply with federal or state standards or regulations for construction (as in the case of mobile homes) and where such standards or regulations for construction are different than those imposed by such codes, then and in that event such federal or state standard or regulation shall apply.
5. A single family dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions of the dwelling, except in the case of cantilever architecture, and constructed of such materials and type as required by the building code for such dwelling.
 - a. In the event that the dwelling is a mobile home, as defined herein and as authorized as a temporary dwelling pursuant to Section 20.12, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device. Such mobile home shall be installed with the wheels removed.

6. A single family dwelling shall have front and rear or front and side exterior doors, and steps connected to said exterior door areas or to porches connected to said door areas where the difference in elevation exceeds twelve (12) inches.
7. Any additions or modifications to a single family detached dwelling shall be constructed of similar or better quality workmanship as the original structure, including permanent attachment to the principal structure and foundation.
8. Any single family dwelling with a basement shall have a minimum of one (1) story above such basement. No single family detached dwelling shall consist solely of a basement as defined in this Ordinance.
9. A single family dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the Ingham County Health Department.
10. A single family dwelling shall contain storage area equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less, and shall be located in a basement under the building, in an attic area, in closet areas, or in a separate structure constructed of similar or better quality workmanship as the principal dwelling.
11. A single family dwelling shall be constructed in compliance with the Alaiedon Township Building Code, Michigan Construction Code, and all other county and state rules and regulations.

Section 20.11 Accessory Uses, Buildings, and Structures

A. Scope:

1. Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the regulations of this Section.
2. No provisions of this Section shall be interpreted as authorizing accessory uses, buildings or structures that do not conform to the definitions of Article 21 pertaining to “accessory building or structure” and “accessory use.”
3. For the purposes of this Section, a building shall be considered an accessory building where such building is not structurally attached to the principal building by either shared wall construction or by a fully and structurally enclosed corridor. A residential garage shall be considered an accessory building only in the case where such garage is not structurally attached to the dwelling by either shared wall construction or by a fully and structurally enclosed corridor.

B. Permit Required: No accessory building or structure shall be erected prior to the issuance of a Zoning Permit for such structure of building, except that no permit is required in the case of agricultural fences and residential fences for single-family and two-family dwellings. Applications for accessory buildings and structures shall be administered and reviewed as part of the original or proposed revised plot plan (Section 2.4(B)) or site plan (Article 14).

C. Placement/Setbacks:

1. No accessory building or structure shall be located in a front yard, including but not limited to a detached garage, and no residential garage entrance shall be located within sixty (60) feet of a front lot line. This subsection (1) shall not apply to farm buildings and structures.
2. Accessory buildings and structures shall be set back a minimum distance of twenty (20) feet from a rear lot line.
3. Accessory buildings and structures shall comply with the side yard setback of the District applicable to the principal building on the lot, according to Table 3-5 of Article 3, except as follows:
 - a. The minimum side yard setback in Residential Districts shall be twenty (20) feet for buildings and structures that do not exceed fifteen (15) feet in height. Such setback shall be increased one (1) foot for each one (1) foot of height exceeding fifteen (15) feet.
 - b. In the case of a corner lot, the side yard setback for accessory buildings and structures shall comply with the front yard setback of the District applicable to the principal building on the lot.
 - c. In the case of a corner lot where the rear yard of the corner lot abuts the side lot line of the adjoining lot, the side yard setback for accessory buildings and structures on the adjoining lot along such shared property line shall be twenty (20) feet.
 - d. No residential garage entrance facing a side lot line shall be located within forty (40) feet of such lot line.
4. In no case shall an accessory building be located within ten (10) feet of the principle building.
5. In no case shall an accessory building or structure be located so as to interfere with the proper functioning of utilities, including existing and proposed back-up septic drain fields.

D. Height, Area and Lot Coverage

1. No accessory building or structure shall be erected that results in noncompliance with the lot coverage standards of Table 3-5 of Article 3.
2. Accessory buildings and structures for non-residential uses may be constructed to equal the permitted maximum height of the principal structure on the lot, subject to site plan approval. Buildings and structures serving agricultural uses shall not exceed a height of seventy-five (75) feet.
3. No more than thirty percent (30%) of any A-1 General Agricultural District rear yard shall be occupied by accessory buildings and structures.
4. Accessory buildings and structures in R-1 Rural Residential and R-2 Medium Density Residential Districts shall comply with the area and height limitations of the following table, according to the lot area on which the accessory building or structure is to be located:

Lot Area	Maximum Total Square Foot Area of All Accessory Buildings and Structures	Maximum Height of All Accessory Buildings and Structures
1.50 acres and less	750 sq. ft.	15 feet
1.51 acres – 1.99 acres	1,050 sq. ft.	18 feet
2.00 acres – 2.50 acres	1,600 sq. ft.	18 feet
2.51 acres – 3.00 acres	2,150 sq. ft.	20 feet
3.01 acres	2,650 sq. ft.	20 feet
4.01 and more	D.3 above applies	20 feet

See definition of “building height” in Article 21.

E. Habitation of Accessory Structures: No accessory building or structure shall be used or occupied as a dwelling except as may be authorized pursuant to Section 20.12 (Temporary Dwellings).

F. Prior to a Principal Structure: Accessory buildings and structures may be erected on a lot or parcel prior to the establishment of a principal structure provided the landowner submits a plot plan to the Zoning Administrator pursuant to Section 2.4(B) and the Zoning Administrator finds that such building or structure will not hinder the future erection of a principal building(s) in conformance with all setback and other site development requirements of this Ordinance. The Zoning Administrator may require such buildings and structures to be landscaped or otherwise screened to be harmonious in appearance and character with surrounding properties.

G. Mobile Homes as Accessory Uses and Structures: Any use of a mobile home for other than a single-family dwelling in a manufactured housing community is prohibited except as may be authorized as follows:

1. Section 20.12 (Temporary Dwellings).
2. Section 20.23 (Temporary Non-Residential Buildings).

Section 20.12 Temporary Dwellings

A. Authorization/Application: Temporary dwellings are prohibited except as approved by the Zoning Administrator according to this Section and for the sole purpose of allowing a temporary dwelling to be placed on a lot while the permanent dwelling on the same lot is under repair for which a zoning permit and building permit has been issued, where such repair is due to destruction by fire, collapse, explosion, Acts of God, or acts of a public enemy, to the extent that it is no longer safe for human occupancy. Application for and authorization of such a temporary dwelling shall require the submittal of an application available from the Zoning Administrator including a plot plan prepared according to Section 2.4(B).

1. Mobile Home as Temporary Dwellings: A temporary dwelling authorized pursuant to this Section shall consist of a mobile home only unless expressly authorized otherwise, such as in the case of a recreation vehicle. The provisions of Section 20.13, regarding the temporary occupancy of recreational vehicles, shall not apply where such vehicle is authorized pursuant to this Section.

B. Standards: Excluding minimum floor area standards, temporary dwellings authorized by this Section shall comply with all provisions of this Ordinance including but not limited to.

1. Compliance with setback standards of the District.
2. Adequate provisions for potable water and sewage disposal, in compliance with county health department rules and regulations. The temporary dwelling shall be connected to a county-approved on-site septic system, or public sewer system, where such temporary dwelling is to be occupied for more than thirty (30) days.

C. Permit Duration and Removal: No permit issued under this Section shall be issued for a duration exceeding twelve (12) months. The temporary dwelling shall be removed from the lot no later than the termination date of the permit or within sixty (60) days of the issuance of a certificate of occupancy for the permanent dwelling, whichever comes first. The Zoning Administrator may renew the permit for a single period not to exceed six (6) months upon the applicant adequately demonstrating that construction delays have been beyond the control of the applicant and that construction completion is continuing in an earnest manner. In no case shall the total permit period for a temporary dwelling exceed eighteen (18) months.

Section 20.13 Recreational Vehicles

A. Recreational Vehicles, as defined in this Ordinance, shall be subject to the following limitations:

1. **Storage Where Dwelling is Not Present:** The storage of a recreational vehicle on a lot on which a dwelling is not located is permitted provided the lot is used for such storage for no more than thirty (30) days during any calendar year and no more than one (1) such vehicle is stored on the lot at a single time.
2. **Storage Where Dwelling is Present:** The storage of a recreational vehicle on the same lot as a dwelling is permitted provided such vehicle is stored in the rear yard and no more than one (1) vehicle is stored on such lot at any single time.
3. **Occupancy:** Recreational vehicles may be temporarily occupied provided the lot is located in a District that authorizes dwellings as a use permitted by right (Article 3, Table 3-5) and the lot is used for such temporary occupancy for not more than thirty (30) days during any calendar year period. Where such vehicle is located on the same lot as a permanent dwelling, the occupants of the vehicle shall be provided access to the potable water and sewage disposal facilities of the permanent dwelling. Where such vehicle is not located on the same lot as a permanent dwelling, the occupants of the vehicle shall comply with all county, state and federal regulations for the storage and disposal of waste.

Section 20.14 Setbacks for Outdoor Living Areas (Terraces, Patios, Decks, and Porches)

A. Definition: For the purposes of this Section, "outdoor living area" shall be defined as an area designed for outdoor gathering, lounging, dining, and/or similar use, constructed of wood, concrete, brick, stone, or similar surface, and which may be partially enclosed. An outdoor living area may be commonly referred to as a terrace, patio, deck, or porch.

B. Uncovered: Outdoor living areas that are uncovered or unroofed shall comply with the following setbacks:

1. The front yard setback standard for the principal building.
2. The side and rear yard setback standards for the principal building except that such area may extend to within a maximum of five (5) feet from a lot line where the following standards are met:
 - a. The outdoor living area shall be without walls or other forms of enclosure except as follows:
 - (1) an open railing or fence not over three (3) feet high measured from the surface of the terrace, patio, or deck, with a minimum open surface area of fifty percent (50%); and/or
 - (2) noncontinuous wind breaks or walls not over six (6) feet high measured from the surface of the outdoor living area, and not enclosing more than one-half (½) of its perimeter.
 - b. The highest finished elevation of the outdoor living area shall not exceed three (3) feet in height above the average surrounding finished grade.

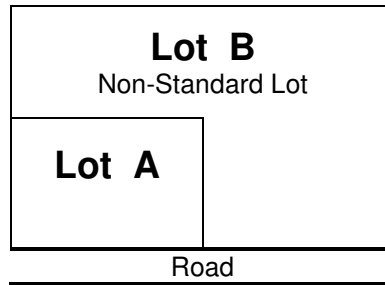
C. Covered: Outdoor living areas that are covered or roofed but otherwise unenclosed, shall comply with the following setbacks:

1. The front yard setback standard for the principal building.
2. The side and rear yard setback standard for the principal building except that such area may extend to within a maximum of eight (8) feet from a lot line where the following standards are met:
 - a. The roof or cover shall not exceed ten (10) feet in height as measured from its highest point to the average surrounding finished grade below.
 - b. The outdoor living area shall be without walls or other forms of enclosure except as follows:
 - (1) an open railing or fence not over three (3) feet high measured from the surface of the terrace, patio, or deck, with a minimum open surface area of fifty percent (50%); and/or
 - (2) noncontinuous wind breaks or walls not over six (6) feet high measured from the surface of the outdoor living area, and not enclosing more than one-half (½) of its perimeter.

D. Fully Enclosed: An outdoor space that is covered and has sides that exceed the standards delineated in subsection (B) and (C) shall be considered to be fully enclosed and not an outdoor living area as defined in subsection (A), and shall be subject to all setback standards applicable to the principal building.

Section 20.15 Locational Requirements for Non-Standard Lots

A. Definition of Non-Standard Lot: For the purposes of this Section 20.15, a non-standard lot shall be defined as a lot which extends along the side and rear lot lines of an adjacent lot in a manner that results in a portion of the non-standard lot to be located directly behind the adjacent lot, as illustrated below for example purposes only.



B. Standards and Approvals: A dwelling erected on non-standard Lot B shall comply with the normal setback standards of this Ordinance, including the standards of Table 3-5 (Article 3), in addition to the following additional locational provisions:

1. The dwelling on non-standard Lot B shall not be erected in that portion of the lot directly behind Lot A unless no practical alternatives exist, as determined by the Zoning Administrator and based on such relevant factors as the shape and width of the lot, the location of water bodies and wetlands on the lot, surrounding land uses and structures, and access to the interior of such lot.
2. Where there are no alternative locations for a dwelling on non-standard Lot B except directly behind Lot A, the following additional provisions shall apply:
 - a. The dwelling on non-standard Lot B shall be located a minimum distance of 500 feet from the dwelling on Lot A or, in the case where no dwelling is present on Lot A, a minimum distance of four hundred (400) from the rear lot line of Lot A as measured perpendicular from such rear lot line. Where such a setback is not feasible due to the depth of non-standard Lot B or other practical limitations such as the presence of water bodies and wetlands on the lot, surrounding land uses and structures, and access to the interior of such lot, the location of such dwelling shall be subject to Planning Commission approval. Planning Commission approval shall be based upon minimizing conflicts between dwellings and the use and enjoyment of such lots, encouraging the protection of property values, and ensuring compatibility between land uses.
 - b. The Planning Commission may require the applicant to establish a vegetative buffer to screen views of the proposed dwelling. Such a requirement shall specify the number, size, species and location of the required plant material.
3. Nothing in this Section shall be interpreted as exempting Lot B from the lot area, lot width, lot depth, lot access, or any other provisions of this Ordinance.

Section 20.16 Roadside Stands

Roadside stands, as defined in this Ordinance, are permitted as an accessory use to agricultural uses and for which a permit is not required. Roadside stands shall comply with the clear vision provisions of Section 20.17. A roadside stand shall provide a minimum of one (1) off-street parking space for each fifteen (15) square feet of display area. Such parking area shall be clearly delineated.

Section 20.17 Clear Vision Zones

A. Corner Lots: No fence, wall, hedge, screen, sign, structure, or vegetation shall be higher than three (3) feet above road grade on any corner lot within twenty (20) feet of the intersecting road right-of-way lines.

B. Driveways: No fence, wall, hedge, screen, sign, structure, or vegetation shall be higher than three (3) feet above road grade within twenty (20) feet of the points where a residential driveway edge intersects with the road right-of-way line.

Section 20.18 Fences and Walls

A. Residential: Fences and walls used principally for residential purposes shall comply with the following standards:

1. No fence or wall exceeding four feet (4') shall be erected in a front yard.
2. No fence or wall exceeding six feet (6') in height shall be erected in a side or rear yard.
3. In the case where a proposed fence or wall is within sixty (60) feet of a dwelling on an abutting lot, the finished side of the fence or wall shall face the abutting lot.
4. No fence or wall with barbs, spikes, nails, or other sharp or electrified devices shall be permitted.
5. Fences and walls shall not be subject to setback requirements.
6. See Section 20.17 regarding clear vision zones.

B. Agricultural/Animals: Fences and walls used principally for agricultural purposes, or for confining farm animals not otherwise on a farm, shall not exceed six feet (6') in height except where such height will not adequately contain the particular species such as in the case of cervidae. All fences in excess of five feet (5') in height shall be at least fifty percent (50%) open to a height of five feet (5'), and ninety percent (90%) open for the remainder of its height. Fences and walls shall not be subject to setback requirements. See Section 20.17 regarding clear vision zones.

C. Commercial, Industrial, Public, and Institutional: The location, height and character of all fences and walls proposed as part of the commercial, industrial, public and/or institutional use of a lot, or any other use of a lot requiring site plan approval pursuant to Article 14, shall be reviewed according to the site plan review provisions of Section 14.4.

Section 20.19 Outdoor Residential Swimming Pools

A. Permit/Application: No outdoor swimming pool on a residentially-used lot shall be erected prior to the issuance of a zoning permit from the Zoning Administrator, and the necessary building permits from the Building Inspector. Application for a zoning permit shall be made to the Zoning Administrator on a form for such purpose, and shall be accompanied by a plot plan (Article 4) that identifies the location of the pool, pool decks, adjacent buildings, fencing, and gates.

B. Location and Setbacks

1. No pool or pool fencing shall be located in a front yard.
2. No pool shall be located under a service drop conductor or other utility wires.
3. Pools shall comply with the minimum side and rear yard setbacks for the dwelling, as measured from the interior wall surface. Pool deck areas shall comply with Section 20.14.
4. There shall be not less than four (4) feet between the wall of the pool and any building.

C. Fencing: All swimming pools shall be completely enclosed by wood, chain link, 2" by 4" welded wire, or masonry fence, of not less than four (4) feet in height and not more than six (6) feet in height, and located not less than four (4) feet from the outside perimeter of any pool wall. Such fencing may be omitted where building walls abut the pool area, provided that the entire remaining perimeter of the pool area is fenced. All openings in any such fence shall be equipped with a self-closing, self-latching gate.

1. Where all parts of all sides of an above-ground pool exceed four (4) feet above grade, a fence shall not be required if a ladder or stairs, which lifts or retracts either manually or automatically and is in good operating condition, is attached to the pool.

D. Building and Health Codes: All swimming pools shall be designed, constructed and maintained in compliance with all building codes and the rules and regulations of county and state health departments.

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Section 20.20 Limitations on Vehicles in Agricultural and Residential Districts

A. The storage or overnight parking of commercial vehicles in an Agricultural or Residential District is prohibited except as provided below. For the purposes of this Section, a “commercial vehicle” shall be defined as a vehicle primarily designed to transport goods, materials, equipment, tools, or other items, where the cargo area exceeds the seated passenger area as measured in cubic feet.

1. The storage or overnight parking of commercial vehicles in an Agricultural or Residential District is permitted on a lot that has received a Zoning Permit for a commercial or industrial use and such vehicles are an integral part of such use.
2. No more than one (1) commercial vehicle may be stored or parked outdoors overnight on a lot used for residential purposes, provided such commercial vehicle shall not have a length in excess of twenty-five (25) feet or a height in excess of eight (8) feet.

B. Under no conditions are tow-trucks, semi-tractors or trailers, sand and gravel hauling trucks, bulldozers, graders and similar earth moving equipment permitted to be stored in a Agricultural or Residential District, indoors or outdoors, except on a lot that has received a Zoning Permit for a commercial or industrial use and such vehicles are an integral part of such use, or on a lot or parcel currently under construction and such construction requires the use of such vehicles.

C. This Section shall not prohibit the parking or storing of agricultural vehicles and machinery on a lot or parcel devoted to agriculture, nor shall this provision prohibit the storing of buses for school or church use on lots upon which the school or church is located.

Section 20.21 Outdoor Display, Sales and Storage

A. Definition of Materials and Products: For the purpose of this Section 20.21, “materials and products” shall include lumber piles, crates, boxes, building materials, discarded materials, trash, junk, and similar items; finished or partially finished items intended for subsequent use or sale including pipes, logs, fire wood, and figurines; and motor vehicles, items intended for tow, landscape supply materials, and other items customarily requiring outdoor storage.

B. Commercial Display and Sales: Outdoor display or sales of materials and products in association with a commercial or industrial use is prohibited except where expressly authorized pursuant to an approved site plan. Such display or sales area shall not extend into a required setback for the principal building according to Table 3-5. The maximum permitted outdoor display or sales area shall be ten percent (10%) of the use's indoor retail sales floor area except that this limitation shall not apply to the display and sales of motor vehicles, items intended for tow, or other items customarily requiring outdoor display.

C. Commercial and Industrial Storage: The outdoor storage of materials and products in association with a commercial or industrial use, not otherwise comprising outdoor display and sales as determined by the site plan approving body, is prohibited except where the site plan approving body finds that proposed screening or partial enclosures of such storage areas adequately minimizes negative impacts upon existing and planned surrounding land uses. Such enclosure or screen shall be subject to site plan approval.

Section 20.22 Site Condominiums

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

B. Applicability of District Regulations: A site condominium project, including single family detached units, shall comply with all applicable site development standards of the district within which it is located including use, setback, height, coverage and area requirements, and all other provisions of this Ordinance. A condominium unit in a site condominium is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the minimum lot area, width and yard setbacks of the District within which it is located.

C. Review and Approval Procedures:

1. **Zoning Permit Required:** No grading or any other form of construction shall be initiated for a site condominium prior to the approval of a final site plan and issuance of a zoning permit. The future erection of any dwelling or other structure or building in the site condominium, not expressly approved as part of the final site plan, shall require an additional zoning permit prior to erection.
2. **Site Plan Approval Required:** The issuance of a zoning permit shall require the submittal and approval of a preliminary and final site plan pursuant to Article 14, Site Plan Review, and master deed and bylaw documents.

- a. In addition to the preliminary and final site plan information required by Article 14, the applicant shall also submit information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
3. **Master Deed/Bylaws Approval Required:** The applicant shall include as part of the Zoning Permit application a copy of the proposed master deed and bylaws. These shall be reviewed for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform to Township, County, and state laws and regulations. The Master Deed shall also include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.
4. **Issuance of Zoning Permit:** Upon approval of the final site plan, by-laws and master deed, the applicant shall furnish the Planning Commission a copy of the final bylaws and master deed, and a copy of the approved site plan on a mylar sheet of at least twenty-four inches by thirty-six inches (24" x 36"). Upon the satisfactory submittal of these documents, the Planning Commission shall direct the Zoning Administrator to issue a zoning permit.
5. **Changes:** Any changes to an approved site condominium including changes in the by-laws, master deed, or site plan, including changes in lot line or road configuration and the addition or relocation of buildings, shall require approval by the Planning Commission prior to such change.

D. Building Permit: No building shall be erected prior to the issuance of a zoning permit by the Zoning Administrator, and a building permit by the Building Inspector.

E. Utilities: The site condominium shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

F. Roads: All roads within a site condominium shall be designed and constructed in conformance with the standards of the Ingham County Road Commission.

G. As-Built Plan and Occupancy: Submission of as-built plans of a condominium subdivision is required. The Township Board may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee is posted pursuant to Section 2.6.

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

Section 20.23 Temporary Non-Residential Buildings and Uses

A. Authorization: Temporary non-residential uses and buildings are prohibited except as authorized by this Section. Such temporary buildings and uses may include, but shall not be limited to, field offices and tool sheds associated with new construction projects; temporary buildings associated with school and religious facilities; temporary real estate offices part of a multi-unit residential development; and outdoor circuses, carnivals, theatrical exhibitions, and musical festivals.

B. Application: An applicant shall submit a completed application for a temporary non-residential building or use to the Zoning Administrator on a form established for that purpose. The application shall include a detailed description of the proposed temporary building and use, and a scaled drawing delineating the proposed location of all temporary buildings and uses, their locational relationship to existing and proposed permanent buildings and uses and required principal building setbacks, and measures to be employed to ensure the public health, safety and welfare including potable water, sewage disposal, and traffic circulation. This requirement shall not be interpreted to require the submittal of a full site plan for the temporary condition, meeting the requirements of Article 14, unless the approving body finds such submittal information to be necessary.

1. Field Offices/Sheds: An application to establish a temporary field office and/or equipment shed on a lot, to support the construction of a project approved for such lot, shall not be required provided the approved application for such project included provisions for the temporary offices and sheds.

C. Review and Action: The Zoning Administrator shall be responsible for the review and approval of temporary non-residential buildings and uses. The Zoning Administrator shall refer the application to the Township Board for action in the case where, in the reasonable judgment of the Zoning Administrator, the application presents complexities or public health, safety and welfare issues that can most adequately be reviewed and acted upon by the Township Board. The Township Board may require the submittal of additional information to adequately evaluate the merits of the request.

D. Approval Standards: No temporary building or use application shall be approved, or be permitted to continue, which does not comply with the site plan approval standards of Article 14, except where the approving body finds that specific standards need not apply due to the temporary nature of the use and provided the approving body determines the waiving of such standards shall not undermine the public health, safety and welfare.

E. Permit Duration and Removal: No permit issued under this Section shall be authorized for a period exceeding thirty (30) days except in the case where the applicant demonstrates to the satisfaction of the Zoning Administrator that the nature of the temporary building or use requires a longer duration, such as in the case of a field office and/or equipment shed on a lot undergoing construction or a model home in a subdivision serving as a real estate office for the sale of homes or lots in the subdivision. However, in no case shall such initial authorization exceed a twelve (12) month period and in no case shall each subsequent authorization period exceed six (6) months. The temporary condition shall be removed from the lot no later than the termination date of the permit or upon the temporary condition becoming no longer necessary, whichever comes first.

Section 20.24 Home Occupations

A. Definitions: For the purpose of this Section and Ordinance, the following phrases and definitions shall apply:

1. Class 1 Home Occupation: An occupation or profession conducted entirely within a dwelling, excluding an attached garage, and which complies with the following standards:
 - a. All aspects of the occupation shall be carried on inside of the dwelling, except for a single sign as authorized by the Alaiedon Township Sign Ordinance #9. Aside from such sign, there shall be no evidence of the home occupation outside of the dwelling including storage areas for supplies, trash, or other waste materials, or noise, odors, vibration, fumes or other conditions detectable by normal sensory perception.
 - b. The home occupation shall not occupy an area greater than one-half (1/2) of the story of the dwelling in which it is located.
 - c. There shall be no exterior structural additions or modifications to the dwelling to accommodate the home occupation.
 - d. The home occupation shall employ no more than one (1) person on the premises during the ordinary course of business who does not otherwise reside on the premises.
 - e. There shall be no receiving, storage, warehousing or distribution of goods not produced personally by the owner on the premises.
 - f. There shall be no more than eight (8) visits associated with the home occupation, by customers, salesmen, delivery persons, or other business visitors, during the daily course of business. In addition, such visits shall not exceed two (2) during any one (1) hour period.
 - g. All traffic to the home occupation shall be limited to passenger vehicles, two-axle delivery vans, and similarly sized vehicles.
 - h. No equipment or process shall be used which creates electrical interference in any radio, television, or communication receivers off the premises, or cause fluctuations in line voltage off the premises.
 - i. The occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and the surrounding yard areas.
2. Class 2 Home Occupation: An occupation or profession conducted entirely within a dwelling, excluding an attached garage, and which complies with the definitional standards of subsection (A)(1)(a) – (k) above for Class 1 Home Occupations except as follows:
 - a. The home occupation shall employ no more than three (3) persons on the premises who do not otherwise reside on the premises, during the ordinary course of business.
 - b. There shall be no more than sixteen (16) visits associated with the home occupation, by customers, salesmen, delivery persons, or other business visitors, during the daily course of business. In addition, such visits shall not exceed four (4) during any one (1) hour period.
 - c. Traffic to the home occupation may include passenger vehicles, and delivery vehicles with two or

more axles.

B. Authorization: The operating or conducting of a Class 1 or Class 2 home occupation is permitted according to the regulations and standards of this Section.

1. Class 1 Home Occupation: A Class 1 Home Occupation is permitted as an accessory use to the principal residential use of a lot. A zoning permit is required.
2. Class 2 Home Occupation: A Class 2 Home Occupation is classified as a special land use, and shall be subject to the application and review provisions of Article 15 except as clarified or further regulated below:
 - a. An application for a Class 2 Home Occupation shall include a plot plan meeting the requirements of Section 2.4(B). A site plan prepared according to Article 14 shall not be required provided that a review body may require additional information to be submitted where it determines the Section 2.4(B) plot plan does not adequately portray important information pertinent to the review of the application.
 - b. In addition to the information required by Section 2.4(B), the applicant shall submit a detailed description of the nature of the occupation, which shall clearly specify the following:
 - 1) A detailed description of the character of the business including but not limited to the service or product offered and the typical daily schedule of activities of such business.
 - 2) The type and frequency of vehicular traffic to be generated by the home occupation and the location of all outdoor parking, delivery and storage areas, if proposed.
 - 3) Proposed landscaping/screening in association with any parking and outdoor storage areas to minimize negative impacts on nearby properties.
 - 4) The number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site, and the typical duration of stay on the premises such as throughout the majority of the day or only during morning hours to receive daily instructions before traveling to a different work site.
 - 5) The location of the work area within the dwelling and the square footage of such area.
 - 6) The maximum number of vehicles to be parked or otherwise located outdoors, including vehicles owned or used by residents of the dwelling and employees of the business.
 - c. Any approval of a Class Two Home Occupation, and any permit issued for such occupation, shall delineate the standards that the home occupation shall comply with in regard to subsection (b)(1) – (6) above.
 - d. The more flexible standards available to Class Two Home Occupations, according to subsection (A)(2) above, are subject to approval by the Township Board. The Township Board may limit such flexibility as it deems appropriate to ensure the number of employees and the type, quantity and frequency of traffic and business visits will not unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area, based on such factors as, but not limited to, the size and shape of the lot, the location of the dwelling and proposed parking areas on the lot, the proximity of nearby residences, and road and dust conditions.

C. Instruction in a Craft or Fine Art: Nothing in this Section shall be interpreted as prohibiting a home occupation consisting of the instruction in a craft or fine art within the residence, provided all provisions of this Section shall apply including procedures and standards.

Section 20.25 Private Wind Energy Conversion Facility (Private WECF)

A. Approval Body and Procedures:

1. Zoning Administrator Approval.
 - a. A private WECF is subject to a Zoning Permit when the following condition exists:
 - 1) The proposed turbine is to be ninety (90) feet or less in height, measured from the normal ground elevation below to the highest point of the wind turbine including to a blade tip in its highest position if such tip is the highest point.
2. Special Use Permit
 - a. A private WECF shall obtain a Special Use Permit if the following condition exists:
 - 1) The proposed turbine is to be greater than ninety feet (90) feet in height, measured from the normal ground elevation below to the highest point of the wind turbine including to a blade tip in its highest position if such tip is the highest point.
3. Application and Approval Standards: The applicant shall submit a plot plan containing the information required by Section 2.4(B)(1)(b) and any additional information necessary to demonstrate conformance with the standards of subsection (B) below including the proposed location of all WECF components and the manufacturer's specifications. The designated approving body shall approve such application upon finding that the WECF application complies with the standards and regulations of this Section and

Ordinance, and that the WECF is sited to maximize compatibility with surrounding conditions to the greatest extent practical including maximum practical distances from existing dwellings on adjacent lots and minimizing shadow flicker on surrounding roads and properties.

B. Standards:

1. All heights WECF shall comply with the requirements of the Federal Aviation Authority and county, state and federal regulations including the Michigan Tall Structures Act and Airport Zoning Act.
2. Setback: A turbine and test tower shall not be closer than the total height of the tower from any property line; shall not be located in the front yard; and guy wires shall not be closer than ten (10) feet from the property line. A turbine mounted on a roof, shall not exceed twenty (20) feet in height above the peak of the roof.
3. Blade Length and Ground Clearance: No turbine vane or blade shall exceed twenty-five (25) feet in length. The lowest point of the arc created by rotating vanes or blades shall be no less than twenty (20) feet from the ground below except where the turbine is attached to a roof or other structure that prohibits vehicular and pedestrian movement below such blades.
4. Test Tower Temporary: A test tower shall be temporary and removed within twenty-four months of erection.
5. Vibrations: A private WECF or test tower shall not produce vibrations or wind currents humanly perceptible beyond the property boundaries of the parcel on which the WECF or test tower is located.
6. Shadow Flicker: A WECF shall be sited in such a manner to minimize shadow flicker from the blades on any road or on any building on an adjacent property existing at the time the application is considered. The approving body may require the applicant to submit a shadow report illustrating or otherwise delineating the projected shadow pattern of the WECF on June 21 and December 21, specific to the Alaiedon Township regional area, including the source and basis for such projections.
7. Building Codes: All WECFs and test towers shall comply with the electrical and building codes of the Township and all other regulations and requirements of county, state and federal agencies including those of the Federal Aviation Authority, the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the permit is approved. A WECF shall meet the manufacturer's specifications for erection and anchoring the wind turbine including foundation specifications, and shall exceed such specifications where local, state or federal regulations require so.
8. Noise: No private WECF shall produce noise levels that exceed fifty-five (55) decibels on the dB(A) scale for more than three (3) minutes during any hour of the day, measured along the property lines of the parcel on which the WECF is located and according to the most current version of American National Standardization Institute S1.4 specifications for a Type II sound meter. Private WECFs shall not be subject to Section 9.7.
9. Electromagnetic Interference: No private WECF shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception, unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the WECF.
10. Appearance:
 - a. Wind turbines shall be mounted on tubular towers and shall be of such color and finish to minimize visual intrusion and improve compatibility with surrounding conditions, subject to any applicable standards of the Federal Aviation Authority. Any additional buildings or structures shall, to the extent reasonably practical, use materials, colors, textures, screening and landscaping to enhance the compatibility of the facility with surrounding conditions.
 - 1) A private WECF tower, or test tower, may be of lattice construction provided the wind turbine or test tower height is no greater than fifty (50) feet.
 - b. No private WECFs shall be artificially lighted, except to the extent required by the Federal Aviation Authority or other applicable authority. Strobe lights, if required by the Federal Aviation Authority, shall be shielded from the ground.
11. Safety Measures:
 - a. No exterior climbing device shall be made part of a wind turbine within twelve (12) feet of the ground.
 - b. All electrical equipment shall include applicable warning signs.
 - c. The WECF shall include a system to prevent uncontrolled rotation at excess wind speeds and certification of such a system by the manufacturer shall be included in the application.
12. Removal: A private WECF or test tower that is not used for 180 consecutive days or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property.

Section 20.26 Regulation for Medical Marihuana Use

A. Intent And Purpose: It is the intention of the Township of Alaiedon that nothing in this Ordinance be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marihuana for non-medical purposes or to allow activity relating to cultivation, growing, distribution or consumption of marihuana that is otherwise illegal. It is the purpose of this ordinance to impose specific requirements for those individuals registering with the State of Michigan as “qualifying patients” or a “primary caregiver” as those terms are defined in MCLA 333.26421, the Michigan Medical Marihuana Act, and to regulate the conduct of activity pursuant thereto in Alaiedon Township, Michigan so as to protect the health, safety and welfare of the general public.

B. Definitions: For purposes of this Ordinance, the words and phrases as contained herein shall have the meanings as set forth in MCLA 333.26423 and the regulations adopted by the State of Michigan, Department of Community Health, pursuant to the authority conferred by Section 5 of Initiated Law 1 of 2008. The following definitions shall also apply:

1. *Act* means the Michigan Medical Marihuana Act.
2. *Dispensary* means any facility or location where medical marihuana is grown, processed, cultivated or stored for the purpose of distributing to a registered primary caregiver who does not reside at the location where the medical marihuana is grown, processed, cultivated or stored, or any facility or location where medical marihuana is grown, processed, cultivated or stored for the purpose of distributing the medical marihuana to more than five (5) qualified patients.
3. *Marihuana* means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.1706, also known as marijuana or cannabis.

C. Dispensary Prohibited: It shall be unlawful for any person or entity to own, manage, conduct, or operate a dispensary, or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any dispensary located within Alaiedon Township.

D. Compliance Required: Those individuals within Alaiedon Township who are “qualifying patients” or “primary caregivers” as defined by the Michigan Medical Marihuana Act shall comply with the requirements set forth by said Act and Section E of this ordinance.

E. Home Occupation: An individual, in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, and the requirements of the Alaiedon Township Zoning Ordinance, shall be allowed to operate as a home occupation. Nothing in this section, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the General Rules. Also, since Federal law is not affected by that Act or the General Rules, nothing in this Code, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall be construed as granting, immunity from criminal prosecution under Federal law. The Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act. The following additional requirements shall apply:

1. A registered primary caregiver must be located outside of a one-thousand (1,000) foot radius from any school, including child care or day care facility, to ensure community compliance with Federal “Drug-Free School Zone” requirements.
2. Not more than one (1) primary caregiver shall be permitted to service qualifying patients on a single parcel.
3. The location from which a primary caregiver provides services to a qualifying patient shall be under the control of that primary caregiver, through written lease, contract or deed.
4. The location from which a primary caregiver grows, cultivates or otherwise provides services to a qualifying patient shall not be used by another primary caregiver, for that primary caregiver’s services as allowed under the Michigan Medical Marihuana Act.
5. Growing of Marihuana shall only be allowed inside of an enclosed structure or building with walls and roof and secured with locks to prevent unintended or uninvited access.

F. Violations, Penalties And Fines:

1. Violations are Nuisances Per Se: Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including conditions and safeguards established in connection with any approval including permits, variances, appeals, and site plans, are declared to be nuisances per se.
2. Penalties and Fines: The owner of record or tenant of any premises, building, structure or party thereof, and any agent, entity or other person who commits, participates in, assists in, or maintains a violation of

this Ordinance may each be found responsible for a separate offense and suffer the penalties herein provided. Such person or bodies found to be in violation of this Ordinance shall be responsible for a municipal civil infraction and shall be subject to the payment of civil fines and other penalties in accordance with the Alaiedon Township "Municipal Civil Infraction Ordinance". Each and every day of violation shall be a separate offense.

3. **Further Actions:** The Township Board may also institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. It shall be conclusively presumed for purposes of enforcement, notwithstanding the lack of actual knowledge, that the owner of record as disclosed by the Township's current assessment roll, has authorized all uses of the land and premises owned.

Section 20.27 Farm-Based Biofuel Production Facilities

A. Definitions: For the purpose of this Section, the following terms and phrases shall have the following meanings:

1. **Biofuel:** Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.
2. **Ethanol:** A substance that meets the ASTM international standard in effect on July 19, 2011 as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.
3. **Farm:** That term as defined in section 2 of the Michigan Right to Farm Act, 1981 PA 93, MCL 286.472.
4. **Proof gallon:** That term as defined in 27 CFR 19.907.

B. Production Facilities Classified as "Accessory Uses": A biofuel production facility located on a farm with an annual production capacity of not more than 100,000 gallons of biofuel, is classified as an "accessory use" and is not subject to special land use approval, provided all of the following requirements are met:

1. The biofuel production facility is located not less than 100 feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all other applicable setback requirements of this Ordinance.
2. On an annual basis, not less than 75% of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than 75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.

C. Production Facilities Classified as "Special Land Uses":

1. A biofuel production facility located on a farm with an annual production capacity of not more than 100,000 gallons of biofuel is classified as a "special land use" if the facility meets the requirements of subsection (B)(1) but that does not meet the requirements of subsection (B)(2).
2. A biofuel production facility located on a farm with an annual production capacity of more than 100,000 gallons but not more than 500,000 gallons of biofuel, is classified as a "special land use" if the facility meets the requirements of subsection (B)(1).

D. Application Requirements: An application for special land use approval for a biofuel production facility described in subsection (C) shall include the required information according to Article 15 in addition to the following:

1. A description of the process to be used to produce biofuel.
2. The number of gallons of biofuel anticipated to be produced annually.
3. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
4. For an ethanol production facility that will produce more than 10,000 proof gallons annually, completed United States department of the treasury, alcohol and tobacco tax and trade bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the national environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387.
5. Information that demonstrates that the biofuel production facility will comply with the requirements of subsections (C) and (F).
6. Any additional information requested by the Planning Commission and relevant to compliance with this Ordinance.

E. Special Land Use Public Hearing: The Township shall hold a hearing on a special land use application for a biofuel production facility under subsection (C) not more than 60 days after the application is filed.

F. Special Land Use Conditional Approval: Special land use approval of a biofuel production facility described in subsection (C) shall be made expressly conditional on the facility meeting all of the following requirements before the facility begins operation and no additional requirements:

1. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
2. The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the department of environmental quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - a. Air pollution emissions.
 - b. Transportation of biofuel or additional products resulting from biofuel production.
 - c. Use or reuse of additional products resulting from biofuel production.
 - d. Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
3. The biofuel production facility includes sufficient storage for both of the following:
 - a. Raw materials and fuel.
 - b. Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

Section 20.28 Prohibition of Marihuana Establishments.

(A) Pursuant to the provisions of Section 6.1 on the Michigan Regulation and Taxation of Marihuana Act (the "Act"), marihuana establishments, as defined by the Act, are completely prohibited within the boundaries of the Township of Alaiedon.

(B) Any applicant for a state or local license to establish a marihuana establishment, as defined by the Act, within the boundaries of the Township of Alaiedon shall be deemed to be not in compliance with this Ordinance or with the Township Zoning Ordinance amended by this Ordinance.

(C) This section does not supersede rights and obligations with respect to the transportation of marihuana through the Township to the extent provided by the Act, and does not supersede rights and obligations under the Michigan Medical Marihuana Act, the Medical Marihuana Licensing Act, 2016 PA 281, or any other law of the State of Michigan allowing for or regulating marihuana for medical use.

Section 20.29 Single Facility Solar Systems

A. Definitions: For the purpose of this Section, the following terms and phrases shall have the following meanings:

1. Building-mounted solar energy collector system: A solar energy collector system attached to the roof or wall of the building, or which serves as a roof, wall, or window or other element, in whole or in part, of the building.
2. Ground mounted solar energy system: Solar energy collector system that is not attached to and is separate from any building on the parcel of land on which the solar energy collector system is located.
3. Nuisance: Means an offensive, annoying, unpleasant, or obnoxious thing or practice; a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across the property line which can be perceived by or affects the human being; or the generation of an excessive or concentrated movement of people or things, such as: noise; glare; flashes; vibration; heat.
4. Single facility solar system: A solar energy system that relies on a building mounted and/or ground mounted collection systems intended to principally serve a single residential unit, agricultural operation, business, or other singular facility located on the same lot as the SECS and shall specifically exclude solar energy systems mounted on fences, poles, or on the ground with the collector surface area being less than 5 square feet.
5. Solar energy collector system: The panel or panels and/or other devices or equipment, or any combination thereof, to collect, store, does tribute and/or transform solar, radiant energy into electrical, thermal, or chemical energy for the purpose of generating electrical power or other form of generated energy for use in or associated with a principal land-use on the parcel of land on which the solar energy collector is. Abbreviated "SECS."

B. Standards:

The following criteria shall apply for the use of single facility solar systems (SFS):

1. Permits: a single facility solar system shall not be constructed without a building permit issued by the Township.
2. Permits by right: before such permit shall be issued, applicant must submit a site plan and obtain all necessary permits from the Township and other applicable agencies. They shall be reviewed by the Zoning Administrator.
3. A single facility solar system must be located in the least visibly obtrusive location where panels would be functional and shall not obstruct solar access to adjacent properties.
4. Maximum lot coverage: solar collection panels shall not cause the districts maximum lot coverage standards to be exceeded.
5. Landscaping: screening is required in cases where a ground mounted system impacts view from adjacent residential properties. Screening methods may include material, colors, textures, screening wall, and landscaping that will blend the unit into the natural setting and existing environment.
6. Batteries: When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.
7. Removal: If a solar energy system ceases to perform its intended function for more than 6 consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities no later than 90 days after the end of the 6-month period.
8. Electrical connections: a single facility solar system must conform to applicable industry standards including those established by the American National Standards Institute ("ANSI"). All electrical interconnection and distribution lines within the project boundary shall be underground.
9. Glare: a single facility solar system must be installed to minimize glare into adjacent parcels of property and shall not produce glare that is a nuisance to occupants of neighboring properties or persons traveling neighboring roads or air routes. Glare should be part of applicant site plan.
10. Noise: noise shall not exceed 5 dBA of ambient sound levels measured at the property line.
11. A single facility solar system must conform to all standards of the zoning district in which it is located.

C. Additional Standards for Building-Mounted SFS:

A building-mounted single facility solar collector system is permitted in all districts and must conform to the following requirements:

1. A building-mounted solar energy collector system mounted on the roof of the building shall not project more than 5 feet above the highest point of the roof, but in any event, shall not exceed the maximum height limitations for the zoning district in which the parcel property is located, and not project beyond the eaves of the roof of the building.
2. A building-mounted solar energy collector system mounted on the roof of a building shall not have a weight more than can be safely supported by the roof.
3. A building-mounted solar energy collector system that is roof-mounted, wall-mounted, or otherwise attached to a building or structure shall be permanently and safely attached to the building or structure.
4. A building-mounted solar energy collector system that is wall-mounted shall not exceed the height of the building wall to which it is attached.
5. A building-mounted solar energy collector system shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.
6. A building-mounted solar energy collector system that is roof-mounted, wall-mounted, or otherwise attached to a building or structure shall be generally neutral in color and substantially non-reflective of light.
7. A building-mounted solar energy collector system that is roof-mounted, wall-mounted, or otherwise attached to a building or structure shall be installed, maintained, and used only in accordance with the manufacturer's installation and maintenance actions.
8. A building-mounted solar energy collector system that is roof-mounted, wall-mounted, or otherwise attached to a building or structure must comply with the Township Construction Code, electrical code, plumbing code, and all other applicable Township ordinances.

D. Additional Standards for Ground-Mounted SFS:

A ground-mounted single facility solar collector system is permitted in all districts and must conform to the following requirements:

1. All power transmission lines, wires, or conduits to and from a ground-mounted solar energy collector system must be located underground.
2. Any battery used in connection with a ground-mounted solar energy collector system must be placed in an enclosed and locked container.
3. A ground-mounted solar energy collector system shall not exceed 16 feet from the ground when orientated at maximum lift.
4. The ground-mounted solar energy collector system must be located in a side or rear yard. No systems may be placed in a front yard. Exceptions to this may be approved by the Zoning Administrator based upon

written request, considering practical hardship, SFS design, and lot configuration. However, a ground mounted system shall not be located in the front yard closer than 300 feet of the centerline of the road.”

5. A ground-mounted solar energy collector system must be located in conformance with the setback requirements for the zoning district in which is located. Setbacks are to match those for accessory buildings. It may be installed in a required side and rear yard but shall not be located within 20 feet of the lot line.
6. Abandonment: if the ground mounted system ceases to operate or is abandoned for six months or is deemed to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within 30 days of notification, or otherwise remove the system in its entirety and restore the ground to its preconstruction state.

End of Article 20

(Ord 103-15, adopted 12-13-21, adding Sec 20.29)
(Ord. 103-12, adopted 6-24-19, adding Sec. 20.28)
(Ord. 103-5, adopted 1-26-15, affecting Sec. 20.11)
(Ord. 103-4, adopted 2-11-13, affecting Sec. 20.18 and 20.27)
(Ord. 103-3, adopted 1-9-12, affecting Sec. 20.25 and 20.26)
(Ord. 103-2, adopted 10-10-11, affecting Sec. 20.25)
(Ord. 103-1, adopted 2-28-11, affecting Sec. 20.25)

Article 21 DEFINITIONS

Section 21.1 Construction of Language

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

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

Section 21.2 Definitions

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

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

Adult Foster Care Facility: An establishment licensed under Public Act 218 of 1979, as amended, that provides to adults, for compensation, supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks, including facilities for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. A foster care facility does not include a home for the aged licensed under Article 17 of Public Act 368 of 1978, as amended, nor a nursing home licensed under Public Act 139 of 1956, as amended.

a. **Family Home:** An adult foster care facility consisting of a private residence with the approved capacity to receive six (6) or fewer adults, the licensee for which shall be a member of the household and an occupant of the residence.

b. **Group Home:** An adult foster care facility with the approved capacity to receive seven (7) but no more than twenty (20) adults.

- Agricultural Uses:** The commercial production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. "Agricultural uses" includes buildings and machinery used in such commercial production, and use of land in a federal acreage set-aside program or a federal conservation reserve program. "Agricultural uses" does not include kennels or the management and harvesting of a woodlot.
- Alley:** Any dedicated public way, other than a street, which provides only a secondary means of access to abutting property and is not intended for general traffic use.
- Arcade:** Any business where more than fifty percent (50%) of the floor area is devoted to the use of machines which may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music or establishments otherwise defined as a sexually oriented business.
- Basement:** That portion of a building that is partly or wholly below the surrounding average ground elevation, to the extent that more than one-half (1/2) of its height, from the floor to the ceiling above, is below such average elevation. The surrounding average ground elevation shall be determined by averaging the highest ground elevation along each principal side of the building. A basement shall not be considered a story.
- Bed and Breakfast:** A structure which was constructed for single family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, including the provision of bathing and lavatory facilities and a breakfast meal for overnight guests only, and occupied by the owners.
- Berm:** A mound of earth graded and shaped in such a fashion as to be used for visual and/or audible screening purposes.
- Building:** Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes but is not limited to dwellings, garages, and greenhouses.
- Building Height:** The vertical distance measured from the finished grade where the building abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (*see Figure 21-2 at end of this Article*).
- Building Inspector:** An individual hired by the Township to administer the Michigan Construction Code.
- Campground:** A parcel on which sites are offered for the use by the public, either free of charge or for a fee, for the establishment of temporary living quarters. Temporary living quarters means a tent, recreational vehicle, or any portable temporary housing designed to be carried or towed by a vehicle and placed for temporary living quarters.
- Cemetery:** Property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.
- Certificate of Occupancy:** A document signed by the Building Inspector as a condition precedent to the commencement of a use or the occupation of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the Michigan Construction Code.
- Church:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.
- Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit nor open to the general public, and does not provide merchandise, vending, or commercial activities except incidentally for the membership and purpose of such club.
- Commercial Solar Energy Systems (CSES):** 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, for the primary purpose of wholesale or retail sale of generated electricity including utility-scale facilities. For the purposes of this definition, solar collection panels shall be construed to be panels and/or tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity.
- Commercial Wind Energy Conversion Facility (Commercial WECF):** An electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and may include substations, cables, wires and other structures and buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers. A Commercial WECF may be a principal or accessory use of the parcel on which it is located.
- Communication Tower:** A relay structure, including both antenna and structural supports, attached directly to the ground or to another structure, used for the transmission or reception of radio, television, telephone, microwave, or any other form of telecommunications signals. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; federally licensed amateur (ham) radio facilities; satellite

dishes; and governmental facilities which are subject to state or federal law or regulations that preempt municipal regulatory authority.

Comprehensive Plan: The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development, land use, and preservation. The plan, developed pursuant to Public Act 168 of 1959, as amended, the Township Planning Act, consists of maps, charts and written material representing in summary form the soundest concept for addressing community growth.

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

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

Condominium, Site: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision, wherein in the condominium units function largely as lots within a platted subdivision.

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

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

Convalescent Home: A facility that houses disabled persons who receive a wide range of health and support services including the provision of meals and nursing care for a fee (also referred to as a nursing home).

Day Care Center: A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Day care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization or a facility operated by a religious organization where children are cared for comparatively short periods of time while persons responsible for the children are attending religious services.

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

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

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

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

Driveway: A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the Ingham County Road Commission.

Dwelling, Multiple Family: A building containing three (3) or more dwelling units designed for residential use for three or more families living independently of each other.

Dwelling, Single Family: A detached building or portion thereof designed and used exclusively by one family for living, cooking and sleeping purposes.

- Dwelling, Two Family (Duplex):** A building containing not more than two separate dwelling units.
- Dwelling Unit:** One or more rooms with bathroom and principal kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking and sleeping purposes.
- Erected:** The word "erected" means built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavations, fill, drainage, and the like, shall be considered a part of "erection" when done in conjunction with a structure.
- Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers, buildings, substations, the storage of or shelters for service equipment, maintenance depots, and similar above ground faculties. Communication towers shall not be interpreted as essential services.
- Excavation:** Any breaking of ground, except common household gardening, farming and ground care.
- Extractive Operation:** The removal of more than fifty (50) cubic yards of any earthen material including top soil, sand, gravel, stone or any other earthen material, for the purpose of disposition on another parcel, including mining, moving, crushing, sorting, washing, and other activities directly relating to the extraction operation. Excavation in excess of five hundred (500) cubic yards incidental to the construction of a building, when the excavated material is to be deposited on another parcel, is also an extractive operation.
- Family:**
- a. An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or
 - b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. This definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.
- Farm:** Land and associated buildings and machinery used for agricultural uses, and which may contain other non-contiguous acreage, all of which is operated by a sole proprietorship, partnership, or corporation. See definition for agricultural use.
- Farm Structure:** Any building or structure, other than a dwelling unit, which is customarily used on a farm in the pursuit of agriculture. See definition for agriculture.
- Fence:** An accessory structure artificially constructed to serve as an obscuring screen, physical barrier, and/or decorative landscape element.
- Filling:** The depositing or dumping of any matter into or onto the ground.
- Floor Area, Gross:** The sum of all gross horizontal areas of all floors of a building or buildings, measured from the interior faces of exterior walls.
- Floor Area, Usable:** For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from the computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls and includes the sum of the usable floor area for all floors unless expressly specified otherwise.
- Frontage:** A lot's total continuous length of its front lot line along the road from which it gains access.
- Garage:** An accessory building or an accessory portion of a principal building designed or used primarily for the storage of non-commercial motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.
- Golf Course/Country Club:** A golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as a principal use.
- Grade, Finished:** The elevation of the ground surface upon the completion, or intended completion, of construction and improvements.
- Home Occupation:** An occupation or profession conducted entirely within a dwelling by one or more family residents living within. or accessory structure which is clearly incidental and secondary to the residential use of the lot, does not change the character of the dwelling, and meets all applicable provisions of this Ordinance.
- Hospital:** An institution which is licensed by the Michigan Department of Public Health to provide in-patient and

out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, staff offices, pharmaceutical services, and other support facilities and services.

Hotel: See "motel."

Junkyard: Any land or building in which more than two hundred (200) square feet of which is used for: 1) the abandonment, storage, keeping, collecting, selling, exchanged or baling of junk including paper, rags, scrap metals, or other scrap or discarded materials; and/or 2) the abandonment, demolition, dismantling, storage, keeping, collecting, selling, exchanging or salvaging of machinery, automobiles or other vehicles not in normal running condition, or parts thereof. A junkyard may also be referred to as a salvage yard.

Landscaping Supply and Services: A lot used for offices purposes, along with the storage of supplies and equipment, in association with the provision of landscape services to off-site locations. Landscape services may include lawn mowing and maintenance, snow removal, landscape design and installation, and the sale and delivery of landscape materials such as mulch, plants, seed, fertilizer, gravel, soil, pavers, and similar landscape supplies.

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

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

Lot: A tract of land occupied, or intended to be occupied, by one or more buildings or uses, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may include a platted lot or portion thereof, a parcel of land described by metes and bounds or a portion of such parcel described by metes and bounds. Within a site condominium, a condominium unit shall be synonymous with a lot for the purposes of compliance with this Ordinance (*see Figure 21-1 at end of this Article*).

Lot Area: The area of the horizontal plane within the lot lines of a lot, exclusive of any public or private road right-of-way or easement abutting any side of the lot, except that such right-of-way or easement may be included within the calculation of the area of a lot in the case where such lot is not part of a platted or site condominium and the area calculation equals two (2) acres or more.

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

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

Lot Depth: The distance from the front lot line of the lot to its opposite rear line, measured midway between the side lot lines.

Lot Lines: The lines bounding a lot or parcel (*see Figure 21-3 at end of this Section*).

a. **Lot Line, Front:** In the case of a lot not located on a corner, the line separating said lot from the public right-of-way. In the case of a corner lot or through lot, the front lot line shall be as designated on the plot plan or site plan, subject to approval of such plan. On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained (*see Figure 21-3 at end of this Section*).

b. **Lot Line, Rear:** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line (*see Figure 21-3 at end of Article*).

c. **Lot Line, Side:** Any lot line other than a front or rear lot line (*see Figure 21-3 at end of Article*).

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

Lot Width: The straight-line horizontal distance between the side lot lines, measured along the front lot line or, in the case of a curvilinear front lot line, the straight-line horizontal distance between the points where the side lot lines intersect with such curvilinear front lot line, generally referred to as the arc chord.

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

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

Master Deed: The document recorded as part of a condominium subdivision to which are attached as exhibits

and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

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

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

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

Motel: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be construed as a multiple family dwelling. A motel may include support services, including recreation facilities and the serving of meals, where approved for such.

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

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

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

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

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

Open Space: An area open to the sky that is generally free of buildings and structures and which is of a predominantly vegetated state including lawns, gardens, and natural areas.

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

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

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

Pet Care Facility: Any facility dedicated to providing one (1) or more of the following services on the lot on which the facility is situated, to persons that bring their pet to such facility but not including veterinarian clinics, where the number of pets cared for in the facility on a daily basis exceeds three (3):

- a. The provision of day-time and /or night-time pet care including the boarding or housing of pets overnight for limited or extended periods.
- b. The training of pets including discipline and socialization classes agility training, and behavioral modification programs.
- c. The grooming of pets including bathing, brushing, nail clipping and related services.
- d. The breeding of dogs or cats that results in the production of three or more litters of offspring, twelve (12) weeks of age or older, at any single time.

A facility that generally functions as a pet care facility except that the number of pets care for on a daily basis is three (3) or less shall not be construed as a pet care facility and may be authorized as a home occupation according to Section 20.24.

Plant based agricultural commodities: as used in this Section, means wheat, cotton, flax, corn, dry beans, oats, barley, rye, tobacco, rice, peanuts, soybeans, sugar beets, sugar cane, tomatoes, grain sorghum, sunflowers, raisins, oranges, sweet corn, field corn, dry peas, freezing and canning peas, forage, apples, grapes, potatoes, timber and forests, nursery crops, citrus, and other fruits and vegetables, nuts, tame hay, native grass, and hemp, or any one or more of such commodities, as the context may indicate.

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

Plot Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan, and is required for such uses as single-family dwellings and two-family dwellings. Plot plan approval is generally delegated to the Zoning Administrator.

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

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

Private Landing Strip: A cleared and level area used by the owner or lessee of the premises for the operation and maintenance of personal aircraft only, and recognized by a state authorized body.

Private Wind Energy Conversion Facility (Private WECF): An electricity generating facility consisting of one or more wind turbines, and may include cables, wires and other structures and buildings accessory to such facility, that is used to serve only the parcel on which the private WECF is located. A private WECF shall be construed as an accessory structure to the principle use of the parcel. This definition shall not be construed to prohibit a private WECF from transmitting or otherwise selling back to a public utility any excess generated electricity, commonly referred to as net metering.

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

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

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

Recreational Vehicle: A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Recycling Center: A facility where material is separated and processed prior to shipment for use in the manufacturing of new products. A recycling center is distinct from a junkyard or a salvage yard.

Restaurant, Non-Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state and which does not meet the definitional requirements of a "standard restaurant," including establishments in which all or a substantial portion of the business consists of serving foods and beverages in a ready-to-consume state: 1) from a drive-through window to patrons in motor vehicles; 2) for delivery by the restaurant to the customer in the customer's vehicle other than by a drive-through window, for consumption in the vehicle on the restaurant property; 3) from a counter for consumption by the customer off-site; 4) for delivery by the restaurant to the customer at another location; and 5) for consumption in an outdoor area on the restaurant property. Such non-standard restaurant may be commonly referred to as a carry-out, delivery service, drive-in, and drive-through facility.

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state for consumption in the restaurant building, and in which the prepared food is delivered to the customer seated at a table or the prepared food is acquired by the customer for consumption at such table.

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

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

Right-of-Way: A public or private 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.

Right-of-Way Line: The legal line of demarcation between a right-of-way and abutting land.

Road: A thoroughfare that affords the principal means of access to abutting property. The term “road” also includes the term “street.”

Road, Public: Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Ingham County Road Commission, State of Michigan, or federal government.

Roadside stand: A structure for the display or sale of agricultural products grown on the farm on which the display or sale is located, with no space for customers within the structure itself.

Rooming/Boarding House: Living arrangements which consist of a building that is the primary residence of the owner and in which rooms are provided by the owner, for compensation, to three or more adult persons not related by blood, marriage, or adoption to the owner, and which may provide meals to such persons. A rooming /boarding house is distinguishable from a motel, hotel or bed and breakfast in that the persons in a rooming/boarding house intend to occupy their respective room on a long-term basis as opposed to the more common transient automobile traveler occupying a hotel unit.

Seasonal Agricultural Labor Housing: Housing located on a farm that is utilized for seasonal temporary labor in association with the same farm, for a period not to exceed 240 days during a calendar year.

Service Station: A place used primarily for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles, and where minor automobile repairs may occur such as engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight. A service station may also include floor area devoted to the sale of convenience items such as beverages, food products, and magazines, and similar convenience items.

Setback: The minimum distance by which any building, structure, or use must be separated from a lot line or other specified feature.

Sexually Oriented Business: Refer to Section 10.20 for definitions pertaining to sexually oriented businesses.

Shooting Range: An outdoor facility designed for and devoted to the shooting of firearms or archery equipment, including what are commonly referred to as a gun club, hunt club, sportsman club, rifle range, pistol range, trap/skeet range, sporting clay range, and archery range. The private use of a lot by its owner for the shooting of firearms or archery equipment shall not be construed to be a shooting range.

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, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, an activity, a person, or an idea, which is located upon any land or on or in any building, in such manner as to attract attention from outside or off the premises.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A site plan contains more comprehensive and detailed information about improvements proposed on the site than does a plot plan because of the more complex nature of land uses required to receive site plan approval, such as business, industrial, and multiple family developments. Site plan approval is generally delegated to the Planning Commission.

Special Land Use: Uses and structures which are generally accepted as reasonably compatible with the primary uses and structures permitted in a District, but could present potential injurious effects upon the primary uses and structures within the District or are otherwise unique in character, and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. All such uses are subject to a public hearing.

Stable, Commercial: A structure and/or land use where horses are kept and does not meet the definition requirements of a private stable, including the breeding, rearing, trained, caring for, and/or boarding, for remuneration. A commercial stable may provide riding lessons, horse shows, training exhibitions, or any other horse-based activity typically characterized by the gathering of spectators or observers.

Stable, Private: An accessory structure and/or land use where horses are kept for private use and are not available for hire or remuneration.

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.

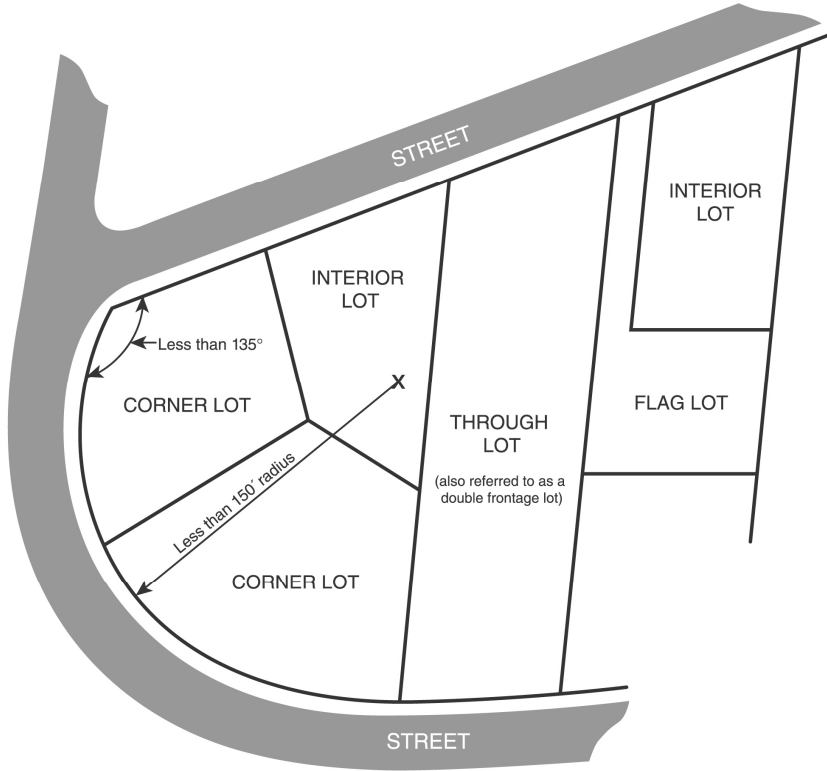
Story: That portion of a building that is included between the surface of any floor and the surface of the floor immediately above it or, if there is no floor immediately above it, the space between the floor and ceiling or roof immediately above it. A basement, as defined in this Ordinance, shall not be considered a story.

Story, Half: The upper most story lying under a sloping roof where the distance from the floor to the sloping ceiling, measured along the walls, is no greater than three (3) feet along 50% or more of the total linear footage of wall, and the habitable or finished floor area is no greater than two-thirds (2/3) of the total upper most story area. A half story containing independent apartments or living quarters shall be counted as a full story.

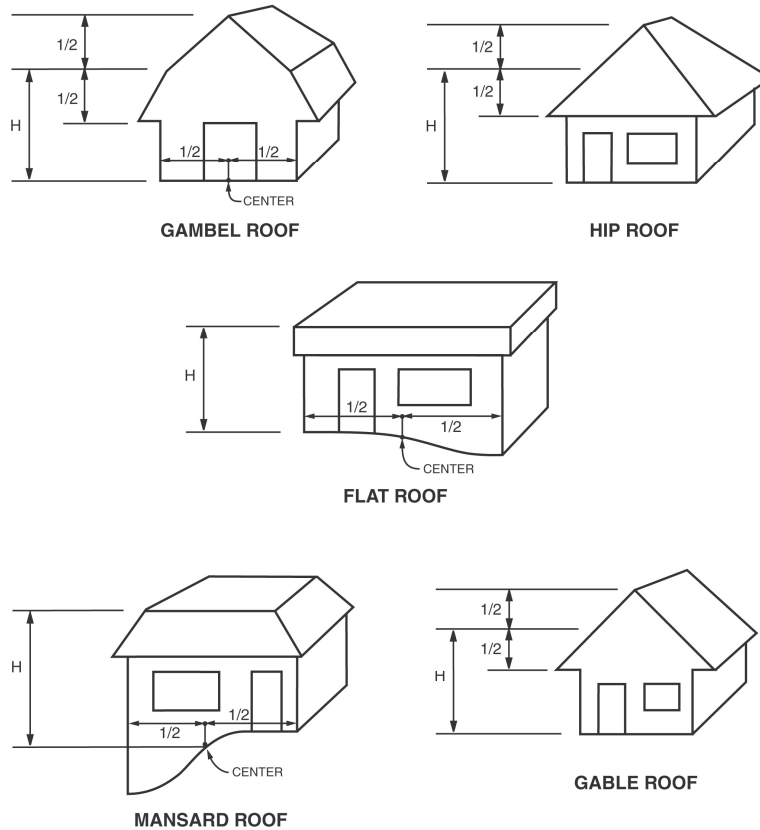
Street: See “Road.”

- Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services.
- Swimming Pool:** A constructed basin or structure for swimming and aquatic recreation, except that basins or water containment devices that hold less than three hundred (300) gallons of water and are generally portable upon their emptying shall not be considered a swimming pool.
- Township Engineer:** The licensed staff engineer of the Township or a licensed engineer the Township may hire from time to time as needed.
- Truck Terminal:** A building or area in which freight brought by truck is assembled or stored for further routing or reshipment, or in which trailers are parked or stored during the interim between hauling runs, and may include accessory repair and maintenance services and other support facilities and services such as restroom and shower facilities.
- Use:** The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied.
- Variance:** A variance is a modification of the literal provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and will mitigate an otherwise practical difficulty, and the issuance of which is based upon standards in this Ordinance (See Article 16).
- Vehicle/Car Wash:** A building, or portion thereof, designed and used for the washing of two (2) or more vehicles irrespective of whether the washing process is automated or performed manually.
- Veterinary Clinic:** An establishment which is licensed by the Michigan Department of Community Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include fully enclosed pens or cages for the overnight boarding of animals receiving medical treatment and such related facilities as laboratories and offices.
- Vehicle Repair Shop:** Buildings and premises for the purpose of engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender repair, and painting.
- Wind Energy Conversion Testing Facility or Structure:** A structure and accessory equipment used to determine the potential for the placement of a private or commercial wind energy conversion facility (WECF).
- Wind Turbine:** A wind energy system that converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, and base, and may include a transformer.”
- Yard:** An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein (see *Figure 21-3 at end of this Article*):
- a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building or use. There shall be maintained a front yard on each street side of a corner lot.
 - b. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building or use. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner at the time of plot plan approval.
 - c. **Side Yard:** An open space between the principal building or use and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the principal building or use.
- Zoning Administrator:** The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Township Board of Trustees.
- Zoning District:** See “District”.
- Zoning Permit:** A permit signifying compliance with the provisions of this Ordinance and issued by the Zoning Administrator upon approval of the proposed land use or development plan by the designated approving body.

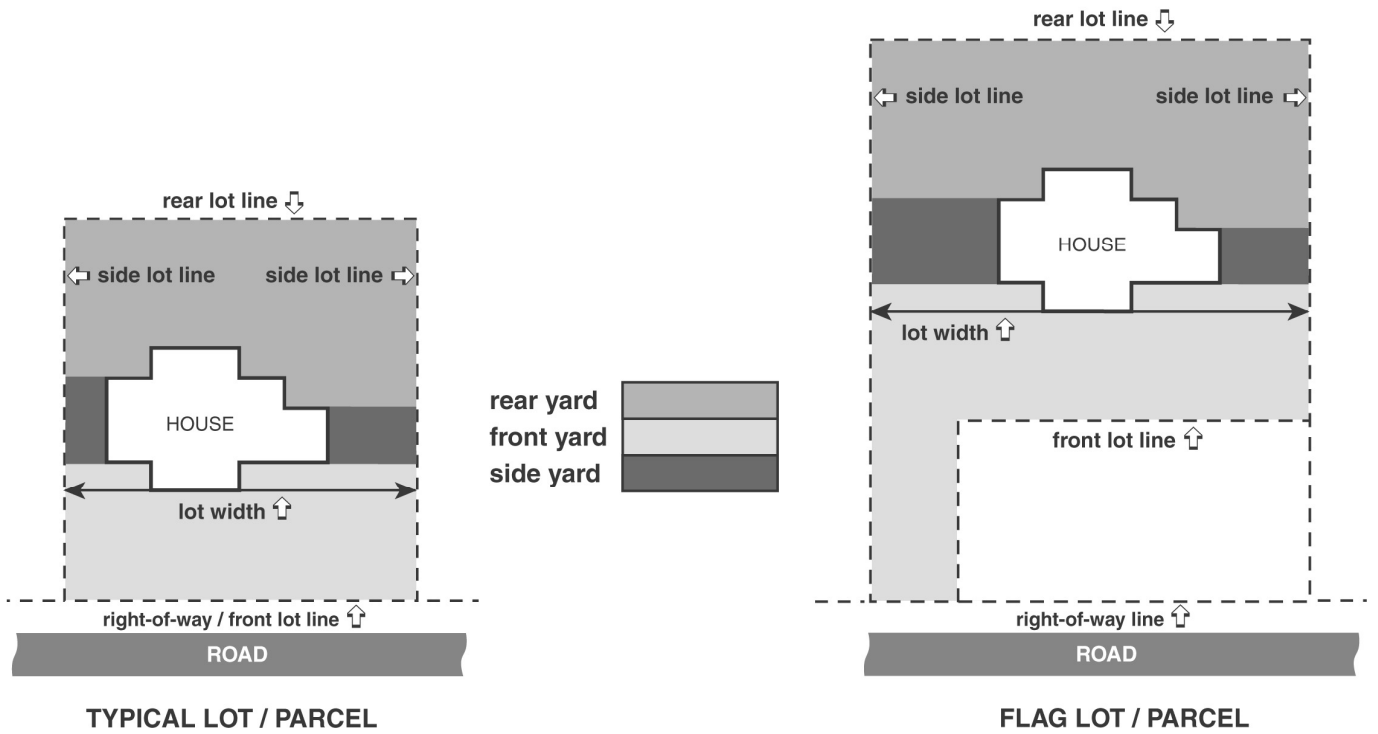
**Figure 21-1
LOT TYPES**



**Figure 21-2
BUILDING HEIGHTS**



**Figure 21-3
LOT LINES and YARDS**



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End of Article 21

(Ord 103-14, adopted 6-14-21, affecting Sec 21.2)
(Ord 103-13, adopted 6-14-21, affecting Sec 21.2)
(Ord 103-10, adopted 2-25-19, affecting Sec. 21.2)
(Ord. 103-1, adopted 2-28-11, affecting Sec. 21.2)

Article 22
INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL,
and EFFECTIVE DATE

Section 22.1 Interpretation

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

Section 22.2 Severance Clause

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

Section 22.3 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare, except as provided in Article 11 (Nonconforming Uses, Lots and Structures).

Section 22.4 Repeal

The Alaiedon Township Zoning Ordinance adopted on November 6, 1972 and amendments thereto, is hereby repealed as of the effective date of this Ordinance. The repeal of such ordinance and its amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

Section 22.5 Effective Date

This Ordinance shall take effect eight (8) days following adoption and upon publication of a notice of adoption in accordance with the provisions and procedures of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Made and passed by the Township Board of the Township of Alaiedon, Ingham County, Michigan on the 26th day of January, 2009.

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End of Article 22

Alaiedon Township Zoning Ordinance, Ord. 103 Summary Table of Amendments

Through Ordinance 103-15

December 13, 2021

NOTE: The Ordinance Number and Adoption Date of ordinances amending the Alaiedon Township Zoning Ordinance, Ordinance #103, are listed in parenthesis at the end of the respective amended Article. Such references are editorial notes only for the benefit of the reader.

Ord. # and Adoption Date	Affected Section(s)	Amendment Summary
103-1 Feb. 28, 2011	21.2	Insert definition for Private Wind Energy Conversion Facility
	21.2	Revise definition for Private Wind Energy Conversion Testing Facility
	20.25	Insert regulations for Private Wind Energy Conversion Facility
103-2 Oct. 10, 2011	20.25	Insert regulations regarding medical marihuana.
103-3 Jan. 9, 2012	20.25 / 20.26	Sec. 20.25 medical marihuana provisions renumbered as Sec. 20.26.
103-4 Feb. 11, 2013	3.1	Deletion of B-2 District
	Table 3-1	Deletion of B-2 District and revision of B-1 District purpose statement.
	Table 3-2	Permit extraction operations as special land uses in all districts, and
	Table 3-3	replace " <i>communication towers</i> " with " <i>wireless communication facility</i>
	Table 3-4	<i>Improvements</i> ".
	Table 3-3	Delete B-2 District.
	Table 3-5	Delete B-2 District.
	Table 3-5	Increase A-1 District side yard setback to 30'.
	10.8(F)	Insert additional extraction operation provisions.
	10.26(A) & (B)	Revised communication tower/wireless communication facility Improvements provisions.
	20.18(B)	Replace incorrect reference to Sec. "20.16" with "20.17".
	20.27	Insert farm-based biofuel production facilities.
	Zoning Map	Delete B-2 District and replace B-2 zoned parcels with B-1 zoning.
Zoning Map	Rezone Woodland Square from GO to B-1.	
Zoning Map	Rezone Dart parcel 33-06-06-31-326-003 from A-1 to I-1.	
103-5 Jan 26, 2015	20.11 (D)	Maximum Accessory Building Sizes in A-1 of 30% of rear yard Schedule for R-1 & R-2 zoning schedule for sizes of accessory bldgs.
103-6 Nov 9, 2015	Zoning Map	Rezone Parcel #33-06-06-05-200-039 from I-1 to B-1
103-7 Nov 9, 2015	Zoning Map	Rezone Parcels #33-06-06-31-151-005, #33-06-06-31-176-002, #33-06-06-31-251-004, 333-06-31-302-002 and *33-06-0631-326-002. from A-1 to I-1.
103-8 March 27, 2017	Zoning Map	Rezone .33 acres of Parcels #33-06-06-04-226-002 and .33 acres of #33-06-06-04-226-001 for a total of .66 acres to be combined with #33-06-06-04-226-006, from R-1A to GO.
103-9 January 8, 2018	Zoning Map	Rezone parcels #33-06-06-05-200-002, #33-06-06-05-200-018 and parcel #33-06-06-05-200-019 from R-1 Rural Residential to B-1 General Business for a total of 4.63 acres.
103-10 Feb 25, 2019	3-2	Change kennels to pet care facility.
	3-3	Add pet care facility to line 21 with special land use under B-1 & OW.
	3-4	Add pet care facility to line 2.
	7.4(C)(4)(g)	Change kennels to pet care facility with building size & stalls regulating Parking requirements.
	10.13	Change kennels to pet care facility with expansion of requirements
21.2	Change kennels to pet care facility with expansion of definition	

Alaiedon Township Zoning Ordinance

Ord. # and Adoption Date	Affected Section(s)	Amendment Summary
103-11 March 25, 2019	Table 3-3	Add mini storage facilities to B-1 & OW with special land use permit
103-12 June 24, 2019	Sec 20.28	Add provision for the prohibition of Marihuana Establishments within the township.
103-13 June 14, 2021	Table 3-3 Table 3-4 Sec 10-27 Section 21.2	Add Commercial solar energy systems to B-1, GO, OW, I-1 & I-2 with special land use permit. Add item 14 Commercial Solar Energy Systems Adding CSES addressing application and site development requirements. Definition of CSES
103-14 June 14, 2021	Table 3.1 Table 3.4 Section 21.2	I-1 amendment Items 4-14 renumbered and special land use permits required. Definition amendment of plant based agricultural commodities
103-15 December 13, 2021	Table 3-2 Table 3-3 Table 3-4 Sec 20-29	Add Singular facility solar systems to A-1. R-1, R-2, R-MF, R-MHC by right. Adding item 1 under other uses Add Singular facility solar systems to B-1, GO, OW by right, Adding item 4 under other uses Add Singular facility solar systems to I-1 & I-2 by right Adding item 3 under other uses Adding Singular facility solar systems addressing application and site development requirements.
103-16 June 27, 2022	Zoning Map	Rezone parcels #33-06-06-05-251-001 & #33-06-06-05-251-002 From I-1 Light Industrial to B-1 General Business a total of 7.96 acres.
103-17 June 27, 2022	Article 10.5	Amending Commercial Wind Energy Conversion Facilities (Commercial WEFC).
103-18 December 11, 2023	Article 20.13	Clarifying Recreational Vehicles Occupancy Not more than 30 days during calendar year
103-19 February 12, 2024	Table 3-3	Allowing Personal Service Establishments Use Permitted by Right In GO General Office Zoning (Line 5 in chart)

End of Table