



Spaulding Township

Zoning Ordinance



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Chapter 1

Miscellaneous Provisions

Section 15.101 Short Title.

This Ordinance shall be known as the Spaulding Township Zoning Ordinance.

Section 15.102 Purpose.

It is the general purpose of this Ordinance to provide for the establishment of districts or zones within which the use of land and structures may be restricted and regulated to:

1. Meet the needs of Spaulding Township residents for food, fiber, energy, and other natural resources places of residence, recreation, industry, trade service, and other uses of land.
2. Ensure that uses of the land shall be situated in appropriate locations and relationships.
3. Limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities.
4. Facilitate adequate and efficient provisions for transportation systems, sewage disposal water, energy, education, recreation, and other public services and facility needs.
5. Promote public health, safety, and welfare and for those purposes may divide the township into districts of the number, shape and area considered best suited to carry out this section.

For each district or zone, regulations are imposed which designate the uses for which buildings or structures shall or shall not be erected or altered, and which designating the trades, industries, and other land uses or activities that shall be permitted or excluded or subjected to special regulations.

Section 15.103 Conflicts with other laws.

Whenever any provisions of this Ordinance impose requirements for lower heights of buildings or a less percentage of lots that may be occupied or required wider or larger courts or deeper yards than are imposed or required by existing provisions of law, or other Ordinance of Spaulding Township, the provisions of this Ordinance shall govern. Wherever provisions of any other Ordinance or regulation of Spaulding Township imposes requirements for lower height of buildings or less percentage of lots that may be occupied, or require wider or larger courts or deeper yards than are required by this Ordinance, the provisions of the other Ordinance or regulation shall govern.

Section 15.104 Severability

It is the legislative intent that this Ordinance be liberally construed and should any provision or section of this Ordinance be held unconstitutional or invalid such ruling shall not be construed as affecting the validity of remaining portions of the Ordinance, it being the intent that this Ordinance shall stand, notwithstanding the invalidity of any provision or section therein.

Section 15.105 Repeal

The existing zoning regulations of Spaulding Township, as amended, are hereby repealed. The adoption of this Ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of the prior Ordinance, as amended, if the use is in violation of the provisions of this Ordinance.

Section 15.106 Effective Date

This Ordinance Shall take immediate effect.

Chapter 2

Definitions

Section 15.201 Rules Applying to the Text.

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

1. Words used in the present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.
2. The word "person" includes a corporation or firm as well as an individual.
3. The word "lot" includes the word "plot," "tract," or "parcel."
4. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
5. The word "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arrange or designed to be used or occupied."
6. Any word or term not herein defined shall be used with a meaning of common standard use.

Section 15.202 Definitions.

Accessory Use. An accessory use is a use clearly incidental to, customarily found in connection with, and located on the same lot as the principal use to which it is related.

Accessory Building. A detached building which use is clearly incidental to, customarily found in connection with, and located on the same lot as the principle building.

Adult Entertainment Activities. Any activity or live exhibition including the display, exhibition or viewing of materials describing or relating to human sex acts or by any emphasis on male or female genitals. This shall include massage parlors, theaters, model studios and all other forms of video and aural display.

Adult Bookstore. An establishment having as a substantial or significant portion of its stock in trade books, magazines or other periodicals, video tapes, photographs or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" or an establishment with a segment or section devoted to the sale or display of such material. (See specified sexual activities and specified anatomical areas)

Adult Mini Motion Picture Theater. An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observations by patrons therein.

Adult Motion Picture Theater. An enclosed building or open air site used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or anatomical areas for observation by patrons therein.

Adult Related Business. Any activity described in any of the remaining paragraphs of this chapter and any other business having an employee or entertainer, in person or by motion picture, television, video tape, hologram, magazine or other type of image displaying and specified anatomical area or engaging in any specified sexual activity.

Alley. A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Antenna. The surface from which wireless radio signals are sent and received by a wireless service facility.

Automobile Car Wash. An establishment being housed in a building or portion thereof together with the necessary mechanical equipment used for washing automobiles and using production line methods.

Automobile Service Station. An establishment being housed in a building or portion thereof, together with necessary equipment used for the direct retail sale of gasoline or any other engine fuel, kerosene, or motor oil lubricants or grease and including the sale of minor accessories, and the servicing of and minor repair of automobiles.

Automobile Repair Shop. An establishment being housed in a building or portion thereof, together with the necessary equipment used for the general repair of

automobiles, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service and painting or undercoating of automobiles.

Basement. A story having part but not more than one ($\frac{1}{2}$) of its height above finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5') feet or is used for business or dwelling purposes.

Berm. An earthen mound designed to provide visual interest on a site or screen undesirable views, reduce noise, or fulfill other such purposes.

Building. Any structure erected on-site, a mobile home or mobile structure, a premanufactured or pre-cut structure, above or below ground, intended primarily for the shelter, support, or enclosure of persons, animals, or property of any kind. A building does not include tents or trailer coaches.

Building, Height of. The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs. See Appendix D.

Building, Front Line of. The line that coincides with the face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches but does not include steps. Said line shall be parallel to the front lot line and measured as a straight line between the intersecting points with the side yard.

Building Lines. A line defining the minimum front side or rear yard requirements outside of which no building or structure may be located.

Building Principal. A building in which is conducted the main or principal use of the lot on which is located.

Building Setback. The distance between the street right-of-way or front lot line and the front line of a building or any projection of the building, excluding uncovered steps.

Bulk Station. A place where crude petroleum, gasoline naphtha, benzene, benzol, kerosene, or any other liquid, except such as will stand a test of 150 degree Fahrenheit, closed cup tester, are stored for wholesale purposes only,

where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons

Business. A use designated and intended to generate revenue, an occupation, trade or profession.

Clinic. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals.

Clubs. An organization catering exclusively to members and their guest, or premises, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandise, vending, or commercial activities; except as required incidentally for membership and purpose of such club.

Commerce (Commercial). Occupation of buying and selling - Trade.

Common Land. A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.

Communication Tower. Any ground-mounted pole, spire, structure or combination thereof, including supporting lines, braces, wires, cables, masts, intended primarily for the purposes of mounting an antenna or similar apparatus above ground.

Courts. Open unoccupied spaces other than yards on the same lot with a building.

- A. Court, Inner. An open, unoccupied space not extending to the street or front, or rear yard.
- B. Court, Outer. An open, unoccupied space opening upon a street, alley, yard or setback.

Convalescent or Nursing Home. A building wherein infirmed or incapacitate persons are furnished shelter, care, food, lodging, and needed attention for a compensation.

Coverage, Lot. Percent of the plot or lot covered by the building area.

Cul de Sac. A street with only one outlet having sufficient space at the closed end to provide vehicular turning area.

District. Any Section within the community for which the regulations contained within this ordinance are the same.

Dormitory. A residence hall, which is used for sleeping quarters or entire buildings primarily providing sleeping and residential quarters for large numbers of people, often boarding school, college or university students

Dwelling. A house or building, or portion thereof, which is occupied wholly as the home, residence, or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall an automobile chassis, recreational vehicle, basement, accessory building, temporary building, tent or portable building, motel or automobile court, rooming or boarding house, hotel, or hospital be considered as a dwelling, so long as these are used for the purposes described in this chapter. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this chapter and shall comply with the provisions hereof relative to dwellings.

Dwelling Types. For the purpose of this Ordinance, dwellings are separated into the following categories and herewith defined accordingly.

- a. Single family dwelling is a detached building containing one(1) dwelling unit and so designed to provide living, cooking, and kitchen accommodations for one (1) family only.
 1. It complies with the minimum floor area requirements of this code for the zone in which it is located.
 2. It has a minimum dimension across every front, side, and rear elevation of twenty-five (25) feet and complies in all respects with the Township building regulations, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction which are different than those imposed by the Township building regulations, then and in that event such federal or state standard or regulations shall apply.
 3. It is firmly attached to a permanent foundation constructed on the site in accordance with the Township building regulations and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building regulations for single-family dwellings. In the event that the dwelling is a mobile home, as

defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

4. In the event that a dwelling is a mobile home, as defined herein, each mobile home shall be installed with the wheels removed. Additionally no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
5. The dwelling is connected to the public sewer and water supply when required or to such private facilities approved by the local health department.
6. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
7. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six (6) inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the Building Inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling," as well as the character, design and appearance of one (1) or more residential dwellings located outside of mobile home parks within the neighborhood of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

8. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
 9. The dwelling complies with all pertinent building and fire regulations; and all dwellings shall meet or exceed all applicable roof snow load and strength requirements. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended.
 10. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinances of the Township pertaining to such parks.
 11. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Township building regulations and requirements.
- b. Two-family dwelling is a building containing two (2) dwelling units each provided with separate facilities for each family for living accommodations.
 - c. Multiple-dwelling is a building or portion thereof containing three (3) or more dwelling units living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, but not including boarding or tourist houses.
 - d. An efficiency dwelling unit consists of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room containing not less than three hundred and fifty (350) square feet of floor area.

Dwelling Unit. Any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, mobile home, motor home automobile chassis, tent or other portable building be

considered a dwelling in a single-family, two-family, or multiple-family residential area. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the provisions thereof relative to dwellings.

Drive-in. A business establishment so developed that its retail or service character is dependent on providing a drive-way approach or parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-in service.

Family.

1. Shall include the following:
 - a. One (1) or more persons living together and interrelated by bonds of consanguinity, marriage, or legal adoption, and occupying the whole or part of a dwelling unit as a single housekeeping unit. A FAMILY shall be deemed to include domestic servants, gratuitous guests, and not more than four (4) foster or boarded children who are sponsored or whose room and board is paid by a recognized childcare agency or organization. A FAMILY shall also be deemed to include not more than six (6) persons occupying the dwelling unit and living together as a single nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, 42 USC 2000e et seq., as amended by the Fair Housing Amendment Act of 1988.
 - b. A group of not more than three (3) persons, who need not be related by bonds of consanguinity, marriage, or legal adoption, living together as a single housekeeping unit, as distinguished from individuals occupying a hotel, club, boarding house, rooming house, fraternity or sorority house. The group living in the dwelling unit must occupy such dwelling unit in the same manner as a dwelling occupied by a FAMILY defined in paragraph (a) of this definition.
2. An affirmative finding that any one (1) or more of the following criteria exists shall create a rebuttable presumption that the group occupying the dwelling unit is not a family:
 - a. Bedroom doors that can be locked on the exterior and interior sides of the door;

- b. More than one (1) mailbox provided per group;
- c. Bedroom doors designated by number or letter.

Farm. A tract of land which is directly devoted to agricultural purposes provided further farms may be considered as including establishments operated as greenhouses, nurseries, orchards, kennels, quarries or gravel or sand pits shall not be considered farms hereunder unless combined with a bonafide farm operation on the same contiguous tract of land of not less than ten (10) acres.

Fence. A finite structure that provides an area of enclosure, privacy and/or ornamental value that is constructed of conventional materials or other materials approved by the Zoning Administrator.

Garage, Private. A private garage is a building used for the storage of motor vehicles and containing no public repair or service facilities. See Graphics and Refer to Section 305.

Gypsum and Lime Processing Activities. Any activity involving the processing of gypsum or lime for sale as an agricultural soil amendment and an industrial filler and whereby raw material is completely processed to producer a number of end products including the capture of the dust as a saleable product.

Home-Sectional or Component. Several building components meeting the Michigan Building Code, factory fabricated, and transported to the home site where they are put on a permanent foundation and joined to make a complete house.

Home Occupation. Any business carried on by one or more members of a family residing on the premises, providing it:

- a. Be operated in its entirety within the principal dwelling or accessory structure;
- b. Does not have a separate entrance from outside the building;
- c. Is not involved alteration or construction not customarily found in dwelling or accessory structures;
- d. Does not use any mechanical equipment except that which is used normally for purely domestic or household purposes or for agricultural purposes if the home occupation is located in the Agricultural Zoning District;
- e. Does not use more than twenty-five (25%) percent of the total actual floor area of the dwelling,
- f. Does not display, or create outside the structure any external evidence of the operation of the home occupation, including

- additional traffic, except for one (1) unanimated, non-illuminated, wall sign having an area of not more than two (2) square feet.
- g. Does not employ any persons other than family members residing on the premises.

Junk/Salvage Yard. A licensed open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A Junk/Salvage Yard includes automobile wrecking yards, and two or more inoperative, unlicensed vehicles located on a single lot. Operations with the characteristics of salvage yards that are called recycling centers, junk yards, scrap yards, etc., shall be considered as salvage yards.

Kennel. Any facility, on a single parcel, where more than three (3) dogs or three (3) cats or other household pets, over four (4) months old are kept, housed or boarded for a fee, or where such animals are kept for breeding purposes.

Loading/Space Berth. An off-street space at least ten (10') feet wide, twenty-five (25') feet long and fifteen (15') feet high; either within a building or outside on the same lot, provided maintained and available for the loading or unloading of goods or merchandise and having direct and unobstructed access to a street or alley.

Lot. A parcel of land occupied or intended for occupancy by a main building and accessory building thereto, together with such open spaces as are required under the provisions of this Ordinance. Every lot shall abut upon and have permanent access to a public street.

Lot Area. The total horizontal area within the lot lines of the lot.

Lot: Corner, Interior and Through:

Corner Lot is a lot which has at least two contiguous sides abutting upon a street for their full length, and provided two sides intersect at an angle of not more than one-hundred thirty-five (135) degrees.

Interior Lot is a lot other than Corner Lot.

Through Lot is an Interior Lot having frontage on two streets which do not intersect at a point contiguous to such lot.

Lot Lines. The lines abutting a lot as defined herein:

Lot Line, Front. That line separating the lot from the street right-of way. In the case of a corner lot or through lot, the lines separating the lot from each street.

Lot Line, Rear. Lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall only be one rear lot line. In the case of a lot with side lot lines converging at the rear, the lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20') feet long, lying farthest from the front lot line and wholly within the lot. See graphics Page G-5.

Lot Line, Side. Any lot line that is not a front lot line or not a rear lot line.

Lot Width of. The distance from one side lot line to the other side lot line, measured parallel to the front lot line at the minimum setback.

Lot of Record. A parcel of land, the dimensions of which are shown on a document or map recorded with the County Register of Deeds.

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 facilities. The term "motel" shall include buildings designed as "auto courts," "tourist courts," "motor courts," "motor hotels," and similar appellations which are designed as integrated units of individual rooms under common ownership. For the purposes of this ordinance, "motel" and "hotel" shall have the same meaning.

Mobile Homes. A detached single-family dwelling unit with all of the following characteristics :

- a. Designed for long-term occupancy.
- b. Containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside system.
- c. Designed to be transported after fabrication on its own wheels or on flatbed or other trailers on detachable wheels.
- d. Arriving at site to be occupied as a dwelling unit complete, meeting minimum square footage requirements of one thousand one hundred (1,100) square feet, and including appliances and

- furniture and ready for occupancy except for minor incidental location operations
- e. not having a shingled overhanging roof.

Modular Home. A fabricated, transportable building unit designed to be incorporated at a building site into a structure on a permanent foundation to be used for residential uses with a minimum width and length of 25', have a shingled overhanging roof and be certified by the State of Michigan .

Mobile Home Park. A parcel of land twenty (20) acres or more, intended and designed to accommodate sixty (60) or more mobile homes for residential use, which is offered to the public for that use along with any structure, facility, area or equipment permitted and incidental to the residential use. Referred to also a "Park."

Mobile Home Space. A plot or parcel of land within the Mobile Home Park designed to accommodate one (1) mobile home.

Mobile Home Stand. That part of a Mobile Home Space which has been reserved for the placement of the Mobile home, appurtenant structures, or additions.

Nonconforming Use. A building, structure, or use of land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

Open Space. Any unoccupied space open to the sky on the same lot with a building. See Courts.

Parking Space. An off-street space of at least one-hundred and eighty (180) square feet exclusive of necessary drive-ways, aisles or maneuvering areas suitable to accommodate one motor vehicle and having direct unobstructed access to a street or alley.

Parking, Shared. Any public or private area, outside of a building or structure, designed for and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets that is used by more than one residential development, business or industry.

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

Processing, Limited Manufacturing - 1 District. A series of operations usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner. Limited Manufacturing processing includes such products as bakery goods, candy, pharmaceuticals, toiletries, food products, hardware and cutlery, tool and die, garage products and sheet metal products. Limited manufacturing processing also includes processing of semi-finished or previously prepared materials such as bone, hair, fur, leather or feathers, fiber, plastics, glass or cellophane, wood, paper, cork, sheet metal or wire, tobacco, rubber, precious or semi-precious stones, and similar articles or products which are previously prepared or semi-finished.

Processing, Intensive Manufacturing - 2 District. A series of operations usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner. Processing includes material, goods, foodstuffs and other semi-finished products from raw materials. Processing may include the chemical transformation of materials or substances into new products or the blending or combination of gases and liquids. Processing also may be applied to specific industrial or manufacturing operations.

Public Utility. Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation of water service.

Recreation facility. A non-motorized recreation facility that utilizes environmental or natural resource conditions as a basis for recreation.

Recreational Vehicle. A recreational vehicle includes motor homes, travel trailers, snowmobiles on trailers, boats, and similar related type units.

Right-of-way. A street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles.

Roadside Stand. A structure erected on a farm adjacent to a public road for the sale of chiefly products produced on the farm, provided such shall not constitute a commercial district, nor be deemed a commercial activity.

Sand Packaging Activities. Any activity whereby dried sand is placed in packaging for sale, the sand not being dried on the same property.

Satellite Dish. Any antenna in the shape of a shallow dish, of any size, and appurtenant equipment, used for the receptions of communications (television and otherwise) from orbiting satellites and ground transmitters.

Service-Essential. The construction, alteration or maintenance by private companies or public departments or agencies of the various transmissions, distribution or disposal systems that are essential for the preservation of the public health, safety or general welfare such as gas, electricity, telephone, water and sewer. Also, this term includes all poles, wires, mains, drains, sewers, pipes cables traffic signals, hydrants and other similar equipment or accessories reasonable necessary to provide adequate service of said companies or agencies; but the term shall not include buildings or utility substations.

Sign. A "sign" is a name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. A "sign" shall not include a sign located completely within an enclosed building.

For the purpose of this Ordinance the following sign or sign related terms are defined:

- a. Area, or Surface Area, of Sign. That area per face enclosed by one outline, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display.
- b. Billboard Sign. A freestanding outdoor sign which advertises something not located on the immediate premises.
- c. Construction Signs. Signs which identify architects, engineers, contractors and other individuals or firms involved with a construction project, but not including advertisement of any product. These include signs announcing the character of the building enterprise or the purpose for which the building is intended.
- d. Electric Sign. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
- e. Electronic Message Board. Changeable copy signs in which the copy consists of an array of lights activated and deactivated simultaneously with a frequency of message change of not less than 20 seconds. Signs displaying time and temperature only may change messages with a frequency of no less than 5 seconds.
- f. Entrance/Exit. Signs directing traffic movement to or from a parcel.
- g. Freestanding Sign. A sign which is affixed to a permanent foundation, but not attached to the building proper. (Also "Ground Mounted" sign.)

- h. Ground Level. The elevation to be used for computing the height of signs. Defined as the roadway center line grade elevation at its intersection with the center line of the driveway serving the parcel which is located nearest to the sign location.
- i. High Profile Sign. A freestanding identity sign intended to announce the existence of a business located near an expressway interchange to travelers on the expressway so they may react in time to exit safely.
- j. Identity Sign. A sign that identifies the business, owner, or resident and/or the street address and which sets forth no other advertisement.
- k. Illuminated Sign. A sign that provides artificial light directly or through any transparent or translucent material.
- l. Institutional Bulletin Board. A structure containing a surface area upon which is displayed the name of a religious institution, school, library, community center, or similar institution and the announcement of its services or activities.
- m. Integral Sign. Names of buildings or farm, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the walls of the structure (or roof for farm buildings).
- n. Joint Sign. A sign which gives direction and identification to a group of adjacent businesses whether or not under single management.
- o. Land Development Project Signs, Temporary. Signs pertaining to the sale, lease, rent or development of a subdivision, planned shopping center, office building, industrial park or similar land parcel.
- p. Location. A lot, premise, building, wall or any place whatsoever upon which a sign is located.
- q. Marquee. An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.
- r. Off-Premise Sign. A sign which advertises an activity, business, product or service not sold or conducted on the parcel on which the sign is located.
- s. Political Campaign Signs. Signs announcing candidates for public political office and other data pertinent to an upcoming election.
- t. Private Traffic Direction. Signs directing traffic movement or giving instructions, located within a parcel.
- u. Projection. The distance by which a sign extends over public property or beyond the building line.
- v. Projecting Sign. A sign, other than a wall sign, which projects 18" or more from and is supported by a wall of a building or structure.

- w. Property Rental Signs. Signs on the premises announcing rooms, apartment or house for rent, not to exceed four (4) square feet.
- x. Public Signs. Signs of a governmental nature and in the public interest, erected by, or on the order of, a public officer in the performance of his or her public duty.
- y. Real Estate Signs. Signs advertising the sale, rental or lease of the premises or part of the premises on which they are displayed.
- z. Roof Line. This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels, this roof or parapet shall be the one belonging to the portion of the building on whose wall the sign is located.
- aa. Roof Sign. Any sign erected, constructed, and maintained wholly upon or over the roof of any building.
- bb. Setback. A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. A *Front Setback* is measured from the edge of the right of way of any abutting roadway. A *Rear Setback* is measured from the property line opposite the road way. A *Side Setback* is measured from any other abutting property line. *Corner Lots* shall require two front setbacks, but only one rear setback.
- cc. Size of Sign. The size of a sign is computed as the product of its height and its width expressed in square feet. A sign shall be considered to have not more than two (2) sides, i.e., a 3-sided sign equals two (2) signs.
- dd. Special Purpose Signs. Any other temporary signs.
- ee. Street Banners. Fabric signs, suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the Saginaw County Road Commission or Michigan Department of Transportation.
- ff. Temporary Sign. A display, informational sign, banner, or other advertising device intended for a limited period of display, including any sign which can be physically lifted, pulled, carried or wheeled from one location to another.
- gg. Wall Sign, Flat. One affixed directly to or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less the eighteen (18") inches at all points.

Site, Area. The total area within the property lines excluding street rights-of-way and easements.

Site Plan. Documents and drawings are required by the zoning ordinance to insure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes. Conditions of the Ordinance for site plan submittal must be complied with.

Special Use. The term applied to a use which may be permitted by the application for an issuance of a Special Use Permit by the Specified procedures and requirements, as outlined in cited sections must be complied with prior to final issuance of said permit.

Specified Anatomical Areas. (1) Less than completely and opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola. (2) Human genitals in a discernable turgid state, even if completely and opaquely covered.

Specified Sexual Activities. (1) Human genitals in a state of stimulation or arousal. (2) Acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy. (3) Fondling of or erotic touching of human genitals, pubic region, buttock or female breast. (4) Bestiality. (5) Fellatio and cunnilingus. (6) Human excretory function.

Storage. See Warehousing.

Story, Height of. The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Roof, types of. Gable or Hip, Flat, Mansard, Gambrel. Appendix D.

Storage. Outside Storage, Inside Storage, Warehousing.

- a. Outside storage includes the storage of materials, items, products (raw or finished) in an open yard without full protection from the weather.
- b. Inside storage includes the storage of materials, items, products (raw or finished) completely enclosed by a building on all four sides with a roof.
- c. Warehousing is the use of a commercial building for storage of goods

Street. A public thoroughfare which affords the principal means of access to abutting property.

Street Functional Classification. Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide. Three basic groups include: (1) Arterial for primary mobility; (2) Collectors for both mobility and land access and (3) Locals for primarily land access.

- a. Principal Arterial. Serves the major centers of activity of the region, the highest traffic volume corridors, and the longest trip desires.
- b. Minor Arterial. Interconnects with an augments the principal arterial system and provides service to trips of moderate length at somewhat lower level of travel mobility than principal arterial.
- c. Collectors. Collector system provides both land access service and for local traffic movements within residential neighborhoods, commercial areas and industrial areas.
- d. Locals. Serves as direct land access and access to higher systems.

Street Line. The legal line of demarcation between a street right-of-way line for service, benefit or enjoyment.

Use. The employment or occupation of a building structure or land for service, benefit or enjoyment.

Variance. A modification of the literal provisions of this Ordinance granted when strict enforcement thereof would cause undue hardship owing to circumstances unique to the specific property on which the modification is granted by the Board of Appeals on Zoning.

Yard. An open space on the same lot with a building, which may not be occupied by buildings, structures or parking areas, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line (property line) and the building the line.

Yard, Front. A yard extending across the front of a lot between the side lot lines and measured between the front line of the lot and the nearest point of the main building. Appendix B

Yard, Rear. An open space on the same lot with a main building unoccupied except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. Appendix B.

Yard, Side. An open, unoccupied space on the same lot with the building, situated between the principal building and the side line of the lot and extending from the front yard to the rear yard. Appendix B

Yard Required - How Measured. The open space between the lot line and the setback line.

Chapter 3

General Requirements

Section 15.301 Nonconforming Uses

It is the intent of this Ordinance to permit the continuance of a lawful use of any building, structure or use of any part thereof and shall be used, altered, constructed or reconstructed in conformity with the provisions of this Ordinance and further it is hereby declared that the existence of nonconforming uses is contrary to the best interests of the general public and further it is hereby declared to be the policy of this community as expressed in this Ordinance to discontinue nonconforming uses in the course of time as circumstances permit, having full regard for the rights of all parties concerned.

1. Elimination of Nonconforming Uses:
 - a. In accordance with the applicable state and local missive legislation, the Township through its agents may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the Township for a public use. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.
 - b. Whenever a nonconforming use has been discontinued for 24 consecutive months, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use. At the end of this period of abandonment, the nonconforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this Ordinance.
2. Nonconforming Uses of Land: The nonconforming uses of land existing at the effective date of this Ordinance where no building is located may be continued, PROVIDED dimensional requirements are complied with, and further PROVIDED that no buildings are to be constructed after the effective date of this Ordinance, except that will conform to district requirements within which the use is

located, and further PROVIDED all other pertinent requirements of Section 301 are compiled with.

3. Nonconforming Signs. Signs existing at the time of the enactment of this ordinance and not conforming to its provisions, but which were constructed in compliance with previous regulations shall be regarded as nonconforming signs which may be continued as properly regarded and maintained as provided in this code and continue to be in conformance with other ordinances of this municipality. Non conforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this code.
4. Illegal Nonconforming Uses: Nonconforming uses of buildings or land existing at the effective date of this Ordinance established without a building permit or not shown on the tax records as a nonconforming use prior to the last official assessment roll, or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of the Ordinance shall be declared illegal nonconforming uses and shall be discontinued.
5. Reconstruction and Restoration. Any lawful nonconforming use damaged by fire, explosion, or act of God, or by other causes may be restored, rebuilt, or repaired, PROVIDED that such restoration does not exceed its State Equalized assessed value as determined by the assessing officer, exclusive of foundations, and PROVIDED that said use be the same or more nearly conforming with the provision of the district in which it is located.
6. Repair of Nonconforming Buildings: Nothing in this Ordinance shall prohibit the repair, improvement, or modernization of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, and wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than thirty (30%) percent as determined by the assessing officer unless the subject building is changed by such repair to a conforming use. No repair may enlarge or structurally alter the structure in such a way as to increase the nonconformity.
7. Changing Uses: If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located than the

nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.

8. Prior Construction Approval: Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance PROVIDED that construction is commenced within thirty (30) days after the date of issuance of the permit and that the entire building shall have been completed according to plans filed with the permit application within one (1) year after the issuance of the building permit.
9. Districts 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 Section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

Section 15.302 Supplementary Use Regulations.

1. Prior Building Permits: Any Building Permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within ninety (90) days after the date of permit application and completed within one (1) year after the issuance of the building permit.
2. Access to a Street: Any lot of record created after the effective date of this Ordinance shall have frontage on a public street, except as may be approved as a planned unit development in accordance with the provisions of this ordinance or the Plat Act of 1967.
3. Rear Dwelling Prohibited: No building in the rear of and on the same lot with a principal building shall be used for residential purposes except for watchmen, caretakers, and domestic employees whose employment functions are related to the function of the principal building: PROVIDED that all other requirements of this Ordinance are satisfied.

4. Use of Structure for Temporary Dwelling: No structure shall be used for dwelling purposes that does not meet the minimum standards as defined in this Ordinance and the requirements of the Building Code. No temporary structure whether of a fixed or portable construction shall be erected for any length of time unless authorized by the issuance, by the Board of Zoning Appeals, of a temporary permit as provided in Chapter 19.

5. Mobile Home Dwellings. No person, or entity, shall use, occupy or permit the use or occupation of a mobile home as a dwelling within the Township in an area not designated as a mobile home park, unless:
 - a. A permit for the placement thereof has been obtained from the Township Official authorized by the Township Board to issue the same. All applications for said permit shall be accompanied by a non-refundable fee. That said fee may be changed or altered by the resolution of the Township Board so as to cover the cost of all expenses of the Township in connection with inspection made, or hearings held, and investigations made.

 - b. Said mobile home, the placement thereof, and the premises upon which it shall be located shall meet all requirements of the Township Zoning Ordinance relative to uses, size of premises, floor area, setback, side lot and rear lot requirements specified for the particular zoning district in which said premises is located. Further, a mobile home occupied as a dwelling shall have a minimum width across any front, side, or rear elevation of twenty-five (25') feet. Where a mobile home dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed under the Township Building Code, then federal or state standard or regulation shall apply.

 - c. Said mobile home shall be connected to potable water and sanitary sewerage disposal facilities approved by the health agency having jurisdiction. If public water or sanitary sewage disposal facilities are available to said premises, said mobile home shall be connected thereto.

 - d. Said mobile home shall be firmly attached to a permanent foundation constructed on the site in accordance with

Township Building Code and shall have a wall of the same perimeter dimensions of the dwellings. In the event that the mobile home is used as a dwelling such mobile home dwelling shall be installed pursuant to the manufacturer's set up instructions and shall be secured to premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission, and shall have perimeter wall as required above. The mobile home shall be so placed and situated that the wheels shall be removed and the underside or chassis of said mobile home shall be completely enclosed and connected to foundation so that the towing mechanism, undercarriage or chassis are not exposed to view.

- e. Said mobile home shall meet or exceed all roof snow load and strength requirements imposed by the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards.
- f. If placed within a flood zone, said mobile home shall meet all requirements for construction of dwelling onsite within said zone.
- g. Said mobile home dwelling shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- h. As to a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24CFR3280, and as from time to time such standards may be amended.
- i. Said mobile home dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six (6) inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling: shall have not less than two exterior doors with the second one being either the rear or side of the mobile home dwelling: shall have steps connected to the said exterior

door areas or to porches connected to said door areas where differences in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular mobile home dwelling, subject to appeal by an aggrieved party to an Appeals Board. The membership of the Appeal Board shall be the same membership as the Zoning Board of Appeals under the Spaulding Township Zoning Ordinance. The appeal, if taken, must be taken within fifteen (15) days from the receipt of notice of Township Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth herein, as well as the character, design, and appearance of one or more residential dwellings other than the mobile home parks within two thousand (2,000) feet of the subject mobile home dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character, design, and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard design home.

- j. The foregoing provisions shall not apply to a mobile home located in a licensed mobile home park except to the extent required by a state or federal law or otherwise specifically required in the Ordinance of the Township pertaining to such parks.
- k. In connection with the application to permit the occupation of a mobile home as dwelling, the construction specifications of the mobile home proposed to be occupied as a dwelling shall be supplied along with whatever other information and documents may be required, as the Township may from time to time determine are needed or necessary to enable the appropriate officials to assure compliance with this Ordinance.
- l. The term "mobile home" shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for

temporary use which are not designed for permanent residence and connection to sanitary sewage, electrical power, and potable water supplies.

6. Required Water Supply and Sanitary Sewerage Facilities:
After the effective date of this Ordinance, no structure shall be erected, altered or moved upon a lot or premise and used in whole or in part for a dwelling, business, industrial or recreational purpose unless it shall be provided with a safe sanitary and potable water supply and with a safe and effective means of collection treatment, and disposal of human excreta and domestic, commercial and industrial waste. All such installations and facilities shall conform with the minimum requirements of the County Health Department and applicable State Regulations.
7. One Dwelling per Lot: Only one (1) single-family detached dwelling will be allowed to be erected on a lot.
8. Fences, Walls and Screens
 - a. Fences in front yard areas. Fences which are located in the required front yard area shall not exceed a height of four (4) feet.
 - b. Fences in rear yard areas. Fences which are located in the rear yard shall not exceed a height of six (6) feet and may be of open or closed construction.
 - c. Fences on corner lots.
 1. Fences constructed or installed on corner lots or parcels having a side yard abutting upon a street may be erected to a height of six (6) feet above ground level but shall not extend beyond the side yard building line in the side yard area adjacent to the street side of the building thereon.
 2. Fences located in the street side yard area on corner lots, between the dwelling and the street property line, shall not exceed a height of four (4) feet except that a fence six (6) feet in height construction may be erected in the street side yard area where a

corner lot shares a common rear lot line with the rear adjacent property owner.

- d. Fences located in interior side yard areas. Fences constructed or erected in the interior yard area may be erected to a height of six (6) feet above ground level and may be of open or closed construction except that when an abutting dwelling has a door or window (except basement window) located less than five (5) feet from the fence, said fence shall be reduced to four (4) feet in height if it is of closed construction.
- e. Exceptions. The height restrictions of this chapter shall not apply to schools, public or private, or to public recreation areas, or to public utility installations where higher fences are required for the safety and protection of the public.
- f. Unobstructed site.
 - 1. Unobstructed site distance. No fence, structure, hedge or planting shall be erected, established or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two (2) streets or the intersection of a street and an alley (see diagram, Appendix A). Fences or plantings located in the triangular areas described below shall not be permitted to obstruct cross-visibility between a height of thirty (30) inches and eight (8) feet above grade.
 - 2. Unobstructed sight area. The unobstructed triangular area is described as follows:

The area formed at the corner, intersection of two (2) streets bounded by the curb lines extended to the point of the intersection and by a base line intersecting each curb sixty (60) feet from said point of intersection. Where no curb exists, the edge of the roadway shall be considered a curb within the meaning of this section (See Appendix A);

The area formed at the corner, intersection of the public right-of-way and a driveway, the two (2) sides of the triangular are being ten (10) feet in length measured along the right-of-way line and the edge of the driveway, and the third side being a line connecting these two (2) sides (See Appendix A).

- g. Use of abutting properties. No fence shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision, the Zoning Administrator may require a fence to be set back a minimum distance from a driveway or property line.
- h. Barbed wire. The placement of barbed wire is regulated as follows:
 - 1. Industrial Districts. For industrial properties, barbed wire must be at least six (6) feet above grade. Barbed wire is not allowed on properties used for residential purposes in industrial districts.
 - 2. Business Districts. For business properties where outdoor storage is allowed, barbed wire may be approved by the Board of Appeals on Zoning as a special exception when there are unique and exceptional circumstances. If approved by the Board of Appeals on Zoning, the barbed wire must be at least six (6) feet above grade. Barbed wire is not allowed on properties used for residential purposes in business districts.
 - 3. Public utility installations. Barbed wire may be placed on fences surrounding a public utility installation in any zoning district, provided the barbed wire is placed not less than six (6) feet above grade.
- i. Electric fences. Electric fences may be approved in by the Board of Appeals on Zoning as a special exception when there are unique and exceptional circumstances.

- j. Materials. Fences shall consist of materials commonly used in conventional fence construction, such as wood or metal. If, because of design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot.
 - k. Maintenance. All fences shall be maintained in a good structural condition at all times.
 - l. Permit. Any property owner wishing to install a new fence of any type shall first secure a zoning permit prior to installing said fence. The property owner or applicant shall complete an application provided by the Township indicating the location, height, materials, and the proximity to any buildings on an abutting property. There shall be no fee associated with this application.
9. Inoperative or Dismantled Cars, Trucks or Buses: The storage of dismantled, wrecked and/or unlicensed vehicles within any District is expressly prohibited unless contained within a licensed junk yard or an enclosed structure or provided said storage does not exceed one (1) week.
10. Space Used Once. Any yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall not again be used as a yard or other required open space for another building or structure existing or intended to exist at the same time as such building or structure. Use Exceptions: Nothing in the Ordinance shall be construed to prohibit the following accessory or incidental uses:
- a. The renting of rooms to not more than two (2) nontransit persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which it is located.
 - b. Customary refreshment and service uses and buildings in any public park or recreational area incidental to the recreational use of such area.
 - c. Essential services as defined in Chapter 2, Section 202

- d. Garden, garden ornaments and usual landscape features within required yard space.
 - e. Fences within required yard space provided the standards cited in Chapter 3, Section 302 (8) are met.
 - f. Retaining walls and public playgrounds.
 - g. Off-street parking for motor vehicles as specified in Chapter 4.
 - h. Home Occupation as specified in "R" District regulations and Chapter 2, Section 202.
 - i. Use of a premises as a voting place in connection with local, state or national elections.
11. Parking of Recreational Equipment: The parking of recreational equipment including travel trailers, trailers, campers, boats and similar recreational equipment is prohibited within the required front yard areas of any "R" District,

A total of three (3) but not more than one (1) of each of the above units may be stored or parked outside on a residentially zoned lot except that with regard to snowmobiles or personal watercraft up to four units may be parked outside provided the ownership of said units is that of the lot owner, tenant, or lessee.

The above units when stored outside shall be located a minimum of five (5) feet to the rear of the front building line.

The combined area covered by outside storage of said units, dwelling, accessory buildings, swimming pools and the area covered by the shall not exceed forty (40) percent of the total area of the lot.

12. Heavy Vehicles. Storage or overnight parking of trucks in excess of four (4) tons gross weight rated capacity is prohibited within any "R" District.

13. Prohibited Uses. Any use not specifically permitted as defined in a zoning district established by this Ordinance is hereby specifically prohibited from that district.

14. Rummage Sale: Allow the sale of a non-perishable merchandise, household goods, domestic items or other articles, except in any "R" district, unless the sale is temporary. Such a sale shall not continue for a period exceeding one week from date of commencement and may not commence again for a period of forty-five (45) days from the last date of prior sale at that location with no more than three (3) such sales in a calendar year. No items available during sales may be openly displayed when sales are not in progress. (This provision shall be enforced by the Police Department.)

15. **Swimming Pool Fencing:** All swimming pools shall have a barrier as required by the Michigan Building Code.

Section 15.303 Supplementary Yard Regulations.

1. Permitted Yard Encroachments:

a. Paved terraces, patios, and uncovered porches shall not be subject to yard requirements, PROVIDED:

1. The paved area is unroofed and without walls or other forms of solid continuous enclosure that link the paved area to the principal building.

2. The highest finished elevation of the paved area is not over thirty (30) inches above the average surrounding finished grade area.

3. No portion of any paved area is closer than five (5') feet from any lot line nor projects into any front yard setback area. Such paved areas may have non-continuous windbreaks or walls not over six (6') feet high and not enclosing more than one-half ($\frac{1}{2}$) the perimeter of the paved area.

- b. Unenclosed porches, roofed, or unroofed, may project into a required side or rear yard area PROVIDED:
 - 1. The porch is unenclosed and no higher than one (1) story and is erected on supporting piers.
 - 2. The porch shall not be closer than eight (8') feet to any side or rear lot line except for lots or parcels less than 65' wide, then the porch cannot be closer than four (4) feet to any side lot line.
 - c. Enclosed porches shall be considered an integral part of the building and shall be subject to all yard and area dimensional requirements established for principal buildings.
 - d. Special structural elements such as cornices, sills, chimneys, gutters and similar structural features may project into any yard up to a maximum of two and one-half (2 ½') feet.
 - e. Fire escapes, outside stairways and balconies, if of open construction, may project into yard areas up to a maximum of five (5') feet.
 - f. Signs may encroach into yard areas but no sign or portion, thereof, shall be closer to any lot line or street right-of-way than ten (10') feet.
2. Yard Exceptions: In cases where less than the full required future right-of-way width of a street has been deeded or dedicated, the building setback on any properties abutting thereon which have not provided for sufficient street area by deed or dedication shall be measured from the future required right-of-way line. The required street width shall be determined by the standards set forth and adopted by the Planning Commission.
3. Minimum Side Yard Requirements: Lots or parcels less than sixty-five (65') feet in width and existing prior to adoption of this Ordinance may have a minimum side yard of four (4') feet. Corner lots 65' or less in width shall conform to the street side setbacks required but the side yard opposite the street side may be four (4') feet.

Section 15.304 Supplementary Height Requirements

1. Permitted Exceptions for Communications Towers and Structural Appurtenances: The following kinds of communications towers and structural appurtenances shall be permitted to exceed the height limitations for authorized uses:
 - a. Ornamental in purpose, such as church steeples, belfries, cupolas, domes, ornamental towers and flag poles; PROVIDED that such structural elements do not exceed twenty (20%) percent of the gross roof area.
 - b. Communications towers and appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, radio or television towers, aerials and fire and base towers; PROVIDED the total height of the structure or the building and appurtenance is one-hundred seventy-five (175') feet or less measured from the ground. The foregoing permitted exceptions shall not be for human occupancy or dwelling.
2. **Permitted Exceptions, Conservation-Greenbelt and Agricultural Districts:**
 - a. No exceptions are permitted for residential structures.
 - b. Structures for agricultural operations are permitted up to seventy-five (75') feet.
 - c. Other non-residential permitted structures may be erected to a height in excess of that specified; PROVIDED each front, side and rear yard minimum is increased one (1') foot for each one (1') foot of additional height above the district requirements.
3. **Permitted Exceptions, Residential Districts:**
 - a. No other exceptions are permitted for residential structures. Antennas and flag poles are allowed, but not to exceed the height of 45' from the ground.
 - b. Principal hospital and church structures may be permitted to exceed height limitations with a maximum total height limit of seventy-five feet (75') PROVIDED each front, side and rear yard

is increased by one (1') foot for each one (1') foot of additional height above the district maximum requirement.

4. **Permitted Exception, Business and Industrial Districts:**

- a. In any business or industrial district any principal structure may be erected at a height in excess of that specified for the district, PROVIDED each front, side and rear yard minimum is increased one (1') foot for each one (1') foot of additional height above the district maximum requirement.

Section 15.305 Accessory Buildings.

1. Required Yards:

- a. In a front yard: No accessory building (attached or detached) shall project into any required front yard.
- b. In a rear yard: No accessory building, including attached or detached garages, shall be closer than five (5') feet to the rear lot line and not closer to the side lot line than the permitted distance for principal buildings within that district.
- c. In a side yard: No accessory building, including garages shall be erected closer to any side lot line than the permitted distance within that district for principal building except in a residential district, where an accessory building is located ten (10') feet or more to the rear of the principal building, then the accessory building shall be no closer than eight (8') feet to the side lot line. See exception Section 303 (3).
- d. On a corner lot: No accessory building shall be closer to the side street lot line than the side yard setbacks of the principal building on the lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than eight (8') feet to the common lot line.
- e. Accessory buildings are not allowed on vacant lots in an R district.
- f. The total number of detached accessory buildings may not exceed two (2).

- g. In any R District detached accessory buildings shall comply with the following regulations:
1. They shall not be used in any part for dwelling purposes.
 2. They shall not be more than one (1) story of fifteen (15') feet measured from the average grade around the structure to a point midway between the highest point of the roof and the lowest point of the roof to the average height of the building (See Appendix D).
 3. The total area of detached accessory buildings shall not occupy more than thirty (30%) percent of the required rear yard area.
 4. Accessory buildings shall not exceed the ground floor area of the principal building or 1600 s.f. whichever is larger.
 5. The foregoing building dimensions may be increased by one (1%) percent for each one hundred (100) square feet that the building site surpasses the minimum lot size, but not to exceed one hundred (100%) percent.
 6. They shall be constructed of materials similar to that of the principle building.
 7. All walls shall be vertical and accessory buildings shall be designed typical of residential accessory building construction or as determined appropriate by the Township Planning Commission.
- h. Antennas: All antennas shall be required to have the same yard setbacks as accessory buildings.
- i. Swimming Pools, Ponds, and Fountains: All swimming pools, ponds, or fountains which are regulated by the Michigan Building Code shall be located in the rear yard or interior side yard and further shall comply with the setback requirements for accessory buildings. Any pond which requires a permit from the Michigan Department of Environmental Quality shall be subject to the site plan review and special land use procedures contained in this ordinance and shall be reviewed

and approved by the Township Planning Commission prior to commencement of construction.

Section 15.306 District Boundary Exception.

Where a district boundary line, as established by this Ordinance, when adopted or subsequently amended, divides a lot in single and separate ownership a use permitted in the less restricted portion of said lot may be extended to the entire lot, subject to the following conditions:

1. That one-half (½) or more of the area of said lot shall be in the less restrictive district.
2. That any part of a less restricted use extended beyond a district boundary under the terms of this section shall be housed entirely within an enclosed building and such building shall conform to any applicable yard and area requirements in the more restrictive district.

Restrictiveness by district proceeding from most restrictive to least restrictive is herein established as follows: AG, R, RM, MH, C-1, C-2, C-3, M.

Section 15.307 Approval of Plats.

No proposed plat of new or redesigned subdivision shall hereinafter be approved by either the local governing body or its agents unless the lots within the plat equal or exceed the minimum size and width requirements of this Ordinance and all other applicable codes or Ordinances.

Section 15.308 Zoning of Plats.

All plats shall be subject to the provisions of the district within which they are located pertinent to allowed uses and further required zoning district change which may be necessary to accommodate proposed use or uses shall be made according to amendment procedures prescribed by this Ordinance.

Section 15.309 Public Sanitary Sewer Connection.

When public sewer is available or becomes available in the street, connection to the public sewer system shall be made within ninety (90) days.

Section 15.310 Density Computation.

Should density computation be required for a land development project, except as specified for planned unit developments and mobile home parks, the following criteria shall be applied:

1. Site Acreage Computation: In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created:
 - a. Land utilized by public utilities as easements for major facilities such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of such easement.

2. Maximum number of lots and/or dwelling units: After the total gross area available for development has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved shall be computed by subtracting from the total gross area available a fixed percentage of said total for street right-of-way purposes, and dividing the remaining net area available by the minimum lot area requirement of the zoning district in which the planned development is located. The fixed percentages for street right-of-way purposes to be subtracted from the total gross area available for development shall be determined according to the following schedule:

District Use	% of Project Area
R (Single-Family detached)	25
RM (Single-Family attached, two family and multi-family)	20

These percentages shall apply regardless of the amount of land actually required for street right-of-way.

Section 15.311 Issuance of "Building Permit" per Approved Site Plan.

1. SUBMISSION OF SITE PLAN:

- a. No Building Permit shall be issued until the applicant has submitted an approved site plan as required by this section of this Zoning Ordinance.

2. SITUATIONS REQUIRING A SITE PLAN REVIEW.

- a. The proposed use is allowed by Special Use Permit.
- b. The proposed use or redevelopment and is in an RM, MH, C-1, C-2, C-3 or M District.
- c. Any adjoining parcel is in a more restrictive Zoning District.
- d. The proposed project will have more than two (2) tenant users (dwelling units, offices, stores or other uses).
- e. The proposed project will require 50 or more parking spaces.
- f. The project site is larger than three acres.
- g. The use is a commercial or industrial use and is a new development.

3. SITE PLAN REVIEW PROCESS.

- a. APPLICATION DEADLINES. If a rezoning application requires a Site Plan Review by the Planning Commission, a complete application package must be received at least thirty (30) days before the date of a Planning Commission meeting in order to be reviewed at said meeting. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application for the Site Plan must be received at least thirty (30) days before the date of the Planning Commission.
- b. APPLICATION MATERIAL. Applications requiring Site Plan Review, must be accompanied by a fee as established by this ordinance and by at least four copies of a plan which meets the following requirements. The application will not be reviewed until the complete application package has been submitted, including the fee.
- c. SITE PLAN REQUIREMENTS. Note that any proposed construction, landscaping, retention of natural features or other

property conditions depicted in the plan submission will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions or the alteration of site conditions in a way other than that which is approved on the site plan constitutes a violation of the terms of the Zoning Permit issued pursuant to site plan approval. Enforcement Provisions in Section 1902 apply. Site plan approval is not effective until a State of Michigan DEQ Floodplain Permit is granted and filed with the Building Inspector.

- d. SCALE. The site plan must be drawn to a consistent scale of not less than one inch equals twenty feet (1" = 20') for sites of three acres or less, or one inch equals one hundred feet (1" = 100') for larger sites.
- e. IDENTIFICATION. The applicant's name, address and telephone number and the name and address of the firm or firms responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf or has a legitimate purchase option on the property.
- f. PROPERTY INFORMATION. The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights of way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan.
- g. SITE FEATURES. The site plan should depict existing environmental conditions, including the locations of wooded areas or isolated trees over six inches in diameter, topography, drainage features, wetlands, and existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
- h. TRANSPORTATION FEATURES. The site plan must show the location and surface type of all existing and proposed public

roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays, and refuse pickup stations.

- i. UTILITIES. The site plan must show the location and size of all existing and proposed public utilities. Waterline information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television. All drainage structures and systems must be shown, along with flood plain information.
- j. STRUCTURES. The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multi-family housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, fences, and decorative walls.
- k. SUPPLEMENTARY MATERIAL. The site plan shall be complemented by any additional information which, in the Zoning Administrator's discretion, is important for the Site Plan Review process. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic, social or economic conditions; traffic studies; proposed measures to control or mitigate such impacts as noise, smoke, particulate, vibration, odors, or fire hazards.

4. STAFF REVIEW OF SITE PLAN

- a. PERSONS INVOLVED. Before the site plan is reviewed by the Planning Commission, the Township Building Inspector, Township Public Works, Police Chief and Fire Chief, or their alternates, shall be given an opportunity to review and comment upon it. In addition, the Zoning Administrator may submit the site plan to any other government department or utility that he or she believes would have an interest in some aspect of the proposed project. Staff members wishing to comment upon the site plan must transmit their

comments in writing to the Zoning Administrator at least seven (7) days before the Planning Commission meeting at which the site plan is to be reviewed. After receiving any staff comments, the Zoning Administrator shall make recommendations to the Planning Commission regarding the site plan.

- b. STANDARD TO BE USED. Reviewers shall address the consideration identified by the Review Standards. If a Site Plan Review is being conducted for proposed Special Use Permit, the additional Special Use Permit Review Standards listed for the particular use and Zoning District shall be considered also.
5. PLANNING COMMISSION REVIEW OF SITE PLAN.
- a. The Planning Commission shall address the Site Plan Review at a public meeting. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. General guidelines to use in the deliberation process include the following:
 - 1. Safe and convenient vehicular access to and from the proposed use without interference with surrounding transportation patterns and safe internal circulation.
 - 2. Provisions of bicycle and/or pedestrian access if appropriate.
 - 3. Impact of structures, fencing, lighting and landscaping on adjacent land uses and properties.
 - 4. Appropriate consideration of environmental concerns including natural resources, air quality, noise levels, rubbish disposal and storm runoff.
 - 5. Continuance of established area patterns of landscaping, setbacks, structural materials and street furniture.
 - b. In the interest of providing a timely response to the applicant, the Planning Commission WILL take one of the following actions at the meeting during which the Site Plan Review is conducted.
 - 1. APPROVAL. An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to

approve a site plan. Once approved, the site plan becomes a condition of any Zoning Permit that may be granted for the proposed project.

2. **CONDITIONAL APPROVAL.** The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be imposed to promote the health, safety and welfare of the citizens of Spaulding Township or required by provisions of local, state or federal laws. These conditions, together with the regulatory authority and reasoning which justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become a part of the site plan, as inseparably as if they were part of the applicant's original submission and shall be reflected in any Zoning Permit granted for the project.

Approval of any proposed site plan which must also receive approvals from other public agencies shall be conditioned upon granting of said other approvals. This shall include any variances which must be issued by the Spaulding Township Zoning Board of Appeals. Approval of a variance for conditions which differ from those depicted on the site plan or specified in a conditional approval does not require an additional site plan approval by the Planning Commission as long as the previously established conditions have been met.

3. **DENIAL WITH EXPLANATION.** Failure to comply with one or more of the Review Standards listed is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.
4. **TABLE TO SPECIFIED MEETING.** The Planning Commission may choose to delay its decision for any reason by tabling the action to another meeting. This meeting must be called in compliance with the Open Meetings Act. The date, time and

place of said meeting must be identified in the motion to table and clearly stated for the benefit of persons in attendance at the meeting where the tabling motion is made.

5. DEVIATIONS FROM APPROVED SITE PLAN.

- a. It is recognized that unforeseen circumstances can necessitate changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the Zoning Administrator determines that all Site Plan Review Standards have been complied with. These deviations shall be documented.

However, if the Zoning Administrator finds that a deviation from the approved site plan does not comply with the Review Standards, he or she shall immediately notify the permit holder, the Township Building Inspector, and the Planning Commission in writing that the site plan approval has been suspended. The permit holder's notice shall be delivered by certified mail. If construction has begun, a stop work order should be issued by the Building Inspector, affecting that portion of the project which is not in compliance with the Site Plan Review Standards.

Once site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform with the Review Standards and/or the approved site plan, or of restarting the Site Plan Review process. When the issue has been resolved, the Zoning Administrator shall send a written notice to the permit holder, the Building Inspector and the Planning Commission that the project's site plan has again been approved.

This provision should not be construed to prohibit phased development of a project, provided that each phase complies with the requirements of the Review Standards and with the approved site plan.

If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the Zoning Administrator before the Building Inspector issues final approval for the project and before any performance

guarantee attached to the Zoning Permit may be fully refunded.

1. RECORD BE MAINTAINED. The record relating to any approved site plan shall be maintained by the Zoning Administrator together with the records pertaining to the Zoning Permit for said project. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and Zoning Administrator. The record shall also include documentation of any conditions attached to the site plan approval and evidence of the satisfaction of same. It shall also include documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Zoning Administrator.

6. SITE PLAN REVIEW STANDARDS.

All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied.

No off-site improvements can be required as conditions for site plan approval, unless the applicant had volunteered to construct such improvements as documented by his or her original site plan drawing. However, if the lack of such off-site improvements will create unacceptable conditions, said lack is sufficient justification for denial of a site plan.

- a. DISTRICT REGULATIONS. The project must comply with the applicable District Regulations regarding use, dimensions, off street parking and any other aspects. (When the Site Plan Review is being conducted as part of the consideration process for a Special Use Permit, the use of the site will be addressed after the Site Plan Review. Therefore, it must be presumed for this purpose that the use of the site will conform to the District Regulations.)
- b. SUPPLEMENTARY REGULATIONS. The project must comply with any and all of the Supplementary Regulations which may apply to it.

- c. SPECIAL USE STANDARDS. If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use will apply.
- d. TRANSPORTATION. Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights of way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons. When the adequacy of public road service to the parcel is in question and the development is on a road which is under the jurisdiction of another entity, the input of the road authority shall be sought.
- e. UTILITIES. Public utilities, including water and sewer, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.
- f. STORM WATER MANAGEMENT. The proposed project must make provisions for on-site detention of storm water runoff to accommodate the 10 year storm event, and drainage provisions to accommodate the 100 year storm event. In all cases, post development discharge rates should not exceed pre-development discharge rates or increase downstream drainage. Drainage solutions using natural features should be utilized whenever possible.

The site plan should include structural and nonstructural detention and/or drainage features, including plans of all parking lots, storm sewers, and discharge calculations pre and post development. All site plans may be reviewed and approved by an engineer and must meet the standards of

all departments of Spaulding Township and of all other impacted public officials.

- g. FIRE PROTECTION. The proposed project must comply with applicable fire safety regulations. Also, current Township Fire Department personnel and equipment must be sufficient to serve the project. Finally, location, number, and capacity of fire hydrants must be adequate to serve fire suppression needs and must receive Fire Chief approval.
- h. ENVIRONMENT. Natural features of the landscape should be retained wherever practical to furnish a buffer between the project and adjoining property(ies) or to help control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources, Saginaw County Health Department or other agencies.
- i. CONSISTENCY WITH ORDINANCE INTENT. The site plan should be generally consistent with the purpose and objectives of this Ordinance, and with the purpose of the Zoning District in which the subject parcel is located.

Section 15.312 Buffering and Berms

BUFFERING REGULATIONS. The intent and purpose of buffering is to protect residential uses from the negative impacts associated with nonresidential uses where residential and nonresidential uses abut. These negative impacts include noise, debris, odors, dust, dirt, traffic, soil erosion, rain water runoff and in some cases visible aspects of the abutting use. The buffer zone is also intended to prevent and improve blight in both residential and commercial areas by

encouraging improvements to uses that abut residential districts. Buffering requirements shall be determined at the time of site plan review. If a berm is constructed as part of buffering, the following standards shall apply.

Minimum Standards for Berms.

- A. Berms shall be constructed so as to maintain a side slope not to exceed one foot (1') rise to three foot (3') run ratio.
- B. Berm areas not containing planting beds shall be covered with grass or living ground cover maintained in a healthy growing condition. Additional landscaping must be used within any areas that do not have a berm six (6') feet high.
- C. Berms shall be constructed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
- D. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

Residential construction of berms must be approved by the building inspector and do not require a site plan.

Section 15.313 Grading and Filling of Land

- 1. New Construction
 - a. Upon application for a building permit the applicant shall submit a grading plan which indicates the slope of the grade from the subject property to the abutting properties. It shall also indicate the amount of fill to be placed on the site. The grading plan shall be approved by the building inspector prior to the placement of any fill material on the site. The building inspector may require the installation of a drainage system along abutting property lines if deemed necessary by the building inspector.
 - b. Upon completion of the project the area of the new construction shall be planted with grass and made erosion resistant. This planting shall be done within six months of commencement of construction.
- 2. Landscaping or grading
 - a. The placement of fill material for landscaping or grading shall be approved by the building inspector prior to the placement of any material.

3. Berms
 - a. Section 313(2) applies to berms
 - b. In regards to height and location of berms Section 302 (8) shall apply

4. The use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish, or other wastes or by-products is not permitted in any zoning district except under a certificate from, and under the supervision of, the Zoning Administrator in accordance with a topographic plan, submitted by the feeholder owner of the property concerned. The topographic plan shall be drawn at a scale of not less than fifty feet equals one inch (50 feet = 1 inch) and shall show existing and proposed grades and topographic features and such other data as may from time to time be required by the Zoning Administrator. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has previously been duly issued by the Building Inspector, or to minor grade adjustments incidental to uses which do not alter natural drainage patterns or cause or increase runoff onto adjacent properties

5. The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, or of any excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued pursuant to this chapter or the building regulations, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Zoning Administrator.

CHAPTER 4

General Off-Street Parking and Loading

Section 15.401 Purpose and Intent

It is the purpose and intent of this Ordinance that off-street parking and loading areas be provided and adequately maintained in every zoning district for the purposes of promoting safe and efficient storage of motor vehicles; to avoid unnecessary congestion and interference with public use of streets; and to provide for sound and stable environmental conditions and the prevention of future blighted areas.

Section 15.402 Off Street Parking and Loading Requirements

1. In all zoning districts, off-street parking and loading requirements shall be provided in amounts not less than those specified in the table of off-street parking.
2. Requirements for a use not mentioned shall be the same for that use which is most similar to the use not listed as determined by the zoning administrator.
3. Additional parking shall be provided and maintained in proper ratio to any increase in floor area or building use capacity.
4. For the purposes of determining off-street parking and loading requirements, the number of occupants of a building shall be determined by the building inspector in accordance with the Michigan Building Code and said occupant load shall be used in those cases which require an occupant load determination to be made.
5. In the case of mixed uses, where each occupies at least twenty (20%) percent of the floor area of a Building and the operating schedules of any two such uses vary by a total of three hours in a typical day, the parking requirement for the Building, as determined using the Table on page 61, may be reduced by Ten (10%) percent.

6. Joint provision of off-street parking where two or more abutting Parcels in and Commercial or Industrial Zoning District provide paved drives and sidewalks between parking areas, allowing travel between Parcels without use of a Public Street, the number of parking spaces required for each Parcel may be reduced by ten (10%) percent, in addition to reductions allowed by other provisions of the Section.
7. It shall be unlawful to use any of the off-street parking or loading areas established to meet the requirements of the Ordinance for any purpose other than the parking of licensed vehicles or the loading or unloading of necessary service trucks.
8. Parking and loading setback areas shall conform to twenty (20') foot front yard and street side yard requirements and off-street parking shall be no closer to any principal building than five (5') feet. Bumper guards or curbs shall be installed to prevent yard encroachment.

Exceptions: a. Shared parking
 b. One and Two Family Dwellings

9. Parking and loading areas may be extended to the property line except as herein above specified by Section 402 (8) and as specified under Section 403 (3).
10. All required parking facilities shall be on the same or adjacent property of the business it serves.
 - a. Joint use of off-street parking area may be authorized when the parking requirements for a group of uses outlined in Chapter 4, Section 404, are complied with.

Section 15.403 Site Development and Construction Requirements

1. Area Requirement: three hundred square feet of lot area shall be deemed a parking space for one motor vehicle including an access aisle, except that one hundred eighty (180) square feet of lot area which has direct means of ingress and egress from an alley or street may also be deemed a parking space.

2. Fractional Units: In computing units or measurements to determine the number of required spaces, any fraction up to and including one half ($\frac{1}{2}$) shall be disregarded and fractions over one half ($\frac{1}{2}$) shall require one space.
3. Loading spaces shall not be construed as supplying an off street parking space.
4. Location of Spaces: The off-street parking facilities required for one- (1) and two-family (2) dwellings shall be located on the same lot or plot of ground as the building they are intended to serve and shall consist of a parking strip, parking apron or garage. A parking strip or driveway shall be located such that it leads to at least one (1) parking space in a yard other than the required front or street side yard. Additional spaces may be located in the required front or street side yard provided the space is not located in a space bound by the front building line, the side building line nearest the parking strip or driveway and the front lot line or on corner lots the space bound by the front lot line, the street side yard lot line. Off-street parking facilities required for all other uses shall be located on the lot or on property within four hundred (400) feet of any entrance to the building such parking is intended to serve, measured between such entrance and the nearest point of such required parking area.
5. Surfacing: Off-street parking and loading areas, including access drives, unless otherwise specifically approved by the Planning Commission, for all uses shall be surfaced with either:
 - a. Six (6) inches of Portland cement concrete; or
 - b. Two (2) inches of asphaltic concrete laid over a base of crushed stone with a compacted thickness of six (6) inches and shall be graded and drained to dispose of all surface water on the property.

Exception: 1 and 2 above for single-family dwellings parking spaces, strips or aprons shall be surfaced with asphalt, concrete or six (6) inches of stone mix or gravel. Gravel and stone mix surfaces shall be maintained such that the parking space, strip or apron is free from ruts or holes.

6. It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property, or use said private property as parking space, without the express or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent or trustee of such property.
7. All Off-Street parking lots of more than forty (40) spaces shall incorporate and provide protected landscaped areas located within the parking lot. The ratio of landscaped area to number of parking spaces shall be one hundred (100) square feet for each twenty (20) parking spaces. The minimum size for an interior parking lot landscaped island shall be one hundred (100) square feet. Required parking lot setback areas shall not satisfy the requirement for interior landscaping. Applicants are encouraged to locate landscaped islands adjacent to end parking stalls to protect end vehicles and improve sight distance.

In all landscaped areas, at least one (1) evergreen tree with a minimum height of four (4) feet or one (1) deciduous tree with a minimum caliper of three (3) inches shall be provided for every two hundred (200) square feet of parking lot landscaping required. The landscaping shall be provided with a variety of plant materials including trees of a selected variety and size as may be practical for planting and architectural effect. When parking lot landscaping is provided in one (1) or more end islands, the maximum mature height of shrubs and similar species shall be thirty (30) inches and the minimum canopy height of deciduous trees shall be eight (8) feet, in order to provide clear sight distance.

In order to delineate on-site circulation; ensure adequate sight distance at the intersection of parking aisles, ring roads and private roads, protect vehicles at the end of parking bays, and define the geometry of internal intersections, end islands (painted or landscaped/ curbed) shall be required at the end of all Off-Street parking spaces adjacent to an aisle or road. At a minimum, one (1) landscaped island shall be provided for every (2) painted islands.

8. Where the required parking area of three (3) spaces or more is within forty (40') feet of an adjoining Residential District or lot, said parking area shall be no closer to any side or rear property line than ten (10') feet and within said ten (10) foot strip, either of the following shall be established:

- a. A planting strip five (5') feet in width approved by the Building Inspector. Said planting strip shall not be less than five (5') feet in height and shall consist of a sufficiently dense material to screen the parking and shall be adequately maintained.
- b. A solid masonry wall or uniformly treated wood fence not less than five (5') feet in height.
- c. Said wall or planting strip shall be as such length of the parking area.
- d. Off-street parking areas shall be lighted when provided for all uses, except single-family and two-family duplexes, in accordance with a plan approved by the planning commission and as specified in Section 407.
- e. Parking as specified and/or provided in any residential district shall not be allowed to encroach into the front yard area.

Section 15.404 Table of Off-Street Parking Requirements

Use	
Residential, One Family and Two Family	Two (2) parking spaces for each dwelling unit.
Residential, Multiple Family	Two (2) for each dwelling unit
Mobile Home Parks	One (1) and one-half (1 ½) for each mobile home unit
Boarding House	One (1) for each sleeping room
Senior Citizen Housing	One (1) for every two (2) dwelling units
INSTITUTIONAL	
Churches, temples, and synagogues or buildings of similar use with fixed seats	One (1) for each three (3) seats based on the maximum seating capacity in the main place of assembly therein.
Hospitals	One (1) for each three (3) patient

	beds, plus one (1) space for each staff or visiting doctor plus one (1) for each employee including nurses on maximum working shift.
Convalescent homes and nursing homes	One (1) space for each four (4) beds, plus one (1) space for each employee, including nurses on a maximum working shift.
Pre-School child care (day nursery) and day care centers	One (1) for each three hundred and fifty (350) square feet of floor space plus one (1) for each employee, plus three (3) spaces for the loading and unloading of children.
Elementary Schools and Junior High Schools	One (1) for each teacher and administrator, in addition to the requirements for the auditorium.
Senior High Schools and Colleges	One (1) for each four (4) persons of legal capacity as established by the Michigan Building Code.
Lodge Halls, meeting halls and community centers or buildings of similar use without fixed seats	One (1) for each four (4) persons of legal capacity as established by the Michigan Building Code.
Libraries, museums, and post office buildings	One (1) for each three hundred (300) square feet of gross floor area, plus (1) space for each employee employed therein.
Public Office Building not elsewhere specified	One (1) for each three hundred (300) square feet of gross floor area, plus one (1) space for each employee employed therein.
Private golf clubs, swimming pool, tennis clubs or other similar uses	One (1) for each two (2) member families or individual
Golf courses open to the general public, except miniature or "par-3" courses	Six (6) for each one (1) golf hole and one (1) for each employee
Theaters and auditoriums	One (1) for each four (4) seats, plus one (1) for each employee on maximum working shift.
Stadium, sports arena, or similar place of outdoor assembly	One (1) for each three (3) seats or six (6) feet of benches, and one (1)

	for each employee on a maximum working shift.
BUSINESS AND COMMERCIAL	
Auto Wash	One (1) for each employee. In addition adequate waiting space for autos shall be provided on the premises to accommodate fifty (50%) of the hourly rate of capacity.
Beauty Parlor or Barber Shop	Three (3) spaces for each of the first two (2) beauty or barber chairs and one and one half (1 ½) for each additional chair.
Bowling Alleys	Four (4) for each one (1) bowling lane, plus one (1) for each employee on a maximum working shift
Assembly halls, without fixed seats for commercial recreation including dance halls, pool or billiard parlors, skating rinks and exhibition halls or buildings for similar uses	One (1) for each sixty (50) square feet of gross floor used for permitted use.
Establishments for sale and consumption on premises of beverages, food or refreshments	One (1) for each one hundred (100) square feet of usable floor space, except as otherwise specified herein plus one (1) for each employee on maximum working shift.
Drive-in restaurants or similar drive-in uses for the sales of beverages, food or refreshments	One (1) for each fifteen (15) square feet of floor area plus one (1) for each employee on maximum working shift.
Furniture and appliances, household equipment, repair shops, show-room of a plumber, decorator, electrician or similar trade, shoe repair and other similar uses	One (1) for each eight hundred (800) square feet of usable floor area use in processing, one (1) additional space shall be provided for each person employed therein on a maximum working shift.
Automobile service stations	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump plus one (1) for each employee on maximum

	working shift.
Laundromats and coin operated dry cleaners	One (1) for each two (2) washing machines
Miniature or "Par-3" golf courses	Three (3) for each one (1) hole plus one (1) for each employee.
Mortuary establishment	One (1) for each one hundred (100) square feet of usable floor space, plus one (1) for each employee on maximum working shift
Motel, hotel or other commercial lodging establishment	One (1) for each one (1) occupancy unit, plus one (1) for each employee on maximum working shift plus extra spaces for dining rooms, ballrooms, or meeting rooms as above where the capacity of such areas exceeds the number of beds in the building
Motor vehicle sales and service establishment	One (1) for each three hundred (300) square feet of usable floor space or sales room and one (1) for each one auto service stall in the service room
Retail stores except as specified herein	One (1) for each three hundred (300) feet of feet of usable floor space, plus one (1) for each employee on maximum working shift
Quick Oil Change	One for each employee on a maximum shift plus one for each change bay.
OFFICES	
Banks	One (1) for each three hundred (300) square feet of usable floor space plus one (1) for each employee on maximum working shift.
Business offices or professional offices of lawyers, architects, engineers, planners, accountant or other similar professions.	One (1) for each three hundred (300) square feet of usable floor space
Professional offices of doctors,	Five (5) spaces per one thousand

dentists or similar professional	(1000) square feet of gross floor area or one (1) space per two hundred square feet of gross floor area.
INDUSTRIAL	
Industrial or research establishment including manufacturing, testing laboratory, creameries, bottling works, printing, plumbing or electrical workshops.	Five (5) plus one (1) for each employee on maximum working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
Wholesale establishments and warehouses	Five (5) plus one (1) for every employee in the largest working shift, or one (1) for every sixteen hundred (1600) square feet of usable floor space, whichever is greater
Wholesale and Retail Lumber and Building Product Sales and Display	One (1) space for ever eight hundred square feet of useable floor area plus one for each employee.

Section 15.405 Off Street waiting spaces for drive through facilities

An off-street waiting space is defined as an area ten (10) feet wide by twenty-four (24) feet long and shall not include the use of any public space, street, alley, or sidewalk.

On the same premises with every building, structure or part thereof erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided off-street waiting spaces in accordance with the following:

Use Served by Drive-Through Lane	Minimum Stacking Requirements by Lane
Car wash (coin operated)	Three (3) vehicles in advance of the washing beyond storage for one and one-half (1½) vehicles beyond the washing bay as a drying vacuum area

Car wash (tunnel wash)	Four (4) times the maximum capacity of the auto wash in advance of the tunnel and three (3) vehicles beyond the tunnel for drying areas
Pre-School child care (day nursery) and day care centers	One (1) vehicle per fifteen (15) children inclusive of the vehicle at the drop-off point. No parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building
Convenience market	Three (3) vehicles per lane inclusive of the vehicle at the window
Dry cleaners	Four (4) vehicles per lane inclusive of the vehicle at the window
Financial institution	Six (6) vehicles per lane inclusive of the vehicle at the window
Quick oil change	Four (4) vehicles per lane inclusive of the vehicle being served
Restaurant	The distance between the order board and the pick-up window shall store four (4) vehicles, and storage shall be provided for four (4) vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board)
Other uses	For uses not listed above, the Planning Commission shall make the determination of minimum required vehicle stacking spaces at the time of the site plan review.

Section 15.406 Approval for Construction

No parking lot shall be constructed unless in conformance with the provisions of this chapter and an approved site plan. No Parking Lot construction shall proceed without the specific authorization of the Building Inspector.

Section 15.407 Lighting

Parking area and other exterior onsite lighting fixtures shall not exceed a height of twelve feet (12') when located within two hundred (200) feet of a residential district, and further may not exceed a height of sixteen (16) feet unless otherwise permitted by the planning commission.

Exterior lighting shall be so arranged so that it is deflected away from adjacent residential districts and adjacent streets.

Section 15.408 Off Street Parking Layout and Design

Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Space Plus Maneuvering Lane
0° parallel parking	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
45°	12 ft.	9 ft.	18.5 ft.	33 ft.	47 ft.
60°	16 ft.	9 ft.	18.5 ft.	35 ft.	54 ft.
90°	26 ft.	9 ft.	18.5 ft.	44.5 ft.	63 ft.

Section 15.409 Off Street Loading Requirements

(A) On the same premises with every building, structure or part thereof erected and occupied for industrial establishments, storage, goods display, department store, hotel, high rise apartment building, market, hospital, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot, or within such building or structure, adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets and alleys.

(B) Such loading and unloading space, unless otherwise adequately provided for, shall be an area twelve (12) feet by fifty (50) feet, and fifteen (15) feet height clearance, according to the following schedule:

<i>Gross Floor Area (in square feet)</i>	<i>Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor Area</i>	
	<i>Commercial</i>	Industrial
0 - 5,000	None	None
5,001 - 20,000	1	1 + 1/5,000 in excess of 5,000
20,001 - 50,000	1 + 1/20,000 in excess of 20,000	3 + 1/15,000 in excess of 20,000
50,001 - 100,000	1 + 1/20,000 in excess of 20,000	5 + 1/10,000 in excess of 50,000
100,001 - 300,000	5 + 1/100,000 in excess of 100,000	10 + 1/100,000 in excess of 100,000
300,001 - 500,000	10 + 1/100,000 in excess of 300,000	10 + 1/100,000 in excess of 300,000
Over 500,000	12 + 1/250,000 in excess of 500,000	14 + 1/150,000 in excess of 500,000

Chapter 5

Sign Regulations by District

Section 15.501 Intent and Purpose

The sign regulations as herein set forth are intended to control the size, location, character and other pertinent features of all exterior signs.

The purpose of this section is to regulate all exterior signs so as to protect health, safety and morals and to promote the public welfare.

Section 15.502 General

The following sign regulations by zone are intended to include every zone in the community. The zones are as defined by the zoning ordinance and official zoning map. Only signs as described herein and as may be described under Temporary Signs and Exceptions will be permitted in each particular zone.

If any zone is omitted from this Ordinance, or if a new zone is created after the enactment of this Ordinance, no signs shall be permitted therein until this Ordinance shall be amended to include this zone.

Section 15.503 Illumination

- (A) Signs in residential districts may be illuminated with not more than two hundred (200) watts of non-flashing white light. Such lights must be shielded so that they illuminate only the surface of the sign.
- (B) No sign shall have blinking, flashing, rotating or fluttering illumination.
- (C) No sign shall be illuminated in a manner which changes light intensity, brightness or color.
- (D) No sign shall have colored lights which may be confused with or construed as traffic control devices or emergency vehicles.
- (E) No sign shall be illuminated in such manner that the direct or reflected light from the sign creates a traffic hazard for motor vehicle operators on public thoroughfares.
- (F) Electronic message boards. A sign or portion thereof that is an electronic message board shall not be greater than 24 square feet in area and shall comply with the following regulations:

- 1) If signs are determined to be a nuisance or traffic hazard, the maximum brightness for the sign shall be reduced so not to exceed an illumination of 5,000 NITS (candelas per square meter) during daylight hours or 1,000 NITS (candelas per square meter) during the period from sunset to sunrise, as measured from a sign face at maximum brightness.
- 2) Each electronic message board shall have a dimmer control to produce a distinct illumination change from a higher illumination level to a lower one for the period of time from sunset to sunrise. Each sign must appropriately adjust display brightness to conform with applicable brightness specifications as ambient light levels change at each such sign location due to sunrise, sunset, prevailing weather conditions or otherwise.
- 3) No additional electronic message board is permitted on the building if it is visible from a public road.

Section 15.504 Non Conforming Signs

- (A) Signs lawfully erected prior to the effective date of this subchapter which do not meet the standards thereof may be maintained except as hereafter provided.
- (B) No nonconforming signs:
 - (1) Shall be changed to another nonconforming sign;
 - (2) Shall have any changes made in the message displayed unless the sign is specifically designed for periodic change of message;
 - (3) Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign unless such change renders the sign conforming;
- (C) If the owner of a sign or the premises on which a sign is located changes the location of a building, property line or sign or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this subchapter.

Section 15.505 Signs for Non Conforming Uses

- (A) Onsite signs for any building or land use not conforming to the zoning provisions for the district in which it is located shall not exceed the following size limitations, whichever results in the larger sign area:
 - (1) One-half ($\frac{1}{2}$) square foot of sign area for each lineal foot of building frontage or one-fourth ($\frac{1}{4}$) square foot of sign area for each lineal foot of lot frontage, whichever is greater, not to exceed a maximum of twenty-five (25) square feet in area; or

- (2) The maximum sign area permitted for the zoning district in which the sign is located.
- (B) Offsite signs shall comply with all the provisions of the district in which the nonconforming use is located.

Section 15.506 Off Site Signs

Off Site signs are permitted only in the C-1, C-2, or M zoning districts and are subject to the following provisions

1. The sign may not be larger than 750 square feet in area
2. The height of the sign may not be taller than what is necessary base on the elevation of the road, structures located in the area, and other natural features. Maximum height of the sign shall be determined by the planning commission based on evidence presented by the developer of the sign.
3. The construction of new off site signs shall be subject to site plan approval by the planning commission.
4. Off site signs that are not regulated by the State of Michigan shall be subject to a 1000 foot spacing requirement. Ie. No off site sign shall be closer than 1000 feet to another off site sign.
5. Off site signs shall not be located in any required yard space.

Section 15.507 Auxiliary Parking Lot Signs

- (A) An auxiliary parking lot in conjunction with an adjacent use may have one (1) onsite identification sign per adjacent street. Each such sign shall not exceed four (4) square feet in area.
- (B) The area of signs indicating an entrance or exit shall not exceed four (4) square feet in area.
- (C) The area of signs indicating other parking instructions or traffic direction information shall not exceed three (3) square feet in area.
- (D) Such signs may be located anywhere within the limits of the premises subject to the height restriction of the zoning district in which located.

Section 15.508 Public Signs

Public signs are exempted from the provisions of this chapter.

Section 15.509 Temporary Signs

The following signs shall be permitted anywhere within the Township and shall conform with all yard and height requirements herein.

1. Construction Signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction, but not including any advertisement of any product, and sign announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of twenty (20) square feet for each firm. The signs shall be confined to the site of the construction and shall be removed within fourteen (14) days of the beginning of the intended use of the project.
2. Real Estate Signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, up to a total area of twelve (12) square feet. Such signs shall be removed within fourteen (14) days of the sale, rental or lease.
3. Political Campaign Signs announcing the candidates seeking public political office and other data pertinent thereto, up to an area of thirty-two (32) square feet for each premise. These signs shall be confined within private property and removed within fourteen (14) days after the election for which they were made.
4. Street Banners advertising a public entertainment or event, if specially approved by the local legislative board and only for location designated by the legislative body during and for fourteen (14) days before and seven (7) days after the event.
5. Show Window Signs in a window display of merchandise when incorporated with such a display. They need not be related in content with the display.

Section 15.510 Special Purpose Temporary Signs

Special purpose temporary signs shall be allowed in any zoning district, providing that each such sign shall require a permit and be subject to the following restrictions:

- (A) *Time limit.* A special purpose temporary sign may be displayed for no more than the number of days specified below, commencing on the issue date of the permit. At the conclusion of the permit period, the special purpose temporary sign must be removed from the parcel or stored indoors.
 - (1) *Residential properties.* Special purpose temporary sign permits shall be valid for a period of three (3) consecutive days and no more than three

(3) special purpose temporary signs shall be allowed per residential parcel per calendar year.

Exception: A sign advertising a compliant yard or garage sale is exempt from this provision, and such signs may be displayed as long as the sale is in compliance with other provisions of this ordinance.

(2) *Non-residential properties.* Special purpose temporary signs may be placed on a parcel for no more than thirty (30) days in a calendar year and no more than four (4) special purpose temporary sign permits shall be issued per parcel per calendar year.

- (B) *Size.* A special purpose temporary sign shall be no larger than thirty-two (32) square feet.
- (C) *Location.* A special purpose temporary sign is subject to the height and setback restrictions for signs in the zoning district in which it is placed. No off-site special purpose temporary signs are allowed.
- (D) *Illumination.* Illumination of special purpose temporary signs is permitted but only in accordance with 31.503.
- (E) *Permits.* A permit fee, as established by the Township Manager with Township Board approval, shall be charged, except for residential parcels, each time such sign is placed on the parcel.
- (F) *Tagging.* All special purpose temporary signs shall display a tag, in a place conspicuous to inspectors, indicating the name of the permit holder, the permit number, the date the permit was issued and when it expires, said tag to be provided by the Township.

Section 15.511 Signs in AG District

- (A) In any AG District only the following onsite signs may be displayed either flatly against the surface of the building involved or at least ten (10) feet from any street lot line:
 - (1) Any sign permitted in an R Districts as permitted therein;
 - (2) One (1) identification sign each for all other permitted uses, excluding home occupations, not to exceed four (4) square feet in area except as otherwise specifically provided;
 - (3) One (1) identification sign for each recreational facility not to exceed twenty (20) square feet in area.
- (B) Unless otherwise provided, any sign permitted may be illuminated in accordance with § 31.503.
- (C) The height restriction on signs in AG District shall be the same as specified for R Districts.

Section 15.512 Signs in R District

- (A) In any R District, only the following onsite signs may be displayed either flatly against the surface of the building involved or at least ten (10) feet from any street lot line:
 - (1) Signs indicating the names and addresses of the occupants not to exceed a total of two (2) square feet;
 - (2) One (1) temporary announcement sign or permanent bulletin board, with changeable copy, not to exceed thirty-two (32) square feet in area and one (1) identification sign not to exceed ten (10) square feet in area except for residential uses;
 - (3) One (1) identification sign for each permitted use after special approval, not to exceed four (4) square feet in area;
- (B) Unless otherwise provided, any sign permitted may be illuminated in accordance with § 31.503.
- (C) No sign displayed flatly against the surface of a building shall project above the roof line of the associated structure. No other sign shall extend more than six (6) feet above the average grade at the base of the sign.

Section 15.513 Signs in RM District

- (A) In any RM District, only the following onsite signs may be displayed either flatly against the surface of the building involved or at least ten (10) feet from any street lot line:
 - (1) Any sign permitted in R District as permitted therein;
 - (2) Any sign for a permitted use or permitted use after special approval other than a residential use not to exceed 32 square feet in area.
- (B) Unless otherwise provided, any sign permitted may be illuminated in accordance with § 31.503.
- (C) The maximum height of signs in RM Districts shall be the same as specified for R Districts.

Section 15.514 Signs in C-1, C-2, and C-3 District

- (A) In any C-1, C-2, or C-3 District, only the following onsite identification signs may be displayed provided no portion of such sign is located nearer than nine (9) feet from any street lot line unless otherwise provided:
 - (1) Any sign permitted in R or RM Districts as permitted therein except as modified in this section with regard to setback;

- (2) Signs facing the front lot line whose area does not exceed one and one-half (1½) square feet for each lineal foot of building frontage or one-half (½) square foot for each lineal foot of lot frontage, whichever is greater;
 - (3) Signs located on corner lots facing other than the front lot line whose area does not exceed fifty percent (50%) of one and one-half (1½) square feet for each lineal foot of building length along the respective lot line or fifty percent (50%) of one-half (½) square foot for each lineal foot of lot length along the respective lot line, whichever is greater;
 - (4) Signs on the vertical faces of marquees provided that no such sign shall project above or below the marquee if the marquee is located over the required yard area or public right-of-way;
 - (5) Signs attached to the building or erected separately subject to the setback requirements of this section;
- (B) Any sign permitted may be illuminated in accordance with §31.503.
- (C) No sign displayed on, attached to, or over a building shall project above the eave line of the associated structure. No other sign shall extend more than twenty (20) feet above the average grade at the base of the sign.
- (D) The total area of all signs permitted for any property use, including corner lots, shall not exceed two hundred (200) square feet.

Section 15.515 Signs in M Districts

Any sign permitted to be displayed in AG, R, C-1, C-2, or C-3 Districts shall be permitted in the M District.

Section 15.516 Maintenance of Signs

- A) Any sign erected, altered, or converted subsequent to the passage of this subchapter and in violation of any of the provisions thereof is hereby declared to be a civil infraction.
- (B) All signs existing at the time of passage of this ordinance shall be maintained such that they do not pose a public health and safety risk. Maintenance shall occur as needed and the Building Inspector shall make all determinations as it relates to signage that is not being properly maintained.

LAND USE DISTRICTS

CHAPTER 6 - Districts

Section 15.601. Division of the Township.

For the purposes of this Ordinance, Spaulding Township, excepting street and alleys, is divided into the following Zone Districts:

- | | | |
|----|-----|---|
| A. | AG | Agricultural |
| B. | R | Single Family Residential |
| C. | RM | Residential Multiple-Family Residential |
| D. | MH | Mobile Home District |
| E. | C-1 | Local Business |
| F. | C-2 | General Business |
| G. | C-3 | Institutional Site Re-Use District |
| H. | M | Industrial |

CHAPTER 7

AG - Agricultural

Section 15.701. Intent and Purpose.

Agricultural Districts are those open areas of the Township where farming, dairying, forestry operations, and other rural activities are found. Vacant land, fallow land and wooded areas also would be included where such areas are interspersed among farms.

Section 15.702. Uses Permitted by right.

In the AG District, the following uses are permitted:

- a. Single-family dwellings with a minimum site size of one (1) acre and a minimum lot width of two hundred (200) feet.
- b. Farm buildings and greenhouses.
- c. Farms, including livestock and poultry raising, dairying, horticulture, farm forestry, sod farming and other similar bona fide agricultural enterprise or use of land and structure. A suitable fence or other enclosure shall be erected around the entire premises for outside use by horses, cattle, or similar livestock. There shall be no obnoxious odors, flies or other nuisances caused by the keeping of livestock or fowl, or by any agricultural operation.
- d. Truck gardening.
- e. Tree and shrub nurseries.
- f. Public and private stables, riding academies, office of a veterinarian, and animal clinics subject to yard setbacks in Appendix E.
- g. Churches, provided that the site for a church is not less than two (2) acres, that there is adequate access to all required off-street parking areas; that there is no parking in the required front yard; and that the site abuts an arterial or collector street as shown in the Township's Comprehensive Development Plan.
- h. Swimming pools, subject to regulations of Section 15.302.
- i. Cemeteries.

- j. Soil, sand, clay, gravel or similar removal operations, quarry excavation, and filling of land subject to all applicable Township, County, and State ordinances.
- k. Accessory buildings, structures and uses customarily incidental to any of the above uses when located on the same property.

Section 15.703 Permitted Uses after Special Approval

The following uses may be permitted by the Planning Commission after public hearing and review of the proposed site plan subject to the specific standards for each particular land use hereinafter itemized and subject to the general standards to guide the actions of the Planning Commission as specified in Section 15.1503.

- a. The raising of fur-bearing animals, including minks, chinchillas, rabbits, fox, guinea pigs and similar animals, shall be located on a continuous parcel of land forty (40) acres or more in area. All outdoor runs or breeding areas shall be enclosed on all sides by an obscuring wall or fence not less than four (94) feet in height. All such runs or breeding areas and shelter areas shall be set back from the front property line a minimum of five hundred (500) feet, and the rear property line a minimum of fifty (50) feet.
- b. Private parks, country clubs, gun clubs, golf courses, and golf driving ranges, when located on a continuous parcel of five (5) acres or more in area; when any structure on said parcel is located at least two hundred and fifty (250) feet from a lot line of any adjacent Residential District when all ingress and egress from said parcel is directly from a public road designated as an arterial or collector thoroughfare on the Township's Comprehensive Development Plan.
- c. Summer housing and migratory labor camps used for seasonal labor, between April 1 and November 15, provided that any such building or structure complies with the following regulations:
 - 1. All buildings or structures shall be maintained in a safe and sanitary condition and shall be furnished with a safe and sanitary water supply and with sewage disposal facilities which are no less than those required by the County and State of Michigan Health Department.
 - 2. All buildings or structures shall be located so as to comply with regulations for structures in an AG Agricultural District as set forth in Appendix (E) with the exception that no building

shall be located nearer than fifty (50) feet to any side property line.

- d. Airports, airfields, runways, hangars, beacons, and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aeronautics Administration, which agency shall approve the preliminary plans submitted to the Township. Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities, which is not part of the airport, shall be so developed as to not endanger safe flight conditions to and from an established airport. Permitted height of buildings, structures, telephone and electric lines and appurtenances thereto shall be established by the Board of Zoning Appeals after consultation with appropriate aeronautical agencies.
- e. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards; when operation requirements necessitate the location within the district in order to serve the immediate vicinity.

Section 15.704 Area, Height, Bulk and Placement Requirements

In accordance with the attached Schedule of Regulations, Appendix (E) of this ordinance.

CHAPTER 8

R – Single Family Residential

Section 15.801. Intent and Purpose.

The Single Family Residential District is established as a district in which the principal use of the land is for single family dwellings. For the Single Family Residential District, in promoting the general purpose of this Ordinance, the specific intent of this section is:

- a. To encourage the construction of, and the continued use of the land for single family dwellings.
- b. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or maintenance of single family dwellings in the district.
- c. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
- d. To discourage any land use which would generate traffic on minor or local streets, other than normal traffic to serve the residences on those streets.
- e. To discourage any use which, because of its character or size, would create requirements and costs for public services such as fire and police protection, water supply, and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single family dwellings.
- f. To permit the continuation of the agricultural use of open lands in such a manner that their future use as desirable residential areas will be guaranteed.

Section 15.802. Uses Permitted by Right.

The following uses are permitted by right within a Suburban Residential District:

- a. Single family detached dwellings.
- b. Churches and other facilities normally incidental thereto, provided that the proposed site for a church is not less than two

- (2) acres; that there is adequate access to all required off-street parking areas; that there is no parking in the required front yard; and that the church site abuts an arterial or collector roadway as shown on the Township's Comprehensive Development Plan.
- c. Public, parochial and private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit.
 - d. Publicly owned and operated buildings, libraries, parks, parkways and recreational facilities.
 - e. Public hospitals, but not including institutions for the care of the feeble-minded or insane, provided that the hospital is adjacent to an arterial or collector street as defined on the Township's Comprehensive Development Plan.
 - f. Nursery schools, day nurseries and child care centers; provided that for each child so cared for, there is provided and maintained a minimum of one hundred (100) square feet of outdoor play area. Such play space shall have a total minimum area of at least fifteen hundred (1500) square feet.
 - g. Private noncommercial recreational areas.
 - h. Municipal buildings and uses.
 - i. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including service or storage yards, when operating requirements necessitate the locating within the district in order to serve the immediate vicinity.
 - j. Temporary buildings for use incidental to construction work for a period not to exceed one (1) year, subject to renewal.
 - k. Accessory buildings or uses customarily incidental to any of the permitted uses, when located on the same lot and not involving any business, profession, trade or occupation. One (1) private garage for each residential lot in which there are housed not more than three (3) automobiles, not more than one (1) of which may be a commercial vehicle not larger than a regularly manufactured pick-up or panel truck of three-quarter (3/4) ton capacity which shall be housed within a garage and provided said commercial vehicle is owned and operated by a member of the family who resides in said living unit. Provided further, that all accessory buildings shall conform and be located as required in Section 15.305.
 - l. Home occupations as limited and defined in 15.202.
 - m. Off-street parking in accordance with the requirements of Chapter 4.

n. Cemeteries.

Section 15.803 Area, Height, Bulk and Placement Requirements.

In accordance with the attached Schedule of Regulations, Appendix (E) of this Ordinance.)

Chapter 9

RM – Multiple Family Residential

Section 15.901. Intent and Purpose.

The RM Multiple Dwelling Residential District is designed to permit a more intensive residential use of land with various types of multiple dwellings and related uses. Various types and sizes of residential accommodations, for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in the community.

Section 15.902. Uses Permitted by Right.

In the RM District, the following uses are permitted, subject to review of the site plans by the Planning Commission:

- a. Multiple dwellings including:
 1. Apartment Houses
 2. Row or town house dwellings
 3. Efficiency Units
 4. Duplexes
- b. Community garages serving the principal residential building, containing space for no more than two (2) passenger vehicles for each dwelling unit in the principal building on the lot.
- c. Maintenance and management buildings to serve the multiple dwellings.
- d. Private swimming pool designed and operated only for occupants of the principal building and their personal guests.
- e. Off-street parking and loading in accordance with Chapter 4 of this Ordinance.

Section 15.903 Area, Height, Bulk and Placement Requirements.

In accordance with the attached Schedule of Regulations, Appendix (E) of this Ordinance.)

CHAPTER 10

MH – Mobile Home District

Section 15.1001. Intent and Purpose.

The Mobile Home District is intended for mobile home parks. Such districts require adequate space and facilities for healthful living conditions for occupants of such facilities. All such districts should have access to arterial or collector streets as designated on the Township's Comprehensive Development Plan for easy accessibility. Suitable water and sewer facilities would also be provided in accordance with State, County and Township health regulations and statutes.

Section 15.1002. Uses Permitted by Right.

The following uses are permitted subject to review of site plans by the Planning Commission:

- a. Mobile homes, excluding units for sale, with a minimum floor area of nine hundred eighty (980) square feet each.
- b. Accessory building or structures, for park management or park resident use only and not exceeding two stories or twenty five (25) feet in height.
- c. One (1) identification sign, approved in conjunction with the final site plan approval of the mobile home park. In no case shall such signs be larger than fifty (50) square feet in surface area nor have any moving parts, nor stand higher than fifteen (15) feet from the ground to the top of the sign. Such sign shall be no closer to the public right-of-way line than twenty (20) feet.
- d. Not more than one (1) entry and one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than two (2) square feet in surface area, nor have any moving parts, nor stand higher than five (5) feet from the ground to the top of the sign.

Section 15.1003. Park size and mobile home density.

Minimum site size for mobile home parks shall be ten (10) acres, with no less than fifty (50) mobile home lots completed and ready for occupancy before the first occupancy is permitted. Average park density shall not exceed seven (7) mobile home units per gross acre.

Section 15.1004. Access.

All mobile home parks shall have access to an arterial or collector street, as shown on the Township's Comprehensive Development Plan, by directly abutting thereon, for a minimum distance of three hundred (300) feet.

Section 15.1005. Site Coverage.

Maximum site coverage shall be thirty five (35) percent.

Section 15.1006. Setbacks.

All mobile homes and accessory buildings shall be set back not less than twenty (20) feet from all property lines, except the front property line, from which the setback shall be at least fifty (50) feet and the yard space so formed shall be landscaped in accordance with a site plan approved by the Planning Commission.

Section 15.1007. Mobile Home Height Limits.

Maximum height of mobile homes in one and one-half (1 ½) stories or twenty feet.

Section 15.1008. Vehicle Travel Lanes.

All roadways and driveways shall be hard-surfaced and so constructed as to handle all anticipate peak loads, adequately drained and lighted for safety and ease of movement of vehicles. Minimum pavement width shall be twenty-five (25) feet for all roads and ten (10) feet for all driveways. The local roadway system should be so designed as to prevent the use of such roadways for through traffic.

Section 15.1009. Minimum Off-street Parking Requirements.

Adequate hard surface paving shall be provided for off-street parking, vehicle storage and access in accord with the following schedule:

- a. Each unit shall be provided with off-street parking space for two (2) vehicles. This may be provided totally on the lot, or in parking compounds conveniently located and readily accessible to the site which they are intended to serve, or as a combination of the above.
- b. ALL OTHER USES. Sufficient space shall be provided, in accord with acceptable standards of the Planning Commission, to fit the scale of the contemplated use and activity to be developed.
- c. Each parking space shall have a minimum width of nine (9) feet and a minimum depth of twenty (20) feet. All parking spaces and parking compounds shall be surfaced with an asphaltic or concrete surfacing in accordance with specifications approved by the Township's Engineer. Such facilities shall be so drained as to dispose of all surface water accumulated in the parking area within the confines of said parking area.

Section 15.1010. Utilities and Other Services.

- a. All sanitary sewage utilities and water facilities, including connections provided to individual sites, shall meet the requirements of Spaulding Sewer and Water Departments and the Michigan State Health Department.
- b. The plumbing connections to each mobile home lot shall be constructed so that all lines are protected from freezing, from accidental bumping or from creating any type of nuisance or health hazard.
- c. An adequate amount of running water from the Township water system shall be piped to each trailer.
- d. Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home park, as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park.

- e. All electric, telephone and other lines from supply poles to the each mobile home site shall be underground. When meters are installed they shall be uniformly located.
- f. Any fuel oil and gas storage shall be centrally located in underground tanks, at a distance away from any mobile home lot found to be safe. All fuel lines leading to mobile home lots shall be underground and so designed as to conform with the Spaulding Building Code and any state code that is found to be applicable. When separate meters are installed, each shall be located in a uniform manner.
- g. Facilities for the storage and disposal of trash and garbage in a sanitary manner shall be provided in each mobile home park. All refuse shall be stored in a fly-tight, watertight, rodent-proof container, which shall be collated not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.
- h. When exterior television antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas.
- i. Street and yard light, attached to standards approved by the Township, shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night, and shall be effectively relate to buildings, trees, walks, steps, and ramps.

Section 15.1011. Skirting, Canopies, and Awnings.

- a. Each mobile home must be skirted within 90 days after establishment in a mobile home park.
- b. Such skirting shall be of 26 gauge metal, aluminum or other non0corrosive metal or material of equal strength and so constructed and attached to the mobile home so as to deter and prevent the entry of rodents, flies, bugs or other insects.
- c. Permits for the construction skirting shall be required from the Building Inspector.

- d. Canopies and awnings may be attached to any mobile home but they shall not exceed twelve (12) feet in width, or length or height of the mobile home.
- e. A permit shall not be required for construction or erection of canopies or awnings which are open on three (3) sides. However, a permit shall be required from the Building Inspector before construction or erection of any screened, glassed in or otherwise enclosed awning or canopy.

Section 15.1012. Pads, Mats or Platforms.

Each mobile home lot shall be provided with a concrete pad, mat or platform, not less than four (4) inches in depth, or of equal bearing strength if reinforced concrete is used. Minimum pad dimensions for single mobile homes shall be 14' x 70'; for double wide mobile homes – 28' x 70'.

Section 15.1013. Fire Extinguishing Equipment.

Every mobile home park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the park as to satisfy applicable regulations of the State Fire Marshall. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.

Section 15.1014. Utility Cabinets.

Each mobile home may be provided with one utility cabin which shall be uniform as to size and location throughout the mobile home park site. All cabinets shall be kept clean and shall be maintained in good condition and kept painted and shall contain a minimum of ninety (90) cubic feet of storage area.

Section 15.1015. On-site Laundry Drying Space.

On-site outdoor laundry drying space of adequate area and suitable location shall be provided if the park is not furnished with indoor dryers or if use of indoor dryers is not customarily acceptable to prospective occupants. Where outdoor drying space is required or desired, individual clothes drying facilities on each lot of the collapsible umbrella-type of hanging apparatus shall be allowed, in the rear yard only, with park management providing a concrete-imbedded socket at each site.

Section 15.1016. Mail Delivery.

Central mail delivery shall be provided for the park. Mailboxes shall be screened aesthetically.

Section 15.1017. Greenbelt.

A greenbelt planting strip of not less than twenty (20) feet in width shall be placed along the perimeter of the mobile home park where it abuts public right-of-way or an area zoned in any other residential classification. The greenbelt shall be developed with a mixture of hardy deciduous and coniferous plant material and maintained thereafter in a neat and orderly manner. Withered and/or dead plant material shall be replaced within a reasonable period of time but no longer than one growing season. Excluded from such planting shall be the following plant material:

- Ailanthus (Tree-of-Heaven)
- Box Elders
- Poplars
- Soft Maples and
- Willows

Section 15.1018. Area, Height, Bulk and Placement Regulations.

In accordance with the attached Schedule of Regulations, Appendix (E) of this Ordinance.)

CHAPTER 11

C-1 Local Business District

Section 15.1101. Intent and Purpose.

The Local Business District, as established in this Chapter, is intended to be that district permitting retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business development, so far as is possible and appropriate in each area, uses are permitted which would not create hazards, offensive and loud noises, vibration, smoke, glare or excessive truck traffic. The intent of this district is also to encourage the concentration of local business by proposed areas in the Comprehensive Development Plan to the mutual advantage of both the consumer and merchant. This will promote the best use of land at certain strategic locations and avoid the encouragement of marginal strip business development along major streets.

Section 15.1102. Uses Permitted by Right.

In the C-1 District the following uses are permitted:

1. Business services; including banks, loan companies, insurance offices, public accountants, real estate offices, stenographic services, business consultants and management companies.
2. Clothing services; including laundromats, laundry shops, dry cleaning establishments and self-serve dry cleaning centers, dressmaking, millinery shops, tailors, and shoe repair shops.
3. Skilled trade services; including plumbing, electric, and heating technicians, radio and television repair, carpenters, painters, and brick masons.
4. Commercial offices; including advertising agencies, travel agencies, building contractors offices, and corporation offices.
5. Food sales and restaurants; including groceries, meat markets, delicatessens, bakeries, coffee shops, soda fountains, poultry sales, and seafood sales, but not including drive-in restaurants serving any

type of food or beverages, and any meat or poultry sales where slaughtering is done on the premises.

6. Personal services; including beauty shops, barber shops, reducing salons, and photographic studios.
7. Professional services; including medical centers, doctors' and dentists' offices, attorneys, engineers, architects, landscape architects, planners' and surveyors' offices, and opticians.
8. Retail sales; including drug stores, stationery and book stores, news dealers, flower stores, haberdasher, household appliance shops, hardware stores, gift shops, and art stores.
9. General offices and professional office buildings.
10. Schools, hospitals, convalescent homes, and nursing homes but not institutions for the care of the feeble-minded or mentally ill.
11. Private schools including tutoring, dance and trade schools.
12. Retail plumbing shops without open yard storage.
13. All the above permitted uses, in addition to other similar uses, shall be subject to the following restrictions:
 - a. All business or service establishments shall be for the purpose of dealing directly with consumers. All goods produced on the premises shall be sold at retail on premises where produced.
 - b. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
14. Accessory structures, uses, and signs customarily incidental to the above permitted uses subject to the following restrictions:
 - a. Any building and use for any of the above enumerated purposes may not have more than forty (40) percent of the floor area devoted to fabricating or storage areas incidental to such primary use.
 - b. Outdoor advertising signs only when pertaining to the sale, rental or use of the premises on which it is located, or to goods

sold or activities conducted thereon, provided that any such signs shall not exceed fifty (50) square feet in total area and shall conform to the requirements of Section 5.

15. Off-street parking and loading in accordance with the requirements of Chapter 4.

Section 15.1103. Area, Height, Bulk and Placement Regulations.

In accordance with the attached Schedule of Regulations, Appendix (E) of this Ordinance.)

CHAPTER 12

C-2 General Business District

Section 15.1201. Intent and Purpose.

The General Business District, as established in this Chapter, is intended to be that district permitted a wider range of business and entertainment than those permitted in the Local Business District. The permitted uses would serve not only nearby residential areas, but also people further away and transients for goods and services usually found in shopping centers and highway-oriented types of businesses. These uses would generate larger volumes of vehicular traffic, would need more off-street parking and loading, and would require more planning to buffer such districts from adjacent residential areas. Such C-2 Districts in the Township would reflect existing commercial areas or as proposed on the Comprehensive Development Plan.

Section 15.1202. Use Permitted by Right.

In the C-2 District the following uses are permitted:

1. All uses permitted in the C-1 Local Business District.
2. Automobile, motorcycle, trailer, or boat showrooms.
3. Blueprinting.
4. Bus passenger stations.
5. Business schools and colleges, or private schools operate for a profit..
6. Carpet, rug, linoleum, or other floor covering stores.
9. Catering establishments.
10. Clothing or costume rental establishments.
11. Department stores.

12. Eating or drinking establishments, with entertainment, except those having the principal character of a drive-in facility wherein food is served to a customer in his vehicle.
13. Accessory structures, uses, and signs customarily incidental to the above permitted uses, subject to the following restrictions:
 - a. Outdoor advertising signs only when they pertain to the sale, rental, or use of the premises on which it is located, or to goods sold or activities conducted thereon, provided that any such signs shall not exceed two hundred (200) square feet in area.
14. Off-street parking and loading in accordance with Chapter 4.

Section 15.1203. Uses Permitted by Special Land Use Permit.

Under such reasonable conditions as imposed by the Planning Commission as being essential or desirable to the public convenience or welfare, not injurious to the surrounding neighborhood and not contrary to the spirit and purposes of this Ordinance, the following uses may be permitted by the Planning Commission:

1. Automobile car wash establishments when completely enclosed within a building, including steam-cleaning, but not rust-proofing.
2. Bowling alleys, pool and billiard halls, skating rinks, stadia, and sports arenas.
3. Commercial radio and television towers subject to regulations set forth in Section 15.304.
4. Drive-in restaurants or other drive-in establishments serving food and/or beverage, provided that the entrance or exit to or from any such use is located at least one hundred (100) feet from the intersection of any two (2) streets; that all such uses shall have direct access to an arterial thoroughfare as defined on the Township's Comprehensive Development Plan; that all lighting or illuminated display shall not reflect onto any adjacent residential zone; and that consideration is given to proximity of existing places of congregation of children (e.g. schools) and their relationship to traffic safety and sanitation.

5. Filling stations and public garages.
6. Open-air business uses including as follows:
 - a. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other garden supplies and equipment.
 - b. Retail sale of fruit and vegetables.
 - c. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.
 - d. Bicycle, trailer, motor vehicle boat or home equipment sale or rental services.
 - e. Outdoor display and sale of garages, swimming pools and similar uses.
7. Outdoor sales space for the exclusive sale of new or used automobiles, trucks, mobile homes or travel trailers, boats or farm machinery and equipment, subject to the following conditions:
 - a. This special use is regulated by Ordinance 6-8-71, Section 4.30, page 15.070.
 - b. The lot area used for display shall have a clean permanent (ie. Concrete, asphalt or stonecrete), durable and dust free surface and shall be drained in accordance with Ordinance 6-8-71, Section 4.19, Building Grades, Pages 15.058 to 15.060.
 - c. Motor vehicles located on the property shall be in saleable and operable condition at all times. The exemption in ordinance 9-13-77, Section 3, pages 20.053 to 20.054 does not apply.
 - d. No major repair or refinishing shall be performed on the property, except within an enclosed building. Used component parts shall not be stored on or sold from the property.
 - e. Ingress and egress shall be provided as far as practical from two (2) intersecting streets and shall be at least fifty (50) feet from an intersection.
8. Drive-in theaters, provided that any such site is adjacent to an arterial thoroughfare as shown on the Township's Comprehensive Development Plan; that there shall be no vehicular access to any residential street, and that suitable screening is provided to insure that there shall be no headlight or other illumination directed upon any residentially zoned or developed property.

9. Wholesales stores, storage, buildings, warehouses, distributing plants, freezers and lockers.

Section 15.1204. Area, Height, Bulk and Placement Regulations.

In accordance with the attached Schedule of Regulations, Appendix (E) of this Ordinance.)

CHAPTER 13

C-3 Institutional Site Re-Use District

Section 15.1301. Intent and Purpose.

The Institutional Site Re-Use District, as established in this Chapter, is intended to provide options for the practical utilization of abandoned but still viable school or other institutional buildings. Declining enrollments and consequent school closings present the community with the opportunity to make practical use of such abandoned but otherwise sound structures. A challenge is also presented as such buildings are frequently found in areas of residential character, thereby precluding their usage in obviously commercial or industrial fashion. The intent of this district is to clearly identify such sites, and to provide practical options for their use in a manner which will assure that surrounding residential or agricultural areas will not be impacted negatively.

Section 15.1302. General Conditions.

All of the following permitted uses, in addition to other similar uses, shall be subject to the following restrictions:

1. All business, servicing, processing, and storage, except for off-street parking or loading, shall be conducted wholly within the building.
2. All activities are to be conducted during normal daylight hours.
3. Off-street parking and loading is to be in accordance with the requirements of Chapter 4.

Section 15.1303. Uses Permitted by Right.

In the C-3 District the following uses are permitted:

1. General and professional offices including banking, insurance, real estate, legal, medical, dental, architectural, and engineering.
2. Private schools including tutoring, dance, beauty, and trade.
3. Personal services including barber and beauty shops, reducing salons, and photographic studios.

4. Manufacturing, processing, assembling, packaging, or treatment of products from previously prepared materials.
5. Interior decorating establishments.
6. Furniture stores.
7. Sign painting shops.
8. Skilled services including plumbing, electrical, and heating; radio and television repair.

Section 15.1304. Area, Height, Bulk and Placement Regulations.

In accordance with the attached Schedule of Regulations, Appendix (E) of this Ordinance.)

CHAPTER 14

M - Industrial

Section 15.1401. Intent and Purpose.

The intent of this Chapter is to permit industrial uses to locate in planned areas of the Township. Reasonable regulations are applied to these uses so as to permit the location of industries which will not cause adverse effects on adjacent residential and/or commercial property.

Section 15.1402. Uses Permitted by Right.

In the M District the following uses are permitted.

1. Bakeries
2. Bottling or packaging of cleaning compounds, polishes and seeds.
3. Building contract or storage yards for materials, equipment and vehicles.
4. Building material sales.
5. Carpenter and cabinet making shops
6. Ceramics and pottery manufacturing using only previously pulverized clay, and kilns which are electrically or gas fired only.
7. Coal, coke or fuel yards.
8. Cold storage plants
9. Confection manufacturing.
10. Creameries.
11. Dental, surgical, and optical goods manufacturing.
12. Dry cleaning and carpet cleaning.
13. Good products manufacturing.
14. Jewelry manufacturing.
15. Laboratories, research and testing.
16. Laundries.
17. Musical instrument manufacturing.
18. Patternmaking shops.
19. Pharmaceutical products manufacturing.
20. Printing, engraving, and bookbinding shops
21. Produce markets and terminals.

22. Public utility buildings, including warehouse, storage and transfer yards, and electric and gas service buildings and yards.
23. Soil, sand, clay gravel or similar removal operations, quarry excavation, and filling of land subject to all applicable Township, County, and State ordinances and the regulations set forth in Section 4.37 [15.077] and 4.38 [15.078].
24. Soda water and soft drinks bottling establishments.
25. Toiletries and cosmetic manufacturing.
26. Tool, die gauge, and machine shops manufacturing small parts.
27. Warehousing, transfer, terminal, storage, and loft buildings.
28. Water, gas and oil tank containers.
29. Temporary buildings and uses for construction purposes for a period not to exceed six (6) months, after which all such buildings shall be physically removed and uses discontinued.
30. Off-street parking and loading space as required in Chapter 4.
31. Outdoor advertising signs providing such are not larger than two hundred (200) square feet. Signs shall conform to the requirements of Chapter 5 and the same yard setback requirements as buildings and structures in an M District.
32. Open Storage. All storage of building materials, sand, gravel, stone, lumber, equipment and other supplies shall be located within an area not closer than one hundred fifty (150) feet from any street right-of-way line. The storage of lumber, coal, or other combustible material shall not be less than twenty (20) feet from any interior lot line. All such open storage shall be screened from all streets and on all sides which abut any other than an M District by a solid, eight (8) foot high wall or fence sufficient to serve as a permanent retaining wall.
33. Junkyards, provided. Junkyards are allowed in the industrial zone subject to special approval by the Planning Commission provided the following mandatory requirements are met.
 - a. Such junkyard is entirely enclosed within a boundary or a nine (9) feet high obscuring wall of solid board fencing which wall shall be kept neatly painted.
 - b. Such junkyards shall be kept and maintained at least three hundred (300) feet from the nearest public road or highway.
 - c. That the owner and/or operator shall, to insure strict compliance with any regulation contained herein or required as a condition of the issuance of a permit, furnish a Surety Bond executed by a surety company authorized to business in the State of Michigan in an amount determined by the Township

Board to be reasonably necessary to insure compliance hereunder; provided however, that in no case with the sum of the Surety Bond be less than the One Thousand (1,000) dollars per acre of actual operation.

Section 15.1403. Protective Screening.

Those sides of a lot or parcel in an M District which abut an R or RM District shall be provided with protective screening as described in Section 4.35 [15.075]

Section 15.1404. Area, Height, Bulk and Placement Regulations.

In accordance with the attached Schedule of Regulations, Appendix (E) of this Ordinance.)

CHAPTER 15

Special Land Use Permit Requirements

Section 15.1501. Intent and Purpose.

It is the intent of this Section to provide a set of procedures for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

It is the expressed purpose of the regulations and standards herein, to allow, on one hand, practical latitude for the investor or developer, but at the same time maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community.

The following together with previous references in other chapters of this Ordinance, designate the requirements, procedures and standards which must be met before Special Land Use Permit can be issued.

Section 15.1502. Permit Procedures.

The application for a Special Land Use Permit shall be submitted and processed under the following procedures:

1. **Submission of Application.** An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by this ordinance.

In the event the allowance of a desired use requires both rezoning and special use permit, both requests may be submitted jointly, subject to the following

- a. The ordinance procedures for each shall be followed as specified.
 - b. All applicable standards and specifications required by the ordinance shall be observed.
2. **Date Required.**

- a. Site plan pursuant to Section 15.311 portraying the total property involved showing the location of all abutting streets, the location of all existing and proposed structures and uses of the property and any natural or manmade features with affect the property together with indication of abutting uses.
 - b. Preliminary plans and specifications of the proposed development.
3. **Planning Commission Review and Hearing.** The application, together with all required data shall be transmitted to the Planning Commission for review. After review and study of any application and related material, the Planning Commission shall hold a public hearing after at least one publication in a newspaper of general circulation in the community. Notice procedure under Section 1603 (3)(c) shall be followed. Such notice shall indicate the place, time and purpose of the hearing.
 4. **Permit Expiration.** A Special Land Use Permit issued pursuant to this Chapter shall be valid for one (1) year from the date of issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) period, the Zoning Administrator shall notify the applicant in writing of the expiration of said permit. Once a special land use is constructed, annual renewal of such permit shall not be required.
 5. **Revocation.** The Planning Commission shall have the authority to revoke any special land use permit after it has been proved that the holder of permit has failed to comply with any of the applicable requirements in Chapter 16, or other applicable sections.
 6. **Reapplication.** No application for a Special Land Use Permit which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of the (1) year or more from the date of such denial, except on the grounds of newly discovered evidence or proof or change of conditions.

Section 15.1503. Permit Standards.

Before formulating recommendations on a Special Land Use Permit Application, the Planning Commission shall establish that the following general standards, as well as specific standards, shall be satisfied:

1. **General Standards.** Before formulating recommendations on a Special Land Use Permit Application, the Planning Commission shall establish that the following general standards, as well as specific standards, shall be satisfied:
 - a. Be designed, constructed, operated and maintained so as to be harmonious and, appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - b. Not be hazardous or disturbing to existing or intended uses in the same general area and will be in improvement to property in the immediate vicinity and to the community as a whole.
 - c. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
 - d. Not create excessive additional requirements at public cost for public facilities and services.
 - e. Not involved uses, activities, processes, materials, and equipment or conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare, or odors.
 - f. Be consistent with the intent and purpose of the Zoning District in which it is propose to locate such use.
2. **Conditions and Safeguards.** The Planning Commission may stipulate such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objective of this Ordinance will be observed. The breach of any condition, safeguard, or requirements shall automatically invalidate the permit granted.
3. **Specific Requirements.** The general standards and requirements of this Section are basic to all uses authorized by special use permit. The specific and detailed requirements set forth in the following Sections related to particular uses and are requirements which must be met by those requirements where applicable.

4. **Permitted Uses.** Uses permitted by Special Land Use Permit shall be those uses listed as “allowed by Special Use Permit” in each District.

CHAPTER 16

General Administration

Section 15.1601. General Administration.

The provisions of this ordinance shall be administered by the Planning Commission, the Board of Zoning Appeals, and the Township Board in conformance with applicable State of Michigan enabling legislation.

1. **Responsibility.** The Township Board with recommendation of the Planning Commission shall employ a Zoning Administrator to act as its officer to effect proper and adequate administration of this Ordinance. The Township Board may designate the Building Inspector, Township Manager or other administrative officer, as the Zoning Administrator. The term of employment, compensation, and any other conditions of employment shall be established by the Township Board. For the purpose of this Ordinance, the Zoning Administrator shall have the power of a police officer.
2. **Duties of Zoning Administrator.** All applications for permits or certificates shall be submitted to the Zoning Administrator who may issue certificates of occupancy or sign permits when all applicable provisions of this Ordinance have been met. The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out his duties in the enforcement of this Ordinance.

The Zoning Administrator shall record all non-conforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Chapter 3, Section 301.

Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance nor to vary the terms of this Ordinance in carrying out his duties.

3. **Sign Permit.** Prior to the construction, erection or structural alteration of a sign, a permit shall be obtained from the Zoning Administrator. Application shall be on a standard prepared form obtained from the Zoning Administrator.

4. **Certificate of Occupancy.** A Certificate of Occupancy shall be obtained from the Zoning Administrator for any of the following:
 - a. OCCUPANCY AND USE OF VACANT LAND (including parking lot construction) or of a building hereafter erected or structurally altered.
 - b. CHANGE IN THE USE OF LAND OR BUILDING, except to another use which represents a continuation of a use under a previous Certificate of Occupancy.
 - c. ANY CHANGE IN USE OR ENLARGEMENT OF A NON-
NONCONFORMING USE OR BUILDING.

5. **Application for Certificate of Occupancy.**
 - a. APPLICATION. In all cases where a building permit is required, written application for a Certificate of Occupancy shall be made coincident with the application for such building permit, and in all cases shall be made not less than ten (10) days prior to the time when a new, changed or enlarged use of building, structure or premise is intended to begin.
 - b. INFORMATION REQUIRED. Application for Certificate of Occupancy shall be accompanied by a plat, in duplicate and drawn to scale, showing the exact dimension of the premises to which the Certificate of Occupancy is to apply; the lines of all lots or parcels under separate ownership contained therein; the width and alignment of all abutting streets, alleys, easement of access and public open spaces; the size, position and height of all buildings or structures erected or altered thereon; and such other information as may be deemed necessary by the Zoning Administrator for the proper enforcement of this Ordinance.
 - c. ACCESSORY BUILDING OR STRUCTURES; when erected at the same time as the principal building or structures on a lot shown on the application thereof, shall not require separate Certificate of Occupancy.
 - d. RECORD OF APPLICATION. A record of all such application for Certificate of Occupancy shall be kept on file by the Zoning

Administrator. Whenever the building, structure, premise and uses thereof as set forth on the application are in conformity with the provisions of this code and other applicable regulations.

Section 15.1602. Enforcement.

Unless specified otherwise, the Zoning Administrator shall enforce the provisions of this Ordinance.

1. **Violation and Penalties.** Violations of any provisions of this Ordinance are declared to be a civil infraction. Any and all building or land use activities considered possible violations of the provisions of this Ordinance observed by or communicated to an Official or employee shall be reported to the Zoning Administrator.
 - a. INSPECTION OF VIOLATION. The zoning Administrator shall inspect each alleged violation or violations he observes or is aware of and shall order correction in writing, of all conditions found to be in violation of this Ordinance.
 - b. PENALTIES. Every person, whether as principal agent, servant, employee or otherwise including the owners of any building, structure or premise or part thereof where any violation of this Ordinance shall exist or shall be created; who shall violate or refuse to comply with any of the provisions of this code shall be guilty of maintaining a nuisance per se and upon conviction thereof shall be punished by a fine of not more than five hundred (\$500) dollars or by imprisonment for a term of not to exceed ninety (90) days, or by both such fine and imprisonment, within the discretion of the Court; for each and every day the violation continues beyond the permissible grace period, a separate offense shall be declared a CIVIL INFRACTION
 - c. CUMULATIVE RIGHTS AND REMEDIES. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
2. **Conflicting Regulations.** In the interpretation, application and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or Ordinance, then the provisions of this Ordinance shall govern, PROVIDED also that whenever the provisions of

any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or Ordinance shall govern.

3. **Building Permit Requirement.** No structure unless exempted shall be built without the acquisition of a Building Permit. No permit shall be issued until such time as all the provisions of this ordinance have been complied with.

Section 15.1603. Amendment.

1. **Township Board May Amend** the regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning District may be amended, supplement, or changed by ordinance the Township Board in accordance with the applicable zoning enabling legislation of the state.
2. **Initiation of Amendments.** Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission or by petition of one (1) or more owners, or their agents, of property to be affected by the proposed amendment.
3. **Amendment Procedures**
 - a. **PETITION TO TOWNSHIP BOARD.** Each petition by one (1) or more owners, or their agents, for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover cost of necessary advertising, for public hearings, for use of a standard amendment sign and investigation of the amendment request. The clerk shall transmit the application to the Planning Commission for recommendation action.
 - b. **RECOMMENDATION.** The Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the likely effect of such proposal upon the Development Plan for the Community. The Planning Commission may recommend any additions or modifications to the original amendment petition.
 - c. **PUBLIC HEARING.** Before deliberation on any proposal the Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given by one publication in a

newspaper of general circulation in the community, the notice to be printed not less fifteen (15) days before the date of such hearing. Not less than 15 days' notice of the time and place of such hearing shall also be given to each public utility company servicing the community, and which has registered its name and mailing address for the purpose of receiving such notice, and to each railroad company servicing the community and to each railroad within the zone affected. The notice shall include the places and times at which the tentative text and/or map amendment to the Zoning Ordinance may be examined. Letters of Notice shall also be mailed at least fifteen (15) days prior to the hearing to all property owners of record within 300 feet of a requested rezoning and to the owners of the subject property.

- d. TOWNSHIP BOARD. Upon receipt of the planning commission's recommendation, the Township Board shall review said recommendations. If the Township Board shall deem that any amendments, changes, additions, or departures are advisable to the proposed Ordinance amendment recommended by the Planning Commission, it shall refer the same back to the Planning Commission for a report thereon within a time specified by the Township Board.

After receiving the proposed amendment recommendations heretofore specified, the Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be so heard and shall request the Planning Commission to attend such hearing.

Thereafter, the Township Board may deny, or adopt the amendment with or without any changes.

- e. RESUBMITTAL. No application for a rezoning 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 Township Board to be valid.

Section 15.1604. Board of Zoning Appeals.

1. Creation and Membership

- a. ESTABLISHMENT: (By State enabling legislation).
- b. MEMBERSHIP, TERMS OFFICE: (By State enabling legislation).

2. Organization and Procedures.

- a. RULES OF PROCEDURE. The Board of Zoning Appeals shall adopt its own rules of procedure as may be necessary to conduct its meeting and carry out its function. The Board shall choose its chairman, and in his absence, an acting chairman.
- b. MEETING. Meeting shall be held at the call of the chairman and at such times as the Board of Zoning Appeals may determine. All meetings by the Board of Zoning Appeals shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.
- c. RECORDS. Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall be made available to the general public.
- d. COUNSEL. The Township Attorney shall act as legal counsel for the Board of Zoning Appeals and shall be present at all meetings upon request by the Board of Zoning Appeals.
- e. HEARINGS. When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Board shall immediately place the said request for appeal on the calendar for hearing, and shall cause notices stating the time, place and object of the hearing to be served, personally or by mail, addressed to the parties making the request for appeal, at least five (5) days prior to the date of the scheduled hearing. All notices shall be sent to the addressee stated on the application.

Any person may appear and testify at the hearings, either in person or by duly authorized agent or attorney. The Board of Zoning Appeals may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment of the Board hearing, no further notice shall be required. The Board shall give due notice to all property owners within three hundred (300') feet of the property affected, said notice being given at least five (5) days before the hearing date.

- f. DECISIONS. The Board of Zoning Appeals shall return a decision upon each case within thirty (30) days after a request or appeal has been filed unless a further time is agreed upon with the parties concerned. Any decision of the Board of Zoning Appeals shall take effect immediately.
- g. MAJORITY VOTE. The concurring vote of a majority of the members of the Board of Zoning Appeals shall be necessary to reverse any order requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which they are required to pass under this Ordinance or to effect any variation in the Ordinance.

3. Appeals.

- a. FILING OF APPEALS. Appeals to the Board of Zoning Appeals may be made by any person aggrieved, or by any officers, department, or board of the Township government.

Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance may be made to the Board of Zoning Appeals within ten (10) days after the date of the mailing of the Zoning Administrator's decision. Such appeal shall be filed with the Zoning Administrator and shall specify the grounds for the appeal. The Zoning Administrator shall immediately transmit to the Secretary of the Board of Appeals papers constituting the record upon which the action appealed from was taken.

- b. STAY. An Appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Zoning Appeals after notice of appeal has been filed with him that by reason of fact stated in the certificate a

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stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stated otherwise than by restraining order, which may be granted by the Board of Zoning Appeals or, on application, by a court or record.

- c. FEES. A fee as established by the Township Board shall be paid to the Zoning Administrator at the time of filing application with the Board of Zoning Appeals. The purpose of such fee is to cover, in part, the necessary advertisement, investigations, and other expenses incurred by the Board of Zoning Appeals in connection with the appeal.

4. Duties and Powers

The Board of Zoning Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, variance exception, or special approval permit as defined in this Section.

- a. REVIEW. The Board of Zoning Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit decision or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provisions of this Ordinance.
- b. INTERPRETATION. The Board of Zoning Appeals shall have the power to:
 - 1. Interpret, upon request, the provision of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
 - 2. Determine the precise location of the boundary lines between zoning districts.
 - 3. Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.

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4. Determine the off-street parking and loading space requirements of any use not specifically mentioned in Chapter 4.
- c. VARIANCES. The Board of Zoning Appeals shall have the power to authorize, upon an appeal specific variance from such requirements as lot regulations, yard and depth regulations, and off-street parking and loading space requirements, PROVIDED all of the BASIC conditions listed herein and any ONE of the SPECIAL conditions listed thereafter can be satisfied.
 - d. BASIC CONDITIONS. That any variance granted from this Ordinance:
 1. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.
 2. Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit is required.
 3. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
 4. Is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such condition reasonably practical.
 5. Will relate only to property that is under control of the applicant.
 6. In the case of a detached garage that is the only garage on the parcel, the maximum height of the structure may be increased to complement the architectural character of the principle dwelling.
 - e. SPECIAL CONDITIONS. When ALL of the foregoing basic conditions can be satisfied, a variance may be granted when any ONE of the following special conditions can be clearly demonstrated.

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1. Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
 2. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance.
 3. Where such variations is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- f. RULES. The following rules shall be applied in the granting of variances.
1. The Board of Zoning Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objective and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.
 2. Each variance granted under the provisions of this Ordinance shall become null and void unless:
 - a. The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance.
 - b. The occupancy of land, premises, or building 1 authorized by the variance has taken place within one (1) year after the granting of the variance.
 3. No application for a variance which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted for a period of (1) year from the date of the last denial,

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except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

- g. TEMPORARY PERMITS for temporary structures, such as a garage, partial structure, cellar or basement to be used for dwelling purposes, including Mobile Homes or House Travel Trailer, not located in a licensed mobile home park subject to the following procedures and limitations.
1. An application for a permit for the erection or movement of a temporary structure for dwelling purposes, including trailer coaches, shall be made to the Board of Zoning Appeals on a special form used exclusively for that purpose. The applicant shall submit along with the application the written consent of fifty (50%) percent of the owner of all dwelling within three hundred (300') feet of proposed site.
 2. The Board of Zoning Appeals shall give due notice to the applicant and to all property owners within three hundred (300') of the property affected at least five (5) days before the hearing will be held on such application.
 3. A temporary permit shall not be granted unless the Board of Zoning Appeals finds adequate evidence that the proposed location of the use will not be detrimental to property in the immediate vicinity; and that any on-site water supply and sanitary facilities have been approved by the Saginaw County Health Department.
 4. The Board of Zoning Appeals may impose any reasonable conditions in addition to the district requirements in which the use is proposed, including setbacks, land coverage, off-street parking, landscaping and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any such condition shall automatically invalidate the permit.
 5. Unique and temporary conditions shall exist which justify the need for a trailer coach on a given lot or parcel such as dwelling for seasonal farm labor, aged family members, domestic employees or similar dwelling needs of a temporary nature that relate to the use of the principal dwelling on the

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property in question.

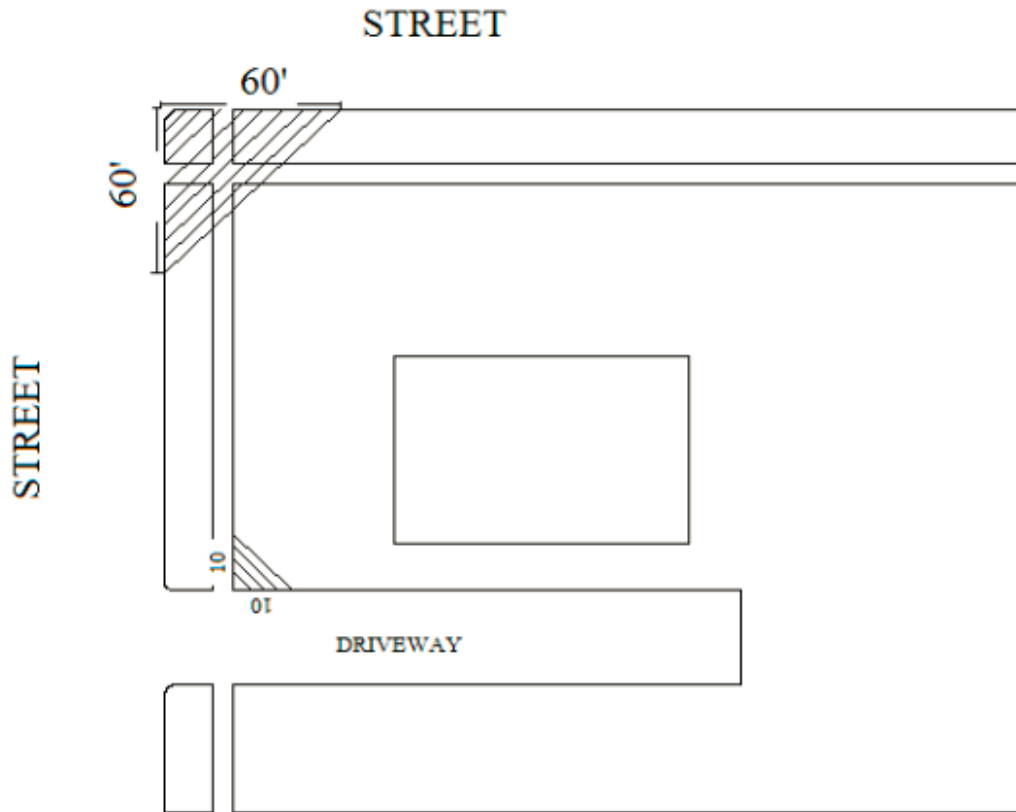
6. The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of a specific time limit not to exceed twelve (12) months. No permit shall be transferable to any other owner or occupant. The permit may be renewed in the case of trailer coaches if the conditions of (1 and 5) above can be met again.

h. Bond for Compliance.

BOND AUTHORIZED. In authorizing any variance, or in granting any conditional, or special approval permits, the Board of Zoning Appeals may require that a bond of ample sum, but not exceed five thousand dollars (\$5,000), be furnished to ensure compliance with requirements, specifications, and conditions imposed with the grant of variance.

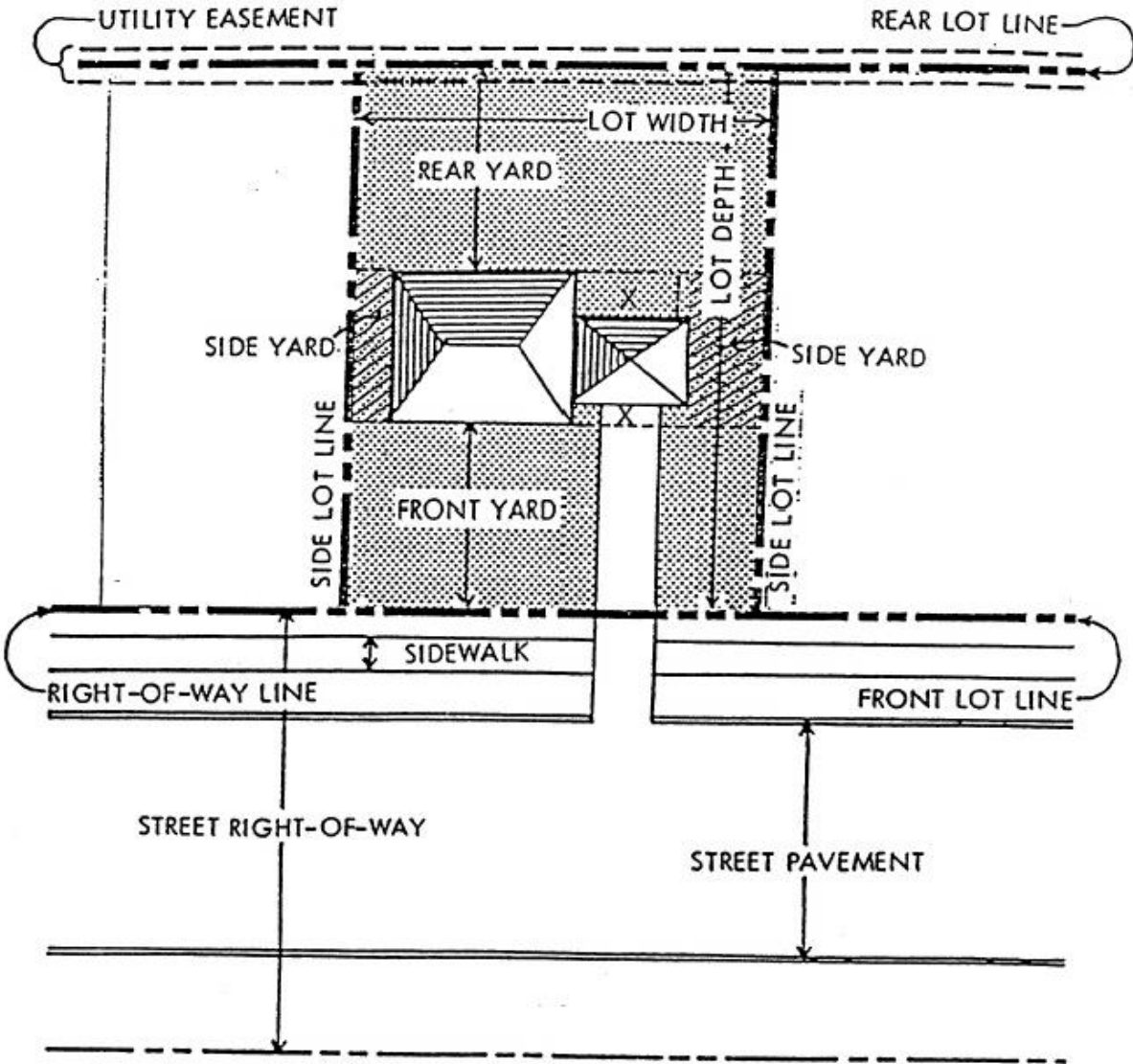
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Appendix A



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Appendix B



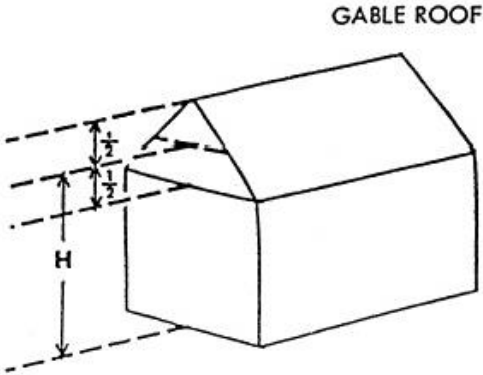
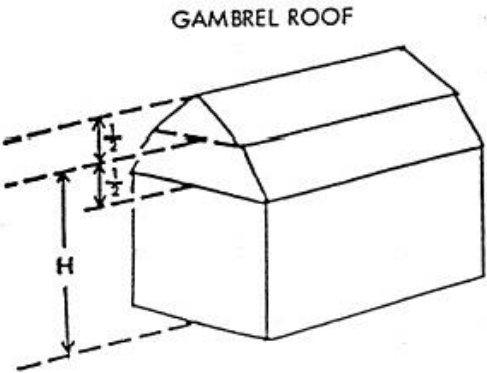
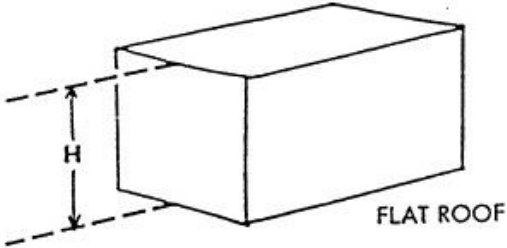
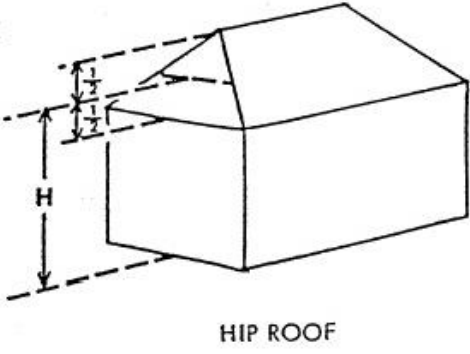
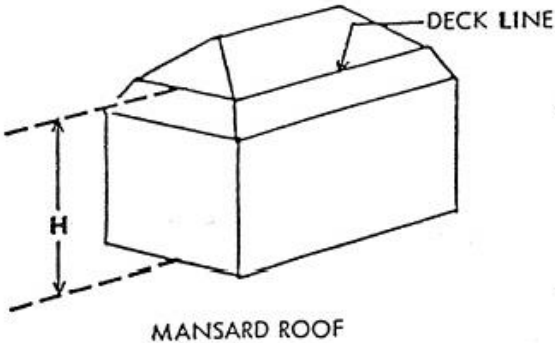
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Appendix C

Reserved

Ordinance Number: _____
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Enacted: ____/____/____

Appendix D



H = HEIGHT OF BUILDING

Ordinance Number: _____
Adopted: ____/____/____
Enacted: ____/____/____