

ZONING ORDINANCE

OF

PERRY TOWNSHIP

SHIAWASSEE COUNTY, MI

**Perry Township Planning Commission
as adopted by the
Perry Township Board**

Effective Date: January 5, 2026

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PREAMBLE

An ordinance to provide for the establishment of Zoning Districts and regulations for those areas of Perry Township, Shiawassee County, Michigan: lying within the limits of the township; to encourage and regulate the proper use of land; to provide for the administration, enforcement, and penalties for violation; to provide for the establishment of a Township Zoning Board of Appeals and to provide duties for the Perry Township Planning Commission pursuant to the Zoning Enabling Act, Public Act 110 of 2006, as amended.

Whereas, after careful study of the proposed Ordinance, the Perry Township Planning Commission has recommended the aforementioned Ordinance to the Perry Township Board;

Therefore, the Perry Township Board of Shiawassee County, Michigan, ordains

ARTICLE 1 **TITLE, PURPOSES, INTERPRETATION, APPLICATION, VESTED RIGHTS AND LEGAL BASIS**

Section 1.1 TITLE

This Ordinance shall be known as the Perry Township Zoning Ordinance. All Articles, Sections and other topical headings are for reference only and shall not be construed to be part of this Ordinance.

Section 1.2 PURPOSES

The districts and other provisions of this Ordinance are based upon the Future Land Use Map and policies of the Perry Township Master Plan. This plan and this Zoning Ordinance are designed to: 1) promote the public health, safety, and general welfare; 2) to provide adequate light and air, and protect air and water quality; 3) to encourage the use of lands in accordance with their character and adaptability; 4) to limit the improper use of land, 5) to conserve natural resources and energy; 6) to meet the needs of the state's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; 7) to ensure that uses of land are situated in appropriate locations and relationships; 8) to avoid the overcrowding of population, 9) to lessen congestion on public streets and highways, 10) to reduce hazards to life and property due to fire, flooding, erosion, pollution, excessive dust, fumes, smoke, noise, vibration, noxious odors or other hazards, 11) to prevent the overburdening of existing or available public services and utilities, 12) to facilitate the adequate provision of a system of transportation, sewage disposal, solid waste disposal, drainage, public water supply, education, recreation and other public requirements, 13) to conserve the expenditure of funds for public improvements and services, 14) to conform with the most advantageous

use of land, resources and properties, 15) to conserve land, community character and property values, and 16) to prevent nuisances.

The purpose and intent of the Sections of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the portions of the Township subject to this Ordinance, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious and other similar public and private uses—especially if a concentration of such uses, and related uses were to occur. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of residents and businesses. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market.

Neither is it the intent of this Ordinance to legitimize activities which are prohibited by local ordinance, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those Sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any

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portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

Section 1.3 INTERPRETATION AND APPLICATION

1.3.1 Introduction: In interpreting and applying the provisions of this Ordinance, the provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare.

A. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rule, regulation, or permits previously adopted or issued and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of land, buildings, structures or premises, and not in conflict with this Ordinance.

B. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, deed or other agreements between parties, provided however, that where this Ordinance imposes a greater restriction upon the use of land, buildings, structures or other premises, or upon height of buildings, or requires larger open spaces, or larger lots, or requires mitigating measures or other limitations on a property different from those imposed or required by an easement, covenant, deed or other agreement, then the provisions of this Ordinance shall control in addition to all non-conflicting requirements of an easement, covenant, deed or other agreement.

C. In the interpretation, application and enforcement of this Ordinance, whenever any of the provisions or limitations imposed or required herein are more stringent than any other law, rule, regulation or ordinance, then the provisions of this Ordinance shall govern. However, if the requirements of any other law, rule, regulation 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.

D. In the event that the combined effect of the requirements of this Ordinance, and any easement, covenant, deed, private agreement, and/or any other law, rule, regulation or ordinance so severely limit the use of property subject to this Ordinance that no economically viable use of the property remains and a claim of taking under the 5th Amendment to the U.S. Constitution could be made, then prior to seeking any redress in a court of law, the property owner shall file a petition with the Board of Appeals for a variance under Section 18.4.5 of this Ordinance or with the Township

Board under Section 13.4. If either body finds merit to the taking claim, they shall take action under the relevant Sections of this Ordinance to eliminate the basis for the taking claim by permitting some economically viable use of land which does not unreasonably cause negative effects on abutting lands and uses. If no redress under either Section 18.4.5 or Section 13.4 is possible without unreasonable negative effects on abutting lands and uses, the Township Board shall within 30 days make a good faith offer to buy the properties subject to a taking petition at its market value using the procedure required by law. If agreement on the value of such property cannot be reached in 30 days, the Township Board may initiate condemnation proceedings pursuant to the Michigan Uniform Condemnation Procedures Act, Public Act 87 of 1980.

1.3.2 Definitions: Many words, terms and phrases within this Ordinance have a meaning that may be different from their everyday use. Article 21, Definitions presents definitions of words, terms, and phrases used within this Ordinance. Section 2.26.1 presents definitions of use classes and lists examples of permitted uses.

Section 1.4 VESTED RIGHTS

Nothing in this Ordinance should be interpreted or construed to give permanent vested rights in the continuance of any particular use, district, zone classification, or any permissible activities therein, and all lands and uses subject to this Ordinance are hereby declared to be subject to subsequent amendment, change, or modification, as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 1.5 LEGAL BASIS

This Ordinance is adopted pursuant to the authority and requirements of the Zoning Enabling Act, Public Act 110 of 2006, as amended.

**ARTICLE 2
ZONING DISTRICTS & PERMITTED
USES**

Section 2.1 ZONING DISTRICTS & MAPS

2.1.1 Establishment of Districts: To achieve the purposes of this Ordinance, Perry Township, Shiawassee County, Michigan, is hereby divided into the following zoning districts:

- A-1 Agricultural Production
- A-2 Agricultural Production/Rural Residential
- R-1A One-Family Rural Residential
- R-1B One-Family Low-density Residential
- R-1C One-Family Medium Density Residential
- R-1D Two-Family Residential
- R-M1 Multiple Family Residential
- R-T Mobile Home Development
- O-1 Office and Administrative
- B-1 Neighborhood Commercial
- B-2 General Business
- B-3 Highway Service
- M-1 Light Industrial
- M-2 Heavy Industrial
- RE Renewable Energy (Commercial)

2.1.2 Zoning Districts Maps: The boundaries of the respective zoning districts are defined and established as depicted on the map entitled "Zoning District Map of Perry Township, Shiawassee County, Michigan," which is an integral part of this Ordinance, and which, with the explanatory matter thereon, shall be published as part of this Section and is hereby incorporated by reference.

The "Zoning District Map of Perry Township, Shiawassee County, Michigan" and subsequent amendments to the text shall be certified by the Supervisor of the Township Board and shall be attested by the Township Clerk, and shall bear the following words: "This is to certify that the above map is the Official Zoning Map of the Perry Township Zoning Ordinance adopted on the ____ day of _____, 20 __."

A. If amendments are made in district boundaries or other matter depicted on the Official Zoning Map, such changes shall not be considered final, and zoning permits shall not be issued until the appropriate amendments have been made on the Official Zoning Map. Such amendments shall be made within ten (10) normal working days after the effective date of the amendment. Each amendment shall be accompanied by a reference number on the map, which shall refer to the official action of the Township Board. One (1)

~~copy of the Official Zoning Map shall be maintained and kept up-to-date in the Office of the Township Zoning Administrator of Perry Township and in the Office of the Clerk of Perry Township..~~

2.1.3 Replacement of Official Zoning Map
In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by ordinance, adopt a new official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such corrections shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Supervisor of the Perry Township Board, attested by the Township Clerk and bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Perry Township, adopted on

_____, which replaces and supersedes the County Official Zoning Map which was adopted on prior to this date.

Section 2.2 RULES FOR INTERPRETATION OF OFFICIAL ZONING MAP

Where a question arises with respect to the boundary of any district the following shall govern:

- A. Where boundaries follow streets or highways, the centerline of the street or highway shall be the boundary line or lines.
- B. Where boundaries follow the shore line of a stream, lake or other body of water, such shall follow such shoreline, and in the event of change in the shoreline, such shall be the actual shoreline; where boundaries follow the centerline of streams, rivers, canals or other bodies of water, such shall follow the centerlines thereof.
- C. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
- D. A boundary indicated as following the municipal boundary line of a City, Village, or Township shall be construed as following such line.
- E. A boundary indicated as following a railroad line shall be construed to be midway between the main tracks or in the center of the right-of-way.

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F. Boundaries indicated as parallel to, or extensions of features indicated in subsections A-E above, shall be so construed. A distance not specifically indicated in the Official Zoning Map shall be determined by the scale of the map to the nearest foot. Should the above rules not fully explain a question of boundaries, the Board of Appeals shall have the authority to make an interpretation on appeal based upon the aforementioned standards.

Section 2.3 SCOPE OF DISTRICT PROVISIONS

2.3.1 Land Uses, Buildings, Structures and Premises Subject to Regulation:

A. Every building or structure erected, any use of land, building, structure or premises, any structural alteration or relocation of an existing building or structure and any enlargement of, or addition to, an existing use of land, building, structure or premises occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable within the zoning district in which such land use, building, structure or premises shall be located.

B. A change in use group under the State Construction Code, PA 230 of 1972, such as from "storage" or "business" to "mercantile" or "assembly" is a change of use which also requires review and approval under this Ordinance.

C. All zoning approvals granted under this Ordinance run with the land. All future owners are subject to the terms and conditions of any permit issued under this Ordinance prior to their ownership, unless such a permit is no longer valid as determined by the Zoning Administrator.

2.3.2 Categories of Permitted Uses: The principal and accessory uses permitted by zone are listed on tables in Section 2.26.4 and 2.26.5. Other Sections of this Ordinance establish additional requirements (such as parking, buffering, fencing, landscaping, etc.) or provide for exceptions. All relevant Sections must be consulted to understand the scope of regulations that apply in a particular case. Uses are permitted by right only if specifically listed as "R" on Table 2-2: Principal Uses Allowed, Section 2.26.4 in the various zoning districts. Uses listed as "RC" on Table 2-2 are by right if the nondiscretionary conditions associated with that use are met, except in the case of Conservation Design Developments as permitted in Section 4.3.20 as a discretionary action of the Site Plan Review Committee. Accessory uses are permitted as indicated on Table 2-3, Section 2.26.5 for the various zoning districts, and if such uses are clearly incidental to the permitted principal

~~uses. Special uses are permitted if listed as "S" on Table 2-2, if the required discretionary and nondiscretionary standards associated with that use are met (see Article 4, Article 12 and Article 14). Uses listed as "P" on Table 2-2 are permitted by Planned Unit Development permit pursuant to the standards and procedures of Articles 12, 13 and 14.~~

2.3.3 Unlisted Uses: A use of land, buildings, or structures not specifically mentioned in the provisions of this Ordinance, or in the Zoning Administrator's opinion, is not within a class of use as defined on Table 2-1, Section 2.26.3, or nearly enough similar to a listed use per the standards in Section 2.26.2, shall be classified upon appeal or by request of the Zoning Administrator by the Board of Appeals pursuant to Section 18.4.4 of this Ordinance.

2.3.4 Required Open Spaces: No part of a setback area, or other open space, or off-street parking or loading space required in connection with any use of land, building or structure, for the purpose of complying with this Ordinance shall be included as part of a setback area, open space, or off-street parking lot or loading space similarly required for any other use, building or structure, except as provided for joint use of parking in Section 7.1.5.

2.3.5 Site Plan Review Threshold: No use of land, buildings, structures or portions thereof of a size or character greater than the threshold, as provided in Section 14.3 of this Ordinance shall be erected or utilized without the prior approval of the site plan in accordance with Article 14 of this Ordinance.

2.3.6 Public Land, Buildings, Structures and Premises Are Subject to this Ordinance: All land within the territory subject to this Zoning Ordinance which is owned by Perry Township, Shiawassee County, the State, federal or local governments including public schools and universities, or by any other public, or quasi- public entity is subject to the requirements of this Ordinance, except as exempted or varied herein (see e.g., Essential Services Section 18.4.8), or as specifically exempted by State or Federal law (such as military establishments), or by action of a judge in a Court of Law.

2.3.7 Intent and Structure of District Scheme: The Perry Township Zoning Ordinance is based upon and is intended to help implement the Perry Township Master Plan. The zoning districts address the five major land use categories: agricultural, residential, office, commercial, and industrial.

A. The two agricultural zones cover the bulk of the land area subject to this Zoning Ordinance. Collectively they recognize the importance of agriculture as a long-term renewable natural resource and historically the principal economic base of the Township.

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Agricultural lands are also the primary contributors to the rural character of the Township. In these zones, field crop and livestock agriculture are the principal and preferred uses.

A limited number of related uses are also permitted. Among these are the raising of livestock and other animals in such numbers and locations as regulated by the Michigan Department of Agriculture . Production agriculture requires large contiguous acres of land in order to be profitable. Residents of single family dwellings often complain of noise, dust, odors, large equipment on roads, long hours of operation, pesticides, fungicides, herbicides and fertilizers. These are expected results of “farm operations” engaged in “generally accepted agricultural and management practices” as defined in and as intended to be protected by the Michigan Right-to-Farm Act, Public Act 93 of 1981. Protection of such “farm operations” within the A-1, and A-2 zones is an intended purpose of this Ordinance.

Separation distances apply to the siting of new dwellings in the vicinity of existing concentrated animal feeding operations. Single family homes are permitted, but not encouraged due to incompatibilities with long term agricultural production. Since not all agricultural land in the Township is as well suited for agriculture as others, the agricultural production districts vary in the number of single family dwelling units permitted with the fewest allowed on the best farmlands zoned A-1 and the most allowed on land zoned A-2.

Both agricultural districts also seek to reduce the impact of single family dwellings on agriculture by restricting the amount of land used for single family dwellings. It is intended that as urbanization occurs, and/or farming declines some land zoned A-2 will be rezoned to R-1A or R-1B to permit more dense rural residential development. It is expected that this will not occur until adequate public services are available to accommodate increased traffic and demands for other services necessitated by the higher density residential development.

B. The six residential zones provide for a wide range of residential living opportunities. Each zone establishes residential use as the primary and preferred use. A limited set of uses that are related to residential use of property are also permitted. While agricultural uses of land are permitted in many of these districts, it is limited and secondary to the primary permitted residential use of these lands. The greater density associated with a concentration of two-family, multiple family and mobile home development requires separate zones for these uses. Land is intended to be rezoned to the higher intensity residential districts only when public services are adequate and only in locations consistent with the Township Master Plan.

C. The office and administrative district serves as a transition zone to buffer low intensity adjacent uses (usually residential) from nearby higher intensity uses (usually commercial). It also provides a separate zone with a limited number of other compatible uses so as to protect investments made in office structures.

D. Three commercial districts meet the needs for general business, neighborhood oriented business and highway service business in the Township. In each case, these are intended to be implemented as small compact areas rather than long linear areas strung out along county roads and state highways. Commercial districts are expected to remain limited in number, size and location, and only expanded when growing demand cannot be met by land in current zones and when expansion is consistent with both the policies and future Land Use Map of the Township Master Plan.

E. Two industrial zones accommodate the growing needs for a wide range of wholesale, specialized industrial service and manufacturing establishments. Special standards to minimize impacts on abutting properties are also provided, as are a limited number of non-industrial uses. Expansion of these zones is expected to occur only when consistent with the Township Master Plan.

Section 2.4 RESERVED FOR FUTURE USE

Section 2.5 A-1 DISTRICT: AGRICULTURAL PRODUCTION

2.5.1 Intent and Purpose: The policies of the Perry Township Master Plan clearly state that the best agricultural lands in this Township are to be retained for agricultural use. The Plan represents the policies established the township. The township plan was initiated by community leaders who, with the input from constituents and an extensive land use analysis, became concerned about losses of farmland. Much of the citizen input to farmland retention referred to the need for support from zoning techniques. These techniques would have to be fair and legally supportable. These techniques would blend with the provisions of other zoning districts elsewhere in the Township where all other land uses could be adequately accommodated. In summary, the policy statements lead to the

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maintenance of farmable parcel sizes in agricultural areas and preservation of conditions that protect the long-term viability of family farms.

Agricultural production contributes essential economic benefit and physical sustenance to the citizens of Perry Township, Shiawassee County, the State of Michigan, and the United States. The retention and protection of those lands particularly suited to agricultural production represents a valid public goal contributing greatly to the health and welfare of the general public. The A-1 Agricultural Production zoning district incorporated as part of the Perry Township Zoning Ordinance is designed to protect essential agricultural lands from conversion to urban uses.

Therefore, it is the purpose of the Agricultural Production District to insure that land areas within Perry Township which are best suited for the production of food are retained for agricultural production unimpeded by the establishment of uses of land which would hinder generally accepted agricultural and management practices or deplete essential agricultural lands and productivity.

2.5.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4.

Single-family dwellings are permitted at a density of not more than one (1) dwelling per forty acres or equivalent of contiguous land under one ownership, on a parcel not larger than two and one-half (2½) acres in size.

2.5.3 Accessory Buildings, Structures and Uses, Parking and Signs:

A. Accessory uses as listed in Table 2-3: Section 2.26.5 are permitted with any additional requirements as listed on the Table.

B. Accessory buildings, structures and uses are permitted incidental to any of the permitted uses including but not limited to farm buildings, fences, drainage and irrigation systems. All accessory buildings and structures shall be in compliance with the provisions of Article 5, Sections 5.3 through 5.6.

C. Vehicle Parking, off-street parking areas shall be provided as specified in Article 7 of this Ordinance.

D. Signs, as specified in the provisions of Article 9 of this Ordinance.

2.5.4 Density and Dimensional Requirements:

All lots of record or hereafter created shall conform to the minimum and maximum dimensions for lot area, lot width, front, rear and side yards; all minimum floor area and maximum height of buildings specified in Schedule

A Section 3.2 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Developments, Article 5, Supplementary Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

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Section 2.6 A-2 DISTRICT: AGRICULTURAL PRODUCTION/RURAL RESIDENTIAL

2.6.1 Intent and Purpose: This district intends to maintain existing patterns of low-density rural residential growth in agricultural areas of the Township. Premature subdivisions or site condominium developments requiring urban services are to be excluded from these areas. The purpose of preserving the essential characteristics of these lands is to maintain agricultural use as the predominant use as long as it is economically viable to do so, and to preclude the necessity of serving scattered urban developments with water, sewer, schools, roadways, and other public services.

To achieve these objectives, permitted uses within this district are limited to agricultural and low-density rural residential use together with such limited community facilities as schools, churches, and public open spaces.

2.6.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4.

A. Single-family dwellings at a density of not more than one dwelling per one (1) acre on a parcel not larger than two and one-half (2.5) acres in size, applies only to parcels greater than 12.5 acres in size in existence as of the effective date of this Ordinance.

B. In accordance with Act 178 of the Public Acts of 2001, at the option of the property owner, which may only be exercised one time, the same number of dwelling units that could be developed under this ordinance and other applicable laws and rules, may be located on 50% of the total land, provided the remaining 50% of the total land is legally restricted in a perpetually undeveloped state by means of a conservation easement, plat dedication, or restrictive covenant. A property owner that desires to exercise this option under PA 178 of 2001 shall submit plans and make a request for site plan approval in the same manner as a Conservation Design Development pursuant to Section 14.3.1 (e) of this Ordinance. Act 178 proposals shall be reviewed for consistency with Section 4.5, except neither the requirements Section 4.3.20 or the voting requirements of Section 14.8 shall apply to Act 178 requests.

2.6.3 Accessory Buildings, Structures and Uses, Parking and Signs:

~~A. Accessory uses as listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.~~

B. Accessory buildings, structures and uses are permitted incidental to any of the permitted uses including but not limited to farm buildings, fences, drainage and irrigation systems. All accessory buildings and structures shall be in compliance with the provisions of Article 5, Sections 5.3 through 5.6.

C. Vehicle parking, off-street parking area shall be provided as specified in Article 7 of this Ordinance.

D. Signs, as specified in the provisions of Article 9 of this Ordinance

2.6.4 Density and Dimensional Requirements: All lots of record or hereafter created shall conform to the minimum and maximum dimensions for lot area, lot width, front, rear and side yards; all minimum floor area and maximum height of buildings specified in Schedule A, Section 3.2 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Developments, Article 5, Supplementary Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

Section 2.7 RESERVED FOR FUTURE USE

Section 2.8 R-1A DISTRICT: ONE-FAMILY RURAL RESIDENTIAL

2.8.1 Intent and Purpose: This section establishes the R-1A, Single-Family Rural Residential District to encourage the development of residential areas of a rural character within areas of the Township not well-suited for agricultural production and presently without public water and sewage services and likely to remain without such services for an indefinite period. This district

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includes existing low-density one-family areas as well as contiguous areas in which such development is desirable.

2.8.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4.

2.8.3 Accessory Buildings, Structures and Uses, Parking and Signs:

A. Accessory uses as listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.

B. Signs and Name-plates, as provided in Article 9 of this Ordinance.

C. Vehicle Parking: Off-street spaces shall be provided as specified in Article 7 of this Ordinance.

2.8.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in Schedule A, Section 3.2 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations; Article 13, Planned Unit Developments; Article 5, Supplemental Regulations; or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

Section 2.9 R-1B DISTRICT: ONE-FAMILY LOW-DENSITY RESIDENTIAL

2.9.1 Intent and Purpose: It is the intent and purpose of this district to provide low-density residential development in the portions of the Township which are well-served by county primary roads or major thoroughfares, public and private close proximity utility services, and located within relatively easy access to schools, employment centers and recreational facilities.

2.9.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4.

2.9.3 Accessory Buildings, Structures and Uses, Parking and Signs:

A. Accessory uses listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.

B. Signs and Name-plates, as provided in Article 9 of this Ordinance.

~~C. Vehicle Parking: Off-street spaces shall be provided as specified in Article 7 of this Ordinance.~~

2.9.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all minimum floor area and maximum height of buildings specified in Schedule A, Section 3.2 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Developments, Article 5, Supplementary Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

Section 2.10 R-1C DISTRICT: ONE-FAMILY MEDIUM DENSITY RESIDENTIAL

2.10.1 Intent and Purpose: It is the intent of this district to provide for medium density residential development in portions of the Township served by county primary roads or major thoroughfares, and other public or private utilities and services necessary to serve the needs of medium density residential development.

This district is further intended to provide a means for developing vacant land within established residential areas, while preserving their existing residential characteristics and basic density. Provisions are made within this district to provide for Planned Unit Developments in order to provide for the development of certain limited commercial service facilities as permitted by right or by right with conditions in the B-1, Neighborhood Commercial District, which can provide convenient service to residential areas while at the same time preserving the overall residential character of this district.

2.10.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4.

2.10.3 Accessory Buildings, Structures and Uses, Parking and Signs:

A. Accessory uses listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.

B. Signs; see Article 9.

C. Vehicle parking; see Article 7.

2.10.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in Schedule A, Section 3.2 of this Ordinance,

except as otherwise stated in the above text of this district, or as modified by Article 4, Specific Use Regulations, Article 13 Planned Unit Developments, Article 5, Supplementary Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

Section 2.11 R-1D DISTRICT: TWO-FAMILY RESIDENTIAL DISTRICT

2.11.1 Intent and Purpose: It is the intent of this district to provide for a diverse residential environment by allowing single-family, two-family dwellings, and certain multiple family dwellings which meet the requirements of this district. This district is intended to serve certain portions of Perry Township where primary roads or major thoroughfares exist along with other public and private utilities and services necessary to serve the needs of medium density residential development. Provisions are also made within this district to provide for planned unit developments in order to provide for the development of certain limited commercial and office facilities which can provide convenient service to residential areas while at the same time preserving the overall residential character of the district.

2.11.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4.

2.11.3 Accessory Buildings, Structures and Uses, Parking and Signs:

A. Accessory uses listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.

B. Signs; see Article 9.

C. Vehicle parking; see Article 7.

2.11.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in Schedule A, Section 3.2 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Development, Article 5, Supplementary Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

Section 2.12 RESERVED FOR FUTURE

Section 2.13 R-M1 DISTRICT: MULTIPLE-FAMILY RESIDENTIAL

2.13.1 Intent and Purpose: This district is provided to accommodate a mixture of housing types such as garden apartments, townhouses, row houses, or other group housing facilities in a variety of ownership or rental options. This district is further intended to permit boarding and lodging houses under specified maximum capacities. Furthermore, this district shall only include areas within the Township which have public sewer facilities and are located adjacent to primary roads or major thoroughfares. Said district shall also be located near neighborhood commercial services and other essential services necessary to service the needs of high-density development.

2.13.2 Permitted Uses When Served by Public Sanitary Sewer Service: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4. These uses are permitted only if served by public sanitary sewer service.

2.13.3 Accessory Buildings, Structures and Uses, Parking and Signs:

A. Accessory uses listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.

B. Signs; see Article 9.

C. Vehicle parking; see Article 7.

2.13.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards. All lots shall conform with the required dimensions for maximum lot coverage, minimum floor area, and maximum height of buildings specified in Schedule A, Section 3.2 of this Ordinance, except as otherwise stated in the above text of this district or modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Developments, Article 5, Supplementary Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

Section 2.14 R-T DISTRICT: MOBILE HOME DEVELOPMENT

2.14.1 Intent and Purpose: The intent of this district is to provide for mobile home parks and mobile home subdivisions in areas within the Township where public utilities and public services are available and to insure

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that the residents of such areas will be provided with certain minimum standards of design, safety and convenience.

2.14.1 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4. A mobile home subdivision is permitted by approval of a site plan by the Site Plan Review Committee pursuant to the requirements of Article 14.

2.14.2 Accessory Buildings, Structures and Uses, Parking and Signs:

A. Accessory uses listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.

B. Signs; see Article 9.

C. Vehicle parking; see Article 7.

2.14.3 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings as specified in Schedule A, Section 3.2 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Developments, Article 5, Supplemental Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

A. A mobile home subdivision in existence prior to January 1, 2026 with lots less than the minimum required in this zone shall be considered conforming lots but no subsequent lots shall be created with less than the minimum lot size on Schedule A, Section 3.2, Table 3-2 for the R-T District unless approved as a Planned Unit Development pursuant to Article 13.

Section 2.15 RESERVE FOR FUTURE USE

Section 2.16 O-1 DISTRICT: OFFICE AND ADMINISTRATIVE

2.16.1 Intent and Purpose: It is the intent of this district to provide areas for relatively quiet, low traffic generating office, administrative and institutional uses in portions of the Township where adequate public utilities are available and access is provided by the county primary roads or State highways. Institutional uses allowed in this district should be centrally located in relation to the population they will serve.

2.16.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed

on Table 2-2, Section 2.26.4. when contained in fully enclosed buildings.

2.16.3 Accessory Buildings, Structures and Uses, Parking and Signs:

A. Accessory uses listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.

B. Signs; see Article 9.

C. Vehicle parking; see Article 7.

2.16.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in Schedule B, Section 3.3 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Developments, Article 5, Supplementary Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

Section 2.17 RESERVE FOR FUTURE USE

Section 2.18 B-1 DISTRICT: NEIGHBORHOOD COMMERCIAL

2.18.1 Intent and Purpose: It is the intent of this district to provide for a variety of compatible small commercial establishments and professional offices which are located on county primary roads near the neighborhood area being served so as to minimize the distance traveled to purchase day-to-day convenience goods and services. Small commercial establishments are to be developed in a manner which does not harm adjacent dwellings units. This district also provides for neighborhood convenience shopping centers in areas where adequate public utilities exist.

2.18.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4. These uses are permitted when contained in a permanent fully enclosed building of not more than five thousand (5,000) square feet in floor area.

2.18.3 Accessory Buildings, Structures and Uses, Parking and Signs:

A. Accessory uses listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.

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- B. Signs; see Article 9.
- C. Vehicle parking; see Article 7.

2.18.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in Schedule B, Section 3.3 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Developments, Article 5, Supplemental Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

Section 2.19 B-2 DISTRICT: GENERAL BUSINESS

2.19.1 Intent and Purpose: It is the intent of this district to provide for major commercial development which is located in proximity to major thoroughfares, near high density residential areas, and close to other functionally related activities. This district is intended to accommodate those business establishments which serve the entire community or region. It is also the intent of this district to encourage cluster commercial development and to discourage strip commercial development.

2.19.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4. These uses are permitted when contained in a permanent fully enclosed building.

2.19.3 Accessory Buildings, Structures and Uses, Parking and Signs:

- A. Accessory uses listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.
- B. Signs; see Article 9.
- C. Vehicle parking; see Article 7.

2.19.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area, and maximum height of buildings specified in Schedule B, Section 3.3 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Developments, Article 5, Supplemental Regulations, or as varied by the

Board of Appeals pursuant to Article 18 of this Ordinance.

Section 2.20 B-3 DISTRICT: HIGHWAY SERVICE

2.20.1 Intent and Purpose: This district is intended to accommodate retail business and service activities which primarily serve the needs of the highway traveler. It is the further intent of this district to promote safe and efficient traffic access to the properties within the district and to minimize any adverse effects of such uses upon adjoining zoning districts or existing uses of land.

2.20.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4. These uses are permitted provided that all service and repair activities allowed in this district are contained in a fully enclosed permanent building.

2.20.3 Accessory Buildings, Structures and Uses, Parking and Signs:

- A. Accessory uses as listed in Table 2-3, Section 2.26.5 are permitted with any additional requirements as listed on the Table.
- B. Signs; see Article 9.
- C. Vehicle parking; see Article 7.

2.20.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area, and maximum height of buildings specified in Schedule B, Section 3.3 of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Developments, Article 5, Supplementary Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

Section 2.21 COMMERCIAL RENEWABLE ENERGY

2.21.1 COMMERCIAL RENEWABLE ENERGY- SMALL SYSTEM

2.21.10 Intent and Purpose: It is the intent and purpose of this district to recognize that the production of energy primarily for sale to the electric grid from alternative and renewable sources, such as through solar and wind, is a viable land use in Perry Township and therefore shall be considered where there is a demonstrated need, located within reasonable proximity to distribution of energy facilities, and where other uses are low density, or not conflicting by

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nature. The location, development and operation of such systems are to be regulated in a manner that takes into consideration locational needs of the use, relationship to surrounding uses and densities of land uses, future restoration of property to a productive use and in general to protect the public health, safety and welfare. Commercial Solar and Wind Energy Systems (hereinafter referred to as Commercial Energy Systems of CES) are not agricultural or residential enterprises and any parcel on which they are to be constructed must be rezoned as a Renewable Energy Facility under this section.

Small is defined as Solar systems generating 49 Megawatts or less of electricity and Wind systems generating 99 Megawatts of electricity or less.

2.21.11 Uses Permitted by Right: None

2.21.12 Uses Permitted by Special Use Permit: Commercial Solar and Wind Energy Systems-Small. The remaining Sections of the RE District detail requirements to obtain the Special Use Permit.

2.21.13 Approval Required: Small Commercial Energy Systems are permitted by issuance of a final site plan by the Planning Commission in the RE District. In the event it is necessary that a Wind Energy Conversion System Testing Facility be erected to monitor meteorological conditions for the life of the project, such Testing Facility shall be included as part of the final site plan approval process.

2.21.14 General Standards and Information Required: The following general standards and information requirement shall apply to all proposed Small Commercial Energy Systems:

- A. Baseline Information and Studies.
 1. Project Description and Rationale. Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, developmental phases (and potential future expansions) and likely markets for the generated energy.
 2. Migratory and Game Birds. An avian study is required to be conducted by a qualified professional to determine any potential impacts that a Small Commercial Solar or Wind Energy System Facility may present to migratory and game birds. The study and its results must provide assurances that a Commercial Solar or Wind Energy System does not negatively impact the path of

- migratory birds or the viability of game birds.
- 3. Endangered species/Wildlife Study. An endangered species and general wildlife study is required and is to be conducted by a qualified professional to determine any potential impacts the Small Commercial Energy System (SCES) may present to endangered species or wildlife in general. The study must provide assurances that the Commercial System does not negatively impact endangered species or disrupt wildlife sustainability in general.
- 4. Sound Study. An applicant for an SCES shall provide a study and report declaring the ambient and potential sound created by the System. The study should specifically address sound created by an SCES at non-participating parcel boundaries, along property lines between participating and non-participating parcels and at structures intended for human occupancy. The study and report must be produced with the most current protocol for ANSI S12.9, Part 3, ANSI S12.100 and other applicable ANSI standards and methodology for the measurement of sound.
- 5. Shadow Flicker/Glare Impact Analysis. The applicant shall provide a study identifying through modeling the potential impact of shadow flicker and/or glare that may be caused by a SCES and the expected durations of the shadow flicker or glare from sunrise to sunset over the course of the calendar year.
- 6. Transportation Plan. Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent public roads and the layout of the facility service road system. Describe proposed mitigation efforts to ensure viability of public roads, estimates of costs for those mitigation efforts, and estimates of cost for restoration of any public road to predevelopment viability.
- 7. Emergency Response Plan. Provide a plan for addressing emergency response from local authorities related to the project. Such plan shall include detailed accounting of potential sources of fire, debris, or other materials and events that would potentially cause harm to the general public or emergency responders. Local emergency authorities shall also be provided detailed information as to

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- best practices and standards for responding to emergency events.
- 8. Reclamation Analysis. Identify impacts on water, soil and air quality resulting from intended development of an SCES. The applicant shall provide for testing of above items prior to development and post development, and shall incorporate data obtained into the decommissioning plan to ensure restoration of property to pre-use status or alternative declared viability. This plan shall also provide a waste disposal description anticipated at the end of use. Such description shall include an accounting of material deemed hazardous, general rubbish, and recyclable. The reclamation analysis shall be utilized to determine compliance with remediation and restoration requirements following end of use.

B. Safety Measures. The following safety measures are to be implemented for Small Commercial Energy Systems:

- 1. Controls and Brakes. All Commercial Wind Energy Systems (WES) shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the Commercial Wind Energy System. A Professional Engineer must certify that the rotor and over-speed control design and fabrication conform to applicable design standards.
- 2. Installation Certification. The Professional Engineer shall certify that the construction and installation of the Small Commercial Energy System meets or exceeds the manufacturer's construction and installation standards.
- 3. Climb Prevention. All Small Commercial Energy Systems must be unclimbable by the general public by design or protected by anti-climbing devices.
- 4. Fire and Other Risk. All Small Commercial Energy Systems must adhere to all applicable electrical codes and standards, and shall remove fuel sources such as vegetation from the immediate vicinity of electrical equipment and connections.
- 5. Interference. It shall be the responsibility of the applicant to submit acceptable documentation to determine if the improvement would in any way cause interference with

- microwave transmissions, residential television or radio reception and to prevent such interference from occurring.
- 6. Waste. All solid and hazardous wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the Small Commercial Energy System shall be removed from the site immediately and disposed of in a manner consistent with all local, state and federal rules and regulations.
- 7. Liability Insurance. The owner(s) or operators(s) of the SCES shall maintain a current liability insurance policy to cover installation and operation.
- 8. Notification. The owner or operator shall notify Perry Township in writing within twenty-four (24) hours of an occurrence of a SCES collapse, failure, fire, collector or feeder line failure, or injury to person or property.

C. Height.

- 1. Small Commercial Wind Energy Systems (SCWES) shall not exceed four hundred fifty (450) feet in height.
- 2. Compliance with FAA regulations, the Michigan Airport Zoning Act and the Michigan Tall Structures Act shall be verified by the applicant.
- 3. Small Commercial Solar Energy System (SCSES) structures and those affiliated with the System shall be restricted to a maximum height of sixteen (16) feet when oriented at maximum tilt.
- 4. Sub-stations and associated utility poles shall be exempt from height restrictions.

D. Area and Separation Requirements.

- 1. A Small Commercial Solar Energy System petitioned for site plan approval shall not have a maximum electrical production of more than 49 Megawatts. Land required shall not exceed 249 acres. A development area acreage shall be calculated as all areas where above ground improvements, such as solar panel fixtures, generators, interior drives and other features actively utilized to generate electricity or to provide maintenance for the improvements are constructed. Such development area does not include setback areas, bermed areas, fencing, exterior drives, etc. that are not part of the actively utilized component of the operation.
- 2. A Commercial Wind Energy System petitioned for site plan approval shall not have a maximum electrical production of more than 99 Megawatts.

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Total acreage of the development shall not exceed 249 acres. Development area acreage is measured as the edge of the blades of the structures on the perimeter of the parcel. Such development area does not include setback areas, or drives that are not part of the actively utilized component of the operation or utilized by the property owner for other purposes, such as access for agricultural or residential purposes.

3. Each site plan for a project that does exceed the above area requirements shall not be closer than one and a half (1.5) miles from another project that does not exceed the above area requirement.

4. Non-contiguous parcels that make up the total Megawatts allowed for the SCES must provide electricity to the grid at the same transmission point.

E. Non-Participating Parcel Setbacks.

1. All Small Commercial Wind Energy Systems shall maintain a setback from a non-participating parcel property line equal to or greater than three hundred fifty (350) percent of its height as measured from the base of the structure to a non-participating parcel property line.

2. All Small Commercial Solar Energy Systems shall maintain a setback from a non-participating parcel property line three hundred thirty (330) feet as measured from the base of the nearest structure to a non-participating property line.

F. Participating Parcel Setbacks.

1. Small Commercial Energy Systems shall not be subject to property line setbacks between participating parcels excepting where a right-of-way is located between properties or bisecting a property whereas setbacks from a right-of-way below shall be utilized.

2. All Small Commercial Wind Systems shall maintain a setback of one hundred (100) percent of its height as measured from the base of the structure to the exterior wall of a principal or accessory structure on a participating parcel that is used for residential, commercial or assembly purposes.

For accessory structures, the Planning Commission may, at its discretion, allow a setback that is less than one hundred (100) percent of a Commercial Wind Energy height as measured from the base of a structure to the exterior wall of accessory structures on a participating parcel, depending on the current use of such accessory structures and potential impact on the use of those structures.

3. All Small Commercial Solar Energy Systems shall maintain a

setback of one hundred (100) feet as measured from the base of the structure to the exterior wall of a principal or accessory structure on a participating parcel that is used for residential, commercial or assembly purposes. For accessory structures, the Planning Commission may, at its discretion, allow a setback that is less than fifty (50) feet as measured from the base of the structure to the exterior wall of accessory structures on a participating parcel, depending on the current use of such accessory structures and potential impact on the use of those accessory structures.

G. Public Rights-of-Way.

1. All Small Commercial Wind Energy Systems must be setback a distance equal to or greater than one hundred (100) percent of the height of the structure as measured from the base of the structure to a public road or railroad right-of-way and fifty (50) percent from a drain right of way. If the right-of-way is also associated with a non-participating parcel, the more stringent setback shall apply.

2. All Small Commercial Solar Energy Systems must be setback a distance equal to or greater than two hundred (200) from a public right-of-way irrespective of the participating status of the property adjoining at the centerline of the right-of-way.

3. Existing Utility Lines. All Small Commercial Energy Systems must be setback a distance equal to or greater than one hundred (100) percent of the height of the structure as measured from the base of the structure to an existing above-ground public electric power line, telephone line or underground gas transmission line unless said utility owner provides a waiver of such setback. Utility lines implements as part of the application for a Small Commercial Wind Energy System or those utility lines installed after the approval of the SCWES shall be exempt from meeting this requirement.

2.21.15 Specific Requirements: The following specific requirements shall be applied to all Small Commercial Energy Systems. Information obtained from Baseline studies and required information shall document intended compliance, as well as serve to be the basis of future operation and compliance.

A. Sound. The noise generated from a Small Commercial Energy System shall not exceed forty (40) dB(A) as measured at the closest non-participating property line to the CES. This sound pressure level may be exceeded during

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short-term events such as utility shortages or severe storms. If ambient sound pressure level exceeds forty (40) dB(A), the standard shall be the ambient dB(A) plus five (5) dB(A).

- B. Shadow Flicker/Glare. Small Commercial Energy Systems (SCSES) shall be designed, sited, operated, and equipped with proven technology to eliminate shadow flicker or glare on any non-participating parcel or public right-of-way.
- C. Small Commercial Solar Energy Systems shall utilize berming to screen and buffer from non-participating parcels and public road rights-of-way. This may include a combination of berming and landscaping, but a berm is required regardless of proposed landscaping. The berm shall be constructed two feet or greater in height than the proposed equipment or giving consideration to adjacent topography, of sufficient dimension to obscure visibility of the SCSES from non-participating parcels and the public road rights-of-way, excepting necessary ingress and egress points for maintenance and emergency access. Berming shall be at a slope and stability to be capable of being mowed and contain vegetative species native to Michigan.

2.21.16 Decommissioning: Small Commercial Energy System proposals must contain a Decommissioning Plan acceptable to the Planning Commission to ensure that structures and appurtenances upon the end of their operational life, cessation of use, or determination that the Small Commercial Energy Systems is abandoned are removed.

- A. A Decommissioning Plan shall be submitted for review and approval detailing how facilities and improvements will be decommissioned, a Professional Engineer’s estimated cost of Decommissioning, the financial resources to be used to accomplish decommissioning, and the surety bond holder with which the financial resources shall be deposited for use by the Township to implement the Decommissioning Plan upon failure of the owner or operator to implement upon cessation of use or determination of being abandoned. The Decommissioning Plan shall also include an agreement between the owner or operator and the Township that includes, but is not limited to, the following conditions:
 - 1. The financial resources for decommissioning shall be in the form of a surety bond or letter of credit with a replenishment obligation and shall be deposited in an escrow account acceptable to Perry Township. If a surety bond, the Township shall be a

- named obligee such that the issuing insurance company must notify the Township if there is any lapse in coverage of the surety bond.
- 2. The surety bond for decommissioning shall be one hundred fifty percent (150%) of the estimated removal and restoration cost, with an annual increase in value according to the Consumer Price Index (CPI). The Planning Commission may require independent verification of the adequacy of this amount from a Professional Engineer.
- 3. The Planning Commission shall review the amounts deposited for removal, site restoration and administration costs annually, to ensure they are adequate for these purposes. The Planning Commission as part of the special use permit may reasonably increase the surety amount of the previous year’s total financial resource.
- 4. Perry Township shall have access to the escrow account funds for the expressed purpose of completing decommissioning under the Decommissioning Plan. If decommissioning is not completed by the owner or operator within one (1) year upon the termination of the project, determination of being abandoned as described above, action shall be taken to draw upon the escrow account for administrative fees and costs associated with decommissioning pursuant to the Decommissioning Plan.
- 5. The Township is granted the right of entry onto the site, pursuant to reasonable notice to the property owner to effect or complete decommissioning pursuant to the Decommissioning Plan.
- 6. The Township is granted the right to seek injunctive relief to effect or complete decommissioning as well as the Township’s right to seek reimbursement from the owner or operator for decommissioning costs in excess of the surety bond amount. The Township shall have the right to file a lien against any real estate owned by the owner or operator, or in which they have an interest for the amount of the excess and to take all steps allowed by law to enforce the lien.

- B. If it is alleged by the Zoning Administrator that a Small Commercial Energy System has been abandoned, the Township shall provide written notice to the owner or operator of a hearing to be held before the Planning Commission to consider evidence that the Small Commercial Energy System has been abandoned. If a determination

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is made that the SCES has been abandoned, the Planning Commission shall prove the owner or operator of such determination and their obligations. To wit:

Within sixty (60) days of the Planning Commission hearing referenced above, the owner or operator shall commence implementation of the Decommissioning Plan and obtain a demolition permit to remove the improvements.

Failure to obtain a demolition permit within the time period provided in this section shall be grounds for the Township to remove the SCES at the owner's or operator's expense.

C. Decommissioning shall include removal of all equipment associated with the Small Commercial Energy System, including all materials above ground and below ground to a depth of four (4) feet below average grade where footings and other buried improvements were installed. The site shall be restored to a condition that reflects the specific character of the site including topography, vegetation, soils and drainage and the Reclamation Analysis submitted at time of application.

D. Restoration shall include the following: Road repair, if any, and all re-grading, soil stabilization, and re-vegetation necessary to return the subject property to a stable condition consistent with conditions existing prior to establishment of the SCES. Upon written request by the property owner, access drives and associated drainage improvements may continue to exist. The restoration process shall comply with all federal, state and local regulations, including, but not limited to, local erosion control, soil stabilization and/or runoff requirements shall be completed within one (1) year.

E. Enforcement. The enforcement of the Ordinance shall be the responsibility of the Township Zoning Administrator.

- 1. An owner or operator, landowner, firm, association, corporation or representative agent of any Small Commercial Energy System that is found by the Township to be in violation of this Article of the Zoning Ordinance
 - a. Shall provide abatement by shut down, repair, or removal of the SCES upon written notification by the Zoning Administrator;

- b. Shall be subject to all enforcement mechanisms available to the Township;
- c. May be subject to revocation of site plan or other approval for excessive and continued violations and required to reimburse the Township for costs and expenses of obtaining other relief including a temporary or permanent injunction.

2. Annual Inspection. All Small Commercial Energy Systems shall be inspected annually by a Professional Engineer to certify that each structure is in good working order and not a hazard to the public. An annual report shall be submitted to the Planning Commission.

3. Should an aggrieved township resident allege that an SCES is not in compliance with the requirements of the Ordinance, the procedure shall be as follows:

- a. Complaints must be submitted to the Zoning Administrator in writing and include the aggrieved's name, address and contact information. If the township resident does not own the property allegedly being subjected to violations of the Ordinance, the name, address, and contact information for the owner of that parcel shall be provided.
- b. Upon investigation by the Zoning Administrator, if a complaint is deemed credible, the owner of the SCES shall be notified in writing. Within fourteen (14) calendar days, the owner or operator shall provide a statement of compliance or non-compliance.
- c. If the SCES is found to be in violation of the Ordinance, the owner or operator shall take immediate action to bring the SCES into compliance or cease operation until compliance can be maintained. In the event the owner or operator refuses to bring the SCES into compliance within ten (10) days thereafter, the Township

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may seek any relief by law afforded to it.

F. Compliance with Federal and State Rules and Regulations.

1. It shall be the responsibility of the owner or operator of the Small Commercial Energy System to complete the proper FAA applications and obtain proper permits, where applicable, for the construction of such improvements.
2. Compliance with additional regulations. It shall be the responsibility of the owner or operator of a Small Commercial Energy System to obtain all permits and approvals from federal and state regulators prior to the granting of a special use permit. Copies of said approvals must be supplied to the Zoning Administrator prior to the issuance of construction permits.

G. Administrative Provisions Following Approval.

1. An approved Small Commercial Energy System shall expire if construction has not commenced within twenty-four (24) months from the date of issuance. Commencement shall mean the erection of SCES structures.
2. Amendment to Site Location Following Final Site Plan Approval. The Zoning Administrator may approve changes in location of Small Commercial Energy Systems as minor site plan modifications so long as such site location is not altered more than fifty (50) feet, continues to meet all regulations of this Section, and the improvement remains on the same parcel.

Section 2.21.2 RE DISTRICT-LARGE: COMMERCIAL RENEWABLE ENERGY

2.211.1 Intent and Purpose: It is the intent and purpose of this district to recognize that the production of energy primarily for sale to the electric grid from alternative and renewable sources, such as through solar and wind, is a viable land use in Perry Township and therefore shall be considered where there is a demonstrated need, located within reasonable proximity to distribution of energy facilities, and where other uses are low density, or not conflicting by nature. The location, development and operation of such systems are to be regulated in a manner

that takes into consideration locational needs of the use, relationship to surrounding uses and densities of land uses, future restoration of property to a productive use and in general to protect the public health, safety and welfare. Large Commercial Solar and Wind Energy Systems (LCES) are not agricultural or residential enterprises and any parcel on which they are to be constructed must be rezoned as a Renewable Energy Facility under this section.

Large is defined as Solar systems generating 50 Megawatts or more of electricity and Wind systems generating 100 Megawatts of electricity or more.

2.21.21 Uses Permitted by Right: None

2.21.22 Uses Permitted by Special Use Permit: Commercial Solar and Wind Energy Systems-Large. The remaining Sections of this RE District detail requirements to obtain the Special Use Permit.

2.21.23 Approval Required: Large Commercial Energy Systems are permitted by issuance of a final site plan by the Planning Commission in the RE District. In the event it is necessary that a Wind Energy Conversion System Testing Facility be erected to monitor meteorological conditions for the life of the project, such Testing Facility shall be included as part of the final site plan approval process.

2.21.24 General Standards and Information Required: The following general standards and information requirement shall apply to all proposed Large Commercial Energy Systems:

A. Baseline Information and Studies.

1. Project Description and Rationale. Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, developmental phases (and potential future expansions) and likely markets for the generated energy.
2. Migratory and Game Birds. An avian study is required to be conducted by a qualified professional to determine any potential impacts that a Small Commercial Solar or Wind Energy System Facility may present to migratory and game birds. The study and its results must provide assurances that a Commercial Solar or Wind Energy System does not negatively impact the path of migratory birds or the viability of game birds.
3. Endangered species/Wildlife Study. An endangered species and general wildlife study is required and is to be conducted by a qualified professional to determine any potential impacts the Large Commercial Energy System (LCES) may present to

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endangered species or wildlife in general. The study must provide assurances that the Commercial System does not negatively impact endangered species or disrupt wildlife sustainability in general.

4. Sound Study. An applicant for an LCES shall provide a study and report declaring the ambient and potential sound created by the System. The study should specifically address sound created by an LCES at non-participating parcel boundaries, along property lines between participating and non-participating parcels and at structures intended for human occupancy. The study and report must be produced with the most current protocol for ANSI S12.9, Part 3, ANSI S12.100 and other applicable ANSI standards and methodology for the measurement of sound.

5. Shadow Flicker/Glare Impact Analysis. The applicant shall provide a study identifying through modeling the potential impact of shadow flicker and/or glare that may be caused by an LCES and the expected durations of the shadow flicker or glare from sunrise to sunset over the course of the calendar year.

6. Transportation Plan. Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent public roads and the layout of the facility service road system. Describe proposed mitigation efforts to ensure viability of public roads, estimates of costs for those mitigation efforts, and estimates of cost for restoration of any public road to predevelopment viability.

7. Emergency Response Plan. Provide a plan for addressing emergency response from local authorities related to the project. Such plan shall include detailed accounting of potential sources of fire, debris, or other materials and events that would potentially cause harm to the general public or emergency responders. Local emergency authorities shall also be provided detailed information as to best practices and standards for responding to emergency events.

8. Reclamation Analysis. Identify impacts on water, soil and air quality resulting from intended development of an LCES. The applicant shall provide for testing of above items prior to development and post development, and shall incorporate data obtained into the decommissioning plan to

ensure restoration of property to pre-use status or alternative declared viability. This plan shall also provide a waste disposal description anticipated at the end of use. Such description shall include an accounting of material deemed hazardous, general rubbish, and recyclable. The reclamation analysis shall be utilized to determine compliance with remediation and restoration requirements following end of use.

B. Safety Measures. The following safety measures are to be implemented for Large Commercial Energy Systems:

1. Controls and Brakes. All Large Commercial Wind Energy Systems (LCWES) shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the Large Commercial Wind Energy System. A Professional Engineer must certify that the rotor and over-speed control design and fabrication conform to applicable design standards.

2. Installation Certification. The Professional Engineer shall certify that the construction and installation of the Large Commercial Energy System meets or exceeds the manufacturer's construction and installation standards.

3. Climb Prevention. All Large Commercial Energy Systems must be unclimbable by the general public by design or protected by anti-climbing devices.

4. 4. Fire and Other Risk. All Large Commercial Energy Systems must adhere to all applicable electrical codes and standards, and shall remove fuel sources such as vegetation from the immediate vicinity of electrical equipment and connections.

5. Interference. It shall be the responsibility of the applicant to submit acceptable documentation to determine if the improvement would in any way cause interference with microwave transmissions, residential television or radio reception and to prevent such interference from occurring.

6. Waste. All solid and hazardous wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the Large Commercial Energy System shall be removed from the site immediately and disposed of in a

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manner consistent with all local, state and federal rules and regulations.

- 7. Liability Insurance. The owner(s) or operators(s) of the LCES shall maintain a current liability insurance policy to cover installation and operation.
- 8. Notification. The owner or operator shall notify Perry Township in writing within twenty-four (24) hours of an occurrence of a LCES collapse, failure, fire, collector or feeder line failure, or injury to person or property.

C. Height.

- 1. Large Commercial Wind Energy Systems (LCWES) shall not exceed the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.
- 2. Large Commercial Solar Energy System (LCSES) structures and those affiliated with the System shall be restricted to a maximum height of twenty-five (25) feet when oriented at maximum tilt.
- 3. Sub-stations and associated utility poles shall be exempt from height restrictions.

D. Area and Separation Requirements.

- 1. A Large Commercial Solar Energy System petitioned for site plan approval shall have a minimum electrical production of 50 Megawatts or more.
- 2. A Large Commercial Wind Energy System petitioned for site plan approval shall have a minimum electrical production of 100 Megawatts.
- 3. Non-contiguous parcels that make up the total Megawatts allowed for the LCES must provide electricity to the grid at the same transmission point.

E. Non-Participating Parcel Setbacks

- 4. All Large Commercial Wind Energy Systems shall maintain a setback from a non-participating parcel property line 1.1 times the maximum blade tip height.
- 5. All Large Commercial Wind Energy Systems shall maintain a setback from non-participating occupied community buildings and residences 2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure.

- 6. All Large Commercial Solar Energy Systems shall maintain a setback from a non-participating parcel property line 50 feet from the nearest shared property line.
- 7. All Large Commercial Solar Energy Systems shall maintain a setback of 300 feet from the nearest point on an outer wall of a non-participating occupied community buildings or residences.

E. Non- Participating Parcel Setbacks.

- 1. All Large Commercial Wind Systems shall maintain a setback of 1.1 times the maximum blade tip height to the nearest point on the outside of residences and other structures on participating properties.
- 2. All Large Commercial Solar Energy Systems shall maintain a setback of 50 feet as measured from the base of the structure to the exterior wall of a principal or accessory structure on a participating parcel that is used for residential, commercial or assembly purposes.

F. Public Rights-of-Way.

- 1. All Large Commercial Wind Energy Systems must be setback 1.1 times the maximum blade tip height to the centerline of the public road right-of-way.
- 2. All Large Commercial Solar Energy Systems must be setback 50 feet measured from the nearest edge of a public road right-of-way.
- 3. For overhead communication and electric transmission, not including service lines to individual houses or outbuildings, all Large Commercial Wind Energy Systems must be setback 1.1 times the maximum blade tip height to the centerline of the easement containing the overhead line.

2.21.25 Specific Requirements: The following specific requirements shall be applied to all Large Commercial Energy Systems. Information obtained from Baseline studies and required information shall document intended compliance, as well as serve to be the basis of future operation and compliance.

A. Sound. The noise generated from a Large Commercial Energy System does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent non-participating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

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B. Shadow Flicker/Glare. Each Large Commercial Wind Energy System wind tower shall be sited such that any occupied community building or non-participating residence will not experience more than 30 hours per year of shadow-flicker under planned operating conditions as indicated by industry standard computer modeling. The LCWES must be equipped with a functioning light-mitigating technology. A Large Commercial Solar Energy System will implement dark sky-friendly lighting solutions.

C. Fencing. LCSES must comply with the latest version of the National Electric Code as of the effective date of this zoning addition.

D. If construction of a large energy facility is not commenced within 5 years after the date that approval is issued, the approval is null and void.

2.21.26 Decommissioning: Large Commercial Energy System proposals must contain a Decommissioning Plan acceptable to the Planning Commission to ensure that structures and appurtenances upon the end of their operational life, cessation of use, or determination that the Small Commercial Energy Systems is abandoned are removed.

A. A Decommissioning Plan shall be submitted for review and approval detailing how facilities and improvements will be decommissioned, a Professional Engineer’s estimated cost of Decommissioning, the financial resources to be used to accomplish decommissioning, and the surety bond holder with which the financial resources shall be deposited for use by the Township to implement the Decommissioning Plan upon failure of the owner or operator to implement upon cessation of use or determination of being abandoned. The Decommissioning Plan shall also include an agreement between the owner or operator and the Township that includes, but is not limited to, the following conditions:

B. If it is alleged by the Zoning Administrator that a Large Commercial Energy System has been abandoned, the Township shall provide written notice to the owner or operator of a hearing to be held before the Planning Commission to consider evidence that the Large Commercial Energy System has been abandoned. If a determination is made that the SCES has been abandoned, the Planning Commission shall prove the owner or operator of such determination and their obligations. To wit:

Within sixty (60) days of the Planning Commission hearing referenced above, the

owner or operator shall commence implementation of the Decommissioning Plan and obtain a demolition permit to remove the improvements.

Failure to obtain a demolition permit within the time period provided in this section shall be grounds for the Township to remove the LCES at the owner’s or operator’s expense.

C. Decommissioning shall include removal of all equipment associated with the Large Commercial Energy System, including all materials above ground and below ground to a depth of four (4) feet below average grade where footings and other buried improvements were installed. The site shall be restored to a condition that reflects the specific character of the site including topography, vegetation, soils and drainage and the Reclamation Analysis submitted at time of application.

D. Restoration shall include the following: Road repair, if any, and all re-grading, soil stabilization, and re-vegetation necessary to return the subject property to a stable condition consistent with conditions existing prior to establishment of the LCES. Upon written request by the property owner, access drives and associated drainage improvements may continue to exist. The restoration process shall comply with all federal, state and local regulations, including, but not limited to, local erosion control, soil stabilization and/or runoff requirements shall be completed within one (1) year.

E. Enforcement. The enforcement of the Ordinance shall be the responsibility of the Township Zoning Administrator.

1. An owner or operator, landowner, firm, association, corporation or representative agent of any Large Commercial Energy System that is found by the Township to be in violation of this Article of the Zoning Ordinance

- a. Shall provide abatement by shut down, repair, or removal of the LCES upon written notification by the Zoning Administrator;
- b. Shall be subject to all enforcement mechanisms available to the Township;
- c. May be subject to revocation of site plan or other approval for excessive and continued violations and required to reimburse the Township for costs and expenses of obtaining other relief including a temporary or permanent injunction.

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2. Annual Inspection. All Large Commercial Energy Systems shall be inspected annually by a Professional Engineer to certify that each structure is in good working order and not a hazard to the public. An annual report shall be submitted to the Planning Commission.

3. Should an aggrieved township resident allege that an LCES is not in compliance with the requirements of the Ordinance, the procedure shall be as follows:

- a. Complaints must be submitted to the Zoning Administrator in writing and include the aggrieved's name, address and contact information. If the township resident does not own the property allegedly being subjected to violations of the Ordinance, the name, address, and contact information for the owner of that parcel shall be provided.
- b. Upon investigation by the Zoning Administrator, if a complaint is deemed credible, the owner of the LCES shall be notified in writing. Within fourteen (14) calendar days, the owner or operator shall provide a statement of compliance or non-compliance.
- c. If the LCES is found to be in violation of the Ordinance, the owner or operator shall take immediate action to bring the LCES into compliance or cease operation until compliance can be maintained. In the event the owner or operator refuses to bring the LCES into compliance within ten (10) days thereafter, the Township may seek any relief by law afforded to it.

F. Compliance with Federal and State Rules and Regulations.

- 1. It shall be the responsibility of the owner or operator of the Small Commercial Energy System to complete the proper FAA applications and obtain proper permits, where applicable, for the construction of such improvements.
- 2. Compliance with additional regulations. It shall be the

responsibility of the owner or operator of a Large Commercial Energy System to obtain all permits and approvals from federal and state regulators prior to the granting of a special use permit. Copies of said approvals must be supplied to the Zoning Administrator prior to the issuance of construction permits.

Section 2.22 M-1 DISTRICT: LIGHT INDUSTRY

2.22.1 Intent and Purpose: It is the intent of this district to provide for a variety of light industrial and commercial uses characterized by relatively low traffic generation and the absence of objectionable external effects in areas of the Township affording direct access to county major thoroughfares, railroads, and airports. Such areas are intended to be served by electric power, public water, sanitary sewer and adequate storm water drainage. Such industrial areas should be free incompatible uses and be designed so as not to harm adjoining land uses.

2.22.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4. These uses are permitted when conducted in a permanent fully enclosed building.

2.22.3 Accessory Buildings, Structures and Uses, Parking and Signs:

Accessory uses as listed in Table 2-3, Section 2.26.5 are permitted, as well as those listed below:

- A. Accessory uses clearly appurtenant to the main use of the lot and customary to and commonly associated with the main use such as:
 - 1. Incidental offices for management and materials control.
 - 2. Restaurant or cafeteria facilities for employees working on the premises.
 - 3. Caretaker's or watchman's quarters, including sleeping, culinary and sanitary facilities, provided that the requirements of Section 5.3.1.G. are met:
- B. Signs; see Article 9.
- C. Vehicle parking; see Article 7.

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C. Vehicle parking; see Article 7.

2.22.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area, and maximum height of buildings specified in Schedule B, Section 3.3 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Developments, Article 5, Supplementary Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

2.23.4 Dimensional Requirements: All lots of record shall conform to the minimum dimensions for lot area, lot width, front, rear and side yards; all lots shall conform with the required dimensions for maximum lot coverage, minimum floor area and maximum height of buildings specified in Schedule B, Section 3.3 of this Ordinance, except as otherwise stated in the above text of this district or as modified by Article 4, Specific Use Regulations, Article 13, Planned Unit Developments, Article 5, Supplementary Regulations, or as varied by the Board of Appeals pursuant to Article 18 of this Ordinance.

Section 2.23 M-2 DISTRICT: HEAVY INDUSTRIAL

2.23.1 Intent and Purpose: This district is intended to encourage and facilitate the development of industrial enterprises in a setting conducive to public health, economic stability and growth; protection from light, deterioration and non-industrial encroachment; and efficient traffic movement including employee, truck and rail traffic. Land conducive to the intent of this district is located on all-weather highways, provided with public sanitary sewer, water, and storm drainage, has close proximity to a labor force, and has adequate land for future expansion. Since such property is limited in availability, it will be restricted for industrial use in the interest of the community's tax base and economic growth and development.

2.23.2 Permitted Uses: The uses allowed by right, by right with conditions and by Special Use Permit are listed on Table 2-2, Section 2.26.4.

2.23.3 Accessory Buildings, Structures and Uses, Parking and Signs:

Accessory uses as listed in Table 2-3, Section 2.26.5 are permitted, as well as those listed below:

A. Accessory uses clearly appurtenant to the main use of the lot and customary to and commonly associated with the main use such as:

1. Incidental offices for management and materials control.
2. Restaurant or cafeteria facilities for employees working on the premises.
3. Caretaker's or watchman's quarters, including sleeping, culinary and sanitary facilities, provided that the requirements of Section 5.3.1.G. are met.

B. Signs; see Article 9.

Section 2.24 RESERVED FOR FUTURE

Section 2.25 DEFINITIONS OF USE CLASSES & PERMITTED USES

2.25.1 Definitions of Use Classes

Use classes arrange land uses and activities into use categories based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

A. When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore and bakery, for example, would be classified in the General Retail Establishments category, because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

B. Accessory uses are allowed in conjunction with a principal use subject to any special regulations applicable to it, and to the regulations applicable to the principal use if there are no special regulations. See also Article 5 for additional accessory use regulations.

C. The list of examples of permitted uses on Table 2-1, Section 2.26.3, lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "Wholesale Warehouse" but that sells mostly to consumers is included in the General Retail Establishments category rather than the Wholesale Trade Establishments category. This is because the actual activity on the site matches the description of the General Retail Establishments category.

D. Not every use permitted on Table 2-2, in Section 2.26.4 is listed in a category on Table 2-1, Section 2.26.3. Many uncategorized uses are special uses for which particular standards are provided in Article 4. Others are basic uses allowed by right. Some uses are listed in more than one category (e.g. grain elevators as agricultural service establishments and also as wholesale trade establishments).

E. Definitions of individual land uses are found in Article 21, Definitions.

2.25.2 Similar Use Interpretations: The following considerations shall be used by the Zoning Administrator in making similar use interpretations (see also Section 18.4.4, on an appeal):

A. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.

B. The relative amount of site area or floor space and equipment devoted to the activity.

C. Relative amounts of sales from each activity.

D. The customer type for each activity (retail or wholesale).

E. The relative number of employees in each activity.

F. Hours of operation.

G. Building and site arrangement.

H. Vehicles used with the activity.

I. The relative number of vehicle trips generated by the use.

J. How the use advertises itself.

Section 2.25.3 Table 2-1 presents land use classes, definitions and examples of uses permitted.

Section 2.25.4 Use Table: Table 2-2 presents land uses permitted by district and the type of approval required.

Section 2.25.5 Accessory Use Table: Table 2-3 presents accessory uses, structures and buildings by district and the type of approval required.

Section 2.25.3

Table 2-1

**USE CLASSES, DEFINITIONS & EXAMPLES OF
USES PERMITTED**

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED
<p>Agricultural Service Establishments Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, and farm labor and management services.</p>	<p>Livestock auction yards; livestock transport facilities; slaughterhouses; sawmills; grain and seed elevators and sales; fertilizer, herbicide and pesticide sales; farm implements sales or repair; and cold storage of agricultural products.</p> <p>Other establishments similar to and compatible with the above establishments.</p>
<p>Business Service Establishments Establishments primarily engaged in rendering services to business establishments on a fee or contract basis as well as finance, insurance and real estate services.</p>	<p>Advertising and mailing; stenographic services; temporary personnel services; duplicating and copying services; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; photo finishing; and office supply services.</p> <p>Banks and savings and loans; credit unions; mortgage companies; credit agencies; investment companies; brokers and dealers of securities and commodities; security and commodity exchanges; insurance agencies; agents and developers of real estate.</p> <p>Other establishments similar to and compatible with the above establishments.</p>
<p>Commercial Agriculture or Horticulture The commercial production, harvesting and storage of farm products on a farm and the farm operations typically attendant thereto, as defined in the Michigan Right to Farm Act, Public Act 93 of 1981; as amended,</p>	<p>Field crop and fruit farming; truck farming; nurseries; greenhouses; apiaries; annelid farms; similar agricultural enterprises. and the usual farm buildings associated with such uses. A cervidae livestock operation as defined and regulated by Act No, 191 of the Public Acts of 2000 Other agricultural uses similar to and compatible with the above uses.</p>
<p>Community Residential Care Facilities Community residential care facilities provide shelter and care for individuals with special needs in single family dwellings for six or less persons or in larger facilities when more persons are assisted. These are all state-regulated facilities.</p>	<p>Child care center/day care center; family day care home; group day care homes; adult foster care: group homes and congregate homes. [Each of these terms is defined in Article 21 see "human care".]</p> <p>Other establishments similar to and compatible with the above establishments.</p>

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USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED
<p>Convenience Retail Establishments A retail establishment offering for sale prepackaged food products, milk, bread, donuts, sandwiches, beverages, newspapers and magazines, household items, pharmaceuticals, and other items for off-premises consumption. These are usually short trip, high volume uses not more than 3,500 square feet in size. A convenience retail establishment can share a building with another use, such as an automobile service station. Drive-through establishments are not convenience retail establishments.</p>	<p>Party stores; drug stores; grocery stores; bakeries; delicatessens; magazine and newspaper stands.</p> <p>Other retail establishments similar to and compatible with the above establishments.</p>
<p>Dangerous Chemicals: Manufacturing, Storage and/or Distribution Manufacturing establishments which produce flammable, explosive or corrosive substances subject to state or federal regulation.</p>	<p>Manufacture of fireworks, petroleum products, industrial acids or similar substances; refineries. Other establishments similar to and compatible with the above establishments.</p>
<p>Drive-through Establishments An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to conveniently make deposits, view specified objects, receive services, or obtain goods without disembarking from their motor vehicles, and then proceeding elsewhere. Distinguished from a drive-in establishment by the absence of parking while the service is being provided (as in a drive-in theater).</p>	<p>Drive-through fast food restaurants, banks, drug stores, photo shops, grocery or party stores, and related businesses. A drive-through window, or motor vehicle oriented pick-up window, even if accessory to the principal use, shall subject the use to all the standards applicable to uses in which the drive-through aspect is a principal feature of the use. Other retail and business service establishments similar to and compatible with the above uses.</p>
<p>Educational and Social Institutions An educational institution is any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.</p> <p>A social institution is any building or part thereof which is designed, constructed, or used to provide a service of a public, nonprofit or charitable nature to the people of the community on an ongoing basis (not just special events).</p> <p>Educational and social institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.</p>	<p>Public or private elementary and secondary schools; military schools; business, trade and vocational schools (not construction equipment); art, music and dance schools; drivers training (not large vehicles); institutions for higher education; museums; auditoriums and other places for public assembly.</p> <p>Facilities to house charitable, eleemosynary or philanthropic organizations such as United Way, Red Cross, Salvation Army, as well as centers for social activities such as neighborhood, community or senior centers.</p> <p>Other institutions similar to and compatible with the above uses.</p>

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USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED
<p>Essential Services The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of overhead, surface or underground gas, communication, telephone, television, electrical, steam, fuel or water distribution or transmission systems, collection, supply or disposal systems including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers or office buildings, substations, or structures for service equipment, or maintenance depots.</p>	<p>Telephone, television, and electrical lines; sanitary sewer, storm sewer and water lines; gas and oil lines that link homes, businesses, schools and other buildings to utility and public services structures.</p> <p>Also includes public roads and road rights-of-way.</p>
<p>Food Service Establishments An establishment where food and drink are prepared, served and consumed primarily on the premises.</p>	<p>Restaurants (eat-in, take-out and drive-in, but not drive through); bakeries; cafes; coffee shops; delicatessens; diners; soup kitchens; and related uses similar to and compatible with the above uses.</p>
<p>General Retail Establishments The principal activity of general retail establishments is the purchase and resale, leasing or renting of goods or merchandise to the public for personal, household, or business use or consumption and rendering services incidental to the sale of such goods. There may be processing or manufacturing of products incidental or subordinate to the selling activities (such as a bakery or delicatessen at a grocery store). A common accessory use is repair of products sold on the premises.</p>	<p>Stores selling, leasing, or renting consumer, home and business goods including but not limited to: appliances; art and art supplies; antiques; bicycles; books, magazines and stationary; clothing; dry goods; electronic equipment; fabric; furniture; garden supplies, plants, greenhouses and nurseries; gifts and novelties; groceries; hardware; home improvements; household products; jewelry; office supplies; pets and pet food; toys; and videos, prepackaged and fresh food. Other retail establishments similar to and compatible with the above establishments.</p>
<p>Group Housing Group housing is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of a "family" but often share a common situation. The size of the group may be larger than the average size of a household. Tenancy is usually arranged on a monthly or longer basis. It is a form of transient lodging. There is usually a common eating area for residents.</p>	<p>Fraternities, sororities, monasteries, seminaries and convents. Other housing similar to and compatible with the above housing.</p> <p>Does not include prisons, other correctional facilities, community residential care facilities or institutions for human care.</p>

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USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED
<p>Indoor Entertainment Establishments Business establishments providing recreation that diverts, amuses, entertains, or provides entertainment or other hospitality associated with food service or accommodations. Does not include drive-through establishments.</p> <p>Additional regulations apply to indoor entertainment establishments that serve alcohol.</p>	<p>Restaurants; cafes; bars and taverns; nightclubs; cabarets; bowling alleys; ice or roller blade rinks; indoor soccer fields and racquet courts; amusement centers and game arcades; bingo parlors; pool or billiard halls; dance halls; theaters; membership clubs and lodges; saunas, hot tubs and similar establishments; hotels, motels and other temporary lodging with an average length of stay of less than 30 days. The following sexually oriented businesses are also indoor entertainment establishments: adult arcades, adult bookstore or adult video stores, adult cabarets, adult motel, adult motion picture theater, adult theater, massage parlors and sexual encounter center.</p> <p>Other establishments similar to and compatible with the above establishments.</p> <p>Restaurants and cafes without entertainment are not indoor entertainment establishments, they are food service establishments. Hotels, motels and other temporary lodging are not indoor entertainment establishments if there is no entertainment offered, they are lodging/accommodation establishments.</p>
<p>Industrial Service Establishments Industrial service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.</p>	<p><u>Light</u>: Welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; auto and small truck engine, radiator, transmission, body and frame repair; building, heating, plumbing or electrical contractors; general building contractors; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; liquefied petroleum gas distribution facilities, solid fuel yards; research and development laboratories; laundry, dry-cleaning and carpet cleaning plants; and photo-finishing laboratories.</p> <p><u>Heavy</u>: Sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; truck stops; heavy construction contractors with large equipment stored on site, and heavy equipment trade schools.</p> <p>Other establishments similar to and compatible with the above establishments.</p>

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USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED
<p>Institutions for Human Care and Habitation Institutions for human care include a broad spectrum of facilities for the diagnosis, treatment, care, rehabilitation or training of persons who may be ill, physically disabled, mentally retarded, emotionally disturbed, drug or alcohol dependent. Also includes facilities designed to meet the temporary housing needs of special populations (e.g. homeless, abused spouses, etc.). Does not include correctional facilities.</p>	<p>Nursing or convalescent homes; homes for the aged; assisted living facilities; orphanages; sanitariums; halfway houses; spouse abuse shelters; homeless shelters.</p> <p>Other institutions similar to and compatible with the above uses.</p>
<p>Lodging/Accommodations A facility offering transient lodging accommodations to the general public and possibly providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities as accessory uses.</p>	<p>Hotels, motels, auto courts, bed & breakfast operations, lodges, residence inns, and other resident lodging facilities.</p> <p>Other establishments similar to and compatible with the above uses</p>
<p>Manufacturing Establishments Manufacturing and production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.</p>	<p><u>Light</u>: Creameries; bottling works; bakery goods; candy; food products; printing, publishing and engraving shops; automotive products; vehicle assembly; fabricated metal products; forming and molding plastic products; cosmetics; pharmaceuticals; toiletries; hardware and cutlery; tool, die, gauge and machine shops; processing of machine parts; musical instruments; toys; novelties; metal or rubber stamps; molded rubber products; monument and art stone production; industrial laundry operations; wood products processing facility; assembly of electrical appliances, electronic instruments and devices; radios and phonographs; and dry bulk blending plant or handling or liquid nitrogen fertilizer and anhydrous ammonia.</p> <p><u>Heavy</u>: Drop forging; heavy stamping; punch pressing; heat treating, plating, hammering; or other similar activities; automobile, truck or other large equipment assembly; manufacture of metallurgical products; and heavy machinery fabrication.</p> <p>Other manufacturing establishments similar to and compatible with the above establishments.</p>
<p>Medical Service Establishments Health care facilities providing medical, dental, surgical and preventive health services to patients as well as establishments providing support to health professionals and patients such as medical laboratories, medical suppliers and service establishments.</p>	<p><u>Small</u>: Medical or dental clinics; doctor or dentist offices; medical or dental labs; blood collection facilities; x-ray and related scanning facilities; emergency medical care facilities; sales of medical supplies and prosthetics; drug stores; pharmacies; therapeutic massage by licensed masseuses, physical therapists, rehabilitation therapists, nurses, or physicians.</p> <p><u>Large</u>: Hospitals.</p> <p>Other establishments similar to and compatible with the above establishments.</p>

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USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED
<p>Multiple Family Dwellings A building or portion thereof used and designed to contain separate living quarters for three or more families on one or more levels, but which may have joint services or facilities, such as for laundry or storage.</p>	<p>Apartment building, garden apartments; and condominiums, townhouses, and row houses when considering the entire structure (not the individual dwelling units).</p> <p>Other housing similar to and compatible with the above housing.</p>
<p>Office Establishments Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services. Accessory uses may include cafeterias and health facilities established primarily to service the needs of employees on the premises.</p>	<p>Financial institutions: lenders, brokerage houses, banks; insurance offices; real estate offices; offices for attorneys, accountants, architects, engineers and similar professionals; data processing, telemarketing sales; government offices; public utility offices.</p> <p>Other office establishments similar to and compatible with the above establishments.</p>
<p>Outdoor Recreation & Entertainment Establishments Outdoor recreation and entertainment uses provide continuous, intermittent or seasonal recreation and/or entertainment-oriented activities largely in an outdoor setting. They may take place in a number of structures that are arranged together in an outdoor setting. There may be concessions, restaurants, retail shops selling items related to the recreation or entertainment uses, office for management functions, spectator seating and service areas, including locker rooms and rest rooms, caretaker's quarters and maintenance facilities in addition to structures for the principal uses.</p> <p>Additional regulations apply to outdoor entertainment establishments that serve alcohol.</p>	<p>Amusement and water parks; theme parks; fairgrounds; zoos; golf driving ranges; miniature golf facilities; animal racing; go-cart, automobile or motorcycle tracks; amphitheaters; air gun or survival games; batting cages; ski slope; mud bogging, and skate board parks.</p> <p>Other uses similar to and compatible with the above establishments.</p>
<p>Personal Service Establishments Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.</p>	<p>Self-service laundry; laundry pick-up stations; dry cleaning and pressing services performing work on the premises not brought from other pick-up stations; linen supply; diaper service; nails, beauty and barber shops and salons; shoeshine and shoe repair; funeral services; tanning, steam baths, reducing salons and health clubs; tailor and dressmaker shops; tuxedo rental; photographic studios; animal grooming; and domestic services.</p> <p>Other personal service establishments similar to and compatible with the above establishments. Does not include massage services except as accessory to a beauty shop or salon.</p>
<p>Public Buildings Buildings housing public services usually in offices; but not including "Utility and Public Service Installations" or "Educational and Social Institutions".</p>	<p>Libraries, museums, post offices, township hall, police station, fire hall and other public buildings similar to and compatible with the above uses.</p>

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USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED
<p>Religious Institutions Religious institutions primarily provide meeting areas for religious activities. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on site (as an accessory use).</p>	<p>Churches, synagogues, temples, mosques.</p> <p>Other institutions similar to and compatible with the above establishments.</p> <p>Schools, day care centers, homeless shelters, soup kitchens and other uses sometimes associated with religious institutions are separate principal uses.</p>
<p>Repair Services Establishments that service or repair appliances, electrical equipment or other mechanical equipment or consumer goods. Includes customer drop-off and pick-up as well as off-site service calls.</p>	<p><u>Light</u>: Repair of televisions, bicycles, clocks, watches, cameras, shoes, guns, appliances and office equipment; clothing; locks, and upholstery.</p> <p><u>Medium</u>: Repair of small engines like lawn motors and small electric motors.</p> <p>Other establishments similar to and compatible with the above establishments. Does not include repair of motor vehicles.</p>
<p>Research and Development Establishments An establishment or other facility for carrying on investigation in the natural, physical or social sciences which may include engineering and product development.</p>	<p>Laboratories, research park, computer and related development and testing facility, software development.</p> <p>Other establishments similar to and compatible with the above establishments.</p>
<p>Sexually Oriented Businesses Business or commercial enterprises engaging in the provision of sexually oriented products and services to adults. Often of an adult entertainment character.</p>	<p>Adult arcade; adult bookstore or adult video store; adult cabaret; adult motel; adult motion picture theater; adult theater; escort agency; massage parlor; nude model studio; and sexual encounter center.</p> <p>Other adult entertainment establishments similar to the above establishments.</p>
<p>Single Family Dwelling A building containing not more than one dwelling unit used, intended or designed to be used as the home, residence or sleeping place of one-family. See Figure 21-10.</p>	<p>Site constructed home, modular home, or manufactured home.</p> <p>Other housing similar to and compatible with the above housing.</p>
<p>Two-Family Dwelling A building containing not more than two dwelling units, each designed and used exclusively as the home, residence or sleeping place of one-family.</p> <p>An ECHO unit approved pursuant to Section 4.3.23 does not redefine a single-family dwelling as a two-family dwelling for the purposes of this Ordinance.</p>	<p>A duplex; a building with two dwellings constructed side-by-side, front-to-back, over and under, or some combination of the above. Can be new construction or modification of an existing structure provided each dwelling is separate.</p> <p>Other housing with only two units similar to and compatible with the above housing.</p>

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USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED
<p>Utility and Public Service Installations A building or structure within which a utility or transportation service deemed necessary for the public health, safety or general welfare (an essential service) is provided to the public by an entity under public franchise or ownership; including but not limited to facilities created for the generation, transmission and/or distribution of electricity, gas, steam, communications, television, and water; the collection and treatment of sewage and solid waste; and the provision of roads, rails, air or mass transportation.</p> <p>Accessory uses may include offices, truck and large equipment parking, fueling and maintenance.</p>	<p>Water and sewage treatment facilities; water towers; large scale artificially constructed storm water retention and detention facilities; telephone exchanges; recycling collection centers; electrical substations, gas regulator stations; radio, television, cellular and microwave transmitter towers or other communication towers; satellite antennas larger than ten feet in diameter; road maintenance and other public works garages.</p> <p>Other utility and public service structures similar to and compatible with the above establishments.</p>
<p>Vehicle Sales and Service Establishments Retail sales and service of motorized land and water vehicles. Generally the customer does not wait at the site while the service or repair is being performed. Accessory uses may include offices, showrooms, sales of parts, and vehicle storage.</p>	<p>Sales of new and used automobiles, light and medium trucks; mobile homes; boats; campers and other recreational vehicles; trailers; motorcycles, snow mobiles, personal watercraft and other motorized sporting goods.</p> <p>Service and repair of the above vehicles including: engine or transmission repair, muffler, brakes and windshield repair or replacement; upholstery repair; tire sales, alignment and mounting; auto detailing; vehicle wash; oil change, lubrication and related services; automobile service stations; towing and short term vehicle storage.</p> <p>Other establishments similar to and compatible with the above establishments. Does not include: auto body shop; frame reconstruction; repair and service of industrial vehicles and heavy trucks.</p>
<p>Wholesale Trade Establishments Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, fueling and maintenance.</p>	<p>Warehousing, storage or transfer buildings, excluding the storage of flammable liquids. Truck, rail or air freight terminals; bus barns; parcel services, grain elevators and terminals; lumber companies selling at wholesale; stockpiling of sand, gravel or other aggregate materials.</p> <p>Other retail establishments similar to and compatible with the above establishments.</p>

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Section 2.25.4 Table 2-2

ZONING DISTRICTS															
Land Uses: Principal Uses by Use Class	A-1	A-2	R-1A	R-1B	R-1C	R-1D	R-M1	R-T	O-1	B-1	B-2	B-3	M-1	M-2	Use specific standard(s) Section number
RESIDENTIAL & RELATED USES															
Bed and breakfast operations	S	S	S	S	S	S	S								4.3.8
Boarding houses							RC								4.3.10
Community residential care facilities 6 or less persons		R	R	R	R	R	R	R							
Community residential care facility > 6 persons < 13 persons		S		S	S	S	S	S	R	S	R	R			4.3.17
ECHO housing	S	S	S	S											4.3.23
Group housing development							S								4.3.48
Mobile home parks								RC							4.3.46
Mobile home subdivisions								RC							2.15.2
Multiple family dwellings <12 units							R								4.3.48
Multiple family dwellings > 12 units							S								4.3.48
P.U.D. mixed use					P	P	P								Art. 13
Residential P.U.D.			P	P	P	P	P	P							Art. 13
Residential subdivisions			RC	RC	RC	RC	RC	RC							5.2.10
Single-family (SF) dwellings		R	R	R	R	R	R	R							
Two-family dwellings						R	R								

See end of last table for legend

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Table 2-2 continued

ZONING DISTRICTS															
Land Uses: Principal Uses by Use Class	A-1	A-2	R-1A	R-1B	R-1C	R-1D	R-M1	R-T	O-1	B-1	B-2	B-3	M-1	M-2	Use specific standard(s) Section number
CIVIC, NONPROFIT, INSTITUTIONAL, PUBLIC & PRIVATE RECREATION & RELATED USES															
campgrounds	S	S													4.3.12
Cemeteries, crematories and/or mausoleums	S	S					S				S				4.3.13
Conservation areas	R	R													
Educational and social institutions		S	S	S	S	S	S		S	S	S				4.3.24
Essential services	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
Golf courses and country clubs	S	S	S	S	S	S	S	S							4.3.33
Institutions for human care and habitation		S	S	S	S	S	S		R	S	R				4.3.39
Medical service establishments, large-hospitals									S	S	S				4.3.37
Private clubs and lodges							S		S		S	S			4.3.55
Public buildings	S	S	S	S	S	S	S	S	S	S	S	S	S	S	4.3.57
Public recreation or playgrounds >20,000 sq. ft.	RC	RC	RC	RC	RC	RC	RC	RC	RC						4.3.58
PUD-Institutional							P		P		P	P	P		Art. 13
Religious institutions	S	S	S	S	S	S	S	S	R	S	R	R			4.3.60
Utility and public service installations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	4.3.69
Watercraft access site	S	S	S							S	S				4.3.74

See end of last table for legend

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Table 2-2 continued

Land Uses: Principal Uses by Use Class	ZONING DISTRICTS														Use specific standard(s) Section number
	A-1	A-2	R-1A	R-1B	R-1C	R-1D	R-M1	R-T	O-1	B-1	B-2	B-3	M-1	M-2	
AGRICULTURAL & RELATED USES															
Agriculture service establishments*	S	S									S	S	S	S	4.3.1
Basic utility (BI) airports	RC	RC													4.3.6
Basic utility (BII) airports	S	S													4.3.7
BIII commercial airports	S	S													4.3.7
Chickens in Residential Areas			S	S	S	S									
Commercial agriculture or horticulture*	R	R	R	R	R	R	R	R	R	R	R	R	R	R	5.2.13
Commercial equine establishment*	S	S	S	S											4.3.14
Farm markets*	S	S													4.3.27
Farm market and entertainment*	S	S													4.3.28
Forestry and land management for wildlife habitat*	R	R													
Game or hunting preserves operated for profit*	S	S													4.3.31
Greenhouses, retail*	S	S													4.3.34
Greenhouses, wholesale*	R	R													5.2.13
Kennels, commercial	RC	S							S	S	S	S			4.3.43
Nurseries, retail*	S	S													4.3.51 & 4.3.34
Nurseries, wholesale*	R	R													
Single family dwelling on a lot not to exceed 2.5 acres per (40) forty acres or equivalent	RC														4.3.49
Single family dwelling a lot not to exceed 2.5 acres per (10) ten acres															4.3.20
Private noncommercial race track	RC	RC													4.3.56
Rural Enclave	S														4.3.62
Sanitary landfills	RC	RC													4.3.63

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Table 2-2 continued

Surface mining	S	S											S	S	4.3.67	
Veterinary clinics and hospitals	S	S										S			4.3.73	
COMMERCIAL & RELATED USES																
Amusement centers												S	S		4.3.2	
Assembly of electrical and electronic parts and computer components												R	R			
Automobile service stations									S	S	S				4.3.5	
Billboards													RC	RC	RC	4.3.9
Business service establishments									R	R	R					
Business, vocational or arts schools operated for profit									R		R				R	
Commercial garages												S	S		4.3.15	
Convenience retail establishments										R	R	R				
Drive-through establishments												S	S		4.3.22	
Food service establishments									R	R	R	R	R			
Funeral homes and mortuaries						S			R	R	R				4.3.30	
Indoor entertainment establishments												RC	RC		4.3.38	
General retail establishments										R	R					
Marinas											S	S			4.3.45	
Medical service establishments, small									R	R	R					
Motels and hotels and other lodging/accommodations												S	S	S	4.3.47	
Office establishments									R	R	R					
Open air business												S	S		4.3.51	
Outdoor recreation and entertainment establishments	S	S										S	S		4.3.52	
Personal service establishments										R	R					

**Article 2
Preamble, Title, Purpose, Interpretation, Application, Vested Rights, and Legal Basis**

Table 2-2 continued

	ZONING DISTRICTS														
Land Uses: Principal Uses by Use Class	A-1	A-2	R-1A	R-1B	R-1C	R-1D	R-M1	R-T	O-1	B-1	B-2	B-3	M-1	M-2	Use specific standard(s) Section number
COMMERCIAL & RELATED USES continued															
Planned neighborhood convenience shopping centers										P					4.3.53
Planned shopping centers or regional malls											P				4.3.54
PUD-Commercial									P	P	P	P			Art. 13
Renewable Energy Small System													S	S	2.21
Renewable Energy Large System															2.22
Repair services, light											R		R	R	
Repair services, medium													S	S	4.3.61
Self-service storage												S	S	S	4.3.64
Sexually oriented businesses												RC	RC		4.3.65
Shooting range	S	S									S	S			4.3.66
Vehicle sales and service establishments											S	S			4.3.71
Vehicle wash facilities										S	S	S	S		4.3.72
Wedding Venue	S	S								RC	RC	RC			

	ZONING DISTRICTS														
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**Article 2
Preamble, Title, Purpose, Interpretation, Application, Vested Rights, and Legal Basis**

Table 2-2 continued

Land Uses: Principal Uses by Use Class	A-1	A-2	R-1A	R-1B	R-1C	R-1D	R-M1	R-T	O-1	B-1	B-2	B-3	M-1	M-2	Use specific standard(s) Section number
INDUSTRIAL & RELATED USES															
Asphalt and concrete batching facility	S	S											S	S	4.3.4
Commercial airports													R		Art. 13
Communication towers	S	S									S	S	S	S	4.3.16
Dangerous chemicals: manufacturing, storage or distribution														S	4.3.19
General building contractor's establishments												R	R	R	
Heavy construction contractor's establishments												S	S	R	4.3.35
Industrial park P.U.D.													P	P	Art. 13
Industrial service establishment, light													R	R	

**Article 2
Preamble, Title, Purpose, Interpretation, Application, Vested Rights, and Legal Basis**

Table 2-2 continued

Land Uses: Principal Uses by Use Class	ZONING DISTRICTS														Use specific standard(s) Section number	
	A-1	A-2	R-1A	R-1B	R-1C	R-1D	R-M1	R-T	O-1	B-1	B-2	B-3	M-1	M-2		
INDUSTRIAL & RELATED USES																
Industrial service establishment, heavy															R	
Junk yards														S	S	4.3.41
Manufacturing establishments, light														R	R	
Manufacturing establishments, heavy															R	
Railroad yards														P	P	13.3.2.A
Power generating plants															S	Art. 13
Research and development establishments														R	R	
Storage facilities for building materials, sand, gravel, and stone	R/S											R		R	R	
Trade and industrial schools														R	R	
Truck and rail freight terminals														R	R	
Wholesale trade establishments, excluding storage of flammable liquids														R	R	

* See also Section 5.2.13 and the current general accepted agricultural management practice published pursuant to Public Act 240 of 187, as amended

P = allowed by PUD permit if standards are met following a hearing; R = allowed

by Right (no hearing);

RC = allowed if standards are met ;

S = allowed by Special Use Permit if standards are met following a hearing

M = directly sited by the State of Michigan, local zoning is pre-empted, however the County Solid Waste Plan applies

☐ = an empty cell means a use is not permitted in that zoning district Names of

Zoning Districts:

A-1=Agricultural Production; A-2=Agricultural Production/Rural Residential; R-1A=One-Family Rural Residential; R-1B=One-Family Low-density Residential; R-1C=One-Family Low-density Residential; R-1D=Two-Family Residential; R- M1=Multiple-Family Residential; R-T=Mobile Home Development; O-1=Office and Administrative; B-1=Neighborhood Commercial; B- 2=General Business; B-3=Highway Service; M-1=Light Industrial; M-2=Heavy Industrial

Article 2
Preamble, Title, Purpose, Interpretation, Application, Vested Rights, and Legal Basis

Section 2.26.5

Table 2-3
SHIAWASSEE COUNTY

COMMON ACCESSORY USES, BUILDINGS & STRUCTURES ALLOWED

ACCESSORY USES	ZONING DISTRICTS														Special standard(s) Section number(s)
	A-1	A-2	R-1A	R-1B	R-1C	R-1D	R-M1	R-T	O-1	B-1	B-2	B-3	M-1	M-2	
Agricultural buildings & structures	RC	RC													5.6.4
Caretaker's or watchman's quarters												RC	RC	RC	5.3.1.G
Exterior lighting	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	5.2.9
Family day care homes		R	R	R	R	R	R	R	R	R	R				
Farm drainage & irrigation systems	R	R													2.5.3
Garages	R	R	RC	RC	RC	RC	RC	RC							5.3.1.A
Home business	S	S													5.3.2.B
Home occupations	RC	RC	RC	RC	RC	RC	RC								5.3.2.A
Off-street loading and unloading									RC	RC	RC	RC	RC	RC	Article 7
Off-street parking	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	Article 7
Open outdoor storage													RC	RC	5.3.2.C
Outdoor tennis courts, playground equip.	RC	RC	RC	RC	RC	RC	RC	RC							5.3.1.J
Ponds	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	5.2.4.B
Seasonal labor housing complexes	RC	RC													5.3.2.D
Signs and Name-plates	RC	RC	RC	RC	RC		RC	RC				RC	RC	RC	Article 9
Swimming pools	RC	RC	RC	RC	RC	RC									5.3.1.H
Swing sets and play sets	R	RC	RC	RC	RC	RC	RC	RC							5.3.1.I
Temporary bldgs., structures & uses															
Auctions	RC	RC	RC	RC	RC	RC	RC	RC				R	R	R	5.8.7
Christmas tree sales	RC	RC								RC	RC	RC			5.8.6
Firewood sales	RC	RC								RC	RC	RC			5.8.10
Garage sales	RC	RC	RC	RC	RC	RC	RC	RC							5.8.8
Outdoor Solid Fuel Furnace	RC	RC													

Article 2
Preamble, Title, Purpose, Interpretation, Application, Vested Rights, and Legal Basis

Roadside stands	RC	RC	RC	RC											5.8.11
Temporary contractor's buildings	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	5.8.3
Temporary housing	RC	RC	RC	RC	RC	RC	RC	RC							5.8.2
Temporary real estate offices				RC	RC	RC	RC	RC							5.8.4
Temporary sawmill	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	RC	5.8.9
Tents and travel trailers as temporary dwellings	RC	RC	RC												5.8.1
Temporary buildings incidental to a church or school			RC	RC	RC	RC	RC		RC	RC	RC				5.8.5

All accessory uses, buildings, and structures must meet the requirements of Article 5. R= allowed by Right; RC = allowed by Right if standards are met. ☐ = An empty cell means a use is not permitted in that Zoning District

ARTICLE 3 SCHEDULE OF REGULATIONS

Section 3.1 PURPOSE

The purpose of this Article is to present in a simple format most of the density and dimensional standards applicable to lots subject to regulation under the Perry Township Zoning Ordinance. These include minimum (and in some cases maximum) lot sizes, minimum lot width, minimum yard setbacks, minimum floor area, maximum total lot area coverage, maximum height of buildings and special notes related to some of these standards. Other exceptions and special situation standards can be found in the Specific Use regulations of Article 4 and the Supplemental Regulations of Article 5. The standards of this Article are presented as minimums and maximums to provide clear guidance as well as flexibility to landowners while still ensuring the long-term character of the individual districts is being maintained.

Section 3.2 SCHEDULE A: DENSITY AND DIMENSION REQUIREMENTS FOR AGRICULTURAL AND RESIDENTIAL DISTRICTS

Table 3-1, Schedule A, sets forth the density, lot and building requirements for agricultural and residential districts.

Section 3.3 SCHEDULE B: DIMENSION REQUIREMENTS FOR BUSINESS DISTRICTS

Table 3-2, Schedule B, sets forth the lot and building dimension requirements for business districts.

Section 3.4 NOTES FOR SCHEDULE OF REGULATIONS A AND B

These footnotes provide important qualifiers and/or exceptions for Schedules A and B.

**SHIAWASSEE COUNTY
SCHEDULE OF REGULATIONS**

**SCHEDULE A: DENSITY AND DIMENSION REQUIREMENTS FOR AGRICULTURAL
AND RESIDENTIAL DISTRICTS**

Zoning District	Maximum Density for single family dwellings	Maximum Lot Size for single family lots	Minimum Lot Area per dwelling unit, building or structure with:		Minimum Lot Width measured along a street upon which the lot principally fronts and which extends to the rear lot line ^(b) :		Minimum Yard Setback of buildings for recorded platted areas, unplatted areas (parcels with metes and bounds descriptions), and site condominium developments:		
			Onsite sewage disposal	Sanitary sewer service	Interior Lot	Corner Lot ^(f) :	Front yard as measured from the road R/W ^(c)	Side yard as measured from side property line	Rear yard as measured from rear property line
A-1 ⁽ⁿ⁾	1 d.u./40 ac.	2.5 ac. ^(b)	1 ac ^{*(a)}	30,000 sq. ft.	200 ft.	210 ft.	40 ft.	20 ft. ⁽ⁱ⁾	25 ft.
A-2 ^(q)	1 d.u./1 ac.	2.5 ac. ^(m)	1 ac ^{*(a)}	30,000 sq. ft.	200 ft.	210 ft.	40 ft.	20 ft. ⁽ⁱ⁾	25 ft.
R-1A			20,500 sq. ft.	15,000 sq. ft.	150 ft.	160 ft.	40 ft.	20 ft. ⁽ⁱ⁾	25 ft.
R-1B			20,500 sq. ft.	12,000 sq. ft.	150 ft.	160 ft.	40 ft.	20 ft. ⁽ⁱ⁾	25 ft.
R-1C			20,500 sq. ft.	10,000 sq. ft.	100 ft.	110 ft.	40 ft.	10 ft.	25 ft.
R1-D			20,500 sq. ft.	10,000 sq. ft.	100 ft.	110 ft.	40 ft.	10 ft.	25 ft.
R-M1			SCHD	8,000 sq. ft.	100 ft.	110 ft.	40 ft.	20 ft.	25 ft.
R-M1, if group housing			SCHD	20,000 sq. ft. ^(d)	200 ft.	200 ft.	40 ft.	20 ft.	25 ft.
R-M1 if boarding house			SCHD	15,000 sq. ft.	100 ft.	110 ft.	40 ft.	20 ft.	25 ft.
R-T			20,500 sq. ft.	8,000 sq. ft.	100 ft.	110 ft.	40 ft.	10 ft.	25 ft.

* for a permitted single family dwelling

Abbreviations: ac. = acres

d.u. = dwelling unit

ft. = feet

sq. ft. = square feet

SCHD = Shiawassee County Health Department

Article 3
Schedule of Regulations

**SCHEDULE A: DENSITY AND DIMENSION REQUIREMENTS* FOR AGRICULTURAL
AND RESIDENTIAL DISTRICTS continued**

Zoning District	Minimum requirement floor area per unit building or structure as measured at ground level		Maximum total lot area coverage including all accessory buildings as percent of total lot size	Maximum height of buildings			
				Feet	Stories		
A-1, A-2 R-1A R-1B	One Story (Ranch)	960 sq. ft.	20%	35 ft. ^(g)	2½		
	One & one-half Story (Cape Cod)	864 sq. ft.					
	Two Story	700 sq. ft.					
	Split Level	900 sq. ft.					
R-1C R-1D	One family	750 sq. ft.	25%	35 ft.	2½		
	Two family	700 sq. ft.	25%	35 ft.	2½		
R-M1 ^(f) Singular Construction	One family	650 sq. ft. ^(h)	40%	35 ft. ^(e)	3		
	Two family	700 sq. ft.					
	Multiple Family: 1 room 2 rooms 3 rooms 4 or more rooms	350 sq. ft. 550 sq. ft. 680 sq. ft. 100 sq. ft. for each additional room					3
R-M1 Boarding House		750 sq. ft.	25%	35 ft. ^(e)	2½		
R-T Mobile Home Subdivision		700 sq. ft.	25%	35 ft. ^(e)	2½		

*More restrictive standards may apply to particular land uses

**SHIAWASSEE COUNTY
SCHEDULE OF REGULATIONS**

**SCHEDULE B: DIMENSIONAL* REQUIREMENTS
FOR OFFICE, COMMERCIAL AND INDUSTRIAL DISTRICTS**

Zoning Districts	Minimum lot area & lot width for each building, structure, or use			Front yard as measured from the road right-of-way line (b)	Side yard as measured from each side of the property line	Rear Yard as measured from the rear property line	Max. total lot coverage, including accessory buildings, as a percent of lot size	Max. height of building including accessory buildings
	Area	Width Interior Lot	Corner Lot (i)					
O-1	10,000 sq. ft.	75 ft.	75 ft.	50 ft. (c, k, l)	10 ft. (j, k, i)	20 ft. (j)	40%	35 ft.
B-1	10,000 sq. ft.	75 ft.	75 ft.	50 ft. (c, k, l)	8 ft. (j, k, i)	20 ft. (j)	40%	35 ft.
B-2	10,000 sq. ft.	50 ft.	50 ft.	75 ft. (k, l)	8 ft. (j, k, i)	20 ft. (j)	60%	35 ft.
B-3	15,000 sq. ft.	100 ft.	110 ft.	75 ft. (k, l)	20 ft. (j, k, i)	30 ft. (j)	50%	35 ft.
M-1	1 acre	150 ft.	160 ft.	75 ft. (k, l)	25 ft. (j, k)	50 ft. (j)	50%	35 ft. (g)
M-2	1 acre	150 ft.	160 ft.	75 ft. (k, l)	25 ft. (j, k)	50 ft. (j)	50%	35 ft. (g)

* More restrictive lot size and setback requirements may apply to individual land uses. Also note the buffering and landscaping requirements that apply to all business land uses in some circumstances. See table 8-1 , Section 8.7

Article 3
Schedule of Regulations

Section 3.4 NOTES FOR SCHEDULE OF REGULATIONS A AND B

- (a) Twenty (20) acre minimum lot size for a dwelling unit on a farm.
- (b) Except for lots on curvilinear streets with non-parallel side lot lines which shall have their lot width measured at the front building line of the dwelling.
- (c) All buildings located on a State or Federal highway and Lansing Highway, on platted or unplatted lots, are required to be setback at least seventy-five (75) feet from the highway right-of-way line.
- (d) Or the following, whichever is greater:
 - 0 bedroom 4,900 square feet
 - 1 bedroom 5,200 square feet
 - 2 bedrooms 5,800 square feet
 - 3+ bedrooms 6,200 square feet
- (e) Accessory buildings shall not exceed a height of eighteen (18) feet at the eaves.
- (f) Refer to Section 4.3.48, for additional requirements applying to multiple family structures in the R-M1, Multiple Family Residential District.
- (g) Structures for commercial agriculture or horticultural operations and agricultural service establishments may be permitted up to one hundred (100) feet in height.
- (h) When built in conjunction with a Planned Unit Development.
- (i) When a street abuts a side yard, the setback for that side yard shall be the same as the required front yard setback in that particular district.
- (j) When a side or rear yard is adjacent to a residential district, an additional twenty-five (25) foot yard setback shall be required in the form of a buffer strip as specified in Article 8 of this Ordinance.
- (k) In a business district, front yard shall be measured from the street right-of-way or property line towards the building and extend completely across the frontage of the lot. This area shall be appropriately landscaped and maintained, and except for necessary drives and walkways it shall remain clear of all structures and shall not be used for parking, loading, or accessory uses as permitted in the particular commercial district. Where a building exceeds the required front yard setback, parking shall be permitted from the setback to the building line.
- (l) The minimum front yard for a commercial use, building or structure fronting on a State or Federal highway and Lansing Highway shall be seventy-five (75) feet as measured from the highway right-of-way line.
- (m) Applies only to parcels greater than 12.5 acres in size in existence as of the effective date of the amendment adding this provision to the Ordinance. [June 7, 1999.]
- (n) See Sections 2.5.2 A. and 4.3.49
- (o) See Sections 2.62 and 4.3.20
- (p) See Section 4.3.49, 2) c.
- (q) See Section 2.7.2 B.

ARTICLE 4 SPECIFIC USE REGULATIONS

Section 4.1 PURPOSE

This Article contains specific use regulations for principal uses. These regulations apply in addition to other regulations in this Ordinance. These regulations are intended to ensure that as land is developed for the uses included within this Article, site location, site layout, buffering and various other issues related to ensuring compatibility with adjacent property and minimizing nuisances are achieved through the application of performance standards particular to each use.

Section 4.2 TYPES OF USE REGULATIONS

4.2.1. Types of Use Regulations:

A. Right with conditions uses are those uses permitted by right in a particular district, provided that the use-specific standards of this Article are complied with. If site plan review is not required, the decision to approve, approve with conditions or deny a right with conditions use (designated as RC on Table 2-2, Section 2.26.4) request is made by the Zoning Administrator. If site plan review is required (see Article 14) the decision to approve, approve with conditions or deny is made by the Site Plan Review Committee.

B. Special uses are those uses permitted in a particular district, provided that the use-specific standards of this Article are complied with along with the discretionary standards of Article 12, Special Uses. All special uses must also meet the site plan review standards of Article 14.

C. Uses permitted by Planned Unit Development Permit are those uses permitted in a particular district, provided that the use specific standards of this Article are complied with along with the discretionary standards of Article 13, Planned Unit Development and the site plan review standards of Article 14.

4.2.2 Other Applicable Regulations: Every use listed in this Article must be a use permitted in the District in which it is located (see Table 2-2, Section 2.26.4) and also comply with the applicable standards in:

- A. Schedule of Regulations, Article 3.
- B. Supplemental Regulations, Article 5.
- C. Access Regulations, Article 6.

D. Parking and Loading Regulations, Article 7.

Landscaping, Fencing and Buffering Regulations, Article 8.

E. Sign Regulations, Article 9.

F. Any other applicable regulation in this Ordinance.

G. Any other applicable regulation of the Shiawassee County Road Commission.

H. Any other applicable regulation of the Shiawassee County Drain Commissioner.

I. Any other applicable regulation of another County agency.

J. Any other applicable regulation of a state or federal agency.

K. Any other applicable federal, state, county or local law or ordinance.

4.2.3 Definitions: Many of the land uses in this Article are defined in Article 21.

Section 4.3 SPECIFIC USE REGULATIONS

4.3.1 Agricultural Service Establishments
Such uses shall include, but need not be limited to, the following:

- A. Grain elevators for storage, drying and sales
- B. Bulk feed and fertilizer outlets and distribution centers
- C. Seed dealership outlets and distribution centers
- D. Grain and livestock, truck and cartage facilities
- E. Agricultural products, production and processing operations
- F. Auctions for livestock
- G. Slaughter houses
- H. Sawmill
- I. Composting Facility

Article 4
Specific Use Regulations

1) Location Requirements: Agricultural processing and product distribution establishments are permitted by Special Use Permit in the A-1 and A-2 Districts.

2) Site Requirements: Minimum lot or parcel size shall be two (2) acres and have a minimum lot frontage of 330 feet. Area must be adequate to meet all Shiawassee County Health Department and Michigan Department of Environmental Quality standards.

3) Buffering Requirements: Trucking, outside storage, loading and dock areas shall be fenced and screened, pursuant to the requirements of Section 8.3.1 and 8.11.

4) Performance Standards:

A. No storage or loading activities shall be permitted within 100 feet of any lot line.

B. All buildings shall be set back a minimum of 50 feet from any lot line, except for buildings housing slaughtering activities which shall be set back a minimum of 100 feet from any lot line.

C. All agricultural service establishments shall be located at least 100 feet from any driveway affecting access to a dwelling or field, and at least 300 feet from any single-family dwelling.

4.3.2 Amusement Centers

1) Location Requirements:

A. Amusement centers are permitted by Special Use Permit in the B-2 and B-3 zoning districts.

B. Amusement centers shall not be located closer than one hundred and fifty (150) feet from any front, rear, or side yard of adjacent residentially zoned properties. Amusement centers shall not be located closer than five hundred (500) feet from the property line of another amusement center or any school.

C. The facility shall be located on a paved major thoroughfare.

2) Site Requirements:

A. A bicycle rack capable of holding at least ten (10) bicycles shall be provided for non-motorists.

3) Buffering Requirements:

A. Buffering shall comply with the requirements of Section 8.3.

B.

The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

A. No betting or gambling shall be allowed on the premises.

B. Children under sixteen (16) may not remain on the premises after 9:00 p.m.

C. The operator shall document either a past history of, or submit an acceptable plan of his/her methods for, preventing potential noise, litter, loitering, and/or crowd problems.

D. No activities meeting the definition of a sexually oriented business are permitted on the premises.

4.3.3 Reserved for Future Use

4.3.4 Asphalt and Concrete Batching Facilities

1) Location Requirements:

A. Asphalt and concrete batching facilities are permitted by Special Use Permit in M-1 and M-2 zoning districts. Temporary batch plants are permitted by Special Use Permit in the A-1 and A-2 Districts.

B. Routes of supply vehicles or material handling vehicles shall be arranged so as to minimize nuisances or hazards to existing neighborhoods or commercial businesses.

C. Ingress and egress to the facility shall be only from a paved major thoroughfare. The Planning Commission may approve access to an unpaved or county local road after receiving a recommendation from the County Road Commission, if the Planning Commission finds that such access point will further minimize impacts on other properties.

D. Before permit approval is granted for a temporary batching facility, the Planning Commission shall find that such batching facility is both incidental to and necessary for construction activities within fifteen (15) miles of the plant.

2) Site Requirements:

A. Asphalt batching facilities shall be located at least five hundred (500) feet from any residential platted subdivision.

Article 4
Specific Use Regulations

B. Asphalt processing and manufacturing facilities shall be located no closer than five hundred (500) feet from any existing dwelling.

3) Buffering Requirements: Buffering shall comply with the requirements of Section 8.3.

4) Performance Standards:

A. No noise, dust, or fumes from the operation shall be discernable at or beyond the lot line.

B. Adequate measures will be taken to prevent lights, drainage, and traffic from creating a nuisance on uses of adjacent properties

C. All permitted materials shall be maintained in a neat and orderly manner and shall be covered and/or wet down regularly so as to prevent debris from leaving the area of the site.

D. The hours of operation shall be set by the Planning Commission after consideration of the surrounding land uses and the particular traffic patterns on public haul routes in the area. The maximum range of hours is Monday through Saturday from 7:00 a.m. to 6:30 p.m. and shall be prohibited on legal holidays and Sundays. The Zoning Administrator may provide temporary exemptions from hours of operation for an operator who must repair equipment or for public emergencies.

E. If the plant is temporary, the Planning Commission shall require a performance guarantee (pursuant to Section 16.10) conditioned upon the removal of the facilities and return of the site to an acceptable condition upon completion of activities and as specified in the Special Use Permit.

F. The facility shall comply with the environmental protection standards of this Ordinance and with all water and air quality permit requirements of the Michigan Department of Environment, Great Lakes and Energy (EGLE).

4.3.5 Automobile Service Stations

1) Location Requirements:

A. Automobile service stations are permitted by Special Use Permit in the B-1, B-2, and B-3 Districts.

B. Automobile service stations shall be located adjacent to paved major thoroughfares.

C. Underground storage tanks shall be sited in conformance with requirements of the Michigan Department of Environment, Great Lakes and Energy (EGLE) or other State agency mandated to review and approve such facilities or components.

C.

Ingress and egress to the facility shall be only from a paved major thoroughfare, or from a shared access or service drive to such roadway.

D. No driveway or curb cut shall be located less than ten (10) feet from any lot line, measured from the edge of the driveway to the lot line.

E. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between exterior lot lines.

2) Site Requirements:

A. Permitted uses: The following uses may be permitted by issuance of a Special Use Permit in conjunction with automobile service stations:

1. Retail sales of gasoline, oil, tires, belts and similar products.
2. Automobile washing.
3. Automobile maintenance including minor mechanical repairs.
4. Convenience grocery items, beverages and snacks.
5. Fast food restaurant items. If there is drive-through pickup, all the standards of Section 4.3.22 must be met.

B. Site development standards: Automobile service stations shall comply with the following site development standards:

1. The minimum site size shall be 15,000 square feet.
2. Gasoline service stations shall have five hundred (500) square feet of site area for each additional pump over four and one thousand (1,000) square feet of site area for each additional service bay over two.

C. The minimum site width shall be two hundred (200) feet.

D. Building setbacks: The service station building or buildings, gasoline pump accessory structures or islands shall be set back no less than fifty (50) feet from all street or highway right-of-way lines and shall not be located closer than twenty-five (25) feet to any property line abutting a residential district. Hydraulic hoists, pits and all lubrication, greasing, automobile washing, and repair equipment shall be entirely enclosed within a building.

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Specific Use Regulations

E. Access drives: There shall be no more than two (2) access driveway approaches for any automobile service station, each of which, however, shall not exceed thirty (30) feet in width at the property line.

1. If the service station site fronts on two or more streets, the driveways shall be located as far from the street intersection as practical but no less than fifty feet.
2. No driveway or curb cut for a driveway shall be located within fifteen (15) feet of an adjoining property line as extended to the curb or pavement or within twenty feet of any exterior lot line as extended.
3. Any two driveways providing access to a major thoroughfare shall be separated by an island with a minimum distance of twenty feet in width along the curb or edge of the pavement.
4. The entire service area shall be paved with a permanent surface of concrete or asphalt.

3) Buffering Requirements:

A. A landscaped buffer strip shall be provided in accordance with the provisions of Section 8.3.2.

B. All equipment including hydraulic hoist, pits and oil lubrication, greasing and automobile washing, repairing equipment and body repair shall be entirely enclosed within a building. Any such portion of a building containing washing areas shall consist of a solid masonry wall or equivalent, in conformance with the State Construction Code, Public Act 230 of 1974, as amended, with no openings other than those required for access. There shall be no outdoor storage of merchandise such as tires, lubricants and other accessory equipment.

C. Outdoor trash storage shall be provided pursuant to Section 8.11.

D. The view of all restroom doors shall be shielded from adjacent streets and dwellings.

E. All lighting shall be shielded from adjacent streets and dwellings.

4) Performance Standards:

A. All activities, except those required to be performed at the fuel pump, shall be carried on inside a building. All vehicles, upon which work is performed, shall be located entirely within a building.

B.

There shall be no above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gas.

C. Automatic or self-service car wash operations shall have public sanitary sewer service.

D. No subject facility existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this Section then existed on the said date.

E. In the event that an automobile service station has not been used as a service station for a period of more than one (1) year, as shown by examination of the premises or other means, the Planning Commission shall give the operator written notice of their intention to prove the service station to be abandoned. Within thirty (30) days following receipt of the notice, the owner or operator shall have an opportunity to submit evidence that the use is continuing. If the Planning Commission proves that the owner or operator intends to abandon the use and by some act, or omission to act, has manifested a voluntary decision to abandon the use, the Planning Commission may find an abandonment of the use.

F. In the event that an automobile service station has been abandoned, all underground gasoline storage tanks shall be removed from the premises according to all state requirements for such removal and disposal.

G. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to a junk yard. Such storage shall not occur in front of the building nor on any side abutting a residence without an adequate screen to prevent view from the first floor of the residence.

H. Sales of new and used motorized vehicles shall not be permitted.

I. No public address system shall be audible from any adjacent parcel containing a dwelling.

J. All floor drains shall be connected to a public sanitary sewer system with the approval of the sewer authority or connected to an approved holding tank.

K. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.

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L. All handling of flammable or hazardous substances shall be in accordance with state and federal laws and all required state and federal permits shall be obtained and the establishment shall remain in conformance therewith.

M. A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.

N. Signs shall conform to the requirements of Article 9.

O. Automobile service stations having a designed area for the fueling of commercial vehicles shall also be required to meet the standards of Section 4.3.75, Commercial Vehicle Service Station.

4.3.6 Basic Utility (BI) Airports

1) Location Requirements: Basic utility (BI) airports are permitted by right with conditions in the A-1 and A-2, Agricultural zoning districts.

2) Site Requirements: Lodges, schools, churches, or other public meeting places shall not be within five hundred (500) feet of said strip or hanger. No concentrated animal feeding operation shall be within one thousand (1,000) feet of the landing strip or hanger, or within the flight path of planes landing or taking off.

3) Buffering Requirements: A greenbelt per the requirements of Section 8.3.1 shall be provided.

4) Performance Standards: All Federal and State aviation safety regulations shall be complied with.

4.3.7 Basic Utility BII & BIII Airports

1) Location Requirements:

A. Basic utility (BII) and BIII commercial airports are permitted by Special Use Permit in the A-1 and A-2, Agricultural zoning districts.

B. BII utility airports shall be located on a paved road or street; BIII commercial airports shall be located on a paved major thoroughfare.

2) Site Requirements:

A. Lodges, schools, churches, or other assembly buildings shall not be located within two thousand six hundred forty (2,640) feet of any runway. No landing strip, hanger or flight path for planes landing or taking off shall be located within one-thousand (1,000) feet of a concentrated animal feeding operation.

B. No more than twenty-five percent (25%) of the parcels proposed for development are in prime agricultural land.

3) Buffering Requirements:

C. Fencing: A six (6) foot chain link fence shall be provided along any hazardous areas as a barrier to prevent the attendant hazards of inadvertently entries onto the airport properties.

3) Performance Standards:

A. Lights: All lights, used for landing strips and other lighting facilities, should be so arranged as not to reflect towards adjoining districts.

B. Fire and Safety Hazards: The storage and handling of flammable liquids, liquefied petroleum gases and explosives at the airport, comply with the State Rules and Regulations, as established by the Fire Prevention Code, Public Act 207 of 1941, as amended.

C. Off-Street Parking: Off-street parking should be provided in sufficient amounts to provide for the parking of automobiles and other motor vehicles used by the employees, patrons and visitors to the airport and which should not be less than one (1) parking space for each one (1) employee, and one (1) parking space for each one (1) aircraft harbored at the airport.

D. All applicable State and Federal aviation safety regulations are complied with.

4.3.8 Bed and Breakfast Operations

1) Location Requirements:

A. Bed and breakfast operations are permitted by Special Use Permit in the A-1, A-2, R-1A, R-1B, R-1C, R-1D and R-M1 zoning districts.

2) Site Requirements:

A. To be operated in its entirety within the principal dwelling and not within any garage or accessory building located upon the premises, except for incidental storage in a dwelling's garage.

B. Does not use more than twenty-five (25) percent of the total floor area of the dwelling.

C. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for the dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

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D. The parcel on which the establishment is to operate must meet or exceed the minimum area and yard requirements of the zoning district.

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3) Buffering Requirements:

E. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance for any bed and breakfast with more than six (6) rooms.

4) Performance Standards:

F. Bed and breakfast operations shall be clearly incidental as a subordinate use to the principal use of the structure as a single-family dwelling.

G. Shall only be conducted by the persons occupying the premises.

H. Have no exterior evidence, other than a permitted sign, to indicate that the dwelling unit is being utilized for any purpose other than that of a dwelling.

I. Does not involve alteration or construction not customarily found in dwellings.

J. Does not constitute an annoyance or nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises.

K. A smoke detector shall be placed inside each guest room.

L. The applicant shall provide a scaled floor plan of the premise as part of the special use application.

M. A fire escape plan shall be developed and graphically displayed in each guest room.

N. A minimum of one (1) fire extinguisher, in proper working order, shall be located on each floor.

O. The establishment shall contain at least two exits to the outdoors.

P. No guest room shall be located in a basement or cellar.

Q. Meals shall not be served to the public at large but only to registered guests. Meal preparation and service shall conform with all applicable requirements of the Public Health Code, Public Act 368 of 1978, as amended.

R. No receptions, private parties or activities for which a fee is paid shall be permitted except for those which involve only registered guests.

S. Parking spaces and street entry shall be paved in all but agricultural districts.

4.3.9

Billboards

1) Location Requirements: Billboards are permitted by the Site Plan Review Committee following review and approval of a site plan meeting the requirements of Article 14, the following standards and the requirements of Article 9 on property abutting a major thoroughfare, I-69, Lansing Highway, or any state highway in the County that is also in the B-2, B-3, M-1 and M-2 zoning districts. A billboard is not permitted on any County Road.

2) Performance Standards:

A. Billboards shall meet the requirements of Section 9.3.2, Table 9-2 and Section 9.3.3, Table 9-3.

B. Billboards may be illuminated provided, however, that said source of illumination is not visible beyond the lot lines of the parcel upon which the structure is located.

C. Billboards shall be adequately maintained. Such maintenance shall include proper alignment of structure, continued readability of structure and preservation of structure with paint or other surface finishing material. If an outdoor advertising structure is not maintained, written notice of any disrepair shall be issued by the Zoning Administrator to the owner of said structure. If the disrepair is not corrected within thirty (30) days, said structure may be removed by the County at the owner's expense.

D. The billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which normally can be expected to occur in the vicinity.

E. The Billboard shall conform to all nonconflicting provisions of the Highway Advertising Act of 1972, Public Act 106 of 1972, as amended.

4.3.10 Boarding Houses

1) Location Requirements: Boarding houses are permitted by right with conditions in the R-M1, Multiple-family residential zoning district.

2) Performance Standards: No more than four (4) - transient roomers shall be accommodated in one (1) dwelling and said dwelling shall be occupied by a resident family.

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4.3.12 Campgrounds

1) General Standards:

A. Campgrounds are governed pursuant to Public Act 368 of 1978, Public Health (MCL 333.1101 et seq.), as amended ("Governing Act") and administrative rules developed by the Michigan Department of Environmental Quality ("MDEQ") as permitted pursuant to Section 12511 of the Governing Act.

B. For terms and phrases used herein that are not found in Article 21 of the Perry Township Zoning Ordinance ("Ordinance") or contained herein, shall be as defined pursuant to the Governing Act and administrative rules by reference.

C. For the purposes of this Section, recreational units other than park models shall be known as "transient units" where such differentiation is necessary for application of provisions found herein.

2) Location Requirements:

Private primitive or modern campgrounds for tents, recreational vehicles, cabins, camping cabins, park models, travel trailers and other similar types of recreational units (excluding mobile homes commonly placed in manufactured housing parks) intended for temporary or seasonal occupancy are permitted by Special Use Permit in the A-1 and A-2 Agricultural zoning districts.

3) Development Requirements:

A. Minimum campground size shall be forty (40) acres. The overall density of the campground shall not exceed five (5) lots for camping and locating of recreational units per gross acre.

B. A campground shall be divided into designated lots for the siting of recreational units. Only one recreational unit shall occupy any lot, excepting the following: No more than three (3) tents shall be permitted to occupy a lot. If tents are proposed in addition to another type of recreational unit, immediate family members of those occupying the principal recreational unit on lot shall be permitted no more than two (2) tents for use on the lot.

C. A public permanent service building shall be provided containing adequate flush toilets, lavatories, waste containers, and shower facilities shall be provided pursuant Rule 21(R 325.1571) of the administrative rules adopted under the Governing Act. Such service building shall be designed and constructed of material to enable the service building to act as a shelter in adverse weather conditions. At a minimum, the service building shall contain one (1) male and one (1) female bathroom and one (1) unisex

shower facility. Other bathroom and shower facilities may be required proportional to the types of recreational units proposed and the layout of the lots in the campground.

D. Machine laundry (wash and dry) facilities are permissible to be located in the campground. Such facilities shall be located in a permanent service building.

E. One (1) parking space shall be provided on each lot. For lots specifically identified and limited to tent camping, the required parking space(s) may be remote from the tent lots provided it is connected by a trail or path. Each campground shall provide an additional dust-controlled parking area for lot occupants and guest parking which is separate from individual lot parking. Parking spaces equal in number to twenty (20) percent of the lots shall be provided in this area. Each parking space required shall be at least one hundred eighty (180) square feet in area.

F. Each lot made available for use by transient units shall contain a minimum of two thousand (2,000) square feet of area and have a minimum of thirty (30) feet of frontage on an internal service road. Lots made available for use by park models or camping cabins shall contain a minimum of three thousand five hundred (3,500) square feet of area and have a minimum of thirty-five (35) feet of frontage on an internal service road.

G. Lots shall be setback from property lines based on the following schedule:

I. Lots designated for occupancy by various types of recreational units shall have the following setbacks:

- a. For lots where tents are permitted, a setback of seventy (70) feet shall be observed from property lines and rights-of-way.
- b. For lots where motor homes, travel trailers and other drivable, capable of being towed, and/or transient recreational units where the chassis and wheels remain affixed to the recreational unit are permitted, a setback of fifty (50) feet shall be observed from property lines and rights-of-way.
- c. For lots where park models are permitted, a setback of thirty (30) feet shall be observed from property lines and rights-of-way.

2. The setbacks for lots from property lines may be reduced by fifty (50) percent if the landscaping requirements set forth in Item 4.C concerning proximity to conflicting land uses are implemented. In instances where the conflicting land use buffering is already required where a setback reduction is being proposed, the

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standards for number of trees required shall be doubled.

3. On each lot, recreational units shall maintain the following minimum setbacks:

- a. Setback from the internal service road - ten (10) feet
- b. Setback from a shared boundary with another lot - five (5) feet
- c. Setback from the rear line of the lot- twenty (20) feet
- d. Setback between recreational units -- ten (10) feet
- e. Setback from a water feature- thirty (30) feet

4. Other improvements, such as the service building or any commercial sales, shall be setback at least one hundred (100) feet from any property line or right-of-way.

H. A common use area shall be provided on each campground at a ratio of not less than five hundred (500) square feet of such area for each lot in the campground. Open water areas shall not count toward meeting minimum acreage requirements. The common area shall be contiguous and central to the overall campground and shall be landscaped, containing such improvements as picnic tables, beach, barbecue stands and passive recreation equipment (i.e. swings, slides, playground equipment, horseshoe pits, shuffleboard courts and the like) for the general use of the occupants of the entire campground. This common area shall be located at least fifty (50) feet from any road or other area used by motor vehicles.

I. Each lot shall have direct access to a dust-controlled internal service road that is at least twenty (20) feet in width. Each lot shall have at least thirty (30) feet of frontage on such internal service road. The internal service road shall maintain a setback of fifteen (15) feet from property lines and rights-of-way. Lots specifically designated for and only used for tent camping need not have direct vehicular access to any street or road, but shall be provided with adequately cleared and marked pedestrian pathway access. Parking shall not be allowed on any roadway. Motor vehicles shall not be allowed on any portion of the campground other than designated parking areas.

J. Any swimming pool or beach area shall comply with Michigan law including the regulations promulgated under Public Act 230 of 1972, Stille-DeRossett-Hale Single State Construction Code Act, as amended.

4) Buffering Requirements:

A. Fences, screening or landscaping shall be as

provided in Article 8 herein. Additional fencing, screening and/or landscaping may be required by the Planning Commission subject to the following standards:

1. The requirement is reasonably necessary to protect the general welfare, value or development of adjacent properties or districts which may be developed or to fulfill the intent of this Ordinance.

2. The requirements are reasonably necessary to screen or fence common areas, roads, buildings, or use intensive recreation areas of the campground.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Article 8, Section 8.1 I of this Ordinance.

C. Where a campground is proposed adjacent to a zoning district permitting residential density at more than one (1) house per acre or where the campground is proposed where existing residential development has occurred at a density more than one (1) house per three (3) acres, an enhanced buffer shall be provided along the boundary of the campground with the above reference property.

1. An earthen berm no less in height than three (3) foot above the grade of the shared boundary between the two (2) uses. Such earthen berm shall be constructed with the setback, at a slope not to exceed three (3) to (1), be seeded and secured by ground cover vegetation and be planted with conifers or deciduous trees at a rate of one (1) tree every twenty (20) feet. The size and type of trees shall be in accordance with other provisions of this Ordinance and the location of trees shall be within the general vicinity of the berm.

2. At the discretion of the Planning Commission, existing features, such as woodlands or natural topography, may be substituted for required berming and landscaping.

3. At the discretion of the Planning Commission, additional screening and buffering improvements or an increased in proposed screening and buffering improvements may be required where found necessary due to density of existing residential development, height and grade of adjacent properties, and the anticipated use of adjacent property for residential purposes.

5) Performance Standards:

A. No commercial enterprises shall be permitted to operate on the campground, except for those uses

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clearly incidental to the needs of the occupants while residing in the campground. Such uses may include:

- I. A commercial structure selling convenience goods, such as basic foods, camping accessories, water and propane (tank exchange only) is permitted. The commercial structure may be part of, or attached to the required service building.
 2. A sales and display lot for up to five (5) park model type recreational units is permitted. Such area shall not exceed four thousand (4,000) square feet and shall be landscaped so as to screen the sales and display lot from the public road right-of-way.
 3. A storage area for vehicles and recreational equipment for those utilizing the campground is permitted to be operated by the owners of the campground. The storage area is permitted to be utilized during the off-season as well, but shall only permit limited access and shall not be open to the general public. Such facility shall be graveled, surrounded by an opaque fence and landscaped pursuant to Item (4)(C)(I).
- B. For a campground that is proposed to have a water feature, access to swimming shall only be from a dedicated area located in a common use area identified in Section 3.H. Swimming shall be prohibited from individual lots having water frontage.
- C. Any lighting shall be directed away from lots, units and surrounding dwelling units, no arc lights or high-intensity lighting shall be used. Low-intensity lighting to identify structures, use areas and pathways are permitted. Lighting is required where internal roads, drives, trails, or pathways terminate or cul-de-sac at a water feature to mitigate the potential for accidents.
- D. All utilities, including sewer, water and electrical, telephone and gas lines, shall be installed underground.
- E. The campground shall be kept in a neat and orderly manner. The campground shall be kept free of litter, trash and debris. Provisions for waste disposal and collection shall be implemented and identified on the site plan.
- F. The campground shall post regulations that all radios or other noise-making equipment shall be turned off or reduced in volume between 10:00 p.m. and 7:00 a.m. so as not to be audible at other lots or adjoining dwellings units.
- G. All sanitary facilities shall be designed and constructed in strict conformance to all applicable Shiawassee County Public Health Regulations and

the State Campground Regulations authorized by the Public Health Code, Public Act 368 of 1978, as amended.

- H. The development of the entire campground is subject to all applicable requirements of the Michigan Department of Environmental Quality.
- I. All campgrounds petitioned for and approved under this Ordinance shall be for seasonal use only and shall not be available for any occupancy between November 1 and April 1 of any year. Temporary recreational units (tents or camping cabins) in either modern or primitive campgrounds shall not occupy or be occupied for more than a period of thirty-one (31) days. Individual campground rules may restrict further.
- J. Seasonally sited recreational units occupying a lot for more than thirty-one (31) days shall only be permitted in a modern campground where individual lots are served by a water and sanitary sewer system.
- K. No more than one permanent dwelling shall be allowed in a campground, which shall only be occupied by the owner, manager or an employee.
- L. The Planning Commission may approve the location of common uses areas, roadways, drives, streets and buildings for the purpose of minimizing any adverse impact on the campground, its intended occupants, surrounding property owners and residents, and surrounding natural resources.
- M. There shall be no permanent storage of recreational units outside of operating season unless specifically noted on the site plan.
- N. If permitted by campground management or designated rules, each lot shall have available space for a picnic table and a designated pit or other structure for fires.

4.3.13 Cemeteries, Crematories and/or Mausoleum

1) Location Requirements:

A. Cemeteries and mausoleums are permitted by Special Use Permit in the A-1, A-2, R-M1, and B-2 Districts. Crematories are permitted in B-2 Districts as a separate Special Use that may be added to a funeral home.

B. The site shall not interfere with the future development of a system of major thoroughfares or larger streets in the vicinity.

2) Site Requirements:

A. The minimum lot or parcel size for cemeteries, crematories, and/or mausoleums shall be five (5) acres.

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- B. No more than five (5) percent of the site area shall be occupied by buildings.
 - C. All burial plots and all structures including but not limited to a mausoleum shall be set back no less than thirty (30) feet from any lot line or street right-of-way.
 - D. Adequate parking shall be provided on the site, at least fifty (50) feet from any lot line, and no cemetery parking shall be permitted on any public street.
 - E. All ingress and egress shall be directly onto or from a public road.
 - F. The location of proposed service roads, entrances, and driveways shall be so designated in relationship to the public road that pedestrian and vehicular traffic safety is maintained.
- 3) Buffering Requirements: A buffer strip or berm containing screening plant materials approved by the Planning Commission is to be provided adjacent to all interior lot lines pursuant to the requirements of Section 8.3.
- 4) Performance Standards: All facilities for the ground burial area of the site shall be designed and constructed in accordance with the requirements of the Shiawassee County Health Department and the State of Michigan.

4.3.14 Commercial Equine Establishments

- 1) Location Requirements: An equine boarding stable, equine training facility, equine breeding facility, riding academy or other commercial equine establishment is permitted by Special Use Permit in the A-1, A-2, R-1A and R-1B Districts.
- 2) Site Requirements:
 - A. All lots shall have a minimum of three (3) acres for the first horse with one (1) additional acre per each additional horse. (Not applicable to young equines below weaning age or six (6) months of age, whichever is greater.)
 - B. No equine dwelling shall be located closer to an off premises dwelling than is provided on Table 5-2, Section 5.2.12.D.
 - C. No equine dwelling unit shall be kept closer than seventy-five (75) feet to any water well.
- 3) Buffering Requirements:
 - A. All landscaping and buffering shall comply with

requirements of Article 8.

- B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.
- 4) Performance Standards: The keeping of equine in a commercial equine establishment shall be subject to the following development standards:
 - A. Corral/Paddock Size: Every corral/paddock to be provided shall have a minimum dimension of not less than twelve (12) feet and shall contain not less than two hundred forty (240) square feet of area.
 - B. Box Stall: The following minimum sizes for stalls in a roofed, permanently enclosed structure are recommended, (a) cob (small) 8' x 8'; (b) light weight horses (medium) 10' x 10'; (c) draft horses (large) 12' x 12'.
 - C. Tie Stall: The following minimum size for tie stalls in a roofed, permanently enclosed structure is 4' x 8'.
 - D. Fencing: Fencing to be provided shall be subject to the following:
 - 1. Materials and Construction: Fencing may be constructed of wood, chain link, masonry, metal and materials with the appropriate structural strength and safety required to restrain the equines.
 - 2. Fence Posts: Fence posts may be constructed of wood, metal, concrete or materials with the appropriate structural strength.
 - 3. Fence Height: Fences to be provided for enclosure shall be maintained not less than four and one-half (4½) feet in height.
 - E. Maintenance: All stalls, corrals and structures shall be continuously maintained with preservatives, fasteners and other materials so as to maintain appearance and prevent deterioration and equine escapement.
 - F. Loafing Shed/Lean-To: In conjunction with paddocks/pastures, a roofed area shall be provided in the absence of other acceptable shelter, having minimum dimensions of not less than eight (8) feet in width and twelve (12) feet in length.
 - G. Water Facilities: Running water facilities shall be provided and each equine shall have access to fresh water.
 - H. Containment Devices: Substantial and acceptable locking or latching devices shall be provided and installed on all gates and doors to equine areas located thereon in such a manner so as to be

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inaccessible to equine and small children for the prevention of equine escape and unauthorized entry, as per Public Act 351 of 1994.

I. Feeding Facilities: Feeding facilities and/or boxes shall be provided in each corral and/or box stall located in such a manner so as to be maintained above ground, and such facilities shall be maintained accessible by equine to be served.

J. Drainage: All areas adjacent to any pen, coop, stable, stall, barn, corral, grazing or work-out or training areas, or other building structures and areas where equine are kept and maintained, shall be graded to drain away from such facilities so as to prevent ponding and insect harborage.

K. Dust Control: All areas used as arenas for exercising, training, or exhibition of animals shall be maintained in a dust-free manner by an approved and acceptable means for the prevention of detrimental and nuisance effects of dust emission to surrounding properties,

L. Compliance with Health Regulations Required: The keeping and maintenance of equine, as provided for in this Section, shall comply with all regulations and provisions of the health and sanitation laws of the County and State. All premises and facilities upon which animals are permitted to be kept shall be maintained in a clean, orderly and sanitary condition at all times. All manure shall be removed or spread so as not to constitute a nuisance and in accord with Michigan Department of Agriculture and State and County Health Department regulations. All premises and facilities shall be treated with biologically, ecologically and environmentally approved pesticides for the control of odors, insects and rodents, which in any way can be considered a clear and present nuisance or detriment to the health safety, comfort, welfare, peace and/or tranquillity of the general public. All animals shall be maintained in a healthy condition and carefully handled. The facility shall be constructed and maintained so that dust and drainage will not create a nuisance or hazard to adjoining property or uses

M. Commercial equine establishments shall provide off-street parking at a minimum of one parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stables. It shall be maintained in a dust free condition.

N. Enclosed riding arenas associated with commercial equine establishments shall not exceed 10,000 square feet in gross floor area on a minimum of ten (10) acre site, except that an additional 1,500 square feet of floor area may be permitted for each

additional full acre in a lot area. The following standards also apply:

4. No living quarters shall be located in any arena building or boarding stable.
5. Special events for which a fee is paid, such as shows, exhibitions, and contests shall only be permitted only after a Temporary Zoning Permit has been secured pursuant to the requirements of Section 16.5.6.

4.3.15 Commercial Garages

1) Location Requirements:

- A. Commercial garages are permitted by Special Use Permit in the B-3, and M-1 zoning districts.
- B. Commercial garages shall be located on major thoroughfares.

2) Site Requirements:

- A. The following uses may be permitted in conjunction with commercial garages:
 1. Automobile towing including parking of a wrecker and inoperative vehicles waiting for immediate repair.
 2. Parking and storage of inoperative vehicles provided that such parking or storage areas shall be within an enclosed building or shall be screened by an opaque fence not less than six (6) feet in height.
 3. Automobile body, frame and major engine and transmission repairs.

B.B

B. Site development standards: Commercial garages shall comply with the following site development standards:

4. The minimum site size shall be 15,000 square feet.
5. Commercial garages shall have one thousand (1,000) square feet of site area for each additional service bay over two. There shall also be three hundred (300) square feet of additional site area for each space intended for storage of inoperable vehicles.
 - B. The minimum site width shall be one hundred fifty (150) feet.

C. Building setbacks: The service station building or buildings, gasoline pump accessory structures or islands shall be set back no less than fifty (50) feet from all street or highway right-of-way lines and shall

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not be located closer than twenty-five (25) feet to any property line abutting a residential district. Hydraulic hoists, pits and all lubrication, greasing, automobile washing, and repair equipment shall be entirely enclosed within a building.

D. Access drives: There shall be no more than two (2) access driveway approaches for any commercial garage, each of which, however, shall not exceed thirty (30) feet in width at the property line.

1. If the service station site fronts on two or more streets, the driveways shall be located as far from the street intersection as practical but no less than fifty feet.
2. No driveway or curb cut for a driveway shall be located within ten feet of an adjoining property line as extended to the curb or pavement or within twenty feet of any exterior lot line as extended.
3. Any two driveways providing access to a major thoroughfare shall be separated by an island with a minimum distance of twenty feet in width along the curb or edge of the pavement.
4. The entire service area shall be paved with a permanent surface of concrete or asphalt.

3) Buffering Requirements:

A. A landscaped buffer strip shall be provided in accordance with the provisions of Section 8.3.2.

All equipment including hydraulic hoist, pits and oil lubrication, greasing and automobile washing, repairing equipment and body repair shall be entirely enclosed within a building. Any such portion of a

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building containing washing areas shall consist of a solid masonry wall or equivalent, in conformance with the State Construction Code, Public Act 230 of 1974, as amended, with no openings other than those required for access. There shall be no outdoor storage of merchandise such as tires, lubricants and other accessory equipment.

B. Outdoor trash storage shall be provided pursuant to Section 8.11.

C. The view of all restroom doors shall be shielded from adjacent streets and residential districts.

D. All lighting shall be shielded from adjacent streets and residential districts.

4) Performance Standards:

A. All activities, except those required to be performed at the fuel pump, shall be carried on inside a building. All vehicles, upon which work is performed, shall be located entirely within a building.

B. There shall be no above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gas.

C. Automatic or self-service car wash operations shall have public sanitary sewer service.

D. No subject facility existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this Section than existed on the said date.

4.3.16 Communication Towers

The following regulations are adopted to:

1. Minimize adverse visual effects of towers through careful design, siting, and screening;

2. Avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structure;

3. Allow for reasonable location and use for communication towers as required pursuant to applicable state and federal law;

4. Minimize the proliferation of telecommunications towers by requiring applicants to exhaust all possible avenues for sharing space on existing towers.

1) Location Requirements:

A. Communication towers are permitted by Special Use Permit in the A-1, A-2, B-2, B-3,

M-1 and M-2 Districts. The connection of a wireless antenna to an existing building that does not involve the erection of a tower, is not subject to the requirements of this Section. The requirements of Section 5.6 may apply, and all other applicable regulations of this Ordinance shall be met.

B. The location of a proposed communication tower shall not be approved unless the Planning Commission finds that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building located within the applicant's search radius of the proposed tower due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

3. Existing or approved towers and buildings within the search area cannot accommodate the planned equipment at a height necessary to provide reasonable coverage and/or capacity as documented by a qualified and licensed professional engineer.

4. Other reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building, including but not limited to documented proof that the owner of such tower or building will not lease space to the applicant, that there is insufficient ground, building, roof or tower area on which telecommunications equipment may be installed, existing towers or buildings would not, or do not provide required setback distances, etc.

2) Site Requirements:

A. Subject to the setback and other requirements of this Section, a communication tower shall be located on a parcel of land in accordance with the following:

1. Communication towers up to one-hundred (100) feet in height shall be located on a parcel of land at least one-quarter acre in size.

2. Communication towers over one-hundred (100) feet in height, but less than one-hundred twenty-five (125) feet in height shall be located

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<p>on a parcel of land at least one-third acre in size.</p> <p>3. Communication towers over one-hundred twenty-five (125) feet in height, but less than one-hundred seventy-five (175) feet shall be located on a parcel of land at least one-half acre in size.</p> <p>4. Communication towers over one-hundred seventy-five (175) feet in height but less than two-hundred twenty-five (225) feet shall be located on a parcel of land at least one (1) acre in size.</p> <p>5. Communication towers over two-hundred twenty-five (225) feet in height but less than two-hundred seventy-five (275) feet shall be located on a parcel at least two (2) acres in size.</p> <p>6. Notwithstanding the foregoing, the Planning Commission may approve a smaller minimum parcel size than would otherwise be required pursuant to (1) through (6) above for any communication tower, provided that the applicant provides the Planning Commission written documentation demonstrating (a) that the proposed tower requires no fall zone or (b) that a parcel smaller than that specified for the proposed tower pursuant to (1) through (6) above is sufficient to meet fall zone requirements. Such documentation shall address the design standards of the proposed structure with respect to failure modes and shall be signed by a State of Michigan licensed professional engineer qualified to make such a determination. The Planning Commission shall determine whether or not to allow a lesser parcel size under this subsection or whether risks to public safety remain perceptibly great enough to require adherence to the standards of (1) through (6) above. In making such a determination, the Planning Commission shall have complete discretion, but may consult such other experts as it decides are necessary.</p> <p>B. Wireless telecommunication towers shall be of a monopole or self-supporting lattice design, unless the Planning Commission finds that an alternative design will not adversely impact the surrounding area.</p> <p>C. The maximum permitted height of a wireless telecommunications tower including antenna shall be 275 feet.</p> <p>D. Tower Setbacks: Towers shall conform with each of the following minimum setback requirements:</p> <p>1.</p>	<p>A tower shall meet the setbacks for a principal building in the District in which the tower is proposed to be located, with the exception of industrial districts, where towers may encroach into the rear lot area, provided that the rear property line abuts another industrially zoned property.</p> <p>2. Proposed wireless telecommunication towers of the guyed or self supporting lattice type shall be structurally designed, to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Proposed monopole wireless telecommunication towers shall be structurally designed to accommodate both the applicant's antennas and comparable antennas for at least one additional user. All towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.</p> <p>3. Towers shall be setback from public road right-of-ways a distance equal to one half of the height of the towers including all antennas and attachments.</p> <p>4. Towers shall not be located between a principal structure and a public road except, in order to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.</p> <p>3) Buffering Requirements:</p> <p>A. Towers and antennas shall be designed to blend into the surrounding environment through the use of reasonable color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.</p> <p>B. The base of the tower and wire/cable supports shall be fenced with a minimum six foot (6') woven wire fence.</p> <p>4) Performance Standards: All communication towers erected, constructed, or located within the County shall comply with the following requirements:</p> <p>A. Discontinuance and Abandonment: The holder of a Special Use Permit for a wireless telecommunications tower shall give notice of discontinuance of use of a tower within ninety (90) days of the date that the use of the tower ceases. If at any time the use of the tower is discontinued for more than 365 consecutive days, the Zoning Administrator may declare the tower abandoned. Notice of abandonment shall be sent by first class mail to the</p>
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applicant instructing the applicant that the tower must either be reactivated or dismantled and removed from the site within 120 days the date the notice is sent to the applicant. If reactivation or dismantling and removal of the tower does not occur, the county may contract to remove the tower and assess all cost on the property taxes of the owner of the tower.

B. Towers shall be located so that they do not interfere with reception on radio, shortwave, television or similar devices or with use of computers or other electronic devices in nearby dwelling units.

C. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a registered structural engineer and that the installation is in compliance with all applicable codes.

D. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.

E. Accessory structures are limited to uses associated with operation of the tower.

F. Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.

G. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.

H. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.

I. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property.

J. Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA). If required to be lighted, all options for lighting shall be presented to the Planning Commission which shall select the option with the least negative visual impact in the area, unless the FAA dictates a particular option.

K. There shall be no display advertising or identification of any kind intended to be visible from the ground or other structures.

L. Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or

federal standards are adopted in the future, the antenna shall be made to conform. Cost for testing and verification of compliance shall be borne by the owner or operator of the antenna.

M. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.

4.3.17 Community Residential Care Facilities

Community residential care facilities include but are not limited to child care center, group day care homes, adult foster care facilities, group homes and congregate homes providing service to more than six individuals.

1) Location Requirements: Pursuant to Public Act 116 of 1973, the Adult Foster Care Facility Licensing Act, Public Act 218 of 1979, and Public Act 368 of 1978, the Public Health Code, (all as amended), community residential care facilities providing supervision or care (or both) to more than six (6) persons but less than thirteen (13) persons are permitted by Special Use Permit in the A-2, R-1B, R-1C, R-1D, R-M1, and R-T Districts. Community residential care facilities with more than thirteen (13) persons are permitted by right in the O-1, B-2, and B-3 Districts.

2) Buffering Requirements:

A. Shall maintain a greenbelt or buffer strip per the requirements of Section 8.3.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

3) Performance Standards:

A. A group day care facility shall not operate between the hours of 10 p.m. and 6 am for more than one (1) day per week unless the principal structure and any play area is separated from any residence by more than three hundred (300) feet.

B. Playground equipment shall not be located in front or side yards

C. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.

D. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking normally required for the dwelling. A driveway may be used for this purpose.

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E. All community residential care facilities shall meet all applicable State, County, or Township laws, Ordinances or Administrative rules and regulations.

4.3.18 Concentrated Animal Feeding Operations

See Section 5.2.13 and Table 5.2

4.3.19 Conservation Design Development

The following provisions require the grouping of single family dwellings on a limited portion of developable land in order to preserve agricultural lands, woodlands, open space, natural features, and rural character. By permitting flexibility in design, cluster housing developments can provide recreational opportunities, privacy, and affordable living arrangements for residents. Further, cluster developments reduce the premature consumption of land and promote efficient public services.

1). Location Requirements: Conservation Design Development as provided in Table 4.1 is required in the following districts:

A-2 Agricultural Production

2). Maximum Density and Maximum Number of Single Family Dwelling Units: The portion of original parcel which is not reserved as dedicated open space is referred to as the cluster development. The cluster development includes lots for single family dwellings and common open space.

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Table 4-1

Original Parcel Size	Date of original parcel creation is:		Is the parcel subject to Rural Clustering Requirements?	*Exception applies if only one (1) additional lot for a single-family dwelling is created.
	before the effective date of this amendment?	after the effective date of this amendment?		Is the parcel eligible for the exception?
less than 2.5 acres	*		No	Not Applicable
		*	No	Not Applicable
greater than 2.5, less than 5 acres	*		Yes	No
		*	Yes	No
greater than 5, less than 20 acres	*		Yes*	Yes
		*	Yes	No
greater than 20 acres	*		Yes*	Yes
		*	Yes	No

The overall density of a single cluster development shall not be greater than two (2) dwelling units per acre. A single cluster that is served by a non-paved county road shall not exceed six (6) dwelling units. A single cluster that is served by a paved state or county road shall not exceed twelve (12) dwelling units.

1). Density Requirements and Bonus: The overall density in dwelling units per acre, of the underlying zoning district shall be adhered to except that bonus dwelling units as listed below may be granted under this section provided the review standards of this section are met:

Table 4-2 Bonus Lots

Credit in number of additional lots permitted, not to exceed 3 lots	Amount of dedicated open space land reserved as percent of the original parcel size
1 maximum	Greater than 50% < 59.99%
2 maximum	Greater than 60%
3 maximum	Greater than 60% for an original parcel greater than 60 acres

2). Lot and Dwelling Siting Requirements for Cluster Development

Table 4-3 Lot and Dwelling Requirements

Minimum Requirements for lot fronts on a road which was constructed as part of the cluster development:	
Minimum lot width	100 feet
Minimum	20 feet, except water frontage (see

front yard setback	5.2.8 and definition of lot line)
Minimum rear yard	20 feet provided the rear lot line abuts common open space that provided at least 40 additional feet in depth
Minimum side yard	5 feet on one side 20 feet on the other, except water frontage (see 5.2.8 and definition of lot line)
Minimum lot size	20,000 square feet if a community septic system or public sanitary sewer system is provided.
Dwelling are prohibit to be sited in the following locations:	
Maximum slope of original grade of lot	15 %
Minimum distance from original high water mark of a lake, river, or stream	100 feet (5.2.8)

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Soil classified as very poorly drained in the Soil Survey of Shiawassee County Michigan USDA, June 1974.	Prohibited site for a single family dwelling
Wetland as defined and regulated by Act 451 of 1994 Part 303, as amended	Prohibited site for a single family dwelling
Flood Plain as defined in or mapped pursuant to this Ordinance	Prohibited site for a single family dwelling

- C. Improvements shall be designed and installed to provide for a logical system of utilities, drainage and streets, and to create continuity of improvements for the development of adjacent properties.
- D. Lots shall not conflict with drainage ditches, natural watercourses, easements, or public rights-of-ways existing at the time of development.
- E. Natural drainage-ways shall be utilized within the development as much as practical.
- F. Streets serving the development shall be sited and constructed to:

1. Avoid soils classified as having severe limitations for street construction as defined by the Soil Survey of Shiawassee County Michigan USDA, June 1974.
2. Utilize areas along fence rows or the edges of open fields adjacent to any woodlands to minimize the impact upon agriculture or forestry uses, provide shelter from winter winds, and to enable new construction to be visually absorbed by natural landscape features.
3. Utilize locations least likely to impact scenic vistas, as seen from public streets.
4. Prohibit dwelling driveway access to major thoroughfares and primary roads.
5. Open space in any one cluster development shall be located, to the maximum extent feasible, to connect with other, existing or proposed open space.
6. Where a cluster development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common open space. (see Section 5.12.13)
7. Street, sidewalk, utility, conservation, and/or drainage easements shall connect with easements already established in adjoining properties.

5) Minimum amount of Open Space Required

- A. The total area of common open space within the cluster development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by the zoning ordinance. Up to thirty percent (30%) of the common open space may include wetlands and floodplain areas.

3). Location Criteria: Within original parcel, the cluster development shall be located to the extent possible in locations that are consistent with the applicable provisions below:

- A. In proximity to natural features that will provide rural amenities to the home sites.
- B. Isolated from productive agricultural fields, support areas for agricultural production including but not limited to animal holding areas, chemical storage areas, agricultural buildings, and not within one-thousand three hundred and twenty (1,320) feet of an existing concentrated animal feeding operation.
- C. In locations where soils are less suited for agriculture.
- D. In locations where topography limits the use of the property for agricultural production.

4). Design Criteria: Cluster Development shall comply to the extent possible with the applicable provisions listed below:

- A. Not alter the natural topography of the land.
- B. Minimize the destruction of trees and disruption of topsoil, and to preserve such natural features as watercourses, natural vegetation, fence rows, landmark or specimen trees, sites of historical significance, and other assets which, if preserved, will add attractiveness and value to the cluster development and the community.

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B. Cluster Developments of over ten (10) acres in area shall provide at least 20% (twenty percent) of the common open space as contiguous, usable open space to provide for the recreational needs of the occupants of the development and/or to maintain the scenic or natural beauty of the area.

C. Common open space areas shall be adequately described, and protected in perpetuity through a conservation easement, deed restrictions, or other acceptable legal means.

8). Site Plan: The Zoning Administrator shall only accept requests which are accompanied by site plans which comply with the standards listed below for the purpose of formal notice and Site Plan Review Committee action. Sketch Plans and other documents may be submitted before a formal application. These documents shall be considered pre-application material.

A. The plans shall be drawn to a scale of 1" = 100' or larger.

B. Property dimensions, legal description of the property, any proposed deed restrictions.

C. Existing and proposed public rights-of-way and/or private easements

D. Water courses and water bodies including surface drainage ways.

E. Location of abutting streets and proposed alignment of streets, drives, and easements serving the development, and the location of all roads and driveways within 200 feet of the parcel.

F. Location of water supply and the location of waste water systems.

G. Proposed lots within the parcel.

H. Proposed location of common open spaces and facilities

I. Distance of proposed structures from rear, side, and front lot lines.

J. Provisions for grading and stabilization that will minimize soil erosion.

K. The location of stands of trees and individual trees, apart from the stands of trees having a caliper of twelve (12) inches or greater, four feet above existing grade.

L. Description and mapping of existing buffer areas (wetlands, steep slopes, roads, non-arable lands).

9.) Site Plan Review Committee: The Site Plan Review Committee shall approve those plans, which meet the Placement Criteria, and Design Criteria listed above. The Site Plan Review process for a Conservation Design Development requires a discretionary decision by the Site Plan Review Committee. This type of decision requires that notice be given and that a public hearing be held before any action is taken on the request. Public notice shall be given of each cluster development proposal to be considered by the Committee as required by Section 16b of Act 183 of 1943, as amended. The Committee may facilitate the review process by holding a preliminary meeting to review rough sketches or by visiting the site, provided that no binding discussions, deliberation, or decisions are made outside of a properly noticed meeting. The Committee may table a matter at a properly noticed meeting and considered the matter at an announced later date and time without further notice if the required change to the plans or additional information required is minor in nature.

A. The Site Plan Review Committee may require plantings to augment the cluster development when natural vegetation is limited within the cluster development site. Plantings generally complying with the requirements in Article 8. Buffer strips may be required adjacent to roads, at development boundaries, between clusters of lots within the development, next to incompatible features such as highways, railroads, commercial, or industrial uses to screen the view from dwelling units.

B. Such screens may remain in a natural state and shall blend with the rural character of the area.

C. The Site Plan Review Committee shall insure that septic fields, trees, and other areas to be left undisturbed shall be marked or temporarily fenced prior to development to prevent encroachment of heavy equipment.

4.3.20 Dangerous Chemicals: Manufacturing, Storage or Distribution Facilities

1) Location Requirements: The manufacturing, storage or distribution of dangerous chemical substances is permitted only in the M-2 District by Special Use Permit.

2) Site Requirements: the minimum lot size shall be five (5) acres. No manufacturing building, storage building or loading or unloading facility shall be closer than three hundred (300) feet from a property line with another industrial use, nor less than five hundred (500) feet from a property line with a residential district or dwelling unit.

3) Buffer Requirements:

A. Shall maintain a greenbelt or buffer strip per the

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requirements of Section 8.3.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards: The facility shall be in conformance with all local, county, state and federal regulations at all times.

4.3.21 Reserved for Future Use

4.3.22 Drive-Through Establishments

1) Location Requirements: Drive-through establishments are permitted by Special Use Permit in the B-2 and B-3 Districts.

2) Site Requirements:

A. Minimum lot area shall be twenty thousand (20,000) square feet.

B. The minimum lot width shall be one hundred fifty (150) feet.

C. The site shall have at least one (1) lot line on a paved major thoroughfare.

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D. Structure location: The location of all structures including partially enclosed or covered service areas shall conform to the following requirements:

1. Front setback: 75 feet.
2. Side setback: 25 feet.
3. Rear setback: 25 feet.
4. Adjacent to residential district, side and/or rear setback: 50 feet.

3) Buffering Requirements:

A. Shall meet the requirements of Article 8.

B. The outdoor storage of trash and rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

A. The outdoor space used for parking and vehicle stacking, shall be hard surfaced and adequately drained. Stacking space shall be adequate to accommodate busy periods without vehicles being backed up in the street.

B. Drive-through restaurant management shall provide adequate trash and litter policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary to keep them clean.

C. Motor Vehicles Access: All points of entrance or exit for motor vehicles shall be no closer than fifty (50) feet from the intersection of the right-of-way lines of two streets and no closer than ten (10) feet from an adjacent property line. No drive shall be closer to any other drive than seventy five (75) feet. The minimum driveway width of an access drive shall be sixteen (16) feet. The angle of intersection of the centerline of any driveway with the centerline of the street shall be no less than sixty (60) degrees unless separate acceleration and deceleration lanes are provided. No more than two (2) driveways shall be permitted on any street frontage.

D. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on abutting streets.

E. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent said sound or music from being understood beyond the boundaries of the site.

4.3.23 ECHO Housing (Elder Cottage Housing Opportunity)

1) Location Requirements: ECHO housing is permitted by Special Use Permit in the A-1 and A-2 Districts.

2)

Site Requirements: Minimum one (1) acre lot size and a maximum of one (1) ECHO dwelling unit per lot.

3) Performance Standards:

A. The ECHO dwelling unit shall not increase the size of the principal dwelling unit by more than thirty (30) percent.

B. The owner may reside in either the accessory (ECHO) dwelling unit or the principal dwelling unit.

C. Adequate provision for wastewater disposal, either by public sanitary sewer or expanded private on-site septic facilities, shall be required. Shiawassee County Health Department approval is required.

D. Dwellings modified in conjunction with an ECHO dwelling unit shall, on sides adjacent to streets, retain the appearance of a single family detached dwelling.

E. All ECHO dwelling units shall have non-skid floors.

F. The ECHO dwelling unit shall provide adequate access for emergency vehicles.

G. The ECHO dwelling unit shall meet all applicable construction codes for a dwelling.

H. One additional off-street parking space shall be provided.

I. Separate sale or ownership of the ECHO dwelling unit from the primary dwelling on a lot or parcel is prohibited.

J. The Planning Commission may impose any other reasonable conditions deemed necessary to protect adjoining properties and the public welfare.

4.3.24 Education and Social Institutions

1) Location Requirements:

A. Education and social institutions are permitted by Special Use Permit in the A-2, R-M1, O-1, B-1 and B-2 Districts. Elementary schools are permitted by Special Use Permit in R-1A, R-1B, R-1C, and R-1D Districts as well. An education or social institution that is only an office and has no school facility, auditorium, gymnasium, playground, museum or related activity shall be considered an office building and is permitted in an any business zone in which offices are permitted without a Special Use Permit, but following site plan review.

B. Ingress and egress to the site shall be only from a paved major thoroughfare.

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C. A preferential location is one which would offer natural or man-made barriers or a buffer zone that would lessen the effect of the use on adjoining lots.

2) Site Requirements:

A. The proposed site for a middle school or high school shall be at least four (4) acres. The minimum site size for an elementary school shall be at least two (2) acres. For all other educational or social institutions, that are more than office buildings, the minimum site size shall be at least one (1) acre in area.

B. No building shall be closer than fifty (50) feet to any lot line or street line. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional foot for each foot of height above the district height limitations.

C. No more than twenty-five (25%) percent of the gross site area shall be covered by buildings.

D. Off-street parking shall be in compliance with the provisions of Article 7. No parking shall be allowed between the front lot line and the building line.

3) Buffering Requirements:

A. Landscaping shall be provided according to Article 8 of this Ordinance.

B. The outdoor storage of trash and rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

A. All buildings shall be of an appearance that shall be harmonious and unified as a group and shall blend appropriately with the surrounding area.

B. All signs shall be in compliance with the provisions of Article 9.

C. All activities conducted on the site shall conform to county, state, and federal laws.

D. Service areas and facilities, and outdoor recreation facilities, shall not be located within one hundred (100) feet of a residential district or use.

E. Parking areas shall not be located within fifty (50) feet of a residential district or dwelling unit.

F. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles will not interfere with traffic.

4.3.25

4.3.26 Reserved for Future Use

4.3.27 Farm Markets

1) Location Requirements: Farm markets are permitted by Special Use Permit in the A-1 and A-2 Districts.

2) Site Requirements:

A. The minimum area of a lot used for a farm market shall be at least ten-thousand (10,000) square feet and not more than twenty-thousand (20,000) square feet. A farm market may be placed on the same lot as a dwelling unit if both are under the same ownership and if the owner of the farm market occupies the dwelling unit.

B. No activity or structure shall be located within fifty (50) feet of the public road right-of-way.

C. A minimum of six (6) spaces for off-street parking, outside of the public road right-of-way shall be required for the exclusive use of the farm market with additional spaces at the rate of one (1) space for each three-hundred (300) square feet of gross floor area (paving not required).

D. Suitable containers for rubbish shall be placed on the premises for public use.

E. A storage structure shall be permitted, provided it does not exceed two hundred (200) square feet in area.

F. Farm markets shall be located no closer than three-hundred (300) feet from any lot line which abuts a residential zone or dwelling unit.

G. There shall be one access drive which shall be wide enough to accommodate two vehicles side-by-side.

3) Buffering Requirements:

A. Shall comply with requirements of Article 8.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

A. Hours of operation shall be between the hours of 7:00 a.m. and 7:00 p.m.

B. Any structure used as a farm market shall not be more than one (1) story high unless it is an existing barn.

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C. A farm market shall operate out of a fully enclosed building and may not operate out of a vehicle.

D. At least one-half of the products sold at the farm market shall be grown on the farm, or other farms in the vicinity.

4.3.28 Farm Market and Entertainment

A farm market which also offers agriculturally based entertainment, usually on a seasonal basis, such as cider processing, donut making, pumpkin carving, hayrides, apple dunking, Christmas tree cutting and related activities associated with agricultural products grown on the farm or supplemented from other sources, shall meet the requirements for a farm market in Section 4.3.27 and this Section.

1) Location Requirements: Farm market and entertainment uses are permitted by Special Use Permit on a paved road or street in the A-1 and A-2 Districts.

2) Site Requirements:

A. At least one (1) acre but not more than five (5) acres for the area of the farm principally devoted to the farm market and entertainment activities (not counting hayride, u-pick or Christmas tree cutting areas).

B. No activity or structure shall be located within fifty (50) feet of the public road right-of-way.

C. A minimum of one-hundred (100) spaces for off-street parking, outside of the public road right-of-way shall be required with additional spaces at the rate of one (1) space for each three-hundred (300) square feet of gross floor area (paving not required).

D. Suitable containers for rubbish shall be placed on the premises for public use.

E. Storage structures shall be permitted.

F. Farm markets shall be located no closer than three-hundred (300) feet from any lot line which abuts a residential zone or dwelling unit.

G. There shall be two access drives which shall be wide enough to accommodate two vehicles side-by-side, or one with adequate throat width and depth to accommodate twenty percent of the vehicles for which there is parking space at one time.

3) Buffering Requirements:

A. Shall comply with requirements of Article 8.

B.

The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

a) Hours of operation shall be between the hours of 7:00 a.m. and 11:59 p.m.

4.3.29 Agricultural Tourism and Entertainment uses shall include, but are not limited to, the following:

A. Historical agricultural exhibits.

B. Educational tours, classes, lectures and seminars.

C. Petting farms, animal displays, and pony rides.

D. Wagon, sleigh and hayrides.

E. Seasonal Christmas tree cutting.

F. Seasonal outdoor mazes of agricultural origin such as straw bales or corn.

G. Cider mills and Wineries.

H. Organized meeting spaces (e.g., weddings, birthday parties, corporate picnics).

I. Family oriented animated and interactive barns (e.g., fun houses, haunted houses, etc.) and as conducted in fields or woodlots.

J. Uses accessory to the above uses, such as refreshment stands, kitchen facilities, bakeries, gift shops, office for management functions, small-scale entertainment (e.g., music concert, car show, art fair), open air or covered picnic areas, playgrounds or equipment typical of a school playground, and nature trails. The size and intensity of the accessory use shall be determined by the Planning Commission based on the nuisance potential to adjoining property owners.

1. Location Requirements: Agricultural tourism and entertainment establishments are permitted by Special Use Permit in the A-1, A-1½ and A-2 Districts.

2. Site Requirements:

A. Minimum site area shall be twenty (20) acres.

B. No tourism or entertainment activity shall be located within fifty (50) feet of the public road right-of-way.

C. The Planning Commission shall determine the minimum required parking spaces outside of the public road right-of-way depending on the entertainment activities proposed. Parking lots shall be designed in accordance with

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provisions of this Ordinance and may be temporary in nature. Page 2 of 2

D. Suitable containers for rubbish shall be placed on the premises for public use.

E. Tourism and entertainment activities shall be located no closer than three hundred (300) feet from any side or rear lot line or any residential dwelling unit, unless said unit is owned or is utilized as part of the overall farm operation, or current owner has extended a waiver for the term of their ownership.

3. Buffering Requirements:

A. Shall comply with requirements of Article 8.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4. Performance Standards:

A. Entertainment activities shall not operate outside the hours of 7:00 a.m. and 11:59 p.m.

B. The use of Public Address (PA) systems, speakers, or other equipment utilized for the broadcasting of sound shall be limited in use. The Planning Commission has the discretion to limit noise at property lines and shall be consistent with other provisions for noise standards set forth in the Ordinance.

C. Depending on the intensity of the proposed use, the applicant shall show the location, size and capacity of rubbish bins for use by the general public and the operation.

D. Cider mills or wineries selling product, in a tasting room, must be partially derived (at least 50%) from product grown on site for at least three (3) of the immediately preceding five (5) years. Gift shops for the sale of non-agriculturally related products such as antiques or crafts, are limited to twenty-five (25) percent of gross sales.

E. All sanitary facilities shall be designed and constructed in strict conformance with County Health Department regulations.

F. All agricultural tourism and entertainment establishments which intend to serve alcohol shall declare such, as part of the petition, and provide compliance with all applicable rules and regulations of the State. Further regulations or restrictions are subject to the Planning Commission.

G. Seasonal signs may be erected during the year when retailing activities for a particular farm product is available

to the public or to advertise an upcoming event, in accordance with Section 9.3.1.

H. Historical facilities, old style wooden barns or refurbished barns using old materials shall constitute fifty (50) percent of the floor area utilized for agricultural tourism and entertainment. The Planning Commission at its discretion shall determine if structures satisfy the intent and purpose of the Ordinance and this Section to be determined "historical facilities". The requirement for using a historical facility, old style wooden barns or refurbished barns using old materials may be waived by the Planning Commission for similar established uses such as greenhouses, nurseries, etc.

I. All structures accessible to the general public for assembly or retail purposes shall meet State Construction Code and barrier-free requirements prior to occupancy.

4.3.30 Funeral Homes and Mortuaries

1) Location Requirements:

A. Funeral homes and mortuaries are permitted in the R-M1, Multiple Family Residential zoning district by Special Use Permit.

B. Site location: The proposed site shall front upon a major thoroughfare with all ingress and egress directly from said street.

2) Site Requirements:

A. Minimum site size: One acre site with a minimum width of one hundred fifty (150) feet.

B. Yards: Front, side and rear yards shall be at least fifty (50) feet except on those sides adjacent to business districts wherein it shall be twenty (20) feet. All yards shall be appropriately landscaped with trees, shrubs and grass. No structures or parking areas shall be permitted in said yards.

C. Site coverage: No more than thirty (30%) percent of the gross site area shall be covered by buildings including accessory buildings.

D. Maximum building height: No building shall be erected to a height greater than that permitted in the R-M1 District.

3) Buffering Requirements:

A. Shall comply with requirements of Article 8.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

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A. Funeral homes, undertaking parlors and mortuaries, provided that the conduct of all activities related to such uses shall take place within the principal building and not in an accessory building. A caretaker's residence may be provided within the principal building.

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B. Appearance: All buildings shall be harmonious in appearance with the surrounding area.

C. Signs shall be in compliance with the provisions of Article 9.

D. Off-street parking shall be in compliance with the provisions of Article 7.

4.3.31 Game or Hunting Preserves

1) Location Requirements: Game or hunting preserves operated for profit are permitted by Special Use Permit in the A-1 and A-2 Districts.

2) Site Requirements: Minimum lot area shall be 40 acres.

3) Buffering Requirements: Minimum front, side and rear yard setbacks within which no shooting is permitted shall be two hundred fifty (250) feet.

4) Performance Standards:

A. All federal, state and county codes and ordinances in regard to firearms shall be strictly adhered to.

B. A site plan for the hunting preserve showing the location of all proposed structures and uses shall be submitted to the Planning Commission. The site plan shall clearly indicate all safety zones to assure that any missile fired within the hunting preserve shall not carry into or over an adjacent district or area.

C. The operator shall have the County Sheriff review and comment on the site plan prior to its review by the Planning Commission.

D. Rifle, shotgun and pistol ranges shall comply with the requirements for a shooting range in Section 4.3.66.

E. A six (6) foot high chain link fence shall be provided around the entire property to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged. Signs designating the area as a hunting area shall be clearly posted not more than fifty (50) feet apart and affixed to the fence.

F. Hours of operation shall be between ½ hour before sunrise and ½ hour after sunset.

4.3.32 Reserved for Future Use

4.3.33 Golf Courses and Country Clubs

1) Location Requirements:

A.

Golf courses and country clubs are permitted by Special Use Permit in the A-1, A-2, R-1A, R-1B, R-1C, R-1D, R-M1, and R-T Districts.

2) Site Requirements:

a) The site area shall be eighty (80) acres for a nine-hole course and one hundred sixty (160) acres for an 18 hole course and shall be so designed as to provide all ingress and egress directly onto or from a public road or street.

B. A site plan of the proposed development shall be reviewed and approved in accordance with Article 14 of this Ordinance. Such site plan shall indicate the location of service roads, entrances, driveways and parking areas and shall be so designed in relationship to the public road or street that pedestrian and vehicular traffic safety is encouraged.

C. Development features shall be shown on said site plans; including the principal and accessory buildings, structures and parking areas, and shall be so located as to minimize any possible adverse effects upon adjacent property; all principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any property line or abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may reduce this requirement.

D. The minimum number of off-street parking spaces shall be provided as required in Article 7 including additional spaces, which may be required for each accessory use such as a restaurant or bar.

E. Whenever a swimming pool is to be provided, said pool shall be located at least one hundred (100) feet from abutting residentially zoned property lines and shall be provided with a protective fence six (6) feet in height and entry shall be by means of a controlled gate. Additional provisions in Section 5.3.1.H. shall apply.

F. The minimum site area for tennis, or other racket sport shall be two (2) acres and the courts shall be located at least one hundred (100) feet from abutting residentially zoned property.

3) Buffering Requirements:

A. A landscaped buffer zone shall be provided between the parking and principal building area and any adjacent residential district.

B. A 50 foot minimum natural vegetation strip between turf areas and natural water bodies, watercourses or wetlands must be maintained. The natural vegetation strip shall not be chemically treated on a regular basis.

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C. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

A. Accessory uses may include; clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, restaurant and bar, driving range, tennis, racket sport, and swimming facilities.

B. Major accessory uses such as a restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.

C. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.

D. No building shall be erected to a height greater than that permitted in the district in which it is located.

E. The total lot area covered with principal and accessory buildings shall not exceed 15 percent.

F. Additional parking is required for accessory uses that may be allowed.

G. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.

H. All artificial lights shall be directed away from adjoining properties.

I. No outdoor loudspeaker or call system shall be audible on adjoining property.

J. Outside storage shall be properly screened.

K. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the principal building or as an accessory use near the entry to the course.

L. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties. All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential dwellings which adjoin the site. Additional buffering conditions necessary to minimize the impact of possible safety

threats from projectiles upon adjacent land uses may be imposed by the Planning Commission.

M. A minimum of two satellite restrooms or other acceptable facilities are required for each nine holes. The satellites are to be located away from lot lines and painted or finished in an earth tone color. Such facilities shall be approved by the Shiawassee County Health Department.

N. Golf courses shall retain and preserve native vegetation over at least thirty (30) percent of the total upland area of the course to reduce water demand, excessive soil erosion and heavy nutrient run-off.

O. Water quality protective measures are required as follows:

1. Maintenance of erosion control barriers during construction and until all ground cover is established.
2. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
3. Site areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on-site ponding area.
4. A chemical storage area must be designated within an accessory building. The area must provide secondary containment to prevent the spread of spills.
5. All herbicide, insecticide, fungicide and rodenticide chemicals must be stored in a locked enclosure.
6. An inventory manifest of stored chemicals must be posted at the entrance of the accessory building.
7. At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information.
8. All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.
9. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.

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10. In order to ensure that the site can be restored to prior conditions should golf course construction not be completed, the County may require posting of a performance guarantee or other acceptable security.

4.3.34 Greenhouses

1) Location Requirements:

A. Retail greenhouses, which may include flower shops, and retail nurseries, are permitted by Special Use Permit in the A-1 and A-2 Districts.

B. Ingress and egress to the business shall be only from a paved road or from a shared access to such a road.

2) Site Requirements:

A. The minimum lot size shall be twenty thousand (20,000) square feet if a greenhouse is located on the site.

B. Off-street parking in accordance with Article 7.

3) Buffering Requirements:

A. Shall maintain a greenbelt or buffer strip per the requirements of Section 8.3.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4.3.35 Heavy Construction Contractor's Establishments

1) Location Requirements: Heavy construction contractor's establishments are permitted by Special Use Permit in the B-3 and M-1 Districts.

2) Site Requirements:

A. The site shall be at least two (2) acres in size.

B. The site shall be on a paved major thoroughfare.

C. No driveway or curb cut shall be located less than twenty (20) feet from any lot line measured from the edge of the driveway to the lot line.

3) Buffering Requirements:

A. A landscaped buffer strip shall be provided in accordance with the provisions of Section 8.3.2.

B. Outdoor trash storage shall be provided pursuant to Section 8.11.

4)

Performance Standards:

A. Storage of all construction equipment and vehicles shall be in the rear yard and not within any required setback area.

B. All flammable liquids and other hazardous substances shall be stored within a building and secondary containment measures shall be installed and properly maintained. Except, any fuel tanks shall be buried below ground, constructed of materials approved by, sited and installed pursuant to the requirements of the Michigan Department of Environmental Quality. No fueling area shall be closer than fifty (50) feet to a lot line.

C. Not more than two access driveways at least one hundred (100) feet apart shall serve the property. No driveway shall be closer than one-hundred (100) feet from an intersection.

D. All equipment and vehicle servicing shall be completely within an enclosed building with a solid masonry wall or equivalent which complies with the State Construction Code, Public Act 230 of 1974, as amended.

E. All activities, except those required to be performed at a fuel pump, shall be carried on inside a building.

F. All lighting shall be shielded from adjacent streets and residential districts.

4.3.36 Reserved for Future Use.

4.3.37 Hospitals

1) Location Requirements:

A. Hospitals are large medical service establishments permitted by Special Use Permit in the O-1, B-1 and B-2 Districts.

B. Ingress and egress to the site shall be only from a paved major thoroughfare.

2) Site Requirements:

A. The minimum lot or parcel size for hospitals shall be five (5) acres.

B. No more than twenty-five (25) percent of the site area shall be covered by buildings. The minimum distance of any building from bounding lot lines or streets shall be at least one-hundred (100) feet for front, rear, and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet. Buildings less than two (2) stories shall be no closer than forty (40) feet from any lot line or right-of-way.

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D. Access to and from any delivery or ambulance areas shall be directly from a major thoroughfare

E. Noise producing activities, such as ambulance and delivery areas, laundry, or power plant, shall not be located closer than three hundred (300) feet from any residential district.

3) Buffering Requirements:

A. Ambulance and delivery areas shall be obscured from view from a dwelling unit by a solid masonry wall five (5) feet in height. Parking areas shall be screened from surrounding dwelling units by a wall or fence or with suitable plant materials as specified in Article 8 of this Ordinance.

C. All lighting shall be shielded away from public right-of-way and neighboring residentially zoned lots.

D. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

A. All hospitals shall be licensed by the State of Michigan.

B. Hospitals shall conform to applicable state and federal laws.

4.3.38 Indoor Entertainment Establishments

Indoor entertainment establishments shall include, but need not be limited to, the following:

A. restaurants, cafes (restaurants and cafes without entertainment are not indoor entertainment establishments)

B. bars and taverns, nightclubs, cabarets

C. bowling alleys, ice or roller blade rinks

D. pool or billiard halls

E. indoor soccer fields and racquet courts

F. amusement centers and game arcades

G. dance halls

H. theaters

I. bingo parlors

J. membership clubs and lodges

K. hotels, motels and other temporary lodging with an average length of stay of less than 30 days (hotels,

motels and other temporary lodging are not indoor entertainment establishments if there is no entertainment offered)

L. sauna, hot tub and similar establishments

M. the following sexually oriented businesses are also indoor entertainment establishments: adult arcades, adult bookstore or adult video stores, adult cabarets, adult motel, adult motion picture theater, adult theater, massage parlor and sexual encounter center.

N. uses similar to and compatible with the above establishments

O. uses accessory to the above uses.

1) Location Requirements: Indoor entertainment establishments are permitted by right with conditions following site plan review in the B-2 and B-3 zoning districts, except for those indoor entertainment establishments which are also sexually oriented businesses which are only permitted in the B-3 and M-1 districts

2) Site Requirements:

A. The site shall be located on a major thoroughfare with a minimum of one hundred-fifty (150) feet of frontage

B. Minimum site area shall be one-half (1/2) acre.

3) Buffering Requirements:

A. No building shall be located within fifty (50) feet of a lot line of adjoining residentially zoned property.

B. Front, side and rear yards shall conform to district regulations.

C. Whenever parking areas are adjacent to land in a residential district, a five (5) foot high wall or greater shall be provided along the sides of the parking area adjacent to such residentially zoned land.

D. Parking lot landscaping shall conform to the requirements of Section 8.8.

E. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

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- A. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
- B. Facilities shall provide off-street parking and passenger loading areas in accordance with Article 7.
- C. Facilities which have a participant or customer capacity greater than 100 people at one time shall provide letters of review from the County Road Commission with respect to the adequacy of the safety of the design of the proposed project for ingress, egress and internal circulation.
- D. Exterior lighting shall be installed in such a manner that it does not impede the vision of traffic along adjacent streets.
- E. All off-street parking areas shall be illuminated during all hours of operation, and until one hour after the business closes.
- F. Facilities using night lighting adjoining a residentially zoned property or a residence, shall deflect lighting away from these areas.
- G. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.
- H. Sites shall be regularly cleared of debris so that litter does not accumulate on adjacent properties.
- I. The intensity level of sounds shall not exceed seventy (70) decibels (dBA) at the lot line of industrial uses; sixty five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the lot line of a dwelling. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
- J. All sanitary facilities shall be designed and constructed in strict conformance with County Health Department regulations.
- k) Adequate trash receptacles shall be provided, as needed throughout the site.
- l) Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours for all establishments except restaurants and hotels is Monday through Sunday from 10:00 a.m. to 2:00 a.m. and may be prohibited on legal holidays.
- M. All indoor entertainment establishments which serve alcohol shall comply with the following standards:
 - 1. At all times shall remain in conformance with all rules, regulations, license conditions, permits, approvals,

- sanctions or other requirements of the Michigan Liquor Control Commission.
- 2. Apply for and receive site plan review and approval from Shiawassee County before any change of use that requires a new or modified license or permit from the Michigan Liquor Control Commission before such a license or permit has been obtained from the Michigan Liquor Control Commission.
- 4.3.39 Institutions For Human Care And Habitation**
- 1) Location Requirements:
 - A. Institutions for human care are permitted in the A-2, R-1A, R-1B, R-1C, R-1D, R-M1 and B-1 zoning districts by Special Use Permit.
 - B. The proposed site shall have at least one property line abutting a major thoroughfare. All ingress and egress to off-street parking shall be directly from said street or highway.
 - 2) Site Requirements:
 - A. The proposed site shall be at least two (2) acres in area, unless it is a rehabilitation camp which requires a minimum site size of ten (10) acres.
 - B. All two story structures shall be at least one hundred (100) feet from all boundary or street lines. Buildings of less than two stories shall be no closer than fifty (50) feet to any property or street line. For buildings above two stories, the building shall be set back an additional one foot for each foot of height above two stories. No building may be higher than the maximum height permitted in the District.
 - C. No more than twenty-five (25%) percent of the gross site shall be covered by buildings.
 - 3) Buffering Requirements:
 - A. Ambulance and delivery areas shall be obscured from view by a solid wall six (6) feet in height. Access to and from the delivery and ambulance area shall be directly from a public road or street.
 - B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.
 - 4) Performance Standards:
 - A. All signs shall be in compliance with the provisions of this Ordinance, Article 9.
 - B. Off-street parking space shall be in compliance with the provisions of this Ordinance, Article 7, except

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parking areas shall not be located within fifty (50) feet of a residential district or use.

C. All facilities shall be licensed by the State of Michigan and shall conform to applicable state and federal laws.

4.3.40 Reserved for Future Use.

4.3.41 Junk Yards

1) Location Requirements:

A. Junk yards are permitted by Special Use Permit in the M-1, and M-2 Districts.

B. The enclosed area shall be no closer than 500 feet to any residential district, public buildings, church, hospital, institution for human care, day nursery or school.

C. Ingress and egress to the facility shall be only from a major thoroughfare. The Planning Commission may approve access by other roads if the Commission finds that such access point will further minimize impacts on other properties.

2) Site Requirements:

A. The site shall be a minimum of ten (10) acres in size if there is any outdoor storage and a minimum of two (2) acres in size if all material is stored within a completely enclosed building

B. All outdoor storage areas shall be enclosed and set back at least 100 feet from any front street or property line. Such front yard setback shall be planted with trees, grass and shrubs to minimize the appearance of the installation. The spacing and type of plant materials shall be approved by the Planning Commission per the requirements of Article 8.

C. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.

D. Whenever the installation abuts a residential district, a buffer strip at least two hundred (200) feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass, and structural screens of a type approved by the Planning Commission.

3) Buffering Requirements:

A. An enclosed solid fence, wall or earthen berm at least eight (8) feet in height, shall be provided around the periphery of the site to screen said site from surrounding property. Such fence, wall or berm shall be

of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall or berm shall be of permanent finish or construction. All berms shall be landscaped per the requirements of Article 8.

C. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

A. All uses shall be established and maintained in accordance with all applicable State laws.

B. All activities shall be confined within the enclosed area. There shall be no stacking of material above the height of the fence, berm or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs or lighting shall be used or stored outside the enclosed area.

C. No open burning shall be permitted, and all industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.

D. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.

E. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles. Before the state will issue the licenses, the Zoning Administrator and the County Sheriff shall certify that the facility is in a properly zoned area and that the operators have not been previously convicted as felons.

F. Any hazardous substances require secondary containment and conformance with all state or federal laws.

4.3.42 Reserved for Future Use.

4.3.43 Kennels, Commercial

1) Location Requirements:

A. Commercial kennels are a permitted by right with conditions in the A-1 District, and by Special Use Permit in the A-2, B-1, B-2, B-3, and O-1, Districts. See Section 5.2.12.C, Table 5-1 and Section 5.2.12.D, Table 5-2

2) Site Requirements:

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A. The minimum lot size for commercial kennels shall be one (1) acre per twenty (20) animals.

B. Buildings wherein animals are kept in a commercial kennel, run, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

3) Buffering Requirements:

A. Commercial kennels shall maintain a greenbelt or buffer strip per the requirements of Section 8.3.

B. The outdoor storage of trash or rubbish at a commercial kennel shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

A. All commercial kennels shall be operated in conformance with all applicable county and state regulations.

4.3.44 Reserved for Future Use.

4.3.45 Marinas

1) Location Requirements:

A. Marinas are permitted in the B-1 or B-2 District by Special Use Permit.

B. Buildings, docks, and parking areas shall be located no closer than thirty-five (35) feet from any adjacent property line in a residential district.

2) Site Requirements:

A. The minimum lot or parcel size for marinas shall be two (2) acres.

B. Adequate standing and parking facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.

C. Accessory uses shall occupy no more than four hundred (400) square feet of building area.

3) Buffering Requirements:

A. Fences and screening in accordance with Article 8 of this Ordinance may be required to mitigate potential negative impacts on adjacent properties.

B.

The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

A. Sanitary facilities (restrooms) shall be provided on the site per the requirements of the County Health Department.

B. Adequate secondary containment shall be employed if any petroleum or other such products are sold on the premises.

C. Any hazardous substances require secondary containment and conformance with all state or federal laws.

D. There shall be no externally visible evidence of commercial activity from accessory uses.

E. A permit to erect, maintain, or operate a marina shall be secured from the Michigan Department of Environmental Quality in conjunction with any other approvals.

F. All marinas shall conform with Parts 301 and 801 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, and all other applicable county, state, and federal regulations.

4.3.46 Mobile Home Parks

1) Location Requirements:

A. Mobile home parks shall be permitted by right with conditions in the R-T, Mobile Home Development zoning district. A site plan meeting the requirements of Article 14 shall first be approved by the Planning Commission.

B. Park Location: The mobile home park shall be located so that all ingress and egress driveways or roadways within the mobile home park development are connected to a major thoroughfare, except for restricted emergency exits.

2) Site Requirements:

A. Minimum and Maximum Park Size: A twenty (20) -acre site accessible to a major thoroughfare shall be required as the minimum park size. In no event shall the first phase of the park be larger than three hundred (300) mobile home sites.

B. Side Yard Dimensions: All buildings and mobile homes within the mobile home park site shall be no closer than fifty (50) feet from any public street line or residential district. Also, there shall be a setback of fifty

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(50) feet on any side or rear property line of the mobile home park site.

C. **Site Access:** All mobile home development sites shall provide at least two (2) points of entrance or exit from the park located no closer than two hundred (200) feet from the intersection of any two (2) public roads. The ingress and egress drives or roadways within the park shall be paved, and for a distance of at least one hundred (100) feet from the public roads, the ingress and egress routes shall be no less than twenty-four (24) feet wide.

D. **Space Requirements:** The minimum lot area used or occupied by each mobile home shall be four thousand five hundred (4,500) square feet, exclusive of park drives, parking area, service facilities, and required recreation area.

E. **Yard Requirements:** A minimum separation of twenty (20) feet shall be maintained between all mobile homes. There shall be a minimum of ten (10) feet between the end of the mobile home and the rear lot line.

F. **Recreation Areas:** Exclusive of other yard and open space requirements of this Section, common usable recreation space of at least two hundred (200) square feet per mobile home site in the park, with a minimum area of twenty thousand (20,000) square feet, shall be developed and maintained by the management, whichever is greater. The area or areas shall not be less than seventy-five (75) feet in its smallest dimension and no further than five hundred (500) feet from any mobile home site served. In addition, an indoor area or recreation center shall be provided and shall contain a minimum of five (5) square feet for each mobile home site developed in the park.

G. **Setback:** No mobile home shall be located closer than fifteen (15) feet to any private street or roadway nor shall it be located closer than fifty (50) feet to any public right-of-way, nor closer than five (5) feet to any common sidewalk.

H. **Park Roads:** Each mobile home lot shall have access to a park driveway, roadway, or street which shall be paved to a minimum width of twenty-two feet and have a cross-section as approved by the County Road Commission, provided that no parking shall be permitted on said roadway. No park shall provide or have direct access through any recorded single-family subdivision. The required paving width for said streets, roadways, or driveways may be adjusted if a one-way street pattern is proposed as part of the proposed site development. Said one-way streets shall be paved to a minimum width of twenty (20) feet and no parking shall be permitted on said roadway.

I. **Walks and Curbs:** A thirty-six (36) inch concrete walk shall be provided on both sides of all collector roads. Curbing shall also be provided and may be in the form of a one-piece curb, gutter, and sidewalk installation where applicable.

3) **Buffering Requirements:**

A. The mobile home park shall be screened from adjacent properties by a greenbelt, buffer strip or berm at the developer's option, as provided in Section 8.3 of this Ordinance.

B. The outdoor storage of trash or rubbish shall be screen in accordance with Section 8.11 of the Ordinance.

4) **Performance Standards:** All mobile home parks shall meet the requirements of the Mobile Home Commission Act, Public Act 96 of 1987, as amended.

4.3.47 Motels and Hotels and Other Lodging/Accommodations

1) **Location Requirements:**

A. Motels and hotels are permitted by Special Use Permit in the B-2, B-3, and M-1 zoning districts.

B. Ingress and egress to shall be only from a paved major thoroughfare.

2) **Site Requirements:**

A. Minimum floor area of each guest unit shall contain not less than 250 square feet.

B. The minimum lot area shall be one (1) acre with a minimum width of one hundred fifty (150) feet, provided that there shall be at least eight hundred (800) square feet of lot area for each guest.

C. The maximum lot coverage of all buildings, including accessory buildings, shall not exceed more than twenty-five (25%) percent of the area within the boundary lines of land developed at any one time.

D. **Minimum yard dimension:** All buildings shall observe a setback of not less than seventy-five (75) feet from any road right-of-way and not less than forty (40) feet from any side or rear property line.

E. The maximum building height shall not exceed the height limits of the District.

F. **Required lot areas, width and yards:** Where an owner or lessee proposes an integrated site development of a unified group of buildings, the Planning Commission may approve proposed lot area, widths, or yards to be modified up to 25% of the requirement of the

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district wherein the proposal is located if the Commission finds that such modification:

1. Conforms to the basic district intent.
2. Conforms to the parking requirements herein.
3. Will not inhibit orderly development of adjacent zoning districts.
4. Is consistent with the general health, safety and welfare.

3) Buffering Requirements:

A. Site Screening: The site may be enclosed by open structure wood or wire fences, shrubs and/or trees which along any yard line shall not exceed six (6) feet in height. No screening shall impair safe vertical or horizontal sight distance for any moving vehicle. A screen at least four (4) feet high shall be erected to prevent headlight glare on adjacent residential or agricultural property. No screening shall be closer than fifty (50) feet to any street line, except headlight screening shall not be closer than thirty (30) feet.

B. The front twenty-five (25) feet of the lot shall be landscaped, unpaved, and shall not be used for off-street parking.

C. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

A. Lighting: All outdoor lighting shall be arranged so that it is deflected from adjacent properties, streets, and thoroughfares, and shall not impair the safe movement of traffic.

B. Swimming pools shall conform with the requirements of Section 5.3.1.H.

C. Accessory uses such as meeting rooms, taverns, bars or similar uses are permitted, provided such shall be conducted within the same building as the principal use. A caretaker's or proprietor's residence shall be permitted as an accessory use only when the principal use is a motel, motor-hotel, hotel, or other transient tourist facility.

D. Motor Vehicle Access: All site plan proposals submitted for this district shall provide for the proper ingress and egress of traffic on the highway, road frontage or street giving access to the district. No access by motor vehicles other than stated herein shall be permitted to a minor or residential street. All points of entrance or exit shall be no closer than fifty (50) feet from the intersection of the right-of-way lines of two

streets, nor less than two hundred (200) feet from an interchange.

E. Signs shall be those identifying any of the permitted uses within this district and shall be in accordance with the provisions of Article 9.

F. Off-street parking and loading requirements shall be in accordance with the provisions of Article 7 and shall be furnished on the immediate premises.

4.3.48 Multiple Family Development

1) Location Requirements: Multiple family dwellings and group housing developments with more than twelve (12) units are permitted by Special Use Permit in the R-M1 District. Any of the standards of this Section may be waived or modified if a multiple family development or a group housing development is processed as a planned unit development per the requirements of Article 13.

2) Site Requirements: Shall be located on a paved public road or street. If more than seventy-five (75) units are proposed, the development shall be located with the principal access on a major thoroughfare.

3) Buffering Requirements:

A. Any multiple family development adjoining any single family residential district or any developed business district shall provide a landscaped buffer planted pursuant to the requirements of Section 8.3.2.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

A. The requirement for not more than one dwelling unit per lot does not apply to a multiple family development. However, not more than twelve (12) units may be in a single building.

B. Provisions shall be made for safe and efficient egress and ingress to public streets and highways which shall be designed to minimize congestion and interference with normal traffic flow.

C. All streets in the development shall be constructed as public streets and maintained with an all-weather road surface. No dead-end street or roadway shall serve more than seventy-five (75) dwelling units as a means of vehicular access. Suitable turning facilities shall be provided for vehicles at the terminus of all dead-end streets or roadways. A minimum radius of fifty (50) feet shall be required for all turn arounds. Additional width may be required by the County Planning Commission after reconsideration of the vehicular needs of a particular development proposal.

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D. No dwelling unit in a shall be closer to a street or private access drive than twenty-five (25) feet, nor shall be further from a street or private access drive or the required off-street parking area than one-hundred fifty (150) feet.

E. The minimum horizontal distance between the nearest points of buildings shall be fifty (50) feet for buildings one (1) story in height. This distance shall be increased by not less than five (5) feet for every story added. The minimum distance between buildings may be decreased by as much as ten (10) feet toward (1) end if it is increased by a similar distance at the other end.

F. Maximum lot coverage for a multiple family development shall cover no more than forty (40%) percent of the parcel.

G. All developments shall be served with adequate water supply and sewer facilities approved by the Shiawassee County Health Department.

H. The site shall be developed and facilities shall be provided in such a manner so as to insure adequate drainage that does not run onto adjacent parcels.

I. There shall be provided easily accessible and useable open space in the development in an amount of at least twenty (20%) of the site area or two thousand (2,000) square feet per four dwelling units, whichever is greater. Such open space shall be provided at ground level, unoccupied by accessory buildings, and available to all occupants of the development. Each open space area so provided shall be unobstructed to the sky and shall not be devoted to service driveways or off-street parking or loading space, but shall be usable for greenery, drying yards, recreational space, and other leisure activity normally carried on outdoors.

J. All off-street parking facilities shall be adequately lighted during hours of darkness with lighting directed so as not to shine onto adjoining parcels.

K. All streets and roadways shall have a minimum pavement width of thirteen (13) feet for one-way streets, and twenty-four (24) feet for two-way streets. Driveways shall have a minimum paved width of ten (10) feet. The County Road Commission may preempt these standards if a more restrictive standard would result in a safer or more efficient flow of vehicles.

L. All developments shall provide for underground installation of all utilities.

M. Only the following accessory land and/or building uses shall be permitted:

1. One (1) office space not greater than one thousand (1,000) square feet per one-hundred (100) units for conducting the business of the development.
2. Utility areas for laundry facilities and auxiliary storage for tenants.
3. Recreation area such as community buildings, playgrounds, swimming pools, tennis courts and open space for tenants.
4. Others by approval of the Planning Commission.

N. No closed courts shall be permitted. However, open arcades or garden walls under six (6) feet in height shall not be deemed enclosing features.

O. For buildings up to thirty-five (35) feet in height, no building shall be closer than forty (40) feet to any street; sixty (60) feet to any rear property line; twenty (20) feet to an interior side property line. For each one (1) foot of building height above thirty-five feet, one (1) foot shall be added to required front, side and rear yards.

4.3.49 Single Family Dwelling

1) Maximum Density Requirements

A. One single family dwelling per forty (40) acres or equivalent of contiguous land under one ownership in addition to any dwelling existing on June 4, 1982 is permitted by right with conditions in the A-1 Agricultural Production zoning district.

B. On contiguous parcels, a landowner may concentrate the permitted number of single family dwellings. A contiguous land parcel shall be any parcel(s) of land which has/have a common boundary or are separated only by a road right-of-way and which are under one ownership.

2) Site Requirements:

A. The parcel on which the dwelling unit is located must have at least 200 feet of frontage along a public road.

B. The driveway serving the parcel shall be separated from other driveways on the same side of the road and from the nearest right of way line of and intersection of a road or street by 100 feet.

C. The dwelling shall be at least 500 feet from the nearest farm building located on an adjacent lot.

3) Performance Standards:

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- A. Any lot of record created by the Shiawassee County Zoning Ordinance prior to the adoption of this ordinance shall not be subject to the maximum density requirements of this Section and is therefore eligible for one (1) single family dwelling.
- B. Parcels may be consolidated to increase the number of single family dwellings available under the maximum density requirement of one (1) single family dwelling unit per (40) forty acres or equivalent.
- C. Any lot of record created by the Shiawassee County Zoning Ordinance prior to the adoption of this ordinance may be divided off from the main farm acreage in the form of a recorded lot, provided that said parcel shall not exceed the minimum frontage and maximum lot size requirements, unless the Zoning Administrator grants a waiver because a larger lot area is necessary to meet required setbacks of the A- 1 zoning district or this Section. In no case shall said wavier allow the creation of a lot large enough to be divided into two or more lots.
- D. To enforce these density regulations, the Zoning Administrator, as of June 4, 1982, shall maintain section maps of all the parcels in the A-1 Agricultural Production District and the size of all parcels as of June 4, 1982. These maps shall show all construction of residences and principal buildings in these areas since June 4, 1982

4.3.50 Reserved for Future Use

4.3.51 Open Air Businesses

Open air businesses shall include, but need not be limited to, the following:

- A. Automobile, truck, trailer, motorcycle, recreational vehicle, snowmobile, jet skis, other watercraft and boat sales or rental
- B. Agricultural equipment sales.
- C. Nursery, landscaping supplies.
- D. Lumber yards.
- E. Home and garden centers.
- F. Mobile home sales
- G. Storage Sheds, Play Houses and other prefabricated buildings of less than 200 square feet in floor area.
- H .Lawn Furniture and Accessories

1) Location Requirements:

Open air businesses are permitted by Special Use Permit in the B-2 and B-3 Districts.

2)

Site Requirements:

- A. Minimum lot area shall be one (1) acre.
- B. The minimum frontage shall be two-hundred (200) feet.
- C. No loading activities shall be permitted within seventy-five (75) feet of any lot line abutting a residential dwelling or a residential district.
- D. All buildings shall be set back a minimum of fifty (50) feet from any lot line.
- E. Ingress and egress to the facility shall be only from a major thoroughfare, or from an approved shared access drive to such thoroughfare.
- F. No more than two (2) driveways onto a thoroughfare shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.

3) Buffering requirements:

- A. Trucking, outside storage, loading and dock areas shall be fenced and screened, pursuant to the requirements of Article 8.
- B. If the site is immediately adjacent to a residential district, screening shall comply with the requirements of Section 8.14.
- C. Storage yards associated with home and garden centers, lumber yards and nurseries shall be completely obscured from view from public streets by fences, walls or dense perennially green vegetation.
- D. The outdoor storage of trash or rubbish shall be screened in compliance with Section 8.11 of this Ordinance.

4) Performance standards:

- A. The site shall be kept in a neat and orderly fashion.
- B. Not more than fifty (50%) of the parcel shall be covered by buildings and outdoor storage of materials and goods.
- C. Storage or display of goods and materials shall not occur in the required setbacks.
- D. Christmas tree sales associated with nurseries need not comply with the requirements of Section 5.8.6.
- E. Displays are to be limited to front yards only.
- F. No public address system shall be audible from any adjacent parcel containing a dwelling.

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- G. All lighting shall be shielded from adjacent streets and residential districts.
- H. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating the soil, ground or surface water shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
- I. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainageways.
- J. Off-street loading and parking facilities shall be provided pursuant to the requirements of Article 7
- K. In the case of auto, truck or recreational vehicle sales:
1. No vehicles which are inoperative shall be stored on the premises for more than two (2) weeks.
 2. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.
 3. For facilities with new underground storage tanks, the site shall be three-hundred (300) feet from any well serving a dwelling, eight hundred (800) feet from a non-community public water well and two-thousand (2,000) feet from any public water well.
 4. All areas subject to vehicular use shall be paved with a durable dust-free surface, with appropriate bumper-guards where needed.
 5. A valid license from the Secretary of State shall be maintained and posted in a prominent location visible to any customer.

4.3.52 Outdoor Recreation and Entertainment Establishments

Outdoor commercial recreation and entertainment uses shall include, but need not be limited to, the following:

- A. Miniature golf.
- B. Animal racing, go-cart, automobile or motorcycle tracks or mud bogging involving 4 or more animals or vehicles.
- C. Amphitheaters.
- D.

- Amusement and water parks.
- E. Drive-in theaters.
- F. Air gun or survival games.
- G. Amusement parks
- H. Golf driving range
- I. Fairgrounds
- J. Batting cages
- K. Ski slope
- L. Skate board park
- M. Flea markets
- N. Uses similar to the above uses
- O. Uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.
- 1) Location Requirements: Outdoor commercial recreational and entertainment uses are permitted by Special Use Permit in the B-2 and B-3 zoning districts. Annual or seasonal events lasting no more than two (2) days are permitted by Special Use Permit in the A-1 and A-2 Zoning Districts.
 - 2) Site Requirements:
 - A. The site shall be located on, or shall take its principal access from a major thoroughfare. Seasonal or annual events may be located on less than major thoroughfare based on proximity to a major thoroughfare, projected traffic generated by the use, approval of the Shiawassee County Road Commission, and the Planning Commission.
 1. All points of entrance or exit shall be located no closer than two hundred (200) feet from the intersection of any two streets or highways except miniature golf and driving ranges which shall be not less than one hundred (100) feet.
 2. All vehicles shall have clear vision approaching a public street within one hundred (100) feet of the street for a sight distance of five hundred (500) feet in either direction along the street.
 3. Acceleration and deceleration lanes shall be provided where physically possible; at points of

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ingress and egress.

4. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
5. No drive shall be closer to any other drive than seventy-five (75) feet and the maximum number of driveways permitted on a major thoroughfare is two (2).

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6. Minimum site area shall be:

- a. Three (3) acres for: flea markets, batting cages, skate board parks and mini-golf. Minimum lot width shall be two hundred (200) feet.
- b. Ten (10) acres for: amphitheater, and amusement parks. Minimum lot width shall be six hundred (600) feet.
- c. Twenty (20) acres for all other listed commercial recreation uses. Minimum lot width shall be six hundred (600) feet.

3) Buffering Requirements:

A. No building or spectator seating facility shall be located within one hundred (100) feet of a lot line of adjoining residentially zoned property. Whenever any use permitted in this subsection abuts a property which is in a residential, business or agricultural district, a landscaped buffer strip of at least one hundred (100) feet in width shall be provided between such use and the adjoining district in accordance with Article 8 of this Ordinance. Golf driving ranges and miniature courses shall have a minimum landscaped buffer strip of fifty (50) feet when adjacent to a residential, agricultural, or business district.

B. Front, side and rear yards shall be at least eighty (80) feet. The first fifty (50) feet of such yards shall be kept free of off-street parking and shall be landscaped.

C. Whenever parking areas are adjacent to a residential district or a dwelling, a five (5) foot wall or greater shall be provided along the sides of the parking area adjacent to such land.

D. Race tracks and Drive-in theaters shall be enclosed around the entire periphery with an obscuring screen fence at least eight (8) feet in height. Fences shall be of permanent finished construction, painted or otherwise finished neatly, attractively and inconspicuously.

E. Golf driving ranges shall provide safety screening as deemed reasonable and necessary by the Planning Commission.

F. Landscaping shall be provided pursuant to the requirements of Article 8.

G. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

- A. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
- B. Facilities shall provide adequate off-street parking and passenger loading areas per the requirements of Article 7.
- C. The outdoor space used for parking and vehicle stacking, shall be hard surfaced and adequately drained.
- D. Facilities which have a participant capacity greater than 500 people shall provide letters of review from the County Sheriff and County Road Commission with respect to the proposed project.
- E. Exterior lighting shall be installed in such a manner that so that it does not impede the vision of traffic along adjacent streets.
- F. Facilities using night lighting adjoining a residentially zoned property shall deflect lighting away from these areas.
- G. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.
- H. Outside storage shall be screened.
- I. All sanitary facilities shall be designed and constructed in strict conformance with County Health Department regulations.
- J. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties. Adequate trash receptacles shall be provided, as needed throughout the site.
- K. In no case shall a recreational accessory use predate the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
- L. Accessory commercial activities shall be limited to those necessary to serve only the seasonal patrons of the facility.
- M. Not more than sixty five (65%) of the land area shall be covered by recreational uses.
- N. Central loudspeakers/paging systems are prohibited within one-hundred 100 feet of residentially zoned property.
- O. The intensity level of sounds shall not exceed seventy-five (75) decibels (dBA) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the common lot line when adjacent to a dwelling or a residential districts. The sound levels shall be measured

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with a type of audio output meter approved by the United States Bureau of Standards. For annual or seasonal events, a waiver may be obtained from the adjacent property owner. The waiver must be presented at the time of special use permit consideration and be in a form recordable by the Register of Deeds.

P. All such recreational uses shall be located at least five-hundred (500) feet from any other such use.

Q. No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of an existing dwelling.

R. Security fencing shall be provided adjacent to residential districts or uses.

S. Drive-in theater picture screens shall not face any public street and shall be so located as to be out of view from any major thoroughfare. Drive-in theater picture screens shall not exceed 70 feet in height above the existing ground elevation.

T. Drive-in theaters shall have ticket gates as follows:

1. One ticket gate for three hundred (300) car capacity theaters.

2. Two ticket gates for six hundred (600) car capacity theaters.

3. Three ticket gates for eight hundred (800) car capacity theaters.

4. Four ticket gates for one thousand (1,000) car capacity theaters.

Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty percent (30%) of the vehicular capacity of the theater.

U. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours is Monday through Sunday from 7:00 a.m. to 11:59 PM and may be prohibited on legal holidays.

V. All outdoor recreation and entertainment establishments which serve alcohol shall comply with the following standards:

1. Approvals, sanctions or other requirements of the Michigan Liquor Control Commission.

2. Apply for and receive site plan review and approval from Shiawassee County before any change of use that requires a new or modified license or permit from the Michigan Liquor Control Commission before

such a license or permit has been obtained from the Michigan Liquor Control Commission.

W. No camping or situating of recreational vehicles for temporary occupancy shall be permitted unless otherwise permitted by separate Special Use Permit approval.

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**4.3.53 Planned Neighborhood Convenience
Shopping Centers**

It is the intent of this Section to provide for the establishment in residential districts, planned neighborhood convenience shopping centers which can effectively serve day-to-day shopping with a minimum disruption of the character of the area in which they are located. Consolidation of convenience shopping facilities into planned shopping centers is encouraged in order to avoid strip commercial development, lessen traffic conflict, and improve the safety and convenience of customers. Consolidation is also encouraged in order to economically provide for the appropriate landscape buffers needed to protect property values in the adjacent areas.

1) Location Requirements:

A. Planned neighborhood convenience shopping centers are permitted by Planned Unit Development Permit in the B-1 Commercial zoning district.

B. Permitted Uses: All uses permitted by right or by right with conditions in the O-1 and B-1 districts.

C. Site Location Standards: The Perry Township Planning Commission shall only issue Special Use Permits for neighborhood convenience shopping centers which comply with the following site location standards:

1. In accordance with the adopted Township Master Plan.
2. Neighborhood convenience shopping centers shall only be located where they can be served by existing or programmed essential public service facilities such as public water, sanitary sewer, and adequate storm drainage facilities.
3. Principal access and frontage shall be on a major thoroughfare.

2) Site Requirements:

A. Site Development Standards:

1. Minimum site size - four (4) acres
2. Maximum site size - twelve (12) acres
3. Minimum frontage on a public road - 350 feet
4. Maximum frontage on a public road - 800 feet
5. Minimum setback requirements - front - 75 feet; side - 50 feet; rear - 60 feet

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<p>6. From any existing or proposed right-of-way - 75 feet</p> <p>7. Maximum frontage depth ratio - 1 to 3</p> <p>8. Maximum lot coverage - 40 percent</p> <p>9. Maximum height - 35 feet</p> <p>3) Buffering Requirements:</p> <p>A. Buffer-Strip: Buffer strips meeting the requirements of Section 8.3.2 shall be developed along all neighborhood convenience shopping center property lines which are adjacent to a residentially zoned district.</p> <p>B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.</p> <p>4) Performance Standards:</p> <p>A. Parking Lot: The parking lot of the neighborhood convenience shopping center shall contain two hundred (200) square feet of landscaping for every fifty (50) vehicles it accommodates.</p> <p><u>4.3.54 Planned Shopping Centers or Regional Malls</u></p> <p>The standards for this use are intended to promote safe and convenient access to shopping and business facilities and to avoid or minimize undue traffic congestion or other adverse effects upon property within adjacent districts. Planned shopping centers or regional malls shall conform with the following standards, unless specifically waived or modified as part of the Planned Unit Development Permit process.</p> <p>1) Location Requirements:</p> <p>A. Planned shopping centers or regional malls are permitted by Planned Unit Development Permit in the B-2 General Business zoning district.</p> <p>2) Site Requirements:</p> <p>A. The minimum lot area shall be forty (40) acres.</p> <p>B. Site Location Standards: The Perry Township Planning Commission shall only issue Planned Unit Development Permits for planned shopping centers or regional malls which comply with the following site location standards:</p> <ol style="list-style-type: none"> 1. In accordance with the adopted Township Master Plan. 2. Are located where they can be served by existing or programmed essential public service 	<p>facilities such as public water, sanitary sewer, and adequate storm drainage facilities.</p> <p>3. Principal access shall be from a major thoroughfare.</p> <p>C. Uses Permitted: The following uses shall be permitted:</p> <ol style="list-style-type: none"> 1. All uses permitted by " right with conditions or by Special Use Permit in the B-2, General Business districts and any use provided in the O-1 and B-1 districts by right or by right with conditions. 2. Department stores, variety stores, and other establishments of a similar nature. 3. Banks and other financial institutional offices. 4. Auditorium, assembly, and indoor entertainment facilities. <p>D. Data Requirements: In addition to the requirements of Article 14, a site plan for a planned shopping center or regional mall shall include the following:</p> <ol style="list-style-type: none"> 1. A list of proposed uses to be included in the proposed center with the area of each to be devoted to retail space. 2. A statement of financial responsibility to assure construction of the planned shopping center in a accordance with the site plan and requirements of this Ordinance. 3. Engineering and architectural plans for: <ol style="list-style-type: none"> a. The disposal of storm waters from roofed, parking lots and all hard-surfaced areas of the development. b. The proposed handling of traffic congestion, glare, air pollution, fire or safety hazards. 4. The proposed hours of business and the estimated number of employees and customers anticipated during the peak of business hours. 5. Final plans of the entire shopping center, including a time schedule for completion of construction. <p>3) Buffering Requirements:</p> <p>A. Transition Strips: All planned shopping center districts when located in or adjacent to an agricultural or residential district, or when adjacent to a school, hospital or other public institution shall include as an integral part of the site development a strip of land fifty (50) feet in width on all sides of the site abutting on a State or</p>
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Federal highway, which shall be set back one hundred fifty (150) feet from the road right-of-way. No part of such land may be used for any shopping center function, but shall be occupied by plant material, shrubs or structural fences and walls used separately or in combination. The plans and specifications for a shopping center development shall include the proposed arrangement of such plantings and structures.

B. Fences, screening, and landscaping in accordance with Article 8 of this Ordinance may be required to mitigate potential negative impacts on adjacent properties.

C. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

A. Site Development Requirements: The following types of structures and activities as they pertain to the planned shopping center shall be incorporated by reference as permitted uses in addition to the uses provided in subsection 2.C. above:

1. Types of Structures / Activities: All permitted activities and uses shall be conducted entirely within a permanent building, except for such outside activities, which by the nature of the specified use, are required and associated to the indoor activities of the permitted uses and; except:
 - a. The parking of customers' and employees' automobiles.
 - b. The loading and unloading of commercial delivery vehicles at a location, which shall not interfere with the pedestrian walkways, or customer parking facilities.
 - c. Recreational facilities, incidental to the center's principal operations.
 - d. Gasoline service stations, provided that they shall be in compliance with the Special Use Permit provisions of this Article for "Automobile Service Stations". See Section 4.3.5.
2. Parking Areas: All automobile parking areas and interior circulation for motor vehicles shall be designed in accordance with the following:
 - a. Notwithstanding the parking space requirements contained in Article 7, there shall be provided four (4) square feet of parking area of the aggregate of all building space devoted to retail sales and/or

services. For the purposes of this Section, parking areas shall be deemed to include only actual parking spaces and necessary appurtenant drives and vehicular access on the shopping center property.

- b. Any individual parking space in the center shall be accessible by clearly defined walks from the shopping area. Such walkways shall not intersect a vehicular way more than once.
 - c. Pedestrian travel from an establishment in the center to any other establishment shall be possible without crossing a vehicular way.
 - d. Automobile, pedestrian and truck traffic shall be separated to the fullest possible extent.
 - e. Automobile circulation design shall provide for access to parking areas in such a way that there shall be no backing up of traffic into any external street under conditions of anticipated maximum center destined traffic.
 - f. All areas accessible to vehicles or pedestrians shall be illuminated.
3. External Access: Access to the shopping center shall be provided by at least one (1) direct access from a major thoroughfare. The owners and traffic surveys to prove that all access points to an external thoroughfare or thoroughfares shall be fully capable of absorbing the maximum hourly traffic anticipated to be generated by the center without undue interference to other traffic on the thoroughfare.
 4. Surface Improvements: All areas accessible to vehicles shall be paved and maintained so as to provide a permanent, durable and dustless surface, and it shall be graded and provided with adequate drainage facilities in order that all collected surface water is effectively carried away from the site.
 5. Structure Location: No structure (with the exception of permitted signs, fences, walls, water towers, and light standards) shall be located closer to any property line of the center than a distance equal to twice its height.
 6. Signs: Signs identifying any of the permitted uses within this district shall be in accordance with the provisions of Article 9.
 7. All outdoor illumination shall be so arranged or aligned so that it is deflected from adjacent properties, streets, or thoroughfares and, so that

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it shall in no way impair the safe movement of traffic.

4.3.55 Private Clubs and Lodges

Such uses shall include, but need not be limited to, the following:

- A. Private recreation centers
- B. Private clubs or lodges

1) Location Requirements: Private clubs and lodges are permitted by Special Use Permit in the R-M1, O-1, B-2 and B-3 Districts; provided such facilities are constructed, maintained, and operated by an incorporated non-profit club or organization with a specified limitation of members, and that such facilities shall be operated for in the exclusive use of organization members and their guests

2) Site Requirements: Minimum lot size shall be one acre.

3) Buffering Requirements:

- A. Shall comply with the requirements of Article 8.
- B. The outdoor storage of trash or rubbish shall be screened in compliance with Section 8.11 of this Ordinance.

4) Performance Standards:

- A. Facilities shall provide off-street parking and passenger loading areas.
- B. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
- C. Not more than thirty-five (35)% of the land area shall be covered by the principal structure and recreational structures.
- D. Central loudspeakers/paging systems shall not be audible at an adjacent residential district or a dwelling.
- E. The intensity level of sounds shall not exceed seventy (70) decibels (dBA) at the lot line of industrial uses; sixty five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels (dBA) at the common lot line when adjacent to a dwelling or a residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards
- F. Security fencing shall be provided adjacent to residential districts.
- G.

Whenever a swimming pool is to be provided, said pool shall conform to the requirements of Section 5.3.1.H.

H. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.

I. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.

4.3.56 Private Non-Commercial Race Track

1) Location Requirements: A private non-commercial race track is a use permitted by right with conditions in the A-1, and A-2 Districts.

2) Site Requirements:

A. The parcel shall be a minimum of ten (10) acres in size.

B. The facility shall be setback two-hundred (200) feet from any property line or road right-of-way line.

3) Buffering Requirements:

- A. Fences, screening, and landscaping in accordance with Article 8 of this Ordinance may be required to mitigate potential negative impacts on adjacent properties.
- B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

- A. Any event where more than eight (8) vehicles are in attendance shall be considered an Outdoor Recreation and Entertainment Establishment and categorized under Section 4.3.52.
- B. The facility shall be setback two hundred (200) feet from any property line or road right-of-way line.
- C. Noise level generated by the facility shall not exceed 60 dBA at any property line.
- D. No artificial lighting is permitted.
- E. The facility may only be used during daylight hours, and never before 9:00 a.m. or after 8:00 PM p.m.

4.3.57 Public Buildings

1) Location Requirements: Public buildings are permitted by Special Use Permit in all districts. Public buildings include, but are not limited to administrative offices of governmental agencies, fire and police facilities, libraries, public museums, recreational centers,

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and buildings for essential public services (but not including storage areas for public equipment, electric substations, telephone substations, gas regulator stations, other utility and public service installations or communication towers for which separate standards exist in this Article).

2) Site Requirements:

A. The lot area and width shall not be less than that specified for the district in which the proposed use is located.

B. The yard and setback requirements shall be not less than that specified for the district in which the proposed use is located.

C. No building shall be erected to a height greater than that permitted in the district in which the proposed use is located.

D. Not more than thirty percent (30%) of the lot area may be covered by buildings.

E. All signs shall be in compliance with the provisions of Article 9.

F. Off-street parking shall be in compliance with the provisions of Article 7.

3) Buffering Requirements:

A. Shall comply with the requirements of Article 8.

B. The outdoor storage of trash or rubbish shall be screened in compliance with Section 8.11 of this Ordinance.

4) Performance Standards: All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to other buildings on the same site development.

4.3.58 Public Recreation and Playgrounds (Outdoor)

1) Location Requirements: Public recreational facilities such as parks and playgrounds below twenty-thousand (20,000) square feet are permitted by right in all districts and above twenty-thousand (20,000) square feet as a right with conditions use in all agricultural, residential and office districts. They shall have direct access to a public street.

2) Site Requirements: Shall meet the siting requirements of the County Parks and Recreation Commission.

3) Performance Standards:

A. Facilities shall provide off-street parking and passenger loading areas sufficient to meet the needs of those using the facility which shall be located at least twenty-five (25) feet from residentially zoned lots.

B. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.

C. Not more than thirty-five percent (35%) of the land area shall be covered by recreational structures.

D. All buildings shall be of a residential character and exterior materials are to be primarily wood or brick.

E. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.

F. Facilities using lighting adjoining a residentially zoned property shall deflect lighting away from these areas.

G. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.

H. All sports fields shall be a minimum of one hundred (100) feet from any lot line and two hundred (200) feet from any dwelling.

4.3.59 Railroad Yards

1) Location Requirements:

A. Railroad yards, flat yards, intermodal terminals, switching yards, marshalling yards, locomotive servicing and car maintenance facilities, are permitted by Planned Unit Development Permit in the M-1 and M-2 Districts. Any of the standards of this Section may be modified as part of the planned unit development per the requirements of Article 13.

B. Minimum Parcel Area: A minimum of forty (40) acres shall be required

C. Setbacks of loading and unloading operations shall be required as follows:

1. Adjacent to existing residences = 500 feet.

2. Adjacent to public right-of-way or property line = 200 feet.

D. A berm shall be provided pursuant to Article 8.

3) Buffering Requirements:

A. Fencing: The entire perimeter of any site shall be enclosed by: a six (6) foot high chain link fence along any road on which the site has frontage; and a four (4) foot woven wire farm fence with one strand of barbed wire on top along other property lines to deter inadvertent entry.

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B. The outdoor storage of trash or rubbish shall be screened in compliance with Section 8.11 of this Ordinance.

4) Performance Standards:

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All uses shall be established and maintained in accordance with all applicable local ordinances, State and Federal laws.

3) Buffering Requirements:

A. Conditions and Safeguards: The Planning Commission may impose such additional conditions and safeguards deemed necessary for: the public health, safety and general welfare, the protection of individual property rights, and for insuring the intent and purpose of this Ordinance as are not contrary to state law. The breach of any condition, safeguard, or requirement shall be a violation of this Ordinance.

B. Hours of Operation: Operating hours shall be determined by the Shiawassee County Planning Commission based on nuisance potential to adjoining property owners.

C. Nuisances: Litter, odor, smoke, fumes, and dust shall be controlled so as not to cause a nuisance or hazard.

D. The Planning Commission shall establish routes for truck movement in and out of the development in order to minimize traffic hazards, to minimize the wear on public streets, and to prevent encroachment of traffic or the by-products of traffic (such as dust and noise) upon adjacent properties.

4.3.60 Religious Institutions

1) Location Requirements:

- A. Religious institutions are permitted by Special Use Permit in the A-1, A-2, R-1A, R-1B, R-1C, R-1D, R-M1, R-T and B-1 zoning districts.
- B. The proposed site shall be so located as to have at least one property line on a public road. If the combined building area is over thirty-thousand (30,000) square feet, access shall be from a major thoroughfare.

2) Site Requirements:

- A. The proposed site shall be at least one (1) acre in size plus one-half (1/2) acre per one hundred (100) seats in the main auditorium.
- B. No building shall be closer than fifty (50) feet to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional one (1) foot for each foot of additional height above the district height limitation.
- C. No more than twenty-five (25) percent of the site area shall be covered by buildings. No more than sixty percent (60%) of the site shall be covered by impervious surface

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A. The site shall comply with the requirements of Article 8.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

A. No day care center, day or overnight camp, private school, or other use requiring a Special Use Permit shall be allowed without a separately approved Special Use Permit for each use identified as requiring a Special Use Permit in this Ordinance.

B. Additional principal uses may share parking if the uses are at different times.

4.3.61 Repair Services

1) Location Requirements: Repair services of medium or heavy machine character (see Table 2-1) are permitted by Special Use Permit in the M-1 and M-2 Districts.

2) Site Requirements: Shall comply with the minimum lot size of the District.

3) Buffering Requirements:

A. A landscaped buffer strip shall be provided in accordance with the provisions of Section 8.3.2.

B. Outdoor trash storage shall be provided pursuant to Section 8.11.

4) Performance Standards:

A. The facility shall be in conformance with all local, county, state and federal regulations at all times.

B. Storage of all machinery and equipment being repaired shall be inside an enclosed building.

C. All flammable liquids, solvents, cleaners and other hazardous substances shall be stored within a building and secondary containment measures shall be installed and properly maintained.

D. The intensity level of sounds shall not exceed seventy-five (75) decibels (dBA) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the common lot line when adjacent to a dwelling or a residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.

4.3.62 Rural Enclaves

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This development option in the A-1 Agricultural Production District is presented to permit a small part of a larger agricultural property to be developed as single family dwellings with the minimum impact on the amount of farmland consumed and on the economic operation of the farm. It is intended to be flexible in its application provided large areas of agricultural land are preserved. No common open space is permitted in a rural enclave.

1) Location Requirements: Rural enclaves are permitted by Special Use Permit in the A-1 Agricultural Production districts.

2) Site Requirements:

A. The following uses are permitted:

1. Single family dwellings.
2. Home occupations, as provided for in Section 5.3.2.A, but not home businesses as provided for in Section 5.3.2.B.

3. Animals per the requirements of Section 5.2.12.C, Table 5-1 and Section 5.2.12.D, Table 5-2.

B. Density: Single Family dwellings may be clustered into a rural enclave at the following densities: in the A-1 District at the density of one dwelling per forty (40) contiguous acres. This means 240 acres in an A-1 District could have six (6) single family lots in a rural enclave.

C. Site Location: A cluster of single family dwellings is permitted in a rural enclave if conformance is achieved with all of the following conditions:

1. The affected area shall be other than prime agricultural land and found unsuited for crop production because of soil conditions, unless all of the soil on the property is prime agricultural land; or the only non-prime agricultural land on the property is unsuited for single family development, in which case the location of the rural enclave shall minimize fragmentation of efficient agricultural operations.
2. The affected area is less than twenty (20) acres and more than five (5) acres in area and where natural features permit, is isolated by roads, steep lands or wetlands.
3. The area has direct access to a public road either via a private road or a new public road approved according to the requirements of this Ordinance.
4. The site is not within one-thousand three hundred and twenty (1,320) feet of concentrated animal feeding operation.

D. Site Development Requirements:

- 1.

Lot size shall not be more than two and one-half (2½) acres nor less than one-half acre and no parcel shall have an area less than that required to meet Public Health Department waste disposal requirements.

2. Minimum width at the building line shall not be less than fifty (50) feet and no required yard shall be more than twenty percent (20%) less than the district for a single family dwelling.

E. Site Plan: The petition shall be accompanied by a limited Site Plan. The plans shall be drawn to a scale of 1" = 100' and said plan shall include the following information:

1. Parcel boundary.
2. Proposed lots within the parcel.
3. Provisions for grading and stabilization that will minimize said erosion.
4. Description and mapping of existing buffer areas (wetlands, steep slopes, roads, non-arable lands).
5. Description and map of nearest agricultural activity and principal uses.
6. An illustration showing, to scale, an alternative way that the same number of lots could be permitted by right without being permitted through the residential enclave option.

F. Spacing: Single Family Dwellings shall be separated from farm buildings consistent with the requirements of Section 4.3.49, 2), c.

4.3.63 Sanitary Landfills

1) Location Requirements:

A. Public and private sanitary landfills are permitted as a special condition use in the A-1 and A-2 Agricultural zoning districts.

2) Site Requirements:

A. In addition to the necessary application and payment of fees, the petition shall be accompanied by a General Site Plan. The plans shall be drawn to a scale of 1" = 100', and said plan shall include the following information:

1. The method and direction of landfilling.
2. Surface overburden stripping and stockpiling plan.

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3. Provisions for grading, revegetation, and stabilization that will minimize soil erosion and sedimentation.
 4. Provisions for buffering, landscaping, fencing and screening.
 5. Legal description and physical location of each phase, number of acres included in each phase unit, estimated length of time to complete filling of each successive phase unit.
 6. A phase unit is a designated area of operations of not greater than twenty (20) acres. These phase units shall be clearly indicated on the general site plan. Prior to excavating or filling of any phase, written notification must be submitted a minimum of five (5) days in advance to the Zoning Administrator and an approved inspection ticket shall be issued by the Zoning Administrator upon compliance with the Ordinance and the submitted general plan. Re-establishment of vegetation on the areas to be abandoned, as outlined on the plans and specifications on file shall be accomplished prior to moving to the next phase. To insure the performance of the rehabilitation of the site, the Planning Commission may, after proper notification, utilize said financial guarantee as indicated in Article 7.
 7. Cross-section drawings showing the present elevations, the invert elevations, and the final elevations.
 8. Proposed use of parcel after completion.
 9. Drainage on and away from the fill area showing directional flow of water in drainage ways, natural water courses and streams, intermittent and flowing, including discharge from the filling operation.
 10. The haul routes of trucks regularly coming to and from the facility.
- B. Minimum Parcel Area: A minimum of forty acres shall be required to utilize any site for sanitary landfill operations.
- C. Setbacks of the filling operation shall be required as follows:
1. Adjacent to residential district or existing residences dwelling = 500 feet.
 2. Adjacent to agricultural district = 300 feet.
 3. Public Right-of-way = 300 feet.

4. Adjacent to commercial district = 250 feet.

5. Adjacent to industrial district = 100 feet.

D. Ingress and Egress Requirements: There shall not be more than one (1) entrance to the landfill site and such entrance shall be provided with a gate not less than six (6) feet high which shall be securely locked at the close of each work day or whenever the site is unattended.

E. The general site plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology or to correct an oversight. The Planning Commission shall solicit comment from the Township Boards and Township Planning Commission on any modifications.

3) Buffering Requirements:

A. Fencing: The entire perimeter of any landfill site shall be enclosed by: a ten (10) foot high chain link fence along any road on which the site has frontage; and a four (4) foot woven wire farm fence with one strand of barbed wire on top along property lines to deter inadvertent entry and effectively retain papers. Additional fencing such as an eight (8) foot portable chicken wire fence along the unloading and spreading area may be required by the Planning Commission whenever necessary to control light rubbish blown by the wind.

4) Performance Standards:

A. All uses shall be established and maintained in accordance with all applicable local ordinances, the County Solid Waste Management Plan and Part 115 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended.

B. Conditions and Safeguards: The Planning Commission may impose such additional conditions and safeguards deemed necessary for: the public health, safety and general welfare, the protection of individual property rights, and for insuring the intent and purpose of this Ordinance as are not contrary to state law. The breach of any condition, safeguard, or requirement shall be a violation of this Ordinance.

C. Hours of Operation: Operating hours shall be determined by the Perry Township Planning Commission based on nuisance potential to adjoining property owners.

D. Covered Loads: All refuse collection vehicles shall be covered with a rigid or fabric cover before entering or exiting the site. The cover must be securely attached to prevent any loss of materials from the vehicle during transit.

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E. Litter: Policing of the immediately adjoining property, perimeter berms, and/or fencing to prevent unauthorized dumping, or wind blown debris shall be required at the expense of the operator.

F. Nuisances: Litter, odor, smoke, fumes, and dust shall be controlled so as not to cause a nuisance or hazard.

G. The Planning Commission shall establish routes for truck movement in and out of the development in order to minimize traffic hazards, to minimize the wear on public streets, and to prevent encroachment of traffic or the by-products of traffic (such as dust and noise) upon adjacent properties.

4.3.64 Self-Service Storage Facilities

1) Location Requirements:

A. Self-service storage and mini-storage facilities are permitted by Special Use Permit in the B-3, M-1 and M-2 Districts.

B. The facility shall have direct access to a major thoroughfare.

2) Site Requirements:

A. The minimum lot or parcel size for self-service storage facilities shall be two (2) acres.

B. The individual areas used principally for storage, warehousing, or distribution shall not exceed five thousand (5,000) square feet in gross floor area or twenty-five (25) feet in height.

C. Off street parking shall be in accordance with Article 7.

D. There shall be a minimum of thirty five (35) feet, forty-five (45) feet if the driveway is two-way, between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty five (25) feet. Traffic direction and parking shall be designated by signaling or painting.

E. The lot area used for parking and access shall be provided with a permanent, durable, dustless surface and shall be graded and drained so as to dispose of all surface water.

3) Buffering Requirements:

A. When adjoining a residential district, a six (6) foot high wall or fence shall be erected and maintained along the connecting lot line. Said fence is not subject to the waivers requirements in Section 8.14

B. All lighting shall be shielded from adjacent residential districts.

C. A twenty (20) foot landscaped strip shall be required adjacent to any public streets pursuant to the requirements of Article 8.

D. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

A. No retail, wholesale, fabrication, manufacturing, or service activities shall be conducted from the storage units by the lessees.

B. Not more than three thousand six-hundred (3,600) square feet in total area shall be occupied or used by any single tenant.

C. Storage of goods shall be limited to personal property with no commercial distribution allowed from the storage units.

D. All storage shall be within the enclosed building area. There shall be no outside storage or stockpiling.

E. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting streets.

F. No storage of hazardous substances, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

4.3.65 Sexually Oriented Businesses

1) Location Requirements: Sexually oriented businesses are permitted by right with conditions in the B-3 and M-1 Districts. Where a reference in this Section is made to conformance with the standards of another use or Section which requires a Special Use Permit, the sexually oriented business shall conform with the standards for that use or Section but no Special Use Permit will be required. Approval of a site plan by the Site Plan Review Committee pursuant to the procedure specified in Article 14 is required; and a final decision of the Site Plan Review Committee shall be made within sixty days following a complete application.

2) Site Requirements:

A. Sexually oriented businesses that are also indoor entertainment establishments shall meet the site requirements for indoor entertainment establishments found in Section 4.3.38 and those of Section 4.3.65 2) B., C., D. and E. below.

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B. All sexually oriented businesses shall be contained in a freestanding building. Enclosed malls, commercial strip buildings, common wall structures, and a mixture of non-sexually oriented businesses and other businesses within the same structure do not constitute a freestanding building.

C. No sexually oriented business shall be established on a parcel which is within five-hundred (500) feet of any parcel zoned R-1A, R-1B, R-1C, R-1D, R-M1, or R-T or any residence, park, school, child care facility, place of worship, bowling alley, skating rink, pawn shop or secondhand store, indoor or drive-in movie theater, pool or billiard hall, dance hall, amusement center, sauna, hot tub or similar establishment, a Class "C" establishment licensed by the Michigan Liquor Control Commission.

D. No sexually oriented business shall be established on a parcel within one thousand feet (1000') of another sexually oriented business.

E. The distance between a proposed sexually oriented business and any parcel zoned R-1A, R-1B, R-1C, R-1D, R-M1, or R-T, any residence, park, school, child care facility, place of worship, bowling alley, skating rink, pawn shop or secondhand store, indoor or drive-in movie theater, pool or billiard hall, dance hall, amusement center, sauna, hot tub or similar establishment, a Class "C" establishment licensed by the Michigan Liquor Control Commission or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the residence, school, child care organization, place of worship or other sexually oriented business.

F. The spacing requirement in subsection c and d. above may be waived by up to twenty-five percent (25%) by the Planning Commission, if the following findings are made:

1. That the proposed sexually oriented business use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of the District will be observed.
2. That the proposed sexually oriented business use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
3. That the establishment of a sexually oriented use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of redevelopment or renewal.

4. That all applicable state laws, county and local ordinances will be complied with.

3) Buffering Requirements:

A. Sexually oriented businesses that are also indoor entertainment establishments shall meet the buffering requirements for indoor entertainment establishments found in Section 4.3.38.

B. All sexually oriented businesses shall comply with the following buffering requirements:

1. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent roadways.
2. Outdoor storage of garbage shall comply with the requirements of Section 8.11.

4) Performance Standards:

A. Sexually oriented businesses that are also indoor entertainment establishments shall meet the performance standards for indoor entertainment establishments found in Section 4.3.38.

B. All sexually oriented businesses shall conform with the following standards:

1. The sexually oriented business shall conform with all regulations of the zoning district in which it is located unless those regulations conflict with these standards, in which case these standards shall control.
2. The sexually oriented business shall meet all applicable written and duly promulgated standards of Perry Township and of other governments or governmental agencies having jurisdiction, and must, to the extent required, have the approval of these governments and/or governmental agencies or be reasonably assured of such approval prior to grant of a permit under this Ordinance.
3. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting from the business, and using lettering no less than two (2) inches in height that: 1) "Persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

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| <p>4. No sexually oriented business use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public street or road, or from any property not regulated as a sexually oriented business. This provision shall apply to any display, product or service for sale or gift, decoration, sign, show window, or other opening.</p> <p>5. Hours of operation shall be limited to 10:00 AM to 2:00 AM Monday through Saturday and may be prohibited on legal holidays.</p> <p>6. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.</p> <p>7. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of specified anatomical areas or specified sexual activities shall:</p> <ul style="list-style-type: none">a. Be handicap accessible to the extent required by the Americans With Disabilities Act;b. Be unobstructed by any door, lock or other entrance and exit control device;c. Have at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;d. Be illuminated by a light bulb of wattage of no less than 25 watts;e. Have no holes or openings in any side or rear walls not dedicated for use by a utility, or a heating, air conditioning or ventilation system. <p>8. No person shall reside in or permit a person to reside in the premises of a sexually oriented business.</p> <p>9. It shall be unlawful and a person is in violation of this Ordinance if the person operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued under this Ordinance, and knowingly or with reason to know permits, suffers or allows any person:</p> | <ul style="list-style-type: none">a. To engage in a straddle dance with a person at the sexually oriented business;b. To contract or otherwise agree with a person to engage in a straddle dance with a person at the sexually oriented business;c. To engage in any specified sexual activity at the sexually oriented business;d. To display or expose any specified anatomical area while simulating any specified sexual activity with any other person at the establishment, including with another employee;e. To intentionally touch any person at the sexually oriented business while engaged in the display or exposure of any specified anatomical area;f. To voluntarily be within three (3) feet of any person, other than another employee, while engaged in the display or exposure of any specified anatomical area.g. It shall be unlawful and a person is in violation of this Ordinance, if, as an employee of a sexually oriented business, said person:<ul style="list-style-type: none">h. Engages in a straddle dance with a person at the sexually oriented business;i. Contracts or otherwise agrees to engage in a straddle dance with a person at the sexually oriented business;j. Engages in any specified sexual activity at the sexually oriented business;k. Displays or exposes any specified anatomical area while simulating any specified sexual activity with any other person at the sexually oriented business, including with another employee;l. While engaged in the display or exposure of any specified anatomical area, intentionally touches a person at the sexually oriented business;m. Is voluntarily within three (3) feet of any person (other than another employee) while said person/employee is engaged in the display or exposure of any specified anatomical area. <p>10. All sexually oriented businesses shall conform with the following regulations concerning:</p> <ul style="list-style-type: none">a. Disorderly persons, § 750.167 et seq. of the Compiled Laws of Michigan |
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- b. Drugs and medicines, and controlled substances, § 333.7101 et seq. of the Compiled Laws of Michigan
- c. Gambling, § 750.301 et seq. of the Compiled Laws of Michigan
- d. Horseracing, § 750.330 et seq. of the Compiled Laws of Michigan
- e. Indecency and immorality, § 750.335 et seq. of the Compiled Laws of Michigan
- f. Intoxicating liquor, generally see § 436.1 et seq. of the Compiled Laws of Michigan
- g. Nuisance abatement, see §§ 600.2940, 600.2941.
- h. Prostitution, see § 750.448 et seq. of the Compiled Laws of Michigan.

C. All sexually oriented businesses which serve alcohol shall comply with the following additional standards:

- 1. At all times shall remain in conformance with all rules, regulations, license conditions, permits, approvals, sanctions or other requirements of the Michigan Liquor Control Commission.
- 2. Apply for and receive site plan review and approval from the Shiawassee County Site Plan Review Committee before any change of use that requires a new or modified license or permit from the Michigan Liquor Control Commission before such a license or permit has been obtained from the Michigan Liquor Control Commission.

D. Special Hardship: If the regulations above, or in combination with other regulations of this Ordinance have, in the opinion of the applicant, the effect of precluding establishment of a sexually oriented business, then the applicant shall not have exhausted his/her administrative remedies under this Ordinance without first applying for a Hardship PUD according to the provisions of Section 13.4.

4.3.66 Shooting Ranges: Including those facilities defined in the Sport Shooting Range Act No. 269 of 1989, as amended, and/or facilities designed, operated, or used for any form of shooting including ranges for archery, rifles, shotguns, pistols, black powder or other similar projecting of weapons, and skeet, trap, silhouettes, and other types of target facilities.

- 1) Location Requirements: Indoor or outdoor shooting ranges are permitted by Special Use Permit in the A-1 and A-2 Districts and indoor only by Special Use Permit in the B-2 and B-3 Districts. A site plan meeting the requirements of Article 14 and any additional requirements of this Section shall be submitted.
- 2) Site Requirements: Minimum lot area shall be twenty (20) acres for outdoor facilities and one (1) acre if the facility is located within a building or underground.
- 3) Buffering Requirements:
 - A. Minimum front, side and rear yard setbacks shall be two hundred fifty (250) feet in the agricultural districts and the same as the district in the B-2 and B-3 Districts.
 - B. All landscaping and buffering shall comply with requirements of Article 8.
 - C. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.
- 4) Performance Standards:
 - A. All federal, state and county codes and ordinances in regard to firearms shall be strictly adhered to. In addition, the requirements of the Sport Shooting Ranges Act, Public Act 269 of 1989, as amended, shall be adhered to.
 - B. A site plan for the range, whether indoor or outdoor, shall be submitted clearly indicating all safety provisions to assure that any missile fired within the confines of a shooting range shall not carry into or over an adjacent district or area.
 - C. The operator shall have the County Sheriff review and comment on the site plan prior to submitting it to the Zoning Administrator.
 - D. Rifle and pistol ranges shall have adequate backstops that meet the approval of the Site Plan Review Committee.
 - E. A five (5) foot high chain link fence shall be provided around any outdoor shooting area to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged. Signs designating the area as a shooting range shall be clearly posted.
 - F. Hours of operation shall be between 8:00 a.m. and dusk.
 - G. The intensity level of sounds shall not exceed seventy-five (75) decibels (dBA) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the

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common lot line when adjacent to a dwelling or a residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.

I. The layout of the shooting range shall follow guidelines available from public and nonprofit organizations maintained in the office of the Zoning Administrator, which are designed to enhance public safety, minimize accidents, guarantee insurance coverage and minimize liability.

J. Section 2a of the Sport Shooting Range Act No 269 of 1989 mandates that facilities as defined in the Act that existed before the effective date of the Act (1989) be allowed to expand and replace existing facilities and the level of activity at the facility. The limitations on nonconformities in Article 10 of this Ordinance are superseded by the Sport Shooting Act.

4.3.67 Surface Mining

1) Location Requirements: Commercial mineral, stone, gravel, sand, peat and similar material excavation, mining, processing and quarrying activities are permitted by Special Use Permit in the A-1, A-2, M-1, and M-2 zoning districts. For the purposes of this Ordinance, these activities and operations shall be categorized under the term "mining." Mining existing on the effective date of this Ordinance, and amendments thereto, shall be subject to the following regulations with regard to future expansion of operations. Future operations shall be considered new operations and shall require a Special Use Permit.

2) Site Requirements:

A. The minimum site area for mining shall be five (5) acres.

B. Mining shall not be permitted closer than one hundred fifty (150) feet from property lines, from private or public rights –of-way, or from any natural water body, watercourse or regulated wetland.

1. The Planning Commission may approve the complete removal of material to an adjacent property line where two (2) mining operations share a common property line. Such exception shall only be permitted upon written approval by the owner(s) and operator(s) of the adjacent properties and a consensus vote of the Planning Commission members present.
2. The Planning commission may approve mining no closer than seventy-five (75) feet of a property line under this section if the owner of the property under petition owns adjacent property. A secured barrier is to be constructed to minimize hazards during

operation and the excavated ares must be back-filled and stabilized within six (6) months of excavation. A waiver, signed and notarized by the property owner(s) of the [property where said setback is applicable, must be provided for review by the Planning Commission. Said waiver shall be in the form to encumber the property for future owners of both properties. The Planning Commission shall have a consensus vote specifically approving such waiver and reduction in setback prior to final action to approve the Special Use Permit.

C. Mining shall be not be permitted closer than three hundred (300) feet to any a residential dwelling unit or a residential zoning district permitting more than one (1) dwelling unit per acre.

The Planning Commission may approve mining within one hundred fifty (150) feet of a residential zoning district permitting more than one (1) dwelling per acre if the owner of the property under petition owns adjacent property. A secured barrier is to be constructed to minimize hazards during operation and the excavated acres must be back-filled and stabilized within six (6) months of excavation. A waiver, signed and notarized by the property owner(s) of the [property where said setback is applicable, must be provided for review by the Planning Commission. Said waiver shall be in the form to encumber the property for future owners of both properties. The Planning Commission shall have a consensus vote specifically approving such waiver and reduction in setback prior to final action to approve the Special Use Permit.

D. Processing and wash plants, including any associated accessory structures, shall not be located closer than two hundred fifty (250) feet from property lines and public rights-of-way and no less than five hundred (500) feet from any residential dwelling unit or residential district permitting more than one (1) dwelling unit per acre.

E. Storage, mixing or processing of other aggregate and related materials (excluding concrete and asphalt batch plants) brought to the site from elsewhere is permitted on site and are subject to the same restrictions as other material extracted from the site. Such material can include the storage, processing, crushing and recycling of material, such as concrete. The Planning Commission may require additional bonding for the removal of off-site material in the event that operations are abandoned.

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F. The Planning Commission in the review of any petition for mining shall require the petitioner to substantiate that any public or private roads to be utilized by vehicles hauling to or from the site have the capacity and be of the construction type to accommodate the truck travel necessitated by the operations. In considering the feasibility of the location of the petitioned mining operation, conditions such as the routing traffic around residential areas and preventing damage to private and public roads. The Shiawassee County Road Commission (SCRC) and/or the Michigan Department of Transportation (MDOT) shall be consulted and any requirements or agreements between the petitioner and those agencies may be held as a condition of the approved Special Use Permit. Such agreements shall be explicitly tied to the validity of the special land use approved by the Planning Commission. Compliance with those agreements shall determine compliance with the special land use approval.

G. In addition to the data requirements of Section 14.4.2, each application for a Special Use Permit shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:

1. Name and address of surface owner and/or mineral rights owner of land from which excavation activities will take place.
2. Name, address and telephone number of operator (person, firm or corporation who will be conducting the actual excavation).
3. Show location, size and legal description of the total site area to be excavated. Include legend showing a north point, scale and date.
4. For mining sites that are greater than five (5) acres in area, show the division of mining area into cells, which are areas where mining and excavation are anticipated to occur and be reclaimed in generally sequential order.
5. A statement identifying all other federal, state and local permits required, if any.
6. Proof of liability insurance from the operator.
7. Existing and proposed topography at two-foot contour intervals. Such topography shall extend a minimum of fifty (50) feet beyond the property line of the property petitioned for Special Use Permit.

8. The existing surface water and drainage systems.
9. For proposed mining operations where the total disturbed area exceeds more than twenty (20) acres, a scaled and vertical aerial photograph or satellite image is required showing:
 - a. All land requested in permit application.
 - b. All contiguous land which is or has been used by the owner or leaseholder applicant for excavation, processing, storage or other permitted use.
 - c. All lands within one-half (½) mile of proposed planned excavation area.
10. A hydro-geologic report of the proposed excavation site shall be provided. Such a report shall, at a minimum, provide:
 - a. A detailed description of subsurface conditions.
 - b. Depth of water table throughout the planned excavation area.
 - c. A map depicting the thickness and depths of material to be excavated.
 - d. A discussion of the environmental impacts of the proposed excavation, including, but not limited to, the impact of the proposed excavation upon the existing water wells.
 - e. A recommendation of the necessity to install monitoring wells.
11. For the first year of operation and each successive year to completion, provide the following:
 - a. Utilizing the described cells, provide estimates of the area and amount of material excavated in cubic yards.
 - b. Proposed side slopes and depths for all portions of the excavated area.
 - c. Proposed drainage system, settling ponds and retention ponds, as appropriate.
 - d. The time, duration, phasing by cell and proposed work schedule of the total project.
 - e. The proposed location of any buildings, storage areas, stockpiling areas, and sorting, washing or crushing equipment as appropriate.
12. The proposed location of access points to the site and proposed haul routes for excavated material.

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13. Provision for fences, signs, buffers, landscaping and screening.
 14. A detailed plan and program for the reclamation for each cell and/or phase of the mining project. At a minimum, the reclamation plan/program shall include:
 - a. Physical descriptions of the location of each cell, number of acres included in each cell, estimated length of time to complete each cell in excavation.
 - b. Depiction of temporary and permanent side slopes, including methods of bank stabilization and plant materials proposed for use.
 - c. Landscape plan, including an inventory of grass/pasture species to be used.
 - d. A master land use and final form of land plan for the site once excavation is complete. Such plan is to generally include anticipated future access, development areas, water bodies, etc.
 15. Site plan and associated background reports shall document the methods of compliance with the performance standards of this Section.
 16. On an annual basis from the date of the approval of the Special Use Permit or as determined by the Planning Commission, the holder of the Special Use Permit or their assign shall provide a progress report and site plan showing the mining progress made in the previous year. The Planning Commission may have the standing sub-committee that reviews and makes recommendations concerning mining and related activities review the progress report and site plan.
3. Buffering Requirements:
- A. Fencing: If, in the opinion of the Planning Commission, any part of the surface mining site or activity might present a dangerous condition if left unsecured, the area shall be enclosed by a fence. The Planning Commission shall, in establishing the requirements for fencing, also take into account the scope of the proposed excavation and the population density of the surrounding area. Said fence shall be located not less than ten (10) feet from the top edge of any slope or from the water's edge of a pond. Where surface mining is authorized to proceed in stages, only the area excavated plus the area of the stage currently being excavated need be fenced. The Planning Commission may require perimeter fencing around the entire site if it is believed that the public health, safety and welfare is better protected.
- If required, gates, the same height as the fence, shall be installed at all points of vehicular or pedestrian ingress and shall be kept locked when not in regular use.

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B. Screening:

1. Screening and buffering during mining shall be provided to visually and physically screen the site from adjacent properties, land uses and rights-of-way to prevent potential negative impacts such as noise, dust, etc. Such screening and buffering shall consist of one or more of the following:

a. Earth berms constructed to a height of ten (10) feet above the mean elevation in the centerline of the adjacent public highway of ten (10) feet above the general level of terrain along property lines, as the case may be. Such berms shall have slopes that are not in excess of one (1) foot vertical to three (3) feet horizontal and shall be planted with grass and trees or shrubs.

b. Plantings of evergreen trees not more than ten (10) feet apart or shrubbery not more than five (5) feet apart, in three (3) staggered rows parallel to the boundaries of the property which shall be at least two year transplants at the time of planting and which grown to not less than ten (10) feet in height and sufficiently spaces to provide effective sight barriers when ten (10) feet in height. Trees which die prematurely must be replaced.

c. Earth berms planted with grass and evergreen trees or shrubbery as specified in (b) above, provided that the total height of the berm and the trees or the shrubbery at maturity will be at least ten (10) feet above the general level of the terrain along property lines or the mean elevation of the center line of the adjacent public highway, as the case may be.

2. The ten (10) foot requirement for screening by means of a berm and/or plantings may be reduced by the Planning Commission to not less than six (6) feet if the particular site and terrain, with screening of a reduced height, will afford adequate screening.

4. Performance Standards:

A. All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or collapse of supporting soil adjacent to an excavation.

B. No operation shall be conducted in a manner so as to lower the water table on surrounding properties.

C. All excavated banks shall be graded in accordance with an approved reclamation plan with slopes no greater than three (3) feet horizontal to one (1) foot vertical, unless otherwise approved as part of a reclamation plan.

D. Temporary stockpiling of topsoil or overburden, erosion, and similar operational problems shall not constitute a hazard to road traffic, pedestrians or adjoining property.

E. Topsoil stockpiles shall be seeded to prevent wind and water erosion.

F. All excavations shall use the most current best management practices (BMP) for soil erosion and sedimentation control to manage erosion and limit the amount of sediment reaching surface waters.

G. The site, including areas actively mined, used for processing, storage or hauling shall be graded to prevent the accumulation of water in stagnant pools.

H. Trees and other vegetation or ground cover shall not be prematurely stripped off the surface of the ground so as to unnecessarily expose areas of ground that are prone to wind or water erosion that will cause ground or dust to be carried by wind or water onto adjoining or surrounding properties, or onto public or private roads, or to create a nuisance.

I. The intensity level of sounds shall not exceed seventy-five (75) decibels (dB) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the common lot line when adjacent to a dwelling or a residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.

J. Air pollution, noise and vibrations shall be minimized by adequately maintained and operated equipment and by the proper use of berms, walls, and natural planting screens.

K. Mining operations shall have immediate and direct access to roads capable of carrying the expected truck and/or heavy vehicle traffic prior to commencement of use and shall use approved

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access routes to minimize adverse impacts on neighborhoods.

L. Access to mining areas shall be arranged to minimize danger to traffic and nuisance to surrounding properties. Public streets within fifteen hundred (1500) feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site by the operator following maintenance standards established by the road authority with jurisdiction. Any maintenance program or agreement held With the SCRC shall be filed for review by the Planning Commission and may be held as a Condition of the Special Use Permit.

M. Interior roads, parking lots, haul road loading and unloading areas shall be treated so as to limit the nuisance caused by wind-blown dust or dust from truck traffic.

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N. Public streets within 1500 feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site by the operator following maintenance standards established by the road authority with jurisdiction.

O. Additional equipment or machinery for the operations on the premises shall not be permitted unless specifically applied for in the application and covered by the permit issued.

P. Any excavator shall be responsible for notifying the Michigan Department of State, Bureau of History when human remains and/or historical artifacts are discovered.

Q. The excavation shall not be used for the disposal of foreign material without prior approval from appropriate local, county and state entities.

R. All work shall be undertaken and completed on a cell by cell basis. No work can begin in the next cell until reclamation in the previous cell is satisfactorily completed or underway pursuant to a phasing plan approved by the Planning Commission.

S. Maximum depth of excavation shall remain two (2) feet above the water table, except in such cases where the reclamation plan indicates that a lake or lakes will be part of the final use of the land or where such plan indicates that adequate fill from the overburden is to be used to refill such excavation for conformance to the approved reclamation plan. Operations shall be conducted in such a manner so as not to permanently lower the water table. If excavations are refilled, that filling process must be in accordance with water pollution control regulations. A Michigan Department of Environment, Great Lakes and Energy permit requirement may apply to this activity and prior to any filling a determination of pertinent regulations shall be made by the Zoning Administrator.

T. In the event the owner/operator desires to develop said land into residential or recreational property with the excavation as a lake therein, he/she may make application, therefore, as a part of this Special Use Permit, provided said permit grades the borders of the excavation to a pitch of not more than one (1) foot drop to each four (4) feet of surface from the top of the bank to the high water mark, with a pitch from the high water mark into the water to a depth of eight (8) feet below the low water stage, with a drop of not more than one (1) foot to each eight (8) feet of surface.

5) An operator shall remove all worthless debris and rubbish from the plant site and mining area within one (1) year of the date of termination

of operations or abandonment of the property.

U. The hours of operation shall be set by the Planning Commission, after consideration of the surrounding land uses and the particular traffic patterns on public haul routes in the area. The maximum range of hours is Monday through Saturday from 7:00 a.m. to 6:30 p.m. and shall be prohibited on legal holidays and Sundays. The Zoning Administrator may provide temporary exemptions from hours of operation for an operator who must repair equipment or for public emergencies.

V. Before issuance of a Special Use Permit, there shall be filed by the applicant a surety bond at \$10,000 per acre executed by a reputable surety company authorized to do business in the State of Michigan, or an irrevocable bank letter of credit or cash bond pursuant to the requirements of Section 16.10 running to Perry Township, conditioned upon the prompt compliance with all provisions of this Section and the requirements of the County and State. The \$10,000 amount per acre for surety bond will be increased by 2% per year from the date of the adoption of the ordinance.

5. Reclamation Standards: All reclamation activities shall be initiated at the earliest possible date in conformance with the following standards:

A. Reclamation of the site concurrent with excavation activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the excavating activity will damage the reclaimed areas. All reclaimed cell units shall be reasonably natural and inconspicuous and shall be reasonably lacking in hazard. All slopes and banks shall be graded to angles which do not exceed those found in the natural topography of surrounding areas except that in no instance shall slopes exceed three (3) foot horizontal to one (1) foot vertical.

B. All top soil shall be stockpiled on the premises and promptly redistributed on abandoned areas or where extraction operations have been substantially discontinued for any period in excess of one year. Such areas shall then be seeded and planted with at least temporary protection the first year and by the second year permanent seeding to lessen erosion and encourage proper growth within one year of termination of all activity. Seeding shall be accomplished according to Soil Conservation Service Technical Guide IV G, Standards and Specifications for Vegetative Protection of Developing Areas with Permanent Seeding.

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- C. Progressive reclamation shall lead to the final surface landform portrayed in the reclamation plan.

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D. A mining area shall be totally reclaimed by an operator pursuant to provisions of this Ordinance and the reclamation plan within one (1) year after abandonment or within the time set forth in the operator's reclamation plan approved by the Planning Commission. A reclamation plan shall be considered approved with the approval of the Special Use Permit issued pursuant to this Section.

E. Upon written request of an operator, the Planning Commission may grant an extension of the reclamation period if necessary to accomplish acceptable reclamation.

F. Unless structures, buildings, stockpiles and equipment are included as approved elements of the reclamation plan, upon cessation of mining operations, the operating company, within a reasonable period of time not to exceed twenty-four (24) months thereafter shall remove all structures, buildings, stockpiles and equipment from the area included in the Special Use Permit.

G. To show that the final landform portrayed in the drawings has a viable land use compatible with land use trends of the surrounding area. The base map for this element should be the final landform map upon which shall be shown by overlays or separate drawings and notes one or more developed schemes for land use or uses, each demonstrating that developed areas are accessible by roads and that physical attributes of the final landform are compatible with proposed use or uses. The final landform map shall depict the following:

1. Site mapping scales shall be no more than 1" = 100'.
2. Include a contour interval of ten (10) feet for a map scale of one (1) inch to one hundred (100) feet.
3. Show location of any proposed roads within the reclaimed area and their connection to present public roads beyond.
4. Show location of any lakes, ponds, or streams proposed within the reclaimed area and their connections to streams or drainageways beyond.
5. Show location of any proposed works-of-man within the reclaimed area (dams, buildings, etc.).
6. Show location of all buildings within three hundred (300) feet of the project site.
7. Show areas where vegetation is to be established, and indicate types of vegetative cover.

8. Describe any degree of flexibility considered to be needed in execution of the plan.

H. Excavated areas shall be reclaimed under the following standard:

1. Vegetation similar to that which existed prior to the excavation process shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface to minimize erosion. Such vegetation shall be of sufficient diversity to support a variety of wildlife species.
2. When excavation operations are completed, the excavated area shall be graded so that no gradients in disturbed earth are steeper than a slope of 3:1 (horizontal-vertical).
3. A layer of arable topsoil, of a quality approved by the Zoning Administrator shall be spread over the excavated area, except exposed rock surfaces, or areas lying below natural water level, to a minimum depth of four (4") inches in accordance with the approved contour plan.
4. Excavation which has created or extended lakes, ponds or other bodies of water shall meet standards and specifications (particularly with respect to underwater slopes and drop-offs) promulgated by the U.S. Department of Agriculture, Natural Resources Conservation Service, and shall be approved by that agency.
5. Where excavation operation results in a body of water, owner or operator shall place appropriate "Keep Out-Danger" signs around said premises not more than one hundred fifty (150) feet apart.
6. Backfill and grading materials shall not be noxious, flammable or toxic.
7. Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings fill and soils shall be of proper bearing capacity to support foundations, and septic systems.
8. All temporary structures shall be removed from the premises upon completion of the excavation activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.
9. If the reuse plan involves a recreational or wildlife facility reclamation plans shall be

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reviewed by recreation, fisheries and wildlife specialists in the Michigan Department of Natural Resources.

10. Surface mining operations authorized by Special Use Permits shall be inspected with reasonable frequency to determine compliance with the reclamation plan, with this Ordinance and permits issued pursuant to this Ordinance.

11. The general reclamation plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology or to correct an oversight.

6. Notice of Abandonment, Evidence of Continuing Use: When activities on or use of the area subjected to mining, or any portion thereof, have ceased for more than one (1) year, as shown by examination of the premises or other means, the Planning Commission shall give the operator written notice of their intention to prove the area subjected to mining or portion thereof abandoned.

Within thirty (30) days following receipt of the notice, the operator shall have an opportunity to submit evidence that the use of the area subjected to mining or portion thereof is continuing. If the Planning Commission proves that the operator intends to abandon the use and by some act, or omission to act, has manifested a voluntary decision to abandon the use, the Planning Commission may find an abandonment of the use.

6) Additional Standards for Approval of a Special Use Permit: A decision by the Planning Commission on a surface mining application for a Special Use Permit shall be based upon the site plan review and special use permit criteria set forth within the Ordinance and shall also be based on the following standards:

- A. The most advantageous use of the land as determined by the Township Master Plan.
- B. The character of the area in question and its peculiar suitability, if any, for particular uses. Sources of information on this matter may include any or all of the following persons or commissions: the Director of the Shiawassee County Health Department, Perry Township Planning Commission, and commissions or councils from affected cities or villages.
- C. Conservation of natural resources and environmental factors, and the general appropriate trend and character of development in the subject area.

D. The protection and preservation of the general health, safety, and welfare of the county.

E. The scarcity or value of minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operation.

F. In making any decision, the Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residence and property owners.

7. Other Conditions on the Owner and Operator: The conditions of any Special Use Permit issued under this Section apply not only to the owner and run with the land but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in excavation. When an operator disposes of his interest in an excavation area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Zoning Administrator may release the operator from the duties imposed upon him by this Ordinance as to the operations, but only if the successor, operator or owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Special Use Permit may be transferred.

4.3.68 Reserved for Future Use

4.3.69 Utility and Public Service Installations

1) Location Requirements: Utility and public service installations are permitted by Special Use Permit in all zoning districts but any communication towers must meet the requirements of Section 4.3.16. Commercial renewable energy facilities must comply with the zoning regulations in Article 2, Sections 2.21 and 2.22. Sewage treatment and disposal installations shall only be located in the A-1, A-2, M-1, and M-2 zoning districts.

2) Site Requirements:

A. The lot area and width shall be not less than that specified for the district in which the proposed use is located.

B. The yard and setback requirements shall not be less than that specified for the district in which the proposed use is located.

C. No building shall be erected to a height greater than that permitted in the district in which the proposed use is located with the exception of communication towers pursuant to Section 4.3.16.

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D. No more than thirty percent (30%) of the lot area may be covered by buildings.

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E. Public utility or public service installation or structures shall be located and constructed at such places in such manner that they will not segment land of any one farm and will not interfere with the conduct of agriculture by limiting or interfering with the access to fields or the effectiveness and efficiency of the farmer and farm equipment, including crop spraying aircraft.

3) Buffering Requirements:

A. Where mechanical equipment is located in the open, it shall be screened from the surrounding residential area by suitable plant material and shall be fenced as approved by the Planning Commission pursuant to Section 8.14 of this Ordinance.

B. All landscaping and buffering shall comply with requirements of Article 8.

C. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

D. All sewage treatment and disposal operations and structures shall be surrounded on all sides by a transition strip at least two hundred (200) feet in width within which grass, plants and structural screens shall be placed which shall be approved by the Planning Commission.

E. All sewage treatment and disposal operations shall be completely enclosed by a wire link fence not less than six (6) feet high.

4) Performance Standards:

A. All buildings shall be harmonious in size, scale, exterior material and appearance with the surrounding area and shall be fenced or landscaped as approved by the Planning Commission pursuant to Article 8 of this Ordinance.

B. All signs shall be in compliance with the provisions of Article 9.

C. Off-street parking shall be in compliance with the provisions of Article 7.

D. All uses shall be established and maintained in accordance with all applicable federal, and state laws, county and local ordinances.

4.3.70 Reserved for Future Use.

4.3.71 Vehicle Sales and Service (see Open Air Businesses)

New and used automobile sales and service, mobile homes, boats, motorcycles, and other outdoor sporting

goods sales are permitted by Special Use Permit via the standards of Section 4.3.51 (Open Air Businesses).

4.3.72 Vehicle Wash Facilities

1) Location Requirements: Vehicle wash facilities are permitted by Special Use Permit in the B-1, B-2, B-3 and M-1 Districts provided there is direct vehicular access to a paved major thoroughfare.

2) Site Requirements:

A. The minimum lot or parcel size for vehicle wash facilities shall be ten thousand (10,000) square feet.

B. The minimum front yard setback for the structure shall be fifty (50) feet; minimum side yard setback shall be twenty-five (25) feet; minimum rear yard setback shall be seventy-five (75) feet.

C. The entrances and exits of the facility shall not be from an adjoining residential street or alley. A street or alley shall not be used as a maneuvering or parking area for vehicles using the facility.

D. The entire site, other than the portion occupied by the building and landscaping, shall be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage.

E. There shall be no above-ground outdoor storage/dispensing tanks on the site.

3) Buffering Requirements:

A. When adjoining a residential district, a six (6) foot high wall or fence shall be erected and maintained along the connecting interior lot line or other landscaping providing a six (6) foot high barrier may be approved by the Planning Commission pursuant to the requirements of Article 8.

B. All lighting shall be shielded from adjacent residential districts or dwellings.

C. The outdoor storage of trash or rubbish shall be screened in compliance with Section 8.11 of this Ordinance.

4) Performance Standards:

A. All washing activities shall be conducted within a completely, or partially enclosed structure, except one "tall" vehicle washing area is permitted.

B. Vacuuming activities shall be at least twenty-five (25) feet from any lot line except where the property abuts a residential zone in which case a fifty foot (50) separation shall be maintained.

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C. All drains shall be connected to a public sanitary sewer system unless a completely enclosed wastewater recycling system meeting all state and federal requirements is used.

D. Vehicle wash facilities shall not be operated between the hours of 11:00 p.m. and 8:00 a.m.

4.3.73 Veterinary Clinics

1) Location Requirements: Veterinary clinics and veterinary hospitals are permitted by Special Use Permit in the A-1, A-2 and B-2 Districts.

2) Buffering Requirements:

A. Buildings where animals are kept, dog runs, paddocks, and/or exercise areas shall not be located nearer than one hundred feet (100) to any adjacent residential district lot line, residence, or any adjacent building used by the general public and shall not be located in any required yard.

B. All landscaping and buffering shall comply with requirements of Article 8.

C. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

3) Performance Standards:

A. Uses permitted include medical treatment, retail sales of animal supplies and boarding. Boarding of wild animals is prohibited unless in an American Association of Zoological Parks and Aquariums accredited facility.

B. All activities must be confined within a fully enclosed building that is soundproofed except for a large animal paddock.

C. All principal use activities shall be conducted within a totally enclosed principal building.

D. There shall be no storage or boarding of animals outside of the fully enclosed and soundproofed building.

E. No dogs shall be permitted in open run areas between the hours of 10:00 p.m. and 7:00 a.m.

F. An adequate, enclosed method of refuse storage and disposal shall be maintained to that no public nuisance shall be created at any time.

4.3.74 Watercraft Access Site

1) Location Requirement:

A. Watercraft access sites are permitted in the A-1, A-2, R-1A, B-1 and B-2 Districts by Special Use Permit.

B. Parking areas shall be located no closer than thirty-five (35) feet from any adjacent residential district.

2) Site Requirements:

A. The minimum lot or parcel size shall be one (1) acre.

B. Adequate standing and parking facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.

C. Vehicle loading and boat launching shall occur pursuant to a one-way road design that provides adequate stacking space and safe and efficient flow for all in line. Signs shall indicate traffic flow and parking areas.

D. Each parking space shall be a minimum of ten (10) feet by forty (40) feet so it can be used as a tie down area and storage for vehicle and trailer while the boat is in the water.

E. Accessory uses shall occupy no more than four hundred (400) square feet of building area.

3) Buffering Requirements:

A. Fences and screening in accordance with Article 8 of this Ordinance may be required to mitigate potential negative impacts on adjacent properties.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4) Performance Standards:

A. Sanitary facilities (restrooms) shall be provided on the site per the requirements of the County Health Department.

B. All watercraft access sites shall conform with Parts 301 and 801 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, and all other applicable county, state, and federal regulations.

C. Any boat launching ramp shall be constructed with quality hard surfaced materials to withstand anticipated use and maintained in good condition.

D. The slope of a boat launching ramp to and into the water shall not be more than one (1) to three (3) and shall be long enough to allow all wheels of a vehicle and

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its trailer to be on a hard surface while loading and unloading a boat or other watercraft.

E. All loading and unloading of a motorized boat or other watercraft into the water shall take place at an approved boat launch ramp.

F. If there is no boat launch ramp, site use shall be restricted by sign to launching non-motorized watercraft only.

4.3.75 Animal Refuge

1) Location Requirements: Animal refuge uses charged with the care of wild or vicious animals are permitted by Special Use Permit in the A-1 district.

2) Area and Buffering Requirements:

A. Buildings where animals are kept, paddocks, and/or exercise areas shall not be located nearer than one-hundred (100) feet to any adjacent residential district lot line, residence, or any adjacent building used by the general public and shall not be located in any required setback.

B. All landscaping and buffering shall comply with requirements of Article 8.

C. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

D. Minimum Lot Size – Three (3) acres for the first wild, vicious, and/or large carnivore, and one (1) acre for each additional wild, vicious, and/or large carnivore animal.

3) Performance Standards:

A. Uses must maintain a current and valid Class “C” license and as required by the Shiawassee County Animal Control Ordinance, Article X, be an accredited or certified American Association of Zoological Parks and Aquariums facility.

A Class “C” licensee means a person subject to the licensing requirements under the USDA Federal Animal Welfare Act. Applicant must comply with the State of Michigan Large Carnivore Act even though the applicant has a Class “C” license.

B. Uses permitted only include medical treatment and boarding.

C. Animals may only be exhibited by invitation only and not open to the general public. Animals cannot be transported off site for exhibit purposes. Animals may only be transported off site for purposes of medical treatment. Vehicles transporting animals must meet State of Michigan Large Carnivore Act laws.

D.

D. Barriers must meet State and Federal requirements and must be designed so as to severely hinder attempts of a curious child, malicious vandal, or stubborn adult to gain access to the animal’s enclosure.

E. An adequate method of animal waste storage and disposal shall be maintained so that no public nuisance shall be created at any time.

F. A no trespassing sign at the entrance of the property and no larger than eighteen (18) square feet shall be installed.

G. Caging and barrier standards shall meet State and Federal requirements.

H. A yearly report shall be provided to the Shiawassee County Animal Control Department and Shiawassee County Community Development Department. The report shall be an objective and independent review by a licensed veterinarian of the overall operation.

I. An emergency management plan must be provided to the Shiawassee County Animal Control Department and Shiawassee County Sheriff’s Department providing animal escape response plans, proof of liability insurance, and other emergency information.

J. On site and adequate off-street parking per Article 7 and sanitary facilities approved by the Shiawassee County Health Department must be provided.

K. Animal refuges shall not appreciably change the essential character of the lot in terms of use and appearance, traffic, or enjoyment of adjacent property.

L. Animals must be confined in a suitable enclosure in such a way that human contact cannot occur with any person other than the owner(s) or other trained individuals.

M. Applicant to provide a copy of Liability Insurance in the amount of one million (\$1,000,000) dollars. Liability insurance must remain current.

N. Cost of recovery, re-confinement sedation, and other costs associated with an escaped animal shall be the responsibility of the applicant.

O. No excessive or disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, and other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where animal(s) are kept or harbored.

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P. Breeding of animals is forbidden. All animals coming onto the site must be sterilized. If it is found that animals are being bred, the special use permit shall be revoked by the Planning Commission.

4.3.75 Commercial Vehicle Service Stations

1) Location Requirements:

A. Commercial vehicle service stations are permitted by Special Use Permit in the B-2, and B-3 Districts.

B. Commercial vehicle service stations shall be located adjacent to a state or federal highway or a paved major thoroughfare where the site is situated no farther than one-thousand (1,000) feet from an interchange with an interstate highway.

C. Underground storage tanks shall be sited in conformance with requirements of the Michigan Department of Environmental Quality (or other State agency mandated to review and approved such facilities or components of such facilities).

D. Ingress and egress to the facility shall be only from a paved major thoroughfare, or from a shared access or service drive to such roadway.

E. No driveway or curb cut shall be located less than twenty (20) feet from any lot line, measured from the edge of the driveway to the lot line.

F. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between 4 exterior lot lines.

2) Site Requirements:

A. Permitted uses: The following uses may be permitted by issuance of a Special Use Permit in conjunction with a commercial vehicle service station:

1. Retail sales of gasoline, diesel fuel, oil, tires, belts and similar products.
2. Commercial vehicle washing.
3. Commercial vehicle maintenance including minor mechanical repairs.
4. Convenience grocery items, beverages and snacks.
5. Fast food or sit-down restaurant. If there is drive-through, all the standards of Section 4.3.22 must be met.
6. Uses permitted under Section 4.3.5, Automobile Service Station.

B. Site development standards: Commercial vehicle service stations shall comply with the following

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development standards:

1. The minimum site size shall be two (2) acres.
2. Fueling pumps shall have one-thousand (1,000) square feet of site area for each additional pump over four and one thousand (1,000) square feet of site area for each additional service bay over two.

C. The minimum site width shall be two hundred (200) feet.

D. Building setbacks: The service station building or buildings, fueling pumps and associated accessory structures or islands shall be set back no less than seventy-five (75) feet from all street or highway right-ofway line and shall not be located closer than fifty (50) feet to any property line abutting a district where single-family residential is a principal use. Hydraulic hoists, pits and all lubrication, greasing, washing, and repair equipment shall be entirely enclosed within a building.

E. Access drives: There shall be no more than two (2) access driveway approaches for any commercial vehicle service stations.

1. If the service station site fronts on two or more streets, the driveways shall be located as far from the street intersection as practical but no less than fifty (50) feet.
2. No driveway or curb cut for a driveway shall be located within twenty (20) feet of an adjoining property line as extended to the curb or pavement or within twenty (20) feet of any exterior lot line as extended.
3. Any two driveways providing access to a public road shall be separated by an island with a minimum distance of twenty (20) feet in width along the curb or edge of the pavement.
4. The entire service area shall be paved with a permanent surfacing of concrete or asphalt.
5. All access drives are subject to the applicable rules, regulation, administrative standards, and approvals of the Shiawassee County Road Commission and/or Michigan Department of Transportation.

3) Buffering Requirements:

A. A landscaped buffer strip shall be provided in accordance with the provisions of Section 8.3.2.

B. All equipment including hydraulic hoist, pits and oil lubrication, greasing and washing, repairing equipment and body repair shall be entirely enclosed within a building. There shall be no outdoor bulk storage of merchandise such as tires, lubricants and other accessory equipment. Minor display areas permitted if approved on the

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final site plan.

C. Outdoor trash storage shall be provided pursuant to Section 8.11.

D. The view of all restroom doors shall be shielded from adjacent streets and dwellings.

E. All lighting shall be shielded from adjacent streets and dwellings.

4) Performance Standards:

A. All activities, except those required or typically performed at the fueling pump, shall be carried on inside a building. All vehicles, upon which work is performed, shall be located entirely within a building. Specifically identified storage areas for inoperable vehicles are permitted only by approval of such areas by the Planning Commission.

B. There shall be no above ground tanks for the storage of gasoline, diesel fuel, oil or other flammable liquids or gas.

C. Automatic or self-service wash operations shall have public sanitary sewer service. On-site systems may be considered if approved by the Shiawassee County Health Department and any other agencies having jurisdiction. Implementation of such facilities may require specific performance bonds in addition to any other performance bonds required on the site.

D. In the event that a commercial vehicle service station has been abandoned, all underground gasoline and diesel fuel storage tanks shall be removed from the premises according to all state and federal requirements for such removal and disposal.

E. Unless located in an identified area as approved by the Planning Commission, commercial vehicles shall be limited to idling for a period of no more than fifteen (15) minutes in any two (2) hour period. Any area approved by the Planning Commission for the purpose of commercial vehicle layovers shall be situated so as not to cause undue impact on adjacent properties resulting from fumes emitted from idling vehicles. Such area shall also be screened from adjacent property where a less intense use exists or is as shown and described in County planning documents to be a viable location for a less intense use.

F. No public address system shall be audible from any adjacent parcel containing a dwelling.

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G. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.

H. All handling of flammable or hazardous substances shall be in accordance with state and federal laws and all required state and federal permits shall be obtained and the establishment shall remain in conformance therewith. All appropriate permits for the storage of such items shall be placed on file with the Community Development Department.

I. A commercial vehicle wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure. In the event that a commercial vehicle service station has not been used for its intended purpose for a period of more than one (1) year, as shown by examination of the premises or other means, the Planning Commission shall give the operator written notice of their intention to prove the service station to be abandoned. Within thirty (30) days following receipt of the notice, the owner or operator shall have an opportunity to submit evidence that the use is continuing. If the Planning Commission proves that the owner or operator intends to abandon the use and by some act, or omission to act, has manifested a voluntary decision to abandon the use, the Planning Commission may find an abandonment of the use.

ARTICLE 5 SUPPLEMENTAL REGULATIONS

Section 5.1 PURPOSE

It is the purpose of this article to establish supplemental regulations for lots, uses, and activities addressed in the four previous articles that relate to accessory uses, dimensional standards, various exceptions, and aspects of land use and design that are not addressed in the remaining articles of this Ordinance. These provisions will help prevent environmental degradation, poor health or safety conditions, and nuisance-like effects on abutting properties.

Section 5.2 GENERAL REGULATIONS

5.2.1 General Environmental Protection and Nuisance Prevention Standards

A. Every use shall be so conducted and operated so that it is not detrimental to the health, safety, or welfare of persons or property, or obnoxious by reason of heat, glare, fumes, odors, dust, noise, smoke, water runoff, light, ground vibration or other nuisance beyond the lot on which the use is located. It shall be unlawful to carry on or permit to be carried on any activity or operation of use of any land, building, or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible hazards to humans or to human activity.

B. **Dangerous Explosive and Flammable Materials:** No use of a building or premises shall in any way represent a fire or explosion hazard to a use on adjacent property or to the public on a public street. All buildings, above or below ground storage and handling areas where dangerous chemicals, salts, flammable materials, or hazardous substances are regularly used, moved or stored shall conform to all applicable local, County, State and Federal regulations and requirements; including the maintenance of any clear zone and/or containment structures required by government authorities. Failure to disclose such materials to fire, emergency services agencies and the Michigan Department of Environment, Great Lakes, and Energy as may be required by State or Federal laws, is also a violation of this Ordinance.

C. **Junk:**

1. No person shall store, place, abandon, or permit to be stored, placed, abandoned, or allow to remain in any district a dismantled, partially dismantled, unlicensed, or inoperable motor vehicle,

junk, rubbish, or litter upon any premises, except as provided for in Article IV, or in the case of motor vehicles, unless confined in a wholly enclosed structure.

2. No person shall store, place, abandon, or permit to be stored, placed, abandoned, or allow to remain in any district junked, wrecked, or inoperable farm machinery unless hidden from the view of the general public.

D. All proceedings of the Site Plan Review Committee, the Planning Commission, Zoning Board of Appeals, and the Township Board shall be conducted, and all decisions shall be made with due consideration given to the maintenance of reasonable circumstances regarding: emission and transmission of injurious or obnoxious noise, fire or explosive hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, adequate light and air, overcrowding of persons, sanitation, general appearance of the area, surface and groundwater quality, and other similar considerations having an effect on public health, safety and general welfare of the people of the surrounding area.

E. **Environmental Impact Assessment:**

1. The Planning Commission may require an Environmental Impact Assessment (EIA), at the expense of the applicant, for any residential, office, commercial or industrial development, which includes a land area of five acres or more or a building over 50,000 square feet, before approving a required site plan or making a decision upon a request for Planned Unit Development approval. At their discretion, the Planning Commission may accept an EIA prepared for another public agency.
2. The environmental impact assessment should analyze the impact of the proposed development on municipal utility systems, fire, police and school services, solid waste disposal, soils, air, groundwater, drainage, floodplain, wetland and similar water courses, and noise levels which might affect existing land uses or neighborhoods negatively, and other similar factors which may be unique to a specific proposal. The Planning Commission shall review the impact assessment to

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determine if any proposed impacts would result in pollution, impairment or destruction of the environment over the threshold established in the Michigan Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 17, or greater than existing level of service standards applicable to services and facilities provided in the County.

F. Traffic Impact Assessment:

1. The Planning Commission may require a Traffic Impact Assessment (TIA), at the expense of the applicant, for any residential, office, commercial, industrial or mixed use development, which includes a land area of five acres or more or a building over 50,000 square feet, or when permitted uses could generate either a thirty percent (30%) increase in average daily traffic, or at least one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day, before approving a required site plan or making a decision upon a request for Planned Unit Development approval. At their discretion, the Planning Commission may accept a TIA prepared for another public agency.
2. The Site Plan Review Committee shall establish standards for conducting a TIA and shall maintain a copy of such standards in the office of the Zoning Administrator. TIA standards shall either be the current model distributed by the Michigan Department of Transportation, or an alternative model with similar credibility and technical competence.

5.2.2 One Principal Use and Enclosed Buildings:

A. A lot that is zoned A-2, R-1A, R-1C, R-1C, or R-1D shall contain no more than one principal use (see Table 2-2 for Principal Uses) and no more than one principal structure, except as otherwise authorized by this Ordinance. A lot in the R-T, RM-1, A-1, or in any business district may contain more than one principal building and/or principal use provided all uses are permitted by right, right with conditions, approved special use permit, or an approved PUD, and the buildings and uses meet the cumulative lot area, lot width, parking, signage, and lot coverage requirements and that the none of the principal buildings violate any of the yard size or other dimensional requirements.

B. All business activity shall take place within an enclosed building, unless specifically authorized to be conducted outside as part of the use regulations of the District, or via special land use standards of this Ordinance.

5.2.3 Unsafe, Razing and Moving Buildings:

A. Nothing in this Ordinance shall prevent compliance with an order by the Building Official, the County Prosecutor, or a judge to demolish, correct, improve, strengthen, or restore to a safe condition any building declared to be unsafe.

B. No building which requires a demolition permit under the Michigan Building Code shall be razed until a permit has been obtained from the Zoning Administrator who shall be authorized to require a performance bond in any amount not to exceed one thousand dollars (\$1,000) for each one thousand (1,000) square feet or fraction thereof of floor area of the building to be razed. Said bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator may, from time to time, prescribe, including filling of excavations, proper termination of utility connections and the proper removal and closure of any water well and septic system. If the building is safely razed and the site cleaned as specified in the permit, then the bond shall be returned within thirty (30) days of completion of the razing. If razing is not accomplished according to the terms of the approval, then the County shall cash the performance bond and use the money to restore the site to a safe condition. Costs in excess of the bond shall be charged back to the property owner and placed as a lien on the property if not paid in a timely fashion.

C. **Moving Buildings:** No existing building or structure of any type or kind larger than two hundred (200) square feet, shall be moved into the Township or moved from one lot in the Township to another lot in the Township unless authorized by the Planning Commission. Before granting such authorization, the Planning Commission shall consider the following standards:

1. The type and kind of construction of the existing building in relation to its strength and whether or not the building may be a fire hazard.
2. Whether or not the type and age of the building is in keeping with adjoining and neighboring buildings.

5.2.4 Grading and Filling of Property:

A. The final grade surface of ground areas remaining after the construction of a building or structure, and any earth changes made in connection with use of land shall be designed and landscaped such that surface water flows away from the building or structure and is collected or managed in a manner

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which avoids any increase in surface water discharge onto adjacent properties or public roads, the erosion of or filling of any road ditch, the blockage of any natural or public watercourse, the creation of standing water over a private sewage disposal drainage field, and any unnecessary impoundment of surface water. The provisions of this section shall be administered and enforced pursuant to Article 14, Site Plan Review, when applicable. In all other cases, the Zoning Administrator shall determine whether the provisions of this section are met, provided that he/she first consults with the County Drain Commissioner and the manager of the County Road Commission (if County road right-of-way is involved) before taking any action to correct the situation. When it is determined by the Zoning Administrator after the aforementioned consultation that inadequate surface water control exists, no Certificate of Zoning Compliance shall be issued until the situation is corrected and approved by the Zoning Administrator.

B. Creation of Residential Ponds Larger Than Two (2) Acres. A manmade excavation or impoundment of surface water designed to retain or detain water with a surface area of larger than two (2) acres is subject to the following regulations:

1. A pond larger than two (2) acres is a special use in all zoning districts.
2. No person shall commence the excavation, dredging, or construction of a dam, that is designed, intended or results in the creation or enlargement of a pond without first making application for and receiving a Zoning Permit approving the specific plans for a pond.
3. An application for a Zoning Permit for a pond shall be made pursuant to Section 16.5 of this Ordinance.
4. Applications for ponds larger than two (2) acres which are located within 500 feet of a lake, river, stream or open County drain shall be required to be submitted to the Michigan Department of Environment, Great Lakes and Energy to determine the extent to which the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, apply to the proposal.

5. Ponds (or man made lakes) in excess of two (2) acres shall be considered major site plans under Section 14.3.3.A.
6. Plans for ponds shall indicate the size, depth, and proposed finished grade of the land both above and below water level, any proposed fencing location and specifications. In addition, the applicant shall indicate sources of water being used to supply the pond (such as stream impoundment, surface water runoff, springs, and wells).
7. No pond shall be closer than fifty (50) feet from any property line, easements for egress, dwelling units, septic drainage fields and domestic wells.
8. Ponds on parcels of less than 20 acres in size that are not enclosed by a four (4) foot high fence shall be required to provide and maintain one or more safety stations in compliance with the following:
 - a. U.S. Coast Guard approved ring buoys securely connected to forty (40) feet of rope mounted on posts located at 500 foot intervals around the perimeter of the pond.
 - b. A twelve-(12) foot long pole shall be attached to one (1) safety station.
9. Before issuance of a Special Use Permit, there shall be filed by the applicant a surety bond at \$10,000 per acre executed by a reputable surety company authorized to do business in the State of Michigan, or an irrevocable bank letter of credit or cash bond pursuant to the requirements of Section 16.10 running to Perry Township, conditioned upon the prompt compliance with all provisions of this Section and the requirements of the County and State. The \$10,000 amount per acre for surety bond will be increased by 2% per year from the date of the adoption of the ordinance.

C. Creation of Residential Ponds Less than Two (2)

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Acres. A man made excavation or impoundment of surface water designed to retain or detain water

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with a surface area of less than two (2) acres is subject to the following regulations:

1. A pond less than two (2) acres is an accessory use in all zoning districts.
2. No person shall commence the excavation, dredging, or construction of a dam that is designed, intended or results in the creation or enlargement of a pond without first making application for and receiving a Zoning Permit approving the specific plans for a pond.
3. Applications for ponds less than two (2) acres which are located within 500 feet of a lake, river, stream, or open County drain shall be required to be submitted to the Michigan Department of Environment, Great Lakes and Energy to determine the extent to which the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, apply to the proposal.
4. An application for a zoning permit for a pond shall be made pursuant to Section 16.5 of this Ordinance.
5. Proposed ponds of less than two (2) acres in size shall be considered under Section 14.3.3.b., Minor Site Plan.
6. Plans for ponds shall indicate the size, depth, and proposed finished grade of the land both above and below water level, any proposed fencing location and specifications. In addition, the applicant shall indicate sources of water being used to supply the pond (such as stream impoundment, surface water runoff, springs, and wells).
7. No pond shall be closer than fifty (50) feet from any property line, easements for egress, dwelling units, septic drainage fields and domestic wells.
8. Ponds on parcels of less than 20 acres in size, that are not enclosed by a four (4) foot high fence shall be required to provide and maintain one or more safety stations in compliance with the following:
 - (4) U.S. Coast Guard approved ring buoys securely connected to forty (40) feet of rope mounted on posts located at 500 foot intervals around the perimeter of the pond.
 - (5) A twelve-(12) foot long pole shall be attached to one safety station.
9. Every effort shall be made to keep excavated

soil material on the same parcel as the pond.

Excavated materials used for grading around the pond shall not be placed closer than twelve (12) feet to the edge of the excavation and must meet State of Michigan Soil Erosion and Sedimentation Control requirements.

10. All ponds shall be completed sixty (60) days following issuance of the zoning permit.

11. Before issuance of a Special Use Permit, there shall be filed by the applicant a surety bond at \$10,000 per acre executed by a reputable surety company authorized to do business in the State of Michigan, or an irrevocable bank letter of credit or cash bond pursuant to the requirements of Section 16.10 running to Perry Township, conditioned upon the prompt compliance with all provisions of this Section and the requirements of the County and State. The \$10,000 amount per acre for surety bond will be increased by 2% per year from the date of the adoption of the ordinance.

- D. Agricultural Ponds less than five (5) acres in size are permitted without regard to the eleven (11) previous subsections if:

1. The pond is used as a bona fide commercial agricultural or horticulture operation in an A-1 and A-2 district. The pond is designed and installed according to the USDA Natural Resources Conservation Service's Technical Guide Pond standard and specifications (#378) by a qualified engineer.
2. Agricultural ponds greater than five (5) acres shall require the project to conform to Section 4.3.67, surface mining.

5.2.5 Required Water Supply and Sanitary Sewerage Facilities: After the effective date of this Ordinance, no structure for human occupancy shall be erected, altered, or moved upon any lot or premises and used in whole or in part for dwelling, business, industrial, or recreational purposes unless it shall be provided with a safe potable water supply and with a safe and effective means of collection, treatment, and disposal of human excreta and domestic, commercial and industrial wastes. All such installations and facilities shall conform with the minimum requirements of the Shiawassee Health Department, and Michigan Department of Environment, Great Lakes and Energy..

5.2.6 Soil Erosion and Sedimentation: All development districts shall conform to the Shiawassee County Soil

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Erosion and Sedimentation Ordinance and general rules, the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 91, Section 324.9101 et. seq.

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5.2.7 Lot Frontage/Depth Ratio: In order to conserve land resources including productive farmland, and limit inappropriate crowding of land, all lots created after the effective date of this Ordinance with a lot area of less than 20 acres, shall have a lot frontage which is equal to or greater than 1/4 the depth of the longest side of said lot.

5.2.8 Lots Having Water Frontage:

A. Waterfront Setback: No structure which is permitted as a principal structure in all zoning districts and which occupies a lot having frontage on a lake, stream, or river shall be closer than one hundred (100) feet measured from the water's edge to the nearest point of the structure, except that when a property owner of a lot created prior to the provisions of the Shiawassee County Zoning Ordinance adopted in June 1982 alleges a practical difficulty in obtaining a reasonable use of the land pursuant to this provision, he/she may seek a variance through the Board of Appeals as described in Article 18. (see definition of front lot line in Section 21.2) Such variance shall be granted only upon a showing of practical difficulty and shall be the minimum necessary to achieve a reasonable use of the land. Lots created after June 1982 are presumed to have been created with the knowledge of this requirement, and thus possess a self-created hardship if a variance is requested from the Board of Appeals.

B. Size of Accessory Buildings and Structures: Accessory buildings and structures between a principal structure and the water's edge shall not exceed one hundred-fifty (150) square feet, nor shall they be located closer than fifty (50) feet from the water's edge.

C. Construction in the Water and Near Shore: The Zoning Administrator shall not issue a zoning permit for construction of docks, pilings, seawalls or any structure which changes the shape of the shoreline unless:

1. The Michigan Department of Environment, Great Lakes and Energy (EGLE) has issued a permit for construction; or
2. The Michigan Department of Environment, Great Lakes and Energy states in writing that no permit is required for the project; or
3. The Zoning Administrator determines that the project does not require an EGLE permit.

D. Natural Vegetation Strip:

1. On waterfront lots, landowners are strongly encouraged to maintain a strip of land extending a minimum of fifty (50) horizontal feet from the water's edge with natural ground vegetation, trees

and shrubs. This will maintain a root and vegetative barrier to keep soil particles and nutrients from entering the water and help keep water runoff at temperatures near the natural levels.

2. Planting of perennial native species in the natural vegetation strip is encouraged, especially where exposed soils and steep slopes exist. The Michigan Department of Natural Resources or Natural Resources Conservation Service may be consulted for selection of plant species best suited for erosion control and/or screening of existing developments.

E. No habitable space or basement shall be constructed below the elevation of the ordinary high water mark or legally established lake level, whichever is higher.

5.2.9 Exterior Lighting:

A. All outdoor lighting (includes light source and lenses) with illumination above 150 watts in all use districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences. Lighting shall also be shielded on the top to prevent unnecessary lighting of the night sky. Lighting fixtures shall be a down-type having one-hundred (100) percent cutoff. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by a photometric test.

B. All outdoor lighting in all use districts shall be directed toward, and confined to the ground areas of, lawns and parking lots. Parking lots shall not be lit between the hours of 9:00 am and 4:00 p.m., unless conditions regarding weather, employment, or parking lot use patterns warrant otherwise.

C. All lighting in I business districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.

D. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.

E. All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

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F. All freestanding and outdoor lighting shall not exceed thirty (30) feet in height except to light a stadium.

G. Unless otherwise approved by the Planning Commission, parking lot light sources shall be high pressure sodium. Other light sources should use warm white or natural lamp colors.

5.2.10 Minimum Requirements for Dwelling Units Outside of Mobile Home Parks:

A. It is the intent of this Section to provide a wide variety of single family housing options in Perry Township, including the need for lower cost single family housing while protecting the public health and safety. It is recognized that the modern mobile home and manufactured home compares favorably with existing site constructed dwellings, provided that such mobile homes and manufactured homes are similar in appearance, design, and construction with existing single family dwellings in the vicinity. It is the purpose of this Section to provide standards for the construction, installation, and appearance of all single family homes in order to insure compatibility with existing dwellings located in the surrounding area.

B. All construction required in this Section shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan Building Code provisions and Ordinance requirements. Mobile homes which do not conform to the standards of this Section shall not be used for dwelling purposes within the Township unless located within a mobile home park or unless used for temporary residence purposes as provided in Section 5.8.2.

C. All dwelling units located outside of mobile home parks shall comply with the following requirements:

1. All dwelling units shall provide a minimum height between the floor and ceiling consistent with applicable codes.
2. The minimum width of any single family dwelling unit shall be twenty feet (20') across any front, side or rear elevation
3. There shall be a foundation of concrete, masonry, or pressure treated wood around the entire exterior perimeter of all dwellings. The foundation shall have a minimum depth of forty-two inches (42") below grade. The foundation shall provide a maximum exposed foundation above grade of eight inches (8").
4. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling four feet (4') in depth with a vapor

barrier consisting of two (2") inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. An alternative building plan may be utilized if consistent with the approved construction code of the Township.

5. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code adopted by the Township or, if a mobile home, shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards."
6. The wheels, pulling mechanism, and tongue of any mobile home shall be removed prior to placement on a foundation.
7. All dwellings shall be connected to a sewer system and water supply system approved by the Shiawassee County Health Department.
8. All dwellings shall provide steps or porch areas, permanently attached to the foundation, where there exists an elevation differential of more than one (1') foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
9. The dwelling shall not contain additions or rooms or other areas which are not constructed with similar or better quality work as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein. All additions to dwellings shall meet all of the requirements of this Ordinance and any applicable Codes.
10. a. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity including: a 1:4 roof pitch, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along sides of the dwelling; not less than two exterior doors with the first one facing the front yard and the second one being in either the rear or side of the dwelling; and, contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

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- b. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design, and appearance of single family dwellings located outside of mobile home parks within two thousand (2,000) feet of the subject 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 single family dwellings located outside of mobile home parks within four (4) square mile area. 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.
- 11. Prior to issuance of a zoning permit for any dwelling unit, construction plans, including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Building Official. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to mobile homes set forth in subsection (12) hereof.
- 12. All mobile homes shall meet the standards for mobile home construction contained in the United States Department of Housing and Urban Development of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the County. All dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- 13. A minimum of one hundred (100) square feet of enclosed storage space, excluding closets, shall be provided for each dwelling. Said enclosed storage space may consist of a basement, garage, shed or other structure, approved by the Zoning Administrator.
- 14. For legal nonconforming mobile homes that are located outside mobile home parks, mobile

home plats, or of places where Temporary Permits for placement of a mobile home have been issued; once that mobile home is removed it must be replaced with a mobile home in good condition that is also certified by the American National Standards Institute or the HUD Mobile Home Construction and Safety Standards or by a site constructed home or manufactured home that meets all applicable code requirements.

5.2.11 Condominium Projects and Condominium Subdivisions

- A. Pursuant to authority conferred by Section 141 of the Condominium Act (MCLA 559.241), Public Act 59 of 1978, as amended, all condominium projects and condominium subdivisions must be approved by the Perry Township Site Plan Review Committee and the Perry Township Planning Commission. All condominium projects and condominium subdivisions shall conform to the following provisions in addition to all other applicable district provisions.
- B. All condominium units, including site condominiums, and related accessory structures shall comply with all the use, size, sign, height, setback, parking and area requirements of this Ordinance, unless modified through the approval of a Residential Planned Unit Development pursuant to the requirements of Article 13.
- C. A condominium project or condominium subdivision shall comply with the requirements of the Michigan Department of Environment, Great Lakes and Energy and the County Health Department pertaining to potable water supply and waste disposal facilities.
- D. Required Information: A person, firm, or corporation shall provide the following information with respect to the proposed condominium project or proposed condominium subdivision plan:
 - 1. Information as required under the Site Plan Review provisions of Article 14.
 - 2. Location and size of condominium units, limited common areas, general common areas, sidewalks, landscaping features, signs, and utilities.
 - 3. Street and utility specifications and sectional diagrams.
 - a. If a condominium is proposed to have private streets, the Site Plan Review Committee shall require that the private streets be developed to the standards contained in Section 6.5 of this Ordinance.

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- b. A storm drainage and storm water management plan shall be submitted, including all lines, swales, drains, basin, and other facilities.
 - 4. Existing and projected topographical contours shall be depicted at a minimum of two (2) foot intervals.
 - 5. A copy of the proposed Master Deed and restrictions with proposed use and occupancy restrictions and a description of all common elements highlighted.
 - 6. Written approval from the Shiawassee County Health Department or the Michigan Department of Environment, Great Lakes and Energy approving the suitability of soils and the availability of potable groundwater for land divisions not served by public sewer and public water supply.
- E. The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.
- F. All condominium projects and condominium subdivisions which consist in whole or in part of condominium units which are building sites shall be marked with monuments the same as is required under the Land Division Act; Public Act 288 of 1967, as amended for subdivisions.
- G. All provisions of the condominium project or condominium subdivision plan which are approved by the Planning Commission shall be incorporated, as approved, in the master deed for the condominium subdivision. Any proposed changes (including expansion or conversion of a condominium project to include additional land) to the approved condominium project or condominium subdivision plan shall be subject to review and approval by the Planning Commission as an amendment to a planned unit development, subject to the procedures of Article 13.
- H. Fees for the review of condominium projects or condominium subdivisions shall be established from time to time by resolution by the Perry Township Board.

5.2.12 Keeping of Animals

- A. Wild and Vicious Animals: No wild animal or vicious animal shall be kept permanently or temporarily in any district except in a facility accredited by the American Association of Zoological Parks and Aquariums, or in a licensed veterinary care facility.
- B. Household Pets: The raising and keeping of less than five (5) household pets is permitted as an accessory use in all districts.
- C. Table 5-1 presents the basic regulations in this Ordinance pertaining to the keeping of animals other than household pets and wild and vicious animals. Animals permitted by right or as an accessory use are not subject to additional regulations. Regulations that apply by right with conditions (RC) and by Special Use Permit (S) are found in Article 4 except as pertains to private kennels and private stables which are regulated in E. and F. below. Animals prohibited by SCACO on Table 5-1 refer to the Shiawassee County Animal Control Ordinance.
- D. Table 5-2 presents the minimum parcel sizes and setbacks for animals in the various districts. Additional regulations are found in Article 4 and for private kennels and private stables in E. and F. below.
- E. Private Kennels: The raising and keeping of ten (10) or fewer household pets is permitted as an accessory use to a dwelling or a business in accordance with the following requirements.
 - 1. Private kennels are permitted in several Districts in accordance with Table 5-1.
 - 2. Private kennels shall be on a lot which meets the minimum lot size of the District.
 - 3. Buildings wherein animals are kept, run, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
 - 4. All kennels shall be operated in conformance with all applicable county and state regulations.
 - 5. Keeping of more than ten (10) animals shall be considered a commercial kennel regardless of ownership of animals.
- D. Private Stables: The raising and keeping of ten

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(10) or fewer equine is permitted as an accessory use to a dwelling in accordance with the following requirements.

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1. Private stables are permitted in several Districts in accordance with Table 5-1.
2. The minimum lot size shall be two (2) acres for the first equine and one additional acre for each additional equine.
3. A building used as a stable shall not be located nearer than sixty (60) feet to any property line and not nearer than one hundred (100) feet to any dwelling on adjacent property.
4. Animals shall be confined in a suitably fenced area or paddock to preclude their approaching nearer than sixty (60) feet to any dwelling on adjacent premises.
5. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
6. Keeping of more than ten (10) equine shall be considered a commercial equine establishment regardless of ownership of the equine, unless part of a bona fide commercial agricultural and horticultural operation.

5.2.13 Coordination with the Michigan Right to Farm Act

A. Commercial Agriculture or Horticulture, as defined in this Ordinance is a use permitted by right in all zoning districts in this Ordinance. Agriculture is the preferred use of land in the A-1 and A-2 Zoning Districts. Any Commercial Agriculture or Horticulture operation, which is in conformance with the generally accepted agricultural practices (GAAMPS), as promulgated by the Michigan Department of Agriculture and Rural development (MDARD) shall not be found to be in violation of this Ordinance.

B. As required by the Michigan Right to Farm Act 240 of 1987, as amended:

1. No existing Commercial Agriculture or Horticulture operation, which is in conformance with the generally accepted agricultural practices (GAAMPS), as promulgated by the Michigan Department of Agriculture, shall not be considered a nuisance because of the subsequent change in the land use or occupancy of land within 1 mile of the boundaries of the Commercial Agriculture or Horticulture operation.

2 Perry Township shall bring no legal action against a Commercial Agriculture or Horticulture operator for maintaining a public or private nuisance that is in conformance with the GAAMPS as a result of any of the following:

- a) A change in ownership or size.
- b) Temporary cessation or interruption of farming.
- c) Enrollment in governmental programs.
- d) Adoption of new technology.
- e) A change in type of farm product being produce.

C. Pursuant to Section 286.474 (8) of the Michigan Right to Farm Act new and expanding animal livestock facilities shall be subject to management practices for site selection and odor controls.

D. After the effective date of this amendment any Commercial Agriculture or Horticulture operation that is determined by the Michigan Department Agriculture to be operating or maintained in a manner that is inconsistent with the generally accepted agricultural practices (GAAMPS) shall be considered a nuisance per se and subject to the penalties contained in Article 17 of this Ordinance.

Section 5.2.12.C

Table 5-1

PERMITTED ANIMALS BY DISTRICT

Animal Related Land Use	Type of Use	Zoning Districts				
		A-1	A-2	All Residential	All Commercial	All Industrial
Private Kennel	A	R	RC	RC	RC	RC
Commercial Kennel	P	RC	S	N	S	N
Private Stables	A	R	RC	X	N	N
Commercial Equine Establishment	AF	AF	AF	X	N	N
	P	S	S			
Keeping of Livestock	AF	R	R	RC	RC	RC

A= Accessory to a dwelling

AF= Accessory to a bona fide Commercial Agricultural and Horticulture Operation

P= A principal permitted use

X= Not permitted by Shiawassee County Animal Control Ordinance (a prohibited accessory use)

N= Not permitted by this Ordinance

R= Permitted by Right

RC= Permitted by Right with conditions

S= Permitted by Special Use Permit

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Section 5.2.12. D

Table 5-2

MINIMUM PARCEL SIZES AND SETBACKS FOR ANIMALS

Animal Related Land Use	Minimum Lot Size in Acres	Maximum Number of Animals	Minimum Distance in Feet ^c from a proposed Dwelling Unit, Public Park, School, Day Care Center or Church to an Adjacent Confinement Structure.	Manure Storage or Animal Waste Storage Facility Distance in feet from Adjoining Property Line		Minimum Distance in Feet of a Proposed Dwelling Unit from a Structure, Manure Storage or Animal Waste Storage Facility ^d
				A-1 and A-2	All Other Districts	
Private Kennel	None	10		None	50	100
Commercial Kennel	1	None		50	50	100
Private Stables	2	10		50	50	100
Commercial Equine Establishment	20	None		50	50	100
Keeping of Livestock	d	d	d	d	d	d
CAFO <300 Animal Units	d	d	100 ^b	d	d	d
CAFO >300<1000 Animal Units	d	d	1320 ^b	d	d	d
CAFO >1000 Animal Units	d	d	1320 ^b	d	d	d

Footnotes:

- b. Reduced by half if the animal waste management system is certified to be in compliance with NRCS and EPA standards.
- c. The separation distances on this Table shall be measured from the nearest exterior wall of a building located on an adjacent parcel to the perimeter of the confinement building. In case the animals are not contained within a building or structure, the boundary shall follow the fenced area the animals are confined within, and the measurements taken from that fenced boundary.
- d. As required by the Generally Accepted Agricultural Management Practices published pursuant to Act 240 of 1987
- e.

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5.2.14 Common Boat Access Sites

A. Intent and Purpose: It is the purpose of these regulations to protect natural resources and promote public health, safety and welfare by preventing the over-usage of inland lakes by motor boats. These regulations are intended to avoid situations that may cause a nuisance, to protect inland lakes from potential environmental impairment, and to avoid the destruction of property values, by limiting the boating access of non-riparian property owners. These regulations are intended to reinforce the Michigan Inland Lakes and Streams Act (Part 301 of Act 451 of 1994, as amended). It is intended that these regulations will apply to the undeveloped portions of all existing inland lakes within the county and to future man-made lakes. The following regulations are designed to allow the investor/developer of lakefront property to be able to quickly and conclusively determine the quantity of non lakefront dwelling units which may be given boating access to a lake.

B. Definitions Used in this Section:

1. "Boat." A watercraft having a motor, engine or other propulsion system that is rated at more than five (5) horse power including a "personal watercraft" as defined in the Marine Safety Act, Part 801 of the Natural Resources and Environmental Protection Act, MCL 324.80101 et seq.
2. "Common Boating Access Site." A boat launching, mooring, docking or overnight anchoring facility which is used by authorized non-riparian property owners.
3. "Original parcel." The contiguous parcel of riparian land shall be that parcel as it existed at the time when the developer manifests intent to develop the lake frontage. Conclusive evidence of intent to develop includes but is not limited to: an application for the creation of a new lake front lot under the Michigan Land Division Act; the filing of a tentative preliminary plat under the Michigan Land Division Act; the filing of a request for a Site Condominium under this Ordinance; or a request for approval of a private road under this Ordinance.

C. Applicability and Timing:

The following regulations apply to common boat access sites that are created after the effective date of this amendment. A common boat access site that existed before this amendment must have either been established before the effective date of the Michigan Inland Lakes and Streams Act 346 of 1972 or have been permitted and established under said Act. Calculations used in this Section shall be based upon the total amount of riparian lake frontage that exist

at the time a developer first manifests an intention to undertake the development of lake frontage. No artificially created shoreline may be used to increase the amount of riparian frontage used in the calculation. Any determination of the number of non riparian dwelling units that may be given boating access at a common boat access site or sites shall be in the form of a zoning permit issued by the zoning administrator.

1. Required Notice of Right of Access: Each non-riparian parcel (lot) that has the right to use a common boating access site shall be given notice of said right on its deed. The notice shall indicate the number of dwelling units (normally one for a single-family residential development) which may enjoy the right of access and that only one (1) boat per dwelling unit may access the lake any time.
2. Calculation: The total linear feet of shoreline existing on the original parcel shall be established by a Surveyor who is registered in the State of Michigan. Total shoreline shall not include land that is below the ordinary high water line of the inland lake. Non riparian access to an inland lake shall be allocated exclusively to lots that are created from the original parcel. The allocation shall be made on the basis of one (1) permitted boat access for each 50 linear feet of total lake frontage rounded down to a whole number. A dwelling unit shall be granted a single boat access. Each lot may be granted a boat access for each dwelling unit, provided that the total number of boat access rights granted does not exceed the total amount of linear feet of waterfront divided by fifty (50).
3. Common Boat Access Site Requirements: Common boat access site that includes a boat-launching facility shall be of sufficient size to allow vehicle and trailer maneuvering. A common boat access site lot that contains a boat launching facility shall be at least thirty (30) feet in width at the waterfront.

**Section 5.3 SUPPLEMENTARY USE
REGULATIONS**

5.3.1 Accessory Buildings and Structures:

A. Authorized accessory buildings and structures may be erected as a part of the principal structure or may be connected to it by a roofed over porch, patio, breezeway, or similar structure, or may be completely detached. If attached to the principal structure, an accessory structure shall be made structurally a part of it and shall comply in all respects with the requirements applicable to the principal structure. Accessory Buildings/Structures - As an accessory to a principal structure, accessory structures shall comply with the following:

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1. For single-family zoned and utilized property, there shall be no storage of commercial vehicles, except one (1) per dwelling unit not to exceed one (1) ton rated capacity unless otherwise permitted herein.

2. Space in an accessory structure shall not be rented out or space leased to other parties unless otherwise permitted herein.

3. An accessory structure not attached and not made a part of the principal structure shall not be nearer than ten (10) feet from any other structure on the same lot and shall comply with the front, rear, and side yard requirements of this Ordinance for accessory structures.

vi. No more than twenty (20) percent of a residential accessory structure floor area shall be located within an interior area defined as between the front building line and side building lines of the principal structure and the right-of-way so as not to obstruct the view of the principal structure from the public road; and
vii. Irrespective of residential accessory structure height requirements outlined herein, no accessory structure under this condition shall have a sidewall height exceeding ten (10) feet or a peak height of sixteen (16) feet.

B. Residential Accessory Buildings/Structures

1. Structures accessory to a principal residential structure and use shall not be erected or project into any front yard between the lot line and the front building line, except where such improvement meets one (1) of the following condition sets:

a. Condition Set One:

- i. The parcel is a minimum of five (5) acres in lot area; and
- ii. All setback requirements of the district in which the residential accessory structure is to be located are complied with; and
- iii. The residential accessory structure shall be located not less than one hundred and sixty-five (165') feet from the road right-of-way; and
- iv. The accessory structure shall be located no closer than one hundred (100) feet to an existing principal residential structure on an adjacent parcel.

b. Condition Set Two:

- i. The parcel is less than five (5) acres in lot area; and
- ii. The residential accessory structure exterior siding is similar in color to the principal structure of which it is accessory to; and
- iii. The residential accessory structure roofing is similar in color to the principal structure of which it is accessory to; and
- iv. The residential accessory structure must be located no more than seventy-five (75) feet from the principal structure; and
- v. The residential accessory structure shall be no closer than seventy-five (75) feet from an existing residential structure on an adjacent parcel; and

2. No residential accessory structures shall be erected closer than ten (10) feet to any side or rear lot line or a principal or other accessory structure on the property.

3. On a corner lot, no residential accessory structure shall be closer to the side street lot line than the side yard setback of the principal residential structure on the lot.

4. No residential accessory building/structure shall exceed a sidewall height of (16) feet or a peak height of twenty-four (24) feet.

5. The total of all detached accessory buildings located on a parcel shall be subject to maximum lot coverage requirements and accessory structure size shall be subject to the restrictions in floor area based upon parcel size listed in the schedule below.

<u>Parcel Lot Size Total</u>	<u>Accessory Floor Area</u>
Less than one-half ac	1200 sq feet
One-half ac to one ac	1850 sq feet
Over one ac up to 2.5 ac	3600sq feet
2.5 ac up to five ac	5600 sq feet
More than five ac	7500 sq feet

6. A building that would otherwise qualify as a permissible residential accessory building is allowable under a Special Use Permit on an otherwise vacant lot to be used for otherwise permissible residential purposes, subject to all provisions pertaining to Special Use Permits (including a Site Plan review) and setback requirements, and located to the rear of the parcel to allow for the future construction of a principal residence.

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C. Agricultural Accessory Buildings/Structures - Agriculture accessory buildings and structures which are clearly incidental or secondary to the principal use of the property for agricultural purposes shall be allowed when the following provisions are fully complied with:

1. No accessory structure shall be constructed between the road right-of-way and the required minimum front yard setback.
2. In a rear or side yard, no accessory building shall be closer than ten (10) feet to any property line.

D. Commercial Accessory Buildings/Structures: Accessory buildings or structures in the O-1, B-1, B-2, B-3, M1 and M-2 districts may be constructed up to the permitted maximum height of principal structures in said districts.

1. Accessory buildings or structures greater than five hundred (500) square feet are subject to site plan review and approval by the Site Plan Review Committee per the requirements of Section 14.3 .4.
2. Temporary or seasonal accessory structures may be erected in a side or rear yard of any district for not more than four (4) months in a given year, provided they are not closer than eight (8) feet from a side or rear lot line.
3. Sleeping Quarters for Caretaker, Watchman, or Security Personnel: Sleeping quarters for a caretaker or security personnel whose functions serve the principal use of the lot, is permitted in the B-3, M-1 and M2 Districts. In addition, the following standards apply:

- a. Approval is received from the Shiawassee County Health Department in reference to sanitary facilities.
- b. The quarters meet all applicable code requirements of the State Construction Code, Public Act 230 of 1972.
- c. The quarters do not adversely change the character of the lot or the district.
- d. If the quarters are freestanding apart from the principal structure on the lot, it shall not be used for any other dwelling purpose other than as sleeping quarters for a caretaker, security personnel, or domestic employee, nor shall it be used as the basis for dividing a parcel to create a separate lot with a separate dwelling unit.

E. Swimming Pools: Swimming pools and all fencing, gates or other barrier around them shall be in conformity with the State Construction Code, as amended.

1. Swimming pools shall conform to the yard setback requirements as required for accessory uses and structures in this Ordinance and are not eligible to be considered under the aforementioned condition sets allowing for accessory structures to be located between a residential principal structure and the right-of-way.

2. No swimming pool shall be located over a septic system, drain field, or on any area designated by the Shiawassee County Health Department as reserved for a replacement drain field unless approved by the Shiawassee County Health Department.

3. No lights shall be erected, operated or maintained, in connection with a swimming pool in such a manner as to create a nuisance or hazard to nearby properties.

4. Swimming pools in R-T and R-M 1 Districts are permitted as part of a mobile home subdivision, mobile home park, or multiple-family development, but not on individual lots within the mobile home park, mobile home subdivision or multiple family development.

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F. Swing sets and play sets shall be located behind the building line in a front yard and not closer than eight (8) feet to a side or rear lot line.

G. Outdoor tennis courts, playground equipment, swimming pools, or other recreation facilities are permitted accessory structures in any subdivision, condominium development, multiple family development or PUD, or lot in a residential district provided they observe all setbacks and building separation standards, have adequate access and parking and are only available for residents of the project and their guests. Fencing and/or special landscaping or buffering may be required as a condition of approval to minimize impacts on abutting property.

H. Due to the potential impact on the public health, safety, and welfare of the citizens of the Township caused by emissions of smoke and particulates in a populated area, the following provisions shall apply to outdoor solid fuel (wood, corn, coal, etc.) burning furnaces/boilers (Outdoor Furnaces):

1. Outdoor Furnaces are permitted as an accessory structure and use to single-family residential structures located in the A-land A-2 zoning districts. All appropriate zoning, building, and trade permits are required prior to installation.
2. The Outdoor Furnace shall be listed by the Underwriters Laboratories, Inc. (UL) and shall only utilize fuels as recommended by the manufacturer of the furnace. The use of trash, plastic, gasoline, oil, rubber, garbage, petroleum treated products, pressure treated wood, leaves, paper products, cardboard, and other materials not recommended by the manufacturer or materials that could void the Outdoor Furnace warranty are prohibited and subject to enforcement provisions as set forth in this Ordinance.
3. The following setbacks in addition to those required for typical accessory structures are required for locating an Outdoor Furnace on an appropriately zoned property:
 - a. An Outdoor Furnace shall be located no closer than one hundred (100) feet to any residential or commercially zoned or utilized property.
 - b. An Outdoor Furnace shall be located no closer than two hundred (200) feet to any property zoned or used for assembly purposes, including but not limited to a school, church, public park, etc.
 - c. An Outdoor Furnace shall be located no closer than fifty (50) feet to a principal structure on site and no closer than twenty-five (25) feet from an accessory structure as long

as such accessory structure is not occupied as a living area.

5.3.2 Accessory Uses: The following accessory uses shall be issued a Zoning Permit by the Zoning Administrator if in compliance with all the standards applicable to each accessory use.

A. Home Occupations: Home occupations may be carried on in a single-family dwelling if in conformance with the following standards:

1. The District where the residence is located is zoned A-1, A-2, R-1A, R-1B, R-1C, R-1D, R-T, or R-M1.
2. All activities associated with the home occupations shall be carried on indoors and no changes shall be made to the exterior of a single-family dwelling for the accommodations of any home occupation. Instruction in a craft, fine art, or music is permitted in any single family dwelling by an occupant of that dwelling as a home occupation, provided that noise does not create a nuisance for adjoining properties.
3. No more than twenty-five (25) percent of the floor area of the dwelling, or four hundred eighty (480) square feet, whichever is smaller, shall be utilized for purposes of the home occupations.
4. The use of an attached or detached garage or other accessory buildings for home occupations is not permitted.
5. No more than two (2) additional parking spaces (beyond the two required for a single-family dwelling) shall be added for home occupations and at no time shall more than two (2) non-resident vehicles be present at home occupations whether they be those of customers or employees. Parking spaces shall comply with the requirements of Article 7.
6. There shall be no outdoor storage of materials related to home occupations, or outdoor storage

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of vehicles with more than one (1) ton rated capacity, except for farm equipment used on the same parcel which must be a bona fide commercial agriculture or horticulture operation. (See also Section 5.3.1, A, 1, d.)

7. Home occupations shall not be permitted if the essential character of a lot or single-family dwelling, in terms of use and appearance, traffic, or enjoyment of adjacent property, will be appreciably changed by the occurrence of such home occupation.
8. There shall be no external evidence of a home occupation, except a small identification sign in accordance with Article 9, Section 9.3.1 D.
9. No equipment or process shall be used in home occupations which create noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
10. Home occupations shall comply with all other applicable laws or ordinances.

B. Home Business: Home businesses may be carried on in a fully enclosed accessory building (but not an attached garage) to a single-family dwelling if in conformance with the following standards: (see definition in Article 21 G)

1. The District where the residence is located is not in a platted subdivision or in a condominium subdivision and: is zoned A-1 or is zoned A-2 and is approved by the Planning Commission by Special Use Permit.
2. Accessory buildings used for a home business shall be at least fifty (50) feet from a dwelling unit on another lot. Total floor area for home businesses located both within a single-family dwelling and accessory buildings on the same lot when taken together with outdoor storage area shall not exceed one-thousand (1,000) square feet.
3. No more than four (4) additional parking spaces (beyond the two required for a single-family dwelling) shall be added for home occupations and/or home businesses on the same lot, and at no time shall more than four (4) non-resident vehicles be present at home occupations and/or home businesses whether they be those of

customers or employees. Parking spaces shall comply with the requirements of Article

4. Outdoor parking or storage of vehicles with more than one (1) ton rated capacity and heavy equipment shall be in a rear yard or, inside an accessory building conforming with this Ordinance. Provided that the total outdoor storage of said vehicles and heavy equipment shall not exceed six (6) items. If the vehicle is routinely left idling for more than fifteen minutes a day, the place it is idled shall be at least five-hundred (500) feet from the nearest dwelling unit on another property.
5. Outdoor storage of materials shall be completely fenced to obstruct view to a height equal to the elevation of the tallest material to be stored, which may not exceed six (6) feet. Outdoor storage areas shall be at least fifty (50) feet from any dwelling unit on another lot.
6. Home businesses shall not be permitted if the essential character of a lot or single-family dwelling within a residential district, in terms of use and appearance, traffic, or enjoyment of adjacent property, will be appreciably changed by the occurrence of such home business.
7. There shall be no external evidence of a home business, except a small identification sign in accordance with Article 9, Section 9.3.1 D.
8. No equipment or process shall be used in home occupations which create noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
9. Home businesses shall comply with all other applicable laws or ordinances.
10. Neither the storage of farm equipment, the sale of seeds or other farm related activities which are accessory to a bona fide commercial agriculture or horticulture operation shall be considered or require approval as a home business.
11. The following home businesses are prohibited:
 - a. Automobile service station, parking garage, or commercial garage.
 - b. Automobile salvage yard or junk yard.

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- c. New and used vehicle sales.
- d. Auto body and/or paint shops.
- e. Other land uses which are specifically provided for elsewhere in this Ordinance by Special Use Permit, or land uses permitted only in the Industrial District.
- f. Sexually oriented businesses.

C. Open Outdoor Storage: Open outdoor storage shall be permitted as an accessory use in the cited districts and subject to the following standards and conditions:

1. Open Outdoor Storage is permitted without a Zoning Permit in the rear yard of a developed site located in a M-1 and M-2 District provided the stored materials are screened and/or fenced and at least two-hundred (200) feet from the boundary of a residential district, and fifty (50) feet from the boundary of an office or business district.
2. Open Outdoor Storage in an M-1 or M-2 District in a side or rear yard, or up to fifty (50) percent closer than the separation distances provided in this Section for rear yard storage, may be permitted by the Site Plan Review Committee if, after analysis, no significant nuisance on an abutting property would likely occur.
3. In the M-1 or M-2 District, a principal use on one (1) property may utilize outdoor storage as an accessory use on another property as long as such other property is similarly zoned and located where no more than five-hundred (500) feet exists between property boundaries. The use of property for such purposes shall be reviewed as a principal use of property requiring site plan review by the Planning Commission. The proposed use and site development is subject to information requirements set forth in Article 14. The site meets the standards for development found in this section and other sections of the Ordinance, including but not limited to:
 - a. Site landscaping, screening, and fencing provisions for similar and compatible uses.
 - b. Storage only of non-hazardous materials and all materials must be adequately described to ensure compliance with other provisions of the Ordinance and rules, regulations, and requirements of other agencies or authorities.
 - c. Adequate ingress and egress to the site, as well as ensuring that traffic between the principal use and accessory use are safe and do not impede or obstruct traffic; and
 - d. Adequate surface treatment to prevent mud, dust, trenching, or other results that would impact

the desirability of the site and other properties in the immediate area.

4. In the B-1, B-2, and B-3 Districts, the open outdoor storage of merchandise normally carried in stock in connection with a business is permitted by issuance of a Zoning Permit when included in an approved site plan, provided that such storage is permitted in the applicable district regulations, and that storage does not occur in required parking or loading areas or within the minimum yard setbacks as measured from the property line toward the permitted use.

D. Seasonal Labor Housing complexes associated with bona fide, commercial agriculture or horticulture operation, are permitted in A-1 and A-2 districts, provided they are maintained in a safe and sanitary condition with inside water and sanitary sewage disposal facilities, and that they are occupied no more than eight (8) months in any twelve (12) month period by persons employed on the farm on which the seasonal labor housing complex is located, and that the owner receives all permits required under the State Public Health Code and by the Michigan Department of Environment, Great Lakes and Energy.

Section 5.4 SUPPLEMENTARY AREA REGULATIONS

5.4.1 Exception to Required Lot Area for Residential Districts:

A Any residential lot created and recorded prior to the effective date of this Ordinance may be used for any permitted use even though the lot area and/or

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dimensions are less than those required for the district in which the lot is located provided:

1. That the other requirements of the district are met.
2. That no contiguous land or lot is owned by the owner of the lot in question.
3. That no lot shall be so reduced in area that the required open spaces will be smaller than those established as a minimum for the district in which the lot is located.
4. That any lot so excepted shall be no less than fifty (50) feet in width at the street line.

5.4.2 Lot Area Can Be Allocated Once: No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for the construction of a proposed building or the alteration of an existing building.

5.5.1 Side Yard Reduction:

A. For residential lots adjoining an alley, the least width of a required side yard may be measured to the centerline of the alley, provided no building shall be erected closer than five (5) feet to the nearest alley right-of-way.

B. For lots of record, eighty (80) feet or more in width at the building line, the same side yard requirements as for lots one hundred (100) feet or over in width.

C. For lots of record, sixty (60) feet to seventy-nine (79) feet in width at the building line, the least width of either side yard shall be eight (8) feet, but the sum of the two side yards shall not be less than eighteen (18) feet.

D. For lots of record, fifty (50) to fifty-nine (59) feet in width at the building line, the least width of either side yard shall be six (6) feet, but the sum of the two side yards shall not be less than thirteen feet.

5.5.2 Rear Yard Reduction:

A. When a lot of record in any residential district has a depth of less than one hundred fifteen (115) feet prior to the effective date of this Ordinance, the rear yard of such lot may be reduced one-fourth ($\frac{1}{4}$) of the distance if the lot depth is less than one hundred fifteen (115) feet, provided that no rear yard shall be less than twenty (20) feet in depth.

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B. When there is a public alley at the rear of a lot upon which the lot abuts for its full width, measurements of the depth of the rear yard may be made to the centerline of such alley.

5.5.3 Permitted Yard Encroachments:

A. Paved terraces, patios, decks and uncovered porches shall not be subject to yard requirements provided:

1. The paved area or deck is unroofed and without such walls, parapets, or other forms of solid continuous enclosure that connect the paved area to the principal building that an enclosed area is formed which appears functionally a part of the principal building.
2. The highest finished elevation of the paved area or deck is not over three (3) feet above the average surrounding finished ground grade.
3. No portion of any paved area or deck is closer than five (5) feet to any lot line.

B. Paved area may have an open railing, handrail or fence not over three (3) feet high constructed in accordance with the Building Code and may have non-continuous windbreaks or visual screen fences or walls not over six (6) feet high and not enclosing more than one-half (½) the perimeter of the paved area.

C. Enclosed porches (either one story or two story) or an unenclosed porch having solid foundations and capable of being enclosed shall be considered an integral part of the building and shall, therefore, be subject to all yard and area dimensional requirements established for principal buildings.

D. Special structural elements such as cornices, sills, belt courses, chimneys, gutters, eaves, pilasters and similar structural features may project into any yard a maximum of two and one-half (2 1/2) feet.

E. Fire escapes outside stairways and balconies, if of open construction, may project into the yard area a maximum of five (5) feet.

F. Ramps to accommodate wheelchairs and related devices to assist the handicapped or infirm are permitted to encroach on the yard requirements of any district, provided an application for a Zoning Permit is filed with the Zoning Administrator who shall find as a condition of issuing the requested permit, that the location selected minimizes the yard encroachment while still meeting the ramp needs of the applicant. No ramp is permitted to extend from a front or side door directly to the front sidewalk or curb, if it is reasonably feasible to connect to an existing private sidewalk or paved driveway. Ramps may not be covered in the

portion of the front yard between the front lot line and the building line of the principal building.

G. Awnings in residential districts may project into a required yard area no more than three (3) feet and in commercial or industrial districts no more than five (5) feet. Awnings in R-M1, B-1, B-2, B-3, M-1 and M-2 districts shall be at least eight (8) feet above the ground. Approval shall be obtained from the County Road Commission or Michigan Department of Transportation, whichever has jurisdiction, before any awning is erected over public right-of-way.

H. Except as otherwise permitted in Section 5.5.3, or another specific provision of this Ordinance, the front yard of any lot in any district shall not be obstructed by accessory buildings or structures between the front lot line and the building line except as follows:

1. for a permitted sign or flagpole
2. for permitted landscaping or fencing
3. for permitted walkways, drives and parking
4. for permitted temporary structures, such as roadside stands per Section 5.8.11.

Section 5.6 SUPPLEMENTARY HEIGHT REGULATIONS

5.6.1 Permitted Exceptions - Structural Appurtenances:

A. The following structural appurtenances shall be permitted to exceed the height limitations. Exceptions may be authorized only when all of the following conditions are satisfied: No portion of any building or structure, permitted as an exception to a height limitation, shall be used for human occupancy or for commercial enterprise. Any structural exception to height limitations shall be erected only to such height as may be necessary to accomplish the purpose it is intended to serve so as not to become a hazard to aviation. If the roof area of limitations exceed twenty percent (20%) of the gross roof area, they shall be considered as integral parts of the whole structure and, thereby, shall not exceed the height limitations.

1. Ornamental in purpose such as church spires; belfries; cupolas; domes; ornamental towers; flag poles; and monuments on government owned property.
2. Appurtenances to mechanical or structural functions such as chimneys and smoke stacks, water tanks and water towers, elevators and stairwell penthouses, ventilators, bulkheads, masts, aerials, fire and hose towers, and cooling towers.

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3. Public utility structures, including but not limited to telephone poles and wind power electrical generating towers, but not including communication towers whether attached to a building or structure, except upon receipt of a Special Use Permit.

5.6.2 Permitted Exceptions - Residential Districts: There shall be no exceptions permitted for residential structures; certain non-residential structures in residential districts may be permitted to exceed height limitations, provided there is compliance with the provisions of Article 18, Section 18.4.9.

5.6.3 Permitted Exceptions, Commercial and Industrial Districts: In any commercial or industrial district any principal building may be erected to a height in excess of that specified for the district, provided each front, side, and rear yard is increased one (1) foot for each one (1) foot of such additional height.

5.6.4 Permitted Exceptions, Agricultural Districts: In any agricultural district, any agricultural building, barn, silo, grain elevator, windmill or other agricultural structure is permitted to a height of one hundred (100) feet provided they are setback a distance from the property line at least equal to the height of the structure.

Section 5.7 FLOOD PLAIN REGULATIONS FOR ALL DISTRICTS

5.7.1 Intent and Purpose: The purpose of these regulations is to protect those areas of the Township which are subject to predictable flooding in the flood plain areas of the major rivers, their branches, and tributaries within the Township so that the reservoir capacity shall not be reduced thereby creating danger to areas previously not so endangered in time of high water or to impede, retard, accelerate, or change the direction of the flow or carrying capacity of the river valley or to otherwise increase the possibility of flood. All land included in the flood plain area shall be subject to the requirements specified herein in addition to the normal zoning district requirements in which said land shall be located.

5.7.2 Flood Plain Delineation: The official Flood Plain Zoning Map of the Township of Perry shall consist of all land which would be inundated during an Intermediate Regional Flood as established by the U.S. Army Corps of Engineers along any watercourse within the jurisdiction of this Ordinance, except when a FIA Flood Hazard Boundary Map or Flood Insurance Rate Map has been prepared by the Federal Emergency Management Agency, in which case the following order of procedures shall serve as the Official Flood Plain Zoning Map:

1. A Flood Insurance Rate Map
2. A Flood Hazard Boundary Map

3. An Intermediate Regional Flood determination of the U.S. Army Corps of Engineers. A copy of the Official Flood Plain Zoning Map shall be kept on file in the Office of the Clerk of Perry Township and the Township Zoning Administrator.

5.7.3 Permitted Principal Uses: Notwithstanding any other provisions of this Ordinance, no building or structure shall be erected, converted, or structurally altered and no land and/or structure shall be used within a flood plain except for one or more of the following uses:

- A. Open space uses such as farms, truck gardens, nurseries, parks, playgrounds, golf courses, nature preserves, bridle trails, nature paths, private or commercial recreations, and other similar open uses.
- B. Off-street parking uses provided that all parking shall be at grade level and in conformance with the provisions of Article 7 of this Ordinance.
- C. Public utility facilities, provided utilities are constructed or elevated to withstand flood damages and are constructed as further regulated by this Ordinance.
- D. Yard and setback areas required for any district within the flood plain areas may be included within the flood plain areas. However, the elevation of the lowest floor designed or intended for human habitation shall be above the established flood plain.

5.7.4 Flood Plain Lands - Site Development Requirements:

No building or structure shall be erected, converted, or structurally altered or placed within the boundaries of the Official Flood Plain Zoning Map except as permitted below:

- A. The lowest floor designated or intended for human habitation shall be above the established flood plain. Land may be filled to meet the minimum requirements of the established flood plain and grade level only under the following conditions:
 1. A permit pursuant to the Natural resources and Environmental Protection Act, Public Act 451 of 1994, Part 31, Section 324.3108 et. seq., as amended, and Rule R 323.1311 - 323.1329, Michigan Administrative Code is obtained from the Michigan Department of Environment, Great Lakes and Energy.
 2. A permit pursuant to the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 91, Section 324.9101, et. seq., as amended.

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5.7.5 Uses Permitted by the Site Plan Review

Committee: Certain uses may be authorized in any flood plain by approval of the Site Plan Review Committee. All lands included in the flood plain shall be subject to the provisions herein and to the district requirements in which said land shall be located.

A. The construction or location of outdoor play equipment, bleachers, and similar outdoor equipment and appurtenances, storage of materials or equipment, provided such elements shall not cause any significant obstruction to the flow or reduction in the water impoundment capacity of the flood plain.

5.7.6 Data Submission: Prior to the issuance of a zoning permit for structures adjacent to flood plain area, the Zoning Administrator shall require the applicant for such permit to submit topographic data, engineering studies, proposed site plan, or other similar data needed to determine the exact elevation and location of the one hundred (100) year flood plain and the possible effects of flooding on a proposed structure and/or the effect of the structure on the flow of water. All such required data shall be prepared by technically qualified persons. The opinion of hydrologic engineers within EGLE shall be sought before a decision is made by the Zoning Administrator.

5.7.7 Existing Uses in the Flood Plain: It is the intent of this Ordinance to permit existing uses to continue in the flood plain until they are removed, but not to encourage their survival.

A. It is recognized there exists within the flood plain, as defined by this Ordinance, lots and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under terms of this Ordinance or future amendments.

B. Such uses are declared by this Ordinance to be incompatible with permitted uses in the flood plain. It is further the intent of this Ordinance that such uses shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited in the flood plain.

C. Should a structure located in the flood plain, as defined by this Ordinance, be damaged by any means to an extent of more than fifty (50%) percent of the structure's pre-catastrophe market value as recorded by the assessing officer, it shall not be reconstructed. The damage to the structure to its condition before destruction and shall be determined by the Zoning Administrator after:

1. Receiving an estimate of the structural damage from the fire chief.

2. Receiving a figure representing the difference between the pre-catastrophe market value of the structure and the post-catastrophe value as determined by the assessing officer.

3. Dividing the sum of the figure derived:

- a. From the fire chief, and
- b. From the assessing officer, by two (2)

D. Any building damaged by any means to an extent of less than fifty (50%) percent of the structure's pre-catastrophe market value as recorded by the assessing officer may be modified, repaired, or replaced, but any alterations must incorporate floodproofing of utility and sanitary facilities up to the level of the Official Flood Plain Zoning Map. The costs of said improvements for floodproofing shall not be included in determining the damage costs.

E. The Board of Appeals may permit reconstruction of a use if the following conditions are met:

1. The structure is adequately protected against flood damage.
2. Not allowing reconstruction would create an unnecessary hardship on the appellant.

5.7.8 Liability: Under no circumstances shall Perry Township incur any liability whatsoever for the granting of any use of a building or structure in flood plain areas.

Section 5.8 TEMPORARY BUILDINGS, STRUCTURES AND USES

Temporary buildings, structures, and uses are permitted in all districts only under the following conditions:

A. Habitation of Accessory Structures, Tents and Travel Trailers as Temporary Dwellings: Except for tents and recreational vehicles in bona fide campgrounds, no structure shall be used for dwelling purposes for more than two weeks in any month that does not meet the minimum standards for a dwelling unit as defined in this Ordinance and the State Construction Code Act, Public Act 230 of 1972, with amendments. This means that no garage or other accessory building, cellar, basement, cabin, or partial structure, whether of a fixed or portable construction, nor any tent, trailer coach, mobile home or other structure not in compliance with

P.A. 230 of 1972, shall be erected or moved onto a lot and used for any temporary dwelling purpose unless authorized by the Zoning Administrator by the issuance of a temporary

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Zoning Permit as provided for in Section 5.8.(2) and Section 16.5.6.

B. Temporary Housing: The Zoning Administrator may issue a temporary Zoning Permit for a mobile home or other temporary dwelling unit used for temporary dwelling purposes, subject to the following limitations and procedures:

1. The purpose of the temporary housing is either to provide on-site housing for residents of the lot while a new dwelling unit is being constructed or while rebuilding due to fire, collapse, explosion, act of God or acts of a public enemy;
2. The permit is for a period not longer than one (1) year based on evidence presented by the applicant that he/she can have the foundation and complete building framing in place within six (6) months and the entire residence completed within one (1) year. This period may be extended up to one (1) additional year by the Board of Appeals when the following standards are met:
 - a. A good faith effort has been shown to build a new or rebuild a destroyed dwelling unit;
 - b. The time extension is reasonably necessary considering the practical difficulties associated with actual construction;
 - c. Occupancy of the structure being rebuilt is reasonably possible within the time extension;
 - d. Granting of the time extension to the applicant and other similarly situated parties will not prohibit enforcement of any provisions of this Ordinance, unduly overburden administration and enforcement resources, or adversely affect general health, welfare and safety of adjacent properties or the general community.
 - e. The lot or parcel is located in the A-1 or A-2 District, or any residential district;
 - f. A performance guarantee pursuant to Section 16.10 is collected and said temporary dwelling is removed within fifteen (15) days after construction is complete
 - g. The following additional approvals are obtained:
 - 1) A building permit from the Building Official

2) Approval of a septic system and well from the Shiawassee County Health Department

3) A driveway permit from the County Road Commission or Michigan Department of Transportation, as applicable.

4) Any mobile home permitted by temporary permit for purposes other than a) or b) above prior to April 1999, may be issued a temporary permit by the Zoning Administrator for continuation of use of an existing mobile home by the present occupant, but no other, provided the dwelling remains in good structural condition, the septic system and well remain approvable by the Shiawassee County Health Department and a performance guarantee pursuant to Section 16.10 is collected to insure the temporary mobile home is removed within thirty (30) days of its no longer being used by the present occupant.

C. Temporary Contractor's Buildings: Temporary structures and temporary uses incidental to construction work, such as contractor storage buildings, semis or mobile homes used for contractor equipment, foreman offices and related activities, but not for habitation are not required to observe setbacks, and no temporary Zoning Permit is needed, provided:

1. such buildings, structures or uses impede no clear vision area (see Section 8.15); and
2. are removed upon the completion or abandonment of the construction work or within the period of one (1) year, whichever period of time is the shortest.

D. Temporary Real Estate Offices: Are permitted within approved development projects. No cooking or sleeping accommodations shall be maintained. The temporary Zoning Permit shall be valid for not more than one (1) year, but is renewable. The office shall be removed upon completion of the development of the subdivision. A model home may be used as a temporary sales office.

E. Churches & Schools: Temporary buildings incidental to a church or school, provided that all wiring, plumbing, fire protection and exits are approved by the Fire Chief and Building Official, and by relevant state agencies and all yard requirements of this Ordinance are met.

F. Christmas Tree Sales: The display and sale of Christmas trees on a farm in the A-1, A-

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2 Districts, or the B-1, B-2 or B-3 Districts or at a church in any District, is permitted without a temporary Zoning Permit, provided it is incidental and accessory to the principal use or a temporary use of a vacant lot. The display and sale of Christmas trees is permitted for a period not to exceed forty-five (45) days. All unsold trees must be removed from the property by December 31 of each calendar year. Any sales of Christmas tree in a location or under circumstances other than those defined above is permitted only by a temporary Zoning Permit issued at the discretion of the Zoning Administrator.

G. Auctions: The public sale of property to the highest bidder shall be permitted for not more than five (5) days and no sales activity shall occur within thirty (30) feet of any street or road right-of-way. Off-street parking areas shall be provided and parking is prohibited within the right-of-way of a major thoroughfare.

H. Garage Sales: Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential zoning district subject to the following conditions:

1. Any garage sale, rummage sale or similar activity shall be allowed without a temporary Zoning Permit for a period not to exceed four (4) days within a six (6) month period. Such activities operating for a period of time in excess of four (4) days shall require a temporary Zoning Permit from the Zoning Administrator.
2. All such sales shall be conducted a minimum of thirty (30) feet from the front lot line and fifteen (15) feet from a side lot line.
3. No signs advertising a garage sale or similar activity shall be placed upon a public right of way or other public property. All signs advertising a garage sale shall be placed upon private property with the consent of an owner of said property and shall be removed within twenty-four (24) hours of the conclusion of said garage sale or similar activity.

I. Sawmills (portable): Establishment of a temporary sawmill for cutting of trees from a parcel or lot is permitted by temporary Zoning Permit. The sawmill shall not be located closer than five hundred (500) feet to a dwelling unit other than that of the owner of the property on which the temporary sawmill is established. The Temporary Permit shall be valid for six (6) months, but may be renewed.

J. Firewood Sales: Firewood sales shall be limited to firewood cut from that parcel or lot only. Cutting and splitting by machines shall conform with the location requirements for temporary sawmills above. Storage of firewood for sale and use by persons off the premises shall be restricted to the side and rear yards.

K. Roadside stands: Roadside stands selling products grown on the premises are permitted in the A-1, A-2, R-1A and R-1B Districts provided the following standards are complied with:

1. Space for the parking of the customers' vehicles shall be furnished off the road right-of-way in the ratio of one (1) parking space for each fifteen (15) square feet of roadside stand floor area with a minimum of three (3) off-street parking spaces.
2. The roadside stand shall be located at least twenty-five (25) feet from the edge of the road.
3. Any roadside stand structure shall be seasonally erected and removed once the growing season is complete or November 1st, whichever comes first.

**Section 5.9 ABOVE OR BELOW GROUND
STORAGE OF DANGEROUS CHEMICALS,
EXPLOSIVE OR FLAMMABLE MATERIALS,
OR HAZARDOUS SUBSTANCES**

A. All outdoor above or below ground handling area and storage facilities for dangerous chemicals, explosive or flammable materials, fuels and other hazardous substances in excess of 50 gallons or 150 pounds per month, shall:

1. Be constructed and maintained in compliance with:
 - a. All applicable Michigan Department of Environment, Great Lakes and Energy, Michigan Department of Agriculture and Rural Development, State Fire Marshal and U.S. EPA Standards;
 - b. The State Construction Code Act, Public Act 230 of 1972; and
 - c. All applicable County, local Fire Code and "Right-to-Know" laws.
 - d. A Pollution Incidence Prevention Plan (PIPP) if required under state law.

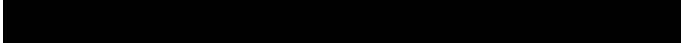
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2. Be located on a lot at least one-half (1/2) acre in size.
3. Not store fuel in above or below ground tanks closer to an abutting building on an adjacent lot than seventy-five (75) feet.
4. Have covered, but if flammable, not fully enclosed, secondary containment structures with a satisfactory dewatering plan to prevent leaks and spills from entering drains, sewers, surface or groundwater.

B. If the quantity of material in Section 5.9.A above is less than the regulatory threshold of the Michigan

Department of Environment, Great Lakes and Energy, the Michigan Department of Agriculture and Rural Development, State Fire Marshal or U.S. EPA Standards then the secondary containment structures required in subsection A.4. above shall conform to standards prepared by the Zoning Administrator and adopted by the Planning Commission.

C. The owner shall supply the Zoning Administrator, Sheriff's Department and Emergency Services Coordinator with the name and phone number of persons responsible for materials on the site and who is available 24 hours in case of a leak or spill.



Section 6.1 INTENT

The purpose of this Article is to establish minimum regulations for access to property. These regulations ensure: all newly created lots and existing lots being redeveloped or upgraded have adequate access for emergency vehicles and do not unnecessarily impede traffic flow or create a safety problem on the public road to which they connect. Standards are established for curb cuts and driveways, service roads, and new public and private streets.

Section 6.2 MINIMUM FRONTAGE AND ACCESS

No person, firm or corporation shall hereafter divide any land without providing for public access or permanent private easements for access to such divided lands. All lots created after the effective date of this Ordinance, or an amendment thereto, shall have the required minimum frontage along a public street or private road and shall have access consistent with the requirements of this Article. Flag lots do not meet this requirement. A second means of access to a group housing development, subdivision, mobile home park or nonresidential development is not subject to the minimum lot frontage requirement for the second means of access. Pursuant to the Land Division Act, Public Act 288 of 1967, as amended, access shall be reviewed and approved when any land division is reviewed for compliance with this Ordinance.

Section 6.3 BASIC STANDARDS

6.3.1. Curb Cuts and Driveways: No driveway shall connect to a public street or private road without first receiving approval of the driveway location and cross-section specifications from the County Road Commission on a County Road or the Michigan Department of Transportation on a State Highway. Provided, however, such approval shall not be given where such curb cuts and driveways shall cause an unreasonable increase in traffic hazards, including but not limited to allowing adequate sight distance for ingress and egress.

A. All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises. Said plan shall be approved by the Zoning Administrator prior to the issuance of a Zoning Permit. No such plan shall be approved unless such driveway access is onto a dedicated public street or a private road. Driveways shall, at a minimum, meet the following standards:

1. Storm drains, or culverts, if allowed, shall be installed in line with and on the same grade as those being connected with.
2. Drives shall enter perpendicular to the existing public street, private road, or alley.
3. No portion of the driveway entrance within the right-of-way shall have a grade of greater than ten (10) percent (1 foot vertical rise in ten (10) feet of horizontal distance) unless a greater slope is necessary to meet the sidewalk elevation from the street.
4. The driveway shall meet clear vision standards of Section 8.15.
5. Driveways shall be a minimum of fifty (50) feet from the nearest right-of-way line of an intersecting road or street.
6. Driveways shall be designed to minimize runoff and erosion and shall not alter existing drainage unless approved by the Zoning Administrator.

B. The Zoning Administrator shall inspect the driveway as developed for compliance with the above standards prior to issuance of a Certificate of Zoning Compliance.

C. In business zones, no more than one driveway shall be allowed per lot or parcel unless separated by two hundred (200) feet, or unless traffic safety requires another driveway within a shorter distance as established by a qualified traffic engineer, or unless additional driveways are permitted in special land use standards for a particular use, such as drive-through restaurants.

D. The new driveways shall align with existing or planned driveways, crossovers, turn lanes or other access features. This shall only be required if the resulting alignment provides safe access and if all other access requirements of this Ordinance are met.

E. The location of new driveways shall conform with road improvement plans or corridor plans that have been adopted by the County Road Commission or Michigan Department of Transportation.

F. No single or two-family driveway shall have a width less than nine (9) feet nor more than sixteen (16) feet at the street right-of-way line. The curb cut, including flares, shall not be more than 1.5 times the width of the driveway at the street right-of-way.

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G. Business driveway width at the sidewalk shall be at least twenty-five (25) feet for two-way access and at least fifteen (15) feet for one-way access.

H. An individual driveway serving more than one non-residential use is encouraged provided the design meets contemporary engineering standards for safe access and efficient traffic flow.

I. No driveway shall serve more than one (1) dwelling unit unless the use is duplex, a multiple family structure, a PUD, an apartment building.

J. A driveway shall be located no closer than fifteen (15) feet from a lot line

6.3.2. Business Access: No business access shall cross residentially-zoned property.

6.3.3. One Driveway per Parcel: All land in each parcel having a single tax code number, which fronts on a major thoroughfare shall be entitled to only one (1) driveway access from said street or highway. Subsequent division of each parcel, either as metes and bounds descriptions, as plats created in accord with the Land Division Act, Public Act 288 of 1967 as amended, or as site condominiums in accord with the Condominium Act, Public Act 59 of 1978 as amended, shall provide access by a single subdivision road, other public road or by an approved service drive. No direct additional access to the major thoroughfare shall be permitted with subsequent divisions unless more than thirty (30) residential lots are created, or more than one-hundred dwelling units in an apartment building are created then a second access shall be provided to the major thoroughfare only if no other access is possible via another public or private road.

6.3.4. Service Drives: Service drives which parallel a major thoroughfare and connect multiple parcels in either the front or the rear of the property are encouraged. The Site Plan Review Committee shall review and either approve, deny or approve with conditions all service drives to insure safe and adequate continuity of the service drive between contiguous parcels. The standards for service drives follow:

A. Width: A minimum of 24 ft. with construction to standards established by the County Road Commission for base and thickness of asphalt.

B. A minimum of fifteen (15) ft. snow storage/landscaping area must be reserved along both sides of the service drive with the edge of the service drive located a minimum of fifteen (15) ft. from the major thoroughfare right-of-way.

C. All driveway radii shall be concrete curbs.

D. The entrance to the service drive from a public road other than the major thoroughfare shall be at least 150 ft. from the centerline of the major thoroughfare to provide for adequate stacking and maneuvering.

E. The service drive shall be a public street, or a private road maintained by adjoining property owners or users who shall enter into a formal agreement together for the joint maintenance of the service drive. The County Prosecutor shall approve the terms of the agreement before it is recorded with the County Register of Deeds (see Section 16.9). No service drive shall be established on existing public right-of-way.

F. Landscaping along the service drive shall conform to the requirements of Section 8.3. Installation and maintenance of landscaping shall be the responsibility of the developer or a property owners association.

G. All separate parking areas shall use no more than one (1) access point or driveway to the service drive.

H. All traffic signage and pavement markings along the service drive shall conform to the current Michigan Manual of Uniform Traffic Control Devices.

6.3.5 Existing Road Width: Where a private road or street in existence prior to the effective date of this provision has no recorded width, the width will be considered to be sixty-six (66) feet for the purposes of establishing setbacks and measured equal distance from the midpoint of the road surface.

Section 6.4 PUBLIC STREET STANDARDS

6.4.1. Requirements to be met: New public streets or public roads shall conform to the requirements of this Section and those of the County Road Commission.

6.4.2. Construction standards: The creation of a public street that serves a division of land, a subdivision or a parcel shall meet or exceed the cross-sectional construction standards, site distance, drainage and any other requirements as specified in "Standards and Specifications for Plat Development and Street Construction" or other standards adopted by the County Road Commission.

6.4.3. Proposed new public roads which are not part of a subdivision shall either be developed as private roads pursuant to Section 6.5 or may be approved by the Planning Commission and the Township Board of Trustees.

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6.4.3. Dedication of Rights-of-Ways or Easements: All new public streets shall be dedicated to and accepted by the public, and no structure or development activity shall be established within approved rights-of-ways or easements. All plans as submitted for approval must show the proposed street including a legal description, and must include the grades for these streets.

6.4.4. Connection to County Roads and State Highways: Construction authorization from the County Road Commission is required for connection to County roads and from the Michigan Department of Transportation for connection to a State Highway. At the discretion of the Planning Commission, a proposed public street may be disapproved unless it connects to another public street or road when necessary to provide safe traffic flow and emergency vehicle access.

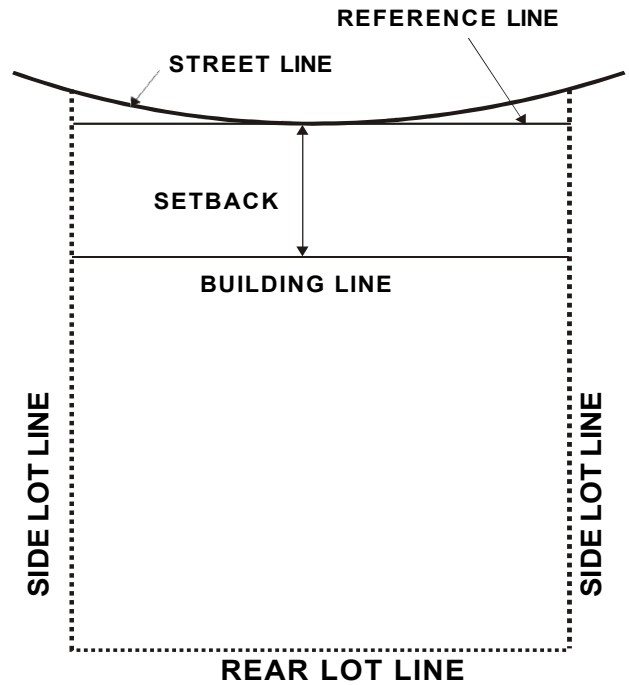
6.4.5. Cul-de-sacs: Cul-de-sacs shall meet or exceed cross-section specifications established by the County Road Commission and:

- A. Any cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available lot or parcel within the development which lot or parcel fronts upon the cul-de-sac.
- B. Frontage measurements for cul-de-sac lots shall be from the curve tangent that meets both side lot lines. See Figure 6-1, page 6-4.
- C. Not more than four (4) lots or parcels shall have frontage on a cul-de-sac.

6.4.6. Limit on Length: New public or private streets with only one connection to another public street, county road or state highway shall not be longer than one thousand three hundred-twenty (1,320) feet.

6.4.7. Maximum Number of Lots Served: No more than twenty-five (25) lots may gain access to a single public street if only one point of intersection is provided between the new public street and another existing public street.

FIGURE 6-1
LOTS FRONTING ON A CUL-DE-SAC



6.4.8. Application Review and Approval or Rejection:

- A. The Zoning Administrator shall review, and send to the Site Plan Review Committee, the plans of a new public street for review and comment. If the new street is proposed to connect to a state highway, a copy of the application shall be sent to the Michigan Department of Transportation (MDOT), for review and comment with a date specified as to when comments are needed.
- B. The Site Plan Review Committee shall approve or disapprove the new public street with conditions necessary to ensure conformance with the standards of this Ordinance.
- C. If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.

6.4.9. Failure to Perform: Failure by the applicant to begin construction of the new street according to approved plans on file with the Zoning Administrator within one (1) year from the date of approval shall void the approval and a new plan shall be required subject to any changes made by the Township in its standards and specifications for road construction and development.

6.4.10. Issuance of Zoning Permit: No zoning permit shall be issued for a structure on any new public street until such street is given final approval by the Board of County Road Commissioners.

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6.4.11. Posting: All new public streets shall be designated as such and shall be posted by the applicant on a sign meeting standards on file in the office of the County Road Commission. The sign shall be paid for by the applicant. The Zoning Administrator shall check with the County Central Dispatch 911 Manager to avoid a duplicate of names and give approval of same.

Section 6.5 PRIVATE ROAD DEVELOPMENT

6.5.1. Intent: The purpose of this Section is to provide for the general location, character, and extent of private roads in Perry Township. Lot orientation and other development circumstances also are regulated herein. The private road development Section is hereby established to provide for the proper development and utilization of land abutting private roads while at the same time making proper provision for the present and future health, safety and welfare of the people of the community.

6.5.2. Uses Regulated: Any development resulting in the use by one or more lots, parcels or site condominium units of a roadway other than a public road for direct access must be reviewed and the private road approved before any zoning permits are issued. In the case of a private road that is part of a development requiring site plan review, the private road may be approved as part of the site plan review process. In those cases, the Planning Commission may require the same information as in this Article for private road approval and shall use the same standards for approval as contained in this Article.

6.5.3. Preliminary Conference with Zoning Administrator: The applicant shall contact the Zoning Administrator to request a preliminary conference prior to any financial investment in the proposed development, in order to ensure it will be compatible with Township Ordinances. There is no extra fee for the preliminary conference.

6.5.4. Application for Private Road Development Permit:

A. Following a preliminary conference with the Zoning Administrator, if the applicant wishes to proceed, the applicant must file an application for a Private Road Development Permit with the Zoning Administrator, pay the required filing fee and request placement of the request on the Planning Commission agenda.

B. The applicant must provide proof of ownership or written consent of the property owner to make the application, along with the address of the applicant and owner (if different).

6.5.5 Site Plan Submittal Requirements:

A. The information in B. below shall be on or accompany a site plan depicting the proposed private road unless waived by the Zoning Administrator.

B. Sufficient copies of a site plan in a scale of at least 1" = 100' must be provided to the Zoning Administrator at least forty-five (45) days prior to a Planning Commission meeting. The site plan shall include the following:

1. A sketch showing the general relationship of the proposed property division to the surrounding area within one-half (1/2) mile in a scale of not less than 1" = 200'.
2. Property lines of existing or proposed parcels to be served by the private road, property lines of adjacent tracts of subdivided and un-subdivided land, shown in relation to the proposed property division (if any), including those areas across abutting roads.
3. Locations, widths, and names of existing or prior easements of record, public and/or private.
4. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the property.
5. Existing and proposed drainage patterns and any proposed retention ponds.
6. For parcels over twenty (20) acres in size, the site plan shall show the topography drawn as contours with the interval available on the U.S. Geological Survey map of the area where the property is located.
7. The location of significant natural features such as natural water courses, bodies of water, wetlands, and slopes over 12%.
8. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision for dedicated open space easements, easements for future utilities, if any.
9. Future divisions, if any.
10. Layout of the proposed private road, indicating right-of-way widths, surface width, grades, connections to other private roads or public streets.

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11. Proposed private road maintenance agreement and proposed private road easement agreement.

12. Proposed street name.

6.5.6. Road Commission & County Prosecutor

Review: A copy of the private road site plan and all attachments shall be transmitted by the Zoning Administrator to the Shiawassee County Road Commission for review and comment. The Zoning Administrator shall send the proposed road maintenance agreement and road easement agreement to the County Prosecutor for review and comment. At least fourteen (14) days shall be provided for their review and comment. A reply shall be provided to the Zoning Administrator. If no response is received, it shall be conclusively presumed that the agency has no objection.

6.5.7 Standards for Approval: The following criteria represent minimum standards for approval of private roads. The approving body shall determine if unusual conditions exist that warrant higher standards or conditions of approval. Any unusual conditions shall be set forth in the record of the approving body along with the rationale for higher design standards or conditions of approval.

A. All private roads shall have a minimum sixty-six (66) foot wide right-of-way and be built to Shiawassee County Road Commission specifications, as outlined in their publication "Standards and Specifications for Plat Development and Street Construction"; except private roads that serve six (6) or fewer lots shall meet all the requirements of the County Road Commission publication "Standards and Specifications for Plat Development and Street Constructions" with the following modifications and exceptions:

1. paving is not required for roads serving less than 7 lots
2. clearing and grubbing is required for a minimum of a sixty (60) feet wide corridor
3. a minimum road width of twenty (20) feet
4. a minimum shoulder width of two (2) feet on each side
5. the minimum vertical clearance, as measured above the minimum road width, is 14 feet.
6. the minimum depth of road-side ditch is two (2) feet below the adjacent road shoulder.

B. Building setbacks shall be measured from the outside edge or boundary of the private road right-of-way easement.

C. Private roads shall be planned and so constructed in relation to land contours and obstructions as to provide safe, adequate, ingress and egress by private driveway for each parcel.

D. Road layout shall fit the general pattern established by adjacent roads and streets. All intersections shall be at ninety (90) degree angles.

E. Regulation Michigan Department of Transportation stop signs shall be positioned and installed in accordance with the "Michigan State Manual of Uniform Traffic Control Devices" on all private roads where such roads intersect public streets or another private road.

F. Rights-of-way shall connect the private road system of the proposed development to any road or right-of-way of existing abutting developments or subdivisions where an existing road or right-of-way terminates at the boundaries of the proposed development. This requirement may be waived by the Planning Commission for private roads serving more than six (6) lots, or the Site Plan Review Committee for private roads serving six (6) or fewer lots. The waiver may be granted if findings in the record of the approving body show that natural barriers, pre-existing man-made barriers, or other factors result in a practical difficulty which is greater than the public safety and traffic efficiency benefits to be gained by the connection.

G. A private road legal description shall grant easements for installation and maintenance of public utilities.

H. The layout of roads shall provide a continuous circuit of travel. This requirement may be waived by the Planning Commission for private roads serving more than six (6) lots, or the Site Plan Review Committee for private roads serving six (6) or fewer lots. The waiver may be granted upon making finding in the record of the approving body that the lands to be developed are limited in area by purpose or by natural barrier. Granting of the waiver allows the road to terminate in an approved cul-de-sac that meets the design requirements in the Shiawassee County Road Commission specifications, as outlined in their publication "Standards and Specifications for Plat Development and Street Construction" as modified by this Ordinance, provided a right-of-way is established extending from the end of the cul-de-sac to the development boundary. Road right-of-ways or easements created for this purpose shall be non-exclusive and shall prohibit the construction or placement of buildings or structures within the right-of-way. Where a natural barrier exists or a future tie-in

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with an existing road in an adjoining development or subdivision is not feasible, this right-of-way requirement may be also be waived.

I. All private roads shall be named by the applicant and the name approved by the Shiawassee County Road Commission in accordance with established standards, and directives and street signs shall be erected at the cost of the applicant, in the same manner and method, and in accordance with the requirements of the Road Commission.

J. The road maintenance agreement signed by applicant/owner(s) to be recorded with the Township, County Clerk and County Register of Deeds shall provide for:

1. A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
2. A workable method of apportioning the costs of maintenance and improvements to current and future properties served by the private road.
3. A notice that if repairs and maintenance are not made, the Township may bring the road up to established County Road Commission standards for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in an amount not to exceed twenty-five (25) percent of total costs.
4. A notice that no public funds of Perry Township are to be used to build, repair, or maintain the private road.

K. Road easement agreement signed by the applicant/owner(s) to be recorded with the County Register of Deeds providing for:

1. Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
2. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.

L. Spacing of Private Roads: No more than one (1) private road may be established for each parcel of land existing at the time of the effective date of this

Ordinance; which, has at least 66 feet of frontage on a public road. Parcels, which are created after the effective date of this Ordinance, must observe 600 feet of separation between private roads as measured along the centerline of the public street between the center lines of the private roads.

M. Private Roads which create four (4) or more lots; or that are located in the A-2 District or in Residential Enclaves may reduce the required minimum lot frontage to one-hundred sixty-five (165) feet for the lots fronting on the private road.

N. Nothing in this section shall be interpreted to allow residential development that requires platting under the Land Division Act, as amended to occur without first obtaining approval as a platted subdivision.

O. Failure to maintain the private road in compliance with the standards for horizontal and vertical clearance, ditching, road and shoulder grading and the other dimensional requirements of Figure 6.1 shall constitute a violation of this ordinance.

P. The plan requirements of the County Road Commission publication "Standards and Specifications for Plat Development and Street Constructions" shall be followed in addition to the site plan requirements of Section 14.4.2 of this Ordinance. Plans shall be prepared and endorsed by a Michigan Register Civil Engineer. As built plans are required and shall contain the engineer's certification that all specifications have been complied with during construction and that the plans are a true representation of the actual construction.

The following standards in Table 6-1 apply to all private roads created after the effective date of the amendment adding this section.

6.5.8. Application Review and Approval or Rejection:

A. The private road shall be reviewed as part of the review of the development proposal served by the proposed road. Said review may be conducted as part of a site plan review process, or at the applicant's discretion, separately if no other development approvals from the Township are needed.

B. If the private road plans are approved by the Site Plan Review Committee, construction authorization will be issued by the Zoning Administrator. One copy of the approved plan shall be returned to the applicant. If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.

6.5.9 Issuance of Permit for Structures Served by Private Roads:

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A. No building or Certificate of Zoning Compliance shall be issued for a structure or use provided access by a private road until such private road is approved pursuant to the requirements of Section 6.5.7.

B. No private road shall be constructed until the Zoning Administrator has issued a Private Road Construction Permit.

6.5.10 Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Zoning Administrator within one (1) year from the date of approval shall void the approval and a new site plan shall be required by the Township subject to any changes made herein or subject to any changes made by the County Road Commission, Planning Commission or County Board of Commissioners in its standards and specifications for road construction and development.

6.5.11 Notice of Easements: All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:

“This parcel of land has private road access across a permanent easement which is a matter of record and a part of the deed.

This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only.”

**Table 6-1
PRIVATE ROAD STANDARDS**

Section 6.5.7. P

Number of Lots Proposed in a Non-Act 178 Option or Conservation Design Development*	Type of Zoning Approval*	Width of Right-of-Way Minimum	Construction Standards	Paving Required
2-6 *	SUP*	66 feet	The written standards of the Shiawassee County Road Commission as modify in Section 6.5.7 of this Ordinance	No
7-12*	SUP*	66 feet	The written standards of the Shiawassee County Road Commission	Option*
12-25	SUP	66 feet	The written Road Commission and/or Township Plat Standards	Yes
>25	SPR	66 feet		

NOTES:

SUP means permitted by special use permit

SPR means permitted by site plan review

*In an Act 178 Development (see Section 2.7.2 B.) or a Conservation Design Development of less than 12 lots (see Section 4.3.20), a Special Use Permit is not required and paving shall be required for roads serving 7-12 lots at the option of the Site Plan Review Committee/Planning Commission

ARTICLE 7 OFF-STREET PARKING AND LOADING

Section 7.1 PARKING REQUIREMENTS

7.1.1 Intent: It is the intent of this Ordinance that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance. All vehicles shall preferably be stored on the premises occupied by the principal building, but may be stored on premises located outside the premises within specifically limited walking distances as specified in Section 7.1.8 of this Ordinance.

7.1.2 General Provisions:

A. Building Additions or Other Increases in Floor Area: Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the use change increased floor area or capacity. Additional parking shall be provided at the time of enlargement and prior to receipt of a Certificate of Zoning Compliance (see Section 16.5).

B. The outdoor parking of motor vehicles in the R-1A, R-1B, R-1C, R-1D, R-M1 and R-T districts and on lots less than two (2) acres in the A-1 and A-2 districts shall be limited to registered and licensed passenger vehicles and commercial vehicles built on a chassis which is rated one (1) ton or less and not exceeding ten thousand (10,000) pounds in gross vehicle weight, except when said vehicles are associated with the use permitted by Specific Use Regulations in Article 4 or a Special Use Permit pursuant to Article 12. On lots greater than two acres in the A-1 and A-2 districts said vehicles shall be parked behind the building line, with side or rear yard parking preferred.

C. The outdoor storage or parking for a period of more than fourteen (14) days in a calendar year of travel trailers, motor homes, mobile homes, camper trailers, or parking other trailers or recreational vehicles in the R-1A, R-1B, R-1C, R-1D, R-M1 and R-T districts and on lots less than two (2) acres in the A-1, and A-2 districts shall be limited to locations behind the building line, with side or rear yard parking preferred. Parking ahead of the building line in Subsection B above and this subsection is permitted only if topography, septic fields, wetlands or other site conditions, as documented by the Zoning Administrator, preclude parking in the side or rear yard.

D. No parking area or parking space or loading area which exists at the time this amendment becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless and until equal or better facilities are approved and provided.

7.1.3 Right-of-Way: The right-of-way of any county road or state highway shall not be used for off-street parking or loading without the written permission of the County Road Commission for county roads and streets or the Michigan Department of Transportation for state highways.

7.1.4 Use of Parking Areas:

A. No commercial repair work, storage of merchandise, motor vehicles for sale, servicing or selling of any kind, shall be conducted in any parking area. Parking space shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.

B. No sign shall be erected in parking areas, except:

1. That no more than one directional sign at each point of ingress and/or egress may be erected which may also bear the name of the enterprise the lot is intended to serve. Such signs shall not exceed twenty (20) square feet in area and shall not project beyond the property line of the premises.
2. For handicapped parking signs as provided by the Michigan Construction Code Act, Public Act 230 of 1972, as amended.

7.1.5 Joint Use of Parking Areas: The joint use of parking facilities by two or more uses may be granted by the Board of Appeals whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.

A. Computing Capacities: In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time each day. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced by the Site Plan Review Committee below the same total of the individual space requirements.

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B. **Record of Agreement:** A copy of an agreement between joint users shall be filed with the application for a zoning permit and recorded with the Township Clerk and the Register of Deeds of Shiawassee County. The agreement shall include a guarantee for continued long-term use and maintenance of the parking facility by each party.

7.1.6 **Units of Measurement:** The following units of measurement apply to Table 7-1, Section 7.1.7.

A. **Definition of Usable Floor Area:** The term "usable floor area" as applied to offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public, including those areas occupied by fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, housing or mechanical equipment integral with the building, maintenance facilities, or those areas where customers, patients, clients, salesmen, and the general public are denied access. "Floor area" shall be measured from the exterior faces of exterior walls.

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

C. **Employees:** Requirements for parking stated in terms of employees shall be based upon the maximum number of employees likely to be on the premises during the largest shift.

D. **Seating Capacity:** When benches, pews or other similar seating is used, each 18 inches of said seating shall be counted as one seat, unless the standard specifies otherwise.

7.1.7 **Parking Space Requirements:** The number of required off-street parking spaces in all districts for every use shall be provided as listed on Table 7-1 prior to the issuance of a Certificate of Zoning Compliance. If there is more than one principal use on a lot, then the combined parking requirements for each of the permitted uses must be met:

**Article 7
Off-street Parking and Loading**

Section 7.1.7

Table 7-1

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
RESIDENTIAL & RELATED USES	
Bed and breakfast operations	One (1) space for each sleeping room, plus two (2) spaces for permanent residents.
Boarding houses, fraternities, sororities	One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater.
Community residential care facilities < 6 persons	Four (4) spaces.
Convalescent homes, convents or similar uses	One (1) space for each three (3) beds, plus one (1) space for every three (3) employees.
Mobile home parks	Two (2) spaces for each mobile home site, plus one (1) space for each mobile home park employee.
Multiple family dwellings	Two (2) spaces for each dwelling unit.
Single and two family dwellings	Two (2) spaces for each family dwelling unit.
CIVIC, NONPROFIT, INSTITUTIONAL, PUBLIC & PRIVATE RECREATION & RELATED USES	
Beaches, parks and other outdoor public recreation areas	As established by Township Planning Commission upon recommendation of the Site Plan Review Committee, based on the size, accessibility and facilities available.
Boat launching ramps and waterfront access sites	Twenty-five (25) spaces per ramp, or access site.
Educational and social institutions:	
<ul style="list-style-type: none"> • Auditoriums and gyms (incidental to) schools, churches, and institutional buildings of similar use with fixed seats 	One (1) space for each four (4) seats, plus one (1) space for every two (2) employees.
<ul style="list-style-type: none"> • Auditoriums (other than incidental to schools and churches), lodge halls, fraternal organizations, private clubs, public meeting halls, community centers, or buildings of similar use without fixed seats 	One (1) space for every six (6) persons of legal capacity as established by local, county or state fire, building or health codes.
<ul style="list-style-type: none"> • Charitable, eleemosynary or philanthropic organizations 	One (1) space for each two hundred (200) sq. ft. of floor area.
<ul style="list-style-type: none"> • Elementary and junior high schools 	Three and one-half (3 ½) per classroom, plus separate parking where the school contains an auditorium and/or stadium or gym.
<ul style="list-style-type: none"> • High schools and colleges 	One (1) space for every employee, plus one (1) space for each five (5) students.
Institutions for human care and habitation:	
<ul style="list-style-type: none"> • Community residential care facilities >6 persons 	One (1) space for each three (3) beds, plus one (1) space for every three (3) employees.
<ul style="list-style-type: none"> • Convalescent homes, nursing homes, convents or similar uses 	One (1) space for each three (3) beds, plus one (1) space for every three (3) employees.
<ul style="list-style-type: none"> • Hospitals, sanitariums 	One (1) space for each three (3) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees.
<ul style="list-style-type: none"> • Orphanages 	One (1) per employee and one (1) per four (4) beds.

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Off-street Parking and Loading**

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
Libraries, museums, post offices	One (1) space for every eight hundred (800) sq. ft. of usable floor area, plus one (1) space for every four (4) employees.
Nursery school, day nurseries or child care centers	One (1) space for each three hundred and fifty (350) sq. ft. of usable floor area.
Private golf clubs, swimming pool clubs, tennis clubs, lodges or other similar uses	One (1) space for every two (2) member families or individuals, plus spaces required for each accessory use, such as a restaurant or bar.
Public buildings	One (1) space for each two hundred (200) sq. ft. of gross floor area used by the public, and one (1) space for each six hundred (600) sq. ft. of gross floor area not used by the public.
Religious institutions: Churches or temples	One (1) space for each three (3) seats or six (6) feet of pews in the main unit of worship.
Utility and public service installations	One (1) space per two hundred (200) sq. ft. of gross floor area.
AGRICULTURAL & RELATED USES	
Agriculture service establishments	One (1) space for each two hundred (200) sq. ft. of customer service area, and one (1) space for each employee.
COMMERCIAL & RELATED USES	
Automatic Teller Machine (ATM) (free standing, not applicable when associated with another use)	Two (2) spaces per machine.
Automobile service and repair garages, gasoline filling and service stations (see convenience retail establishments)	Three (3) spaces for each repair and service stall, plus one (1) space for every employee.
Barber shops and beauty parlors	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one-half (1/2) space for each additional chair.
Business service establishments: <ul style="list-style-type: none"> • Advertising and mailing • Banks and credit unions • Employment services • Investment companies • Real estate companies 	One (1) space for every two hundred (200) sq. ft. of useable floor area.
Business, vocational or trade schools	One (1) space per one hundred (100) sq. ft. of gross floor area.
Catering service	One (1) space per two hundred (200) sq. ft. of gross floor area, plus one (1) space per employee in the largest shift.
Clinics and professional offices of doctors, dentists, or similar professions	One (1) space for each fifty (50) sq. ft. of usable floor area in waiting rooms, and one (1) space for each examining room, dental chair, or similar use area.
Clothing, furniture, appliance, hardware, shoe repair, personal services (other than beauty and barber shops), wholesalers	One (1) space for every two hundred (200) sq. ft. of usable floor area.
Commercial kennel	One (1) space per four hundred (400) sq. ft. of gross floor area, but no fewer than four (4) spaces.

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USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
Convenience retail establishments	Five (5) spaces per each one thousand (1,000) sq. ft. of gross floor area.
Dance schools	One (1) space for each one hundred (100) sq. ft. of dance floor area, plus one (1) space for each six hundred (600) sq. ft. of gross floor area.
Drive-through banks, cleaners, drug stores, and similar businesses	Space for five (5) cars between the sidewalk area and the pickup window, and one (1) space for every two hundred (200) sq. ft. of usable floor area if there is no customer space inside.
Drive-through restaurants or fast-food establishments	One (1) space per fifty (50) sq. ft. of eating area, plus one (1) space for each employee on the largest working shift.
Food service establishments:	
<ul style="list-style-type: none"> • Carry-out food or walk-up, establishment including bakeries, ice cream shops and delicatessens if carry-out only, or if all seating is exterior only. 	One (1) space for each employee, plus five (5) spaces.
<ul style="list-style-type: none"> • Restaurant or establishment for sale and consumption, of beverages, food or refreshments on the premises including drive-in, but not including drive-through restaurants 	One (1) space for each seventy-five (75) sq. ft. of usable floor area, or one (1) space for each two (2) persons allowed within the maximum occupancy load as established by the local fire marshal.
Funeral homes and mortuaries	One (1) space for every twenty-five (25) sq. ft. of usable floor area of chapels and assembly rooms.
Furniture, antique, appliance, household equipment, showroom of a plumber, decorator, electrician or similar trade, and other similar uses (including resale shops but not flea markets)	One (1) space for each eight hundred (800) sq. ft. of usable floor area, plus one (1) additional space shall be provided for each two (2) persons employed therein.
Garden center, greenhouse (if it has retail sales)	One (1) space for each two hundred (200) sq. ft. of usable floor area, plus one (1) space for each two thousand (2,000) sq. ft. of exterior sales area.
General offices	One (1) space for every two hundred (200) sq. ft. of usable floor area.
General retail stores, except otherwise specified herein	One (1) space for every one hundred and fifty (150) sq. ft. of usable floor area.
Health or fitness club, or martial arts schools	One (1) space for each two hundred (200) sq. ft. of usable floor area, plus one (1) space for each employee.
Hotels	One (1) space for each guest room, plus one (1) additional space for every five (5) employees.
Laundromats and coin operated dry cleaners	One (1) space for each two (2) washing and/or dry-cleaning machines.
Motels, and auto courts	One (1) space for each sleeping unit, plus one (1) space for each one (1) employee.
Music and voice schools	One (1) space per three (3) students at any one time.
Open air business	One (1) space per three thousand (3,000) sq. ft. of exterior sales area, except for open air flea markets which require one (1) space for each three hundred (300) sq. ft. of exterior sales area.

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USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
Office supply, factory and mill supplies, and related activities	One (1) space for each four hundred (400) sq. ft. of gross floor area.
Personal service establishment	One (1) space per two hundred (200) sq. ft. of retail sales area, and one (1) space for each four hundred (400) sq. ft. of service area.
Planned commercial or shopping center	One (1) space for each one hundred (100) sq. ft. of usable floor area.
Repair services	One (1) space for each two hundred (200) sq. ft. of usable floor area, plus one (1) space for each employee.
Supermarket, self-service food store	One (1) space for every fifty (50) sq. ft. of usable floor area.
Taverns, bars	One (1) space for every seventy-five (75) sq. ft. of usable floor area, or one (1) space for every three (3) seats, whichever is greater.
Vehicle, farm equipment and other machinery sales and service establishments	One (1) space for each two hundred (200) sq. ft. of usable floor area of sales room, and one (1) space for each one (1) auto service stall in the service room.
Vehicle wash (automatic)	One (1) space for each one (1) employee. In addition, reserved parking spaces equal in number to five (5) times the maximum capacity of the vehicle wash. Maximum capacity of the vehicle wash shall mean the greatest number of vehicles possibly undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).
Vehicle wash (self-service or coin operated)	Five (5) spaces for each washing stall, in addition to, the stall itself.
Indoor Entertainment	
Amusement center, video or pinball arcade	One (1) space per game, provided that where such games are an accessory use, one (1) space is required for each game above four (4) games.
Bingo parlor	One (1) space for each three (3) seats or one (1) per one hundred (100) sq. ft. of usable floor area, whichever is greater.
Bowling alleys	Five (5) spaces for each alley, plus one (1) space for each employee, plus spaces for each accessory use, such as a bar or restaurant.
Dance halls, pool and billiard rooms, exhibition halls, roller and ice skating rinks	One (1) space for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, plus one (1) space for every three (3) seats of spectator seating (one seat equals two feet of bench length).
Indoor racquet courts	Three (3) spaces per court, plus one (1) space per employee on the largest shift, plus spaces for any other principal or accessory uses, plus one (1) space for every three (3) seats of spectator seating (one seat equals two feet of bench length).

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Off-street Parking and Loading**

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
Indoor soccer facility	Fifty (50) spaces for every playing field, plus one (1) space for every three (3) seats of spectator seating (one seat equals two feet of bench length), plus two (2) spaces for every three (3) employees on the maximum shift, but in no case less than one hundred (100) spaces.
Theaters and commercial auditoriums	One (1) space for each three (3) seats, plus one (1) for each two (2) employees.
Outdoor Entertainment	
Boat, canoe, jet ski and bicycle rental	Five (5) spaces per employee where it is the principal use; where it is an accessory use, parking may be waived partially or wholly in the discretion of the Zoning Administrator.
Campground	Two (2) dust free 10'x30' spaces for every campsite.
Golf courses open to the public, except Miniature or "Par 3" courses	Four (4) spaces for each hole, plus one (1) space for each employee, plus required spaces for each accessory use, such as a restaurant or bar.
Golf driving range	One (1) space for each tee, plus one (1) space for each employee on the largest work shift.
Marinas	One and one-half (1-1/2) spaces per boat mooring slip.
Miniature or "Par 3" golf courses	Three (3) spaces for each hole, plus one (1) space for each employee, plus required spaces for each accessory use, such as a restaurant or bar.
Racetrack	One (1) space for every four (4) seats; one (1) seat is equal to two (2) feet of bench length.
Racquet sports	Three (3) spaces, plus three (3) spaces per court or one (1) per three (3) spectator seats, whichever is greater.
Rifle and archery range (indoor or outdoor)	A minimum of five (5) spaces, plus one (1) space per target area.
Stadiums and sport arenas	One (1) space for every four (4) seats or six (6) feet of benches.
Theme park, scenic area, amusement ride, water slide, go cart track and similar uses	Two (2) spaces per three (3) seats on amusement rides or twenty (20) spaces per ride or attraction with no specific or defined seating.
INDUSTRIAL & RELATED USES	
Auto body/paint shop	One (1) space per each service bay and employee.
Contract construction uses	One (1) space per employee, plus one (1) space per company vehicle.
Dangerous chemical manufacturing, storage and/or distribution	One (1) space per employee on the largest shift.
Incinerators and recycling centers	One (1) per employee, plus one (1) per each simultaneous truck.

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USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
Industrial or manufacturing establishments, testing laboratories, creameries, bottling works, printing and engraving shops	One space for every two (2) employees for industries working two (2) or more shifts. One space for every three (3) employees for industries working one shift or one space for every 400 square feet of gross floor area, whichever is greater.
Industrial service establishments	One (1) space for every two (2) employees for industries working two (2) or more shifts. One (1) space for every three (3) employees for industries working one (1) shift, or one (1) space for every four hundred (400) sq. ft. of gross floor area, whichever is greater.
Medical or dental laboratories	One (1) space per two hundred (200) sq. ft. of gross floor area.
Mini-warehouse (self-service storage facility)	One (1) space per ten (10) storage units plus one (1) space per employee.
Research and development establishments	One (1) space per employee on the largest shift.
Wholesale trade establishments and warehouses	One (1) space for every eight hundred (800) square feet of gross floor area.
PLANNED UNIT DEVELOPMENTS	
Planned Unit Developments: <ul style="list-style-type: none"> • Commercial • Industrial Park • Institutional • Mixed use • Residential 	Parking standards shall be established by the Planning Commission after receiving the recommendation of the Zoning Administrator based on the mix of proposed uses compared to the standards for those, or the most similar uses in this schedule.

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Off-street Parking and Loading

7.1.8 Location of Parking Areas: All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve, they shall be under the ownership of the applicant or part of an approved joint parking area under Section 7.1.4, with the exception of the following:

- A. Uses in B-2 Districts: Parking on the premises or within five hundred (500) feet.
- B. Uses in M-1 Districts: Parking on the premises or within eight hundred (800) feet.
- C. Uses in M-2 Districts: Parking on the premises or within one thousand (1000) feet.
- D. Public and Quasi-Public Buildings, Places of Assembly, Private Clubs, Associations and Institutions: Parking on the premises or within five hundred (500) feet.

7.1.9 Parking Lot Plan Review: Whenever four (4) or more vehicle parking spaces are required for a given use, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Administrator for review and approval before a zoning permit is issued. Such plans and specifications shall indicate the location of buildings and parking areas, basis of capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, landscaping, and any other detailed feature essential to the complete design, and construction of the parking area.

7.1.10 Site Development Requirements: All off-street parking areas shall be designed, constructed, and maintained in accordance with the following standards and requirements:

- A. A minimum area of two hundred (200) square feet or ten (10) feet by twenty (20) feet shall be provided for each vehicle parking space; each space shall be definitely designated and reserved for parking purposes exclusive of space requirements for adequate ingress and egress.
- B. Parking area shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
- C. Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. See also the access requirements of Section 6.3.1.
 - 1. Except for parking space provided for single-family and two-family residential lots, drives for ingress and egress to the parking area shall be

not less than twenty-five (25) feet for two-way access and at least fifteen (15) feet for one-way access.

- 2. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a residential district.

D. Each parking space, within an off-street parking area, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern as follows and illustrated on Figure 7-1:

- 1. For right angle parking patterns, seventy-five (75) to ninety (90) degrees. The maneuvering lane width shall be a minimum of twenty-four (24) feet.
- 2. For parking patterns, fifty-four (54) to seventy-four (74) degrees. The maneuvering lane width shall be a minimum of eighteen (18) feet.
- 3. For parking patterns, thirty (30) to fifty-three (53) degrees. The maneuvering lane width shall be a minimum of sixteen (16) feet.
- 4. For parallel parking, one-way drives or boulevards, the maneuvering lane width shall be a minimum of twelve (12) feet.
- 5. All maneuvering lane widths shall permit one-way traffic movement, except for the ninety (90) degree pattern, which may provide for two-way traffic movement.

E. Parking areas with a capacity of four (4) or more vehicles shall be surfaced with a material that shall provide a durable smooth and dustless surface consisting of bituminous, asphalt, concrete, aggregate stone or gravel, and shall be graded and provided with adequate drainage. Said surface shall be maintained and replaced if necessary, as long as the building it serves is occupied.

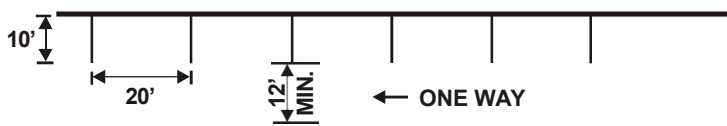
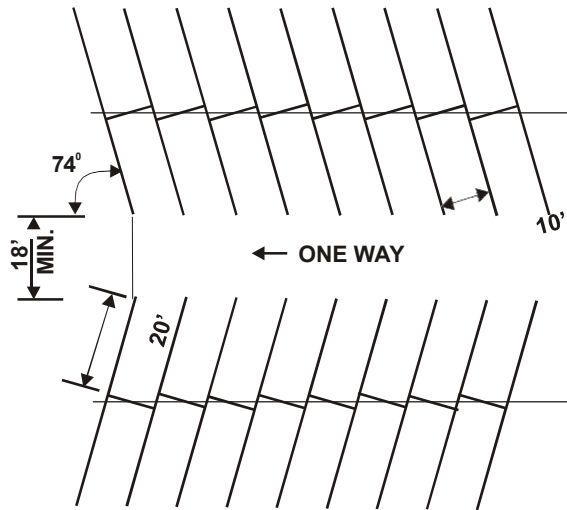
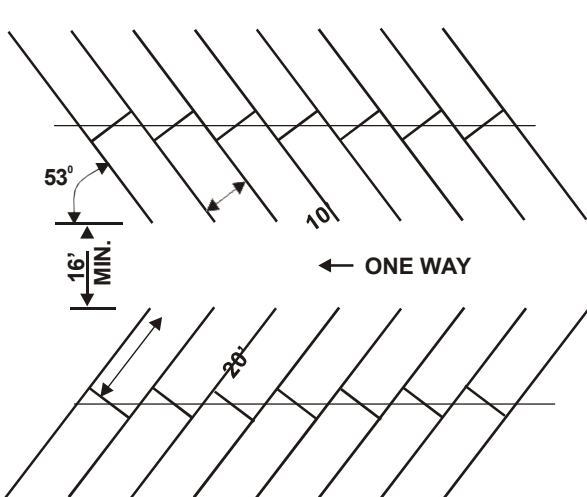
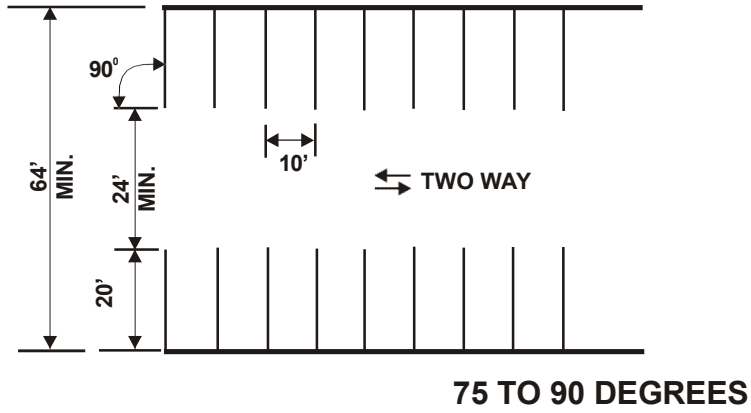
F. Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation. All lighting shall be so arranged as to reflect light away from any residential property adjacent to the parking area and any adjacent road or street.

G. Where a parking area with a capacity of four (4) or more vehicles adjoins a residential district, a landscaped buffer strip at least fifteen (15) feet wide shall be provided between the parking area and the

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adjoining property, or a fence or wall no less than four
(4) feet in height shall be erected. See Section 8.3.2.

FIGURE 7-1
PARKING SPACE DIMENSIONS



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H. Off-street parking facilities for trucks, buses and recreational vehicles at restaurants, motels, hotels, automobile service stations, commercial garages for large vehicles, and similar establishments, shall be sufficient in size to adequately serve large vehicles and trucks without interfering with other vehicles using the same facility. Parking spaces for such vehicles shall be not less than twelve (12) feet in width and forty (40) feet in length. Access drives for such vehicles shall be designed with adequate turning radius and special provision for slow entry onto public streets and highways. The Planning Commission shall approve the design of any parking area use proposing to serve trucks, buses or recreational vehicles.

I. The required number, size, arrangement and type of off-street parking spaces with a surface conforming to the requirements of this Section shall be in place prior to the issuance of a Certificate of Zoning Compliance.

J. Wherever safe and feasible, adjoining parking lots of businesses on abutting properties in the O-1, B-1, B-2 or B-3 districts shall be connected so that drivers of motor vehicles do not need to enter onto a street or road and then immediately exit in order to go from one establishment to another. The particular standards and guidelines for the design of such connections shall be maintained by the Zoning Administrator following adoption by the Site Plan Review Committee.

Reduction, Modification, Waiver: The Board of Appeals may authorize a reduction, modification, or waiver of any of the off-street parking or loading regulations provided in this article when it can be demonstrated that circumstances of extreme practical difficulty exist that would result in hardship to the applicant. Hardship shall not be deemed economic only, but shall be evaluated also in terms of the use of a particular parcel of land. A hardship that is a result of any action of the applicant shall not be considered by the Board of Appeals. In no case shall the off-street parking or loading standards be reduced by more than twenty-five (25%) percent.

Section 7.2 LOADING AND UNLOADING SPACE REQUIREMENTS

7.2.1 Intent and Purpose: In order to prevent undue interference with public use of streets and alleys, every manufacturing, storage, warehouse, department store, wholesale store, retail store, hotel, hospital, laundry, dairy, mortuary, and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide space on the premises for that number of vehicles that will be at the premises at the same time on an average day of full use.

7.2.2

7.2.2 Review of Plans: Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Administrator for review at the time of application for a permit for the erection or enlargement of a use of a building or structure.

7.2.3 Loading Space: Loading space required under this Section shall be provided as area additional to off-street parking space, as required under Section 7.1.7, and shall not be considered as supplying off-street parking space. Loading standards are presented in Table 7-2.

7.2.4 Space Requirements: There shall be provided adequate space for standing, loading, and unloading services not less than twelve (12) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, open or enclosed, for uses listed in the following table, or for similar uses similarly involving the receipt or distribution by vehicles of materials or merchandise.

7.2.5 Access: Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley as determined by the Site Plan Review Committee.

7.2.6 Site Requirements: Off-street loading spaces and access drives shall be paved, drained, lighted, and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets. Where any off-street loading space adjoins or abuts a lot or premises used as a dwelling or used for , educational, recreational, or religious purposes, or abuts a residential district, there shall be provided a masonry wall or solid fence not less than four (4) feet in height between the off-street loading space and said . adjoining land uses

Section 7.2.3

Table 7-2

LOADING & UNLOADING

USES	FLOOR AREA (square feet)	REQUIRED SPACE
Commercial use such as retail stores, personal services, amusement, automotive service	First 2,000	None
	Next 20,000 or fraction thereof	One space
	Each additional 20,000 or fraction thereof	One space
Hotels, offices	First 2,000	None
	Next 50,000 or fraction thereof	One space
	Each additional 100,000 or fraction thereof	One space
Wholesale & storage, including building & contractor's yards	First 20,000	One space
	Each additional 20,000 or fraction thereof	One space
Manufacturing uses	First 20,000	One space
	Each additional 20,000 or fraction thereof	One space
Funeral homes & mortuaries	First 5,000 or fraction thereof	One space
	Each additional 10,000 or fraction thereof	One space
Hospitals	First 10,000	None
	Next 100,000 or fraction thereof	One space
	Each additional 200,000 or fraction thereof	One space
Schools, churches, clubs, public assembly buildings	For each building	One space
For similar uses not listed	For each building 5,000 or over	One space

ARTICLE 8 LANDSCAPING, BUFFERING, AND FENCING REGULATIONS

Section 8.1 INTENT AND PURPOSE

The purpose of this article is to provide regulations and requirements for fencing, landscaping, berming or screening of the perimeter of certain activities in order to protect the character of the surrounding area, prevent trespassing into unsafe areas, discourage theft, stabilize soils, control wind-blown dust and debris, prevent light from glaring onto adjoining properties, reduce stormwater runoff, increase ground water infiltration and reduce noise.

Section 8.2 RIGHT-OF-WAY PROTECTION AND PUBLIC SAFETY

No trees or shrubs shall be planted within a public right-of-way without the prior written consent of the appropriate public agency responsible for maintaining the right-of-way. Landscaping shall not interfere with public safety, and shall not interfere with the safe movement of motor vehicles, bicycles, or pedestrians. Landscape materials shall not obstruct the operation of fire hydrants, electrical or other utility lines or facilities.

Section 8.3 REQUIRED VEGETATION

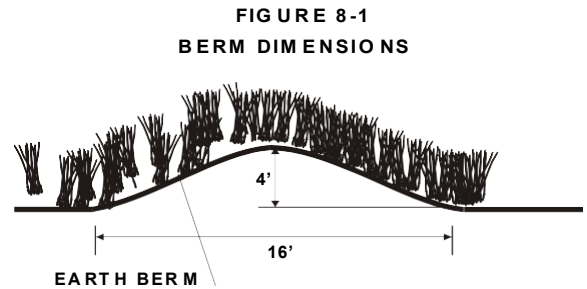
A greenbelt, buffer strip, or berm as required by this Ordinance or as a condition to the approval of a Site Plan, Special Use Permit, Planning Unit Development Permit or variance, shall be installed and maintained in a healthy living condition for the duration of the principal use of property in accordance with the following requirements. Where this Ordinance or a condition on a permit issued under this Ordinance fails to specify a particular option, the owner or developer may choose which option to install: a greenbelt, buffer strip or berm. If none is selected, the Zoning Administrator shall select and so note on the permit. See also Section 8.7, Table 8-1.

8.3.1 Greenbelts: A greenbelt shall consist of an open space strip running along the property line at least thirty (30) feet in width, seeded and maintained as grass or other plant ground cover. Trees or shrubs may be planted at the discretion of the landowner without regard for the spacing requirements of Section 8.3.2.

8.3.2 Buffer Strips: A buffer strip shall consist of a landscaped strip at least fifteen (15) feet in width containing at least two (2) trees plus one (1) additional tree for each twenty (20) feet in length of the buffer strip. Said trees shall be at least one and three-fourths (1 $\frac{3}{4}$) inches in caliper measured six (6) inches above ground level. Dead or dying trees shall be replaced

within eight (8) months. Grass or other plant ground cover, mulch, or ornamental bark or stone, shall completely cover area not planted in trees or shrubs.

8.3.3 Berms: A berm shall consist of a linear mound of earthen material rising to a height of at least four (4) feet with a minimum base of sixteen (16) feet covered and maintained as grass or ground cover and constructed in accordance with the diagram below, or with a base of at least four (4) times the desired height of the berm. See Figure 8-1.



8.3.4 Plant Materials:

A. Plant Material Spacing:

1. Plant materials shall not be placed closer than four (4) feet from the fence line property line.
2. Where plant materials are placed in two or more rows, plantings shall be staggered in rows.
3. Evergreen trees shall be planted not more than twenty (20) feet on centers, and shall be not less than five (5) feet in height.
4. Narrow evergreens shall be planted not more than six (6) feet on centers, and shall not be less than three (3) feet in height.
5. Tree-like shrubs shall be planted not more than ten (10) feet on centers, and shall be not less than four (4) feet in height.
6. Large deciduous shrubs shall be planted not more than four (4) feet on centers, and shall not be less than six (6) feet in height.
7. Large deciduous trees shall be planted not more than twenty (20) feet on centers, and shall not be less than eight (8) feet in height.

B. Suggested Plant Materials:

1. Evergreen trees: Minimum five (5) feet in height. Juniper, Fir, Spruce, Hemlock, Pine, Douglas Fir.

Article 8

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2. Narrow evergreens: Minimum three (3) feet in height. Columnar Himoki false cypress, Chinese Juniper Pyramidal, Eastern Red Cedar, Swiss Stone Pine, Pyramidal White Pine, Irish Yew, Douglas Fir, Arbor Vitae Columnar, Western (giant) Arbor Vitae.

3. Tree-like shrubs: Minimum four (4) feet in height. Flowering Crab, Mountain Ash, Redbud, Hornbeam, Magnolia, Russian Olive, Dogwood, Rose Of Sharon, Hawthorn.

4. Large deciduous shrubs: Minimum six (6) feet in height. Honeysuckle, Mock-Orange, Lilac, Cotoneaster, Euonymus, Buckthorn, Viburnum, Forsythia, Ninebark, Hazelnut, Privet, Sumac.

5. Large deciduous trees: Minimum eight (8) feet in height. Oak, Hackberry, Planetree (Sycamore), Sweet Gum, Linden, Hard Maple, Birch, Beech, Honey Locust, Hop Hornbeam.

6. Ground cover: Periwinkle, Baltic ivy, Euonymus varieties, Pachysandra.

7. The Zoning Administrator shall maintain a list of native and natural planting materials for use where a more natural and less ornamental appearance is desired, as well as a list of salt tolerant species which are encouraged to be planted along major thoroughfares.

Section 8.4 PROHIBITED TREES

The following trees are not permitted as they split easily. Their wood is brittle and breaks easily, their roots clog drains and sewers, and/or they are unusually susceptible to disease or insect pests.

COMMON NAME	HORTICULTURAL NAME
Box Elder	<i>Acer negundo</i>
Red Maple	<i>A. rubrum</i>
Silver Maple	<i>A. saccharinum</i>
Horse Chestnut	<i>Aesculus hippocastanum</i>
Hickories	<i>Carya</i> Species
Catalpa	<i>Catalpa</i> Species
Hawthorns	<i>Crataegus</i> Species
Black Walnut	<i>Judlans nigra</i>
Mulberry	<i>Morus</i> Species
Poplars	<i>Populus</i> Species
Willows	<i>Salix</i> Species
American Elm	<i>Ulmus americana</i>
Siberian Elm	<i>U. pumila</i>
Slippery Elm, Red Elm	<i>U. rubra</i>

Section 8.5 DRIVES AND ACCESSWAYS

Necessary drives and accessways from public rights-of-way through such buffer strips shall be permitted, provided that such accessways shall not be subtracted from the lineal dimension used to determine the required number of plants.

Section 8.6 BUFFERING PROVISIONS FOR SURFACE MINING AREAS AND JUNK YARDS

Where requirements in Article 4 for buffering for surface mining areas, and junk yards or any other use in Article 4 are more restrictive than provisions of Article 8, the provisions of Article 4 shall apply.

Section 8.7 SIDE AND REAR YARD LANDSCAPING AND FENCING OPTIONS

In each of the situations in the left column of Table 8-1, either a greenbelt, buffer strip or berm meeting the requirements of Section 8.3 shall be selected by the landowner to fulfill landscaping requirements. A fence meeting the requirements of Section 8.14 may be used in addition to any of these landscaping options, unless required as a standard or condition of approval of a site plan, Special Use Permit, Planning Unit Development Permit or variance.

Section 8.8 PARKING LOT LANDSCAPING

A. Separate landscaped areas shall be required either within or at the perimeter of parking lots. There shall be one (1) tree for every eight (8) parking spaces, either around the perimeter of the parking area or on a minimum landscaped space of fifty (50) square feet within a designated parking area. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement. This distance shall be increased if the volume of snow to be plowed from the parking lot requires a larger storage area.

B. Landscaping along the perimeter of the parking lot shall meet the requirements for a buffer strip in Section 8.3.2 .

Section 8.9 LANDSCAPING FOR ALL OTHER PROPERTIES REQUIRING SITE PLAN REVIEW

A. In addition to any greenbelt, buffer strip, berm and/or parking lot landscaping required by this Article, ten (10) percent of the site area, excluding existing thoroughfare right-of-way, shall be landscaped.

B. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required landscaped area not to exceed five (5) percent of the site area.

Section 8.10 MINIMUM STANDARDS FOR LANDSCAPING MATERIALS

A. Quality: Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the climate, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.

B. Composition: A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy naturally occurring or native species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.

C. Existing Trees:

1. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the Zoning Administrator, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the Zoning Administrator.
2. In the event that healthy trees which are used to meet the minimum requirements of this Ordinance or those labeled to remain are cut down, destroyed, damaged, or excavated at the drip line, as determined by the Zoning Administrator, the Contractor shall replace them with trees which meet Ordinance requirements.

**Article 8
Landscaping, Buffering, and Fencing Regulations**

Section 8.7

Table 8-1

**SIDE YARD & REAR YARD
LANDSCAPING & FENCING OPTIONS**

	GREENBELT Section 8.3.1	BUFFER STRIP Section 8.3.2	BERM Section 8.3.3	FENCE* Section 8.14	YARD	NOTE
When a use in an						
R-M1, R-T, O-1 B-1, B-2, B-3, M-1 or M-2 district abuts an R-1A, R-1B, R-1C or R-1D district or an existing single family dwelling unit in any district then	X	or X	or X	✓	side	
	X	or X	or X	✓	rear	
Special Use abutting any district or an existing single family dwelling unit in any district	X	or X	or X	✓	side	Unless a specific landscaping option is required by a standard in Article 4.
	X	or X	or X	✓	rear	
P.U.D. abutting any district or an existing single family dwelling unit in any district	X	or X	or X	✓	side	Unless a specific landscaping option is required by a standard in Article 13.
	X	or X	or X	✓	rear	

X= Applicable

3= optional (see footnote below)

* A fence is optional at the discretion of the landowner, unless required as a condition of approval of a site plan, Special Use Permit, P.U.D. Permit, or variance. Any fence erected must meet the requirements of Section 8.14, and any special standards particular to that use (as in Article 4) or if around a trash receptacle, per the requirements of Section 8.11, or if around a loading/unloading area, per the requirements of Section 7.2.

Section 8.11 SCREENING OF TRASH

All areas used for the storage of trash or rubbish including dumpsters and other commercial containers shall be screened by a solid fence or dense plant materials no less than six (6) feet in height. If a fence is used, view obstructing doors at least six (6) feet in height shall be installed and kept closed except when accessing.

Section 8.12 EXISTING SCREENING

Any fence, landscape screen, wall or hedge which does not conform to this Ordinance and which is legally existing at the effective date of this Ordinance may be continued and maintained, provided there is not physical change other than necessary maintenance and repair; unless otherwise regulated by this Ordinance.

Section 8.13 RESERVED FOR FUTURE USE

Section 8.14 FENCES, WALLS, AND SCREENS

A. Whenever a use is established or substantially improved in a business district and the lot abuts a residential district, a fence at least six (6) feet in height shall be erected along the common lot by the business use unless the abutting lot owner in the residential district signs a waiver for this requirement and a buffer strip, or berm shall be installed instead.

B. No fence, wall, or structural screen other than plant material shall be erected higher than eight (8) feet in an R-M1, R-T, O-1, B-1, B-2, B-3, M-1 or M-2 district.

C. No fence shall be required to be higher than five (5) feet in height between uses within the same district, nor higher than six (6) feet between uses in the different districts.

D. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six (6) feet in height, measured from the surface of the ground. Fences located in the front yard or beyond the front of the dwelling unit shall not exceed four (4) feet in height, measured from the surface of the ground and shall have at least a seventy-five percent (75%) open area. No fence, wall, planting or structure shall, within ten (10) feet of any public or private right-of-way, be of such a nature as will impede clear vision of an intersecting sidewalk, street, alley or driveway (see Subsection G below). All fences shall be constructed

so as to allow the passage of air through the fence to an adjacent dwelling.

E. Fences, walls, or obscuring walls shall not contain barbed wire, electric current or charge of electricity (except in an A-1, or A-2 districts), glass, spikes, or other sharp protruding objects. Notwithstanding the foregoing provision, security fences six (6) feet high or more may include up to eighteen (18) inches of barbed wire in an industrial area, surrounding a public utility, or around a police or corrections facility. Such barbed wire shall slant inward towards property, or be straight up. Security fences with barbed wire in any other location or surrounding any other use require approval by the Site Plan Review Committee.

F. All fences shall have the finish side facing out, away from the property on which the fence is located.

G. Fences are structures that may be erected along property lines or within yards, irrespective of the setback requirements of this Ordinance. No site plan review is required for a fence which conforms with Ordinance standards in an R-1A, R-1B, R-1C or R-1D District. The Zoning Administrator may waive site plan review for a fence in any other district if no other structural changes or changes in the design or layout of the site are proposed.

H. The Zoning Administrator may require the removal, reconstruction or repair of any fence, wall or screen not in good condition

Section 8.15 CLEAR VISION CORNERS

These regulations govern the protection of clear vision site distances on property outside of the road right-of-way and are in addition to the site distance requirements of the County Road Commission.

A. No fence, wall, sign, screen, any planting, berm, boulder, or other structure shall be erected or maintained in such a way as to obstruct clear vision between a height of three (3) and ten (10) feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines thirty (30) feet from the point of intersection of the right-of-way lines. The three (3) foot height limit shall be measured from the lowest elevation of the segment of the intersecting roads' centerline which lays between the point of intersection of the other centerline and the extension of line drawn through the points thirty (30) feet from the intersection of the right-of-way lines. (See Figure 8-2).

B. No fence, wall, sign, screen, any planting, berm, boulder, or other structure shall be erected or maintained in such a way as to obstruct vision between a height of three (3) and ten (10) feet within the triangular area formed by the intersection of a street right-of-way line and a driveway and a line connecting two points which are located on the right-of-way line and the driveway twenty (20) feet from the point of intersection of the right-of-way line and driveway. The three (3) foot height limit shall be measured from the lowest elevation of the segment of the intersecting road and the driveways' centerlines which lays between the point of intersection of the centerlines and the extension of the line drawn through the points 20 feet from the intersection of the right-of-way line and driveway. (See Figure 8-3).

Section 8.16 PERFORMANCE GUARANTEE

In all cases the Planning Commission or the Planning Commission may, due to weather conditions, seasonal availability of plant materials, or other factors, require a performance guarantee equal to the estimated cost of the plant material and installation cost. Such performance guarantee shall be related to the various vegetation or planting plans shown on the site plan. Such performance guarantee shall be processed according to the requirements of Section 16.10.

Section 8.17 WAIVER OF LANDSCAPING, BUFFERING AND FENCING REGULATIONS

A. Planning Commission Modification: Any of the requirements of this Article may be waived or modified through Site Plan approval, provided the Zoning Administrator for minor site plans or the Planning Commission for major site plans, first makes a written finding that specifically identified characteristics of the site or site vicinity would make required landscaping, fencing, buffering or screening unnecessary or ineffective, or where it would impair vision at a driveway or street intersection.

B. Board of Appeals: The Board of Appeals may require or waive any fencing, screening, landscaping or buffering as may be provided for in this Article as a condition of a variance or other authorization in whatever manner necessary to achieve an identified public purpose. The Board of Appeals shall record the reason for the condition and clearly specify what landscaping, buffering or fencing is required in any approval granted

FIGURE 8-2
CLEAR VISION ON CORNER

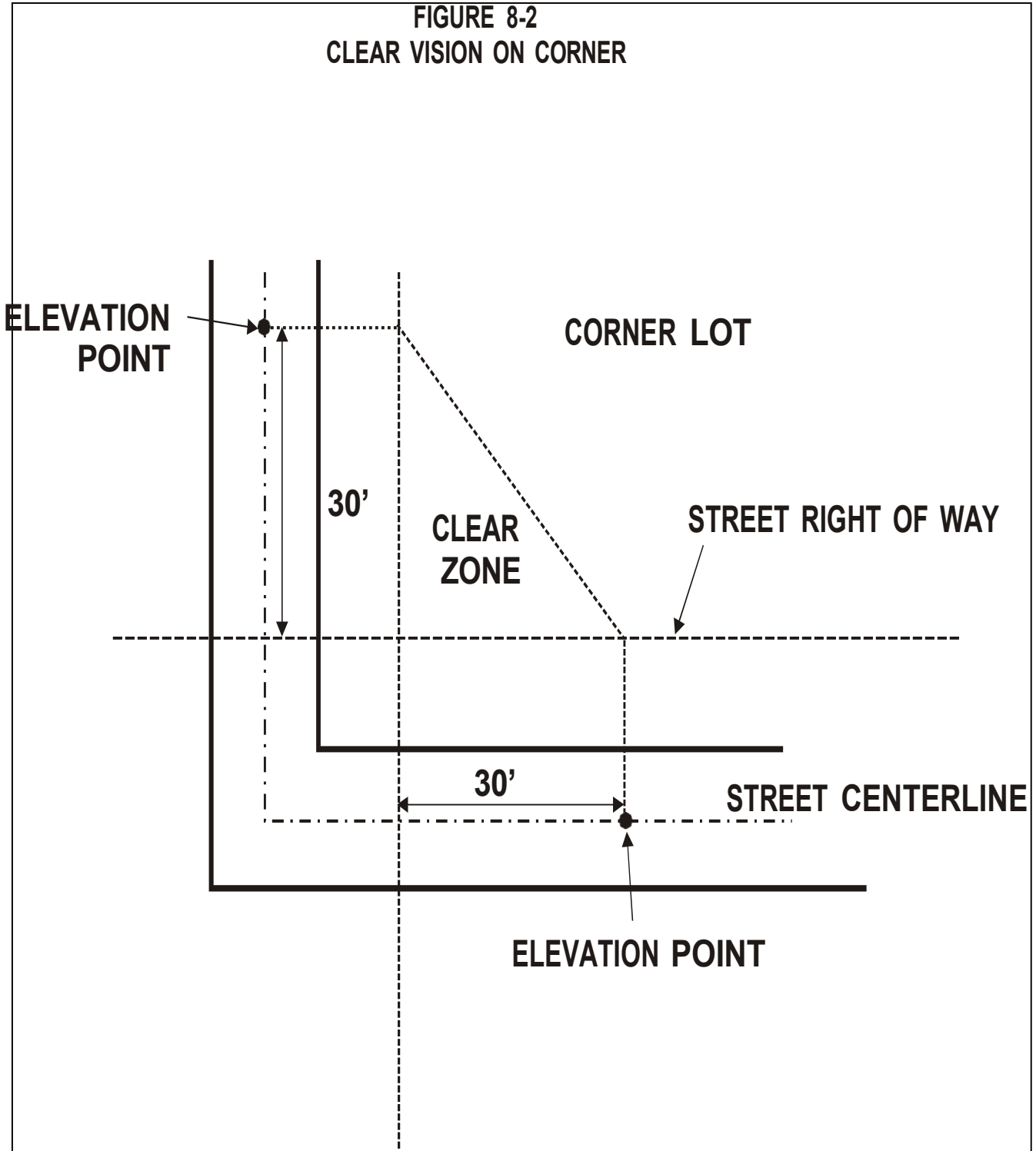
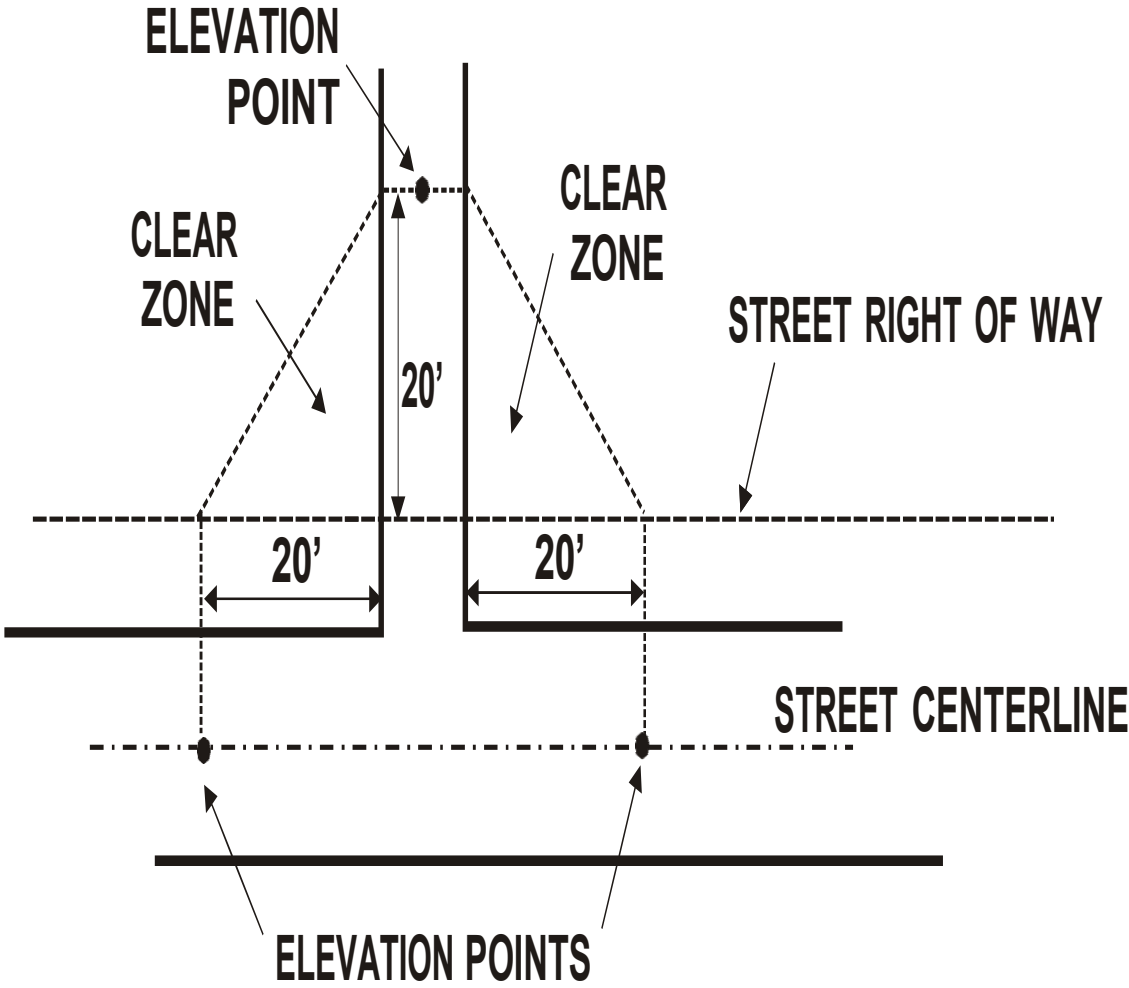


FIGURE 8-3
CLEAR VISION AT DRIVEWAYS



ARTICLE 9 SIGNS, NAME-PLATES, AND ADVERTISING STRUCTURES

Section 9.1 PURPOSE AND INTENT

The purpose and intent of these rules and regulations governing signs is to apply reasonable controls over size, placement, and general appearance of signs in their use in each district that will insure, promote, and safeguard standards for protecting the public health, safety, and welfare.

Section 9.2 GENERAL PROVISIONS

9.2.1 Prohibited Signs:

- A. Encroaching signs and roof signs as defined herein are specifically prohibited.
- B. Any sign which, by reason of its size, location, content, coloring, motion or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by distracting drivers or obstructing or detracting from the visibility of any traffic control device on public streets and roads.
- C. Signs which make use of words such as "STOP", "LOOK", "DANGER", or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead, or confuse traffic.
- D. Signs and sign structures that are no longer in use as originally intended or have been abandoned; or are structurally unsafe, constitutes a hazard to safety and health, or those not kept in good repair.
- E. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
- F. Any sign, unlawfully installed, erected or maintained after the effective date of this Ordinance.
- G. Signs having flashing, blinking or running type lights are prohibited, except for signs presenting changing of copy for time, temperature and date, provided they do not use flashing or blinking to attract attention.
- H. Any sign installed prior to the effective date of this Ordinance without a permit, when in fact the prior Ordinance required a permit.
- I. Billboards, except where off-premise signs are allowed.
- J. Billboards used for on-premise advertising.

K. Billboards located within 300 feet of residential districts.

L. Signs located in the right-of-way of public streets or highways.

M. A sign erected on a roof of a building above the permitted building height.

9.2.2 Signs Allowed in any District:

- A. No Hunting, No Trespassing signs and on-premise directional signs not exceeding four (4) square feet in area.
- B. Signs located in the interior of buildings.
- C. Any identification, address, or "for sale" sign affixed to a wall, mailbox, post, lamp post, or pillar; and which is not larger than four (4) square feet in display surface.
- D. Traffic control or other municipal signs such as, but not limited to, directional signs placed in right-of-ways, legal notices, railroad crossing signs, danger and other temporary emergency signs.
- E. Memorial signs or tablets, names of buildings, and dates of erection, when cut into any masonry surface or when constructed of bronze or other noncombustible material.
- F. Flags bearing the official design of a nation, state, municipality, educational institution and organization.

Section 9.3 PERMITTED SIGNS BY ZONING DISTRICTS

9.3.1 Agricultural and Residential District Uses: In the A-1, A-2 Agricultural; and R-1A, R-1B, R- 1C, R-1D, R-M1 and R-T Residential Districts, the requirements of Table 9-1 shall govern sign use, area, type, height, and numbers, in addition to requirements elsewhere in this Ordinance. Any legally established billboard along a county road made nonconforming by amendments to this Article effective in April 1999, shall not be considered a nonconforming use and may be replaced if damaged or destroyed, provided the replacement billboard is in the same location and is not larger than the sign being replaced, and providing the replacement takes place within three (3) months of when the sign was damaged or destroyed.

Article 9
Signs, Name-plates, and Advertising Structures

9.3.2 Commercial and Office District Uses: In the B-1, B-2, and B-3 Commercial and O-1 Office Districts, the requirements of Table 9-2 shall govern sign use, area, addition to requirements elsewhere in this Ordinance.

9.3.3 Industrial District Uses: In the M-1 and M-2 Industrial Districts, the requirements of Table 9-3 shall govern sign use, area, type, height, and numbers in addition to requirements elsewhere in this Ordinance.

9.3.4 PUDs: Sign Standards shall be established by the Planning commission after receiving the recommendation of the Zoning Administrator based on the mix of proposed uses compared to the standards for those or the most similar uses in this schedule.

Section 9.4 REQUIRED SIGN SETBACK

Sign setback for all districts shall be as required in Figure 9-1.

Section 9.5 TEMPORARY USE SIGNS

Signs displayed for a limited period of time may be permitted. Temporary signs shall comply with all the requirements of this Ordinance and Table 9-4. All temporary signs not listed in Table 9-4 are prohibited. Sign setback shall be as required in Figure 9-1.

Section 9.6 PERMITTED CONSTRUCTION TYPE BY DISTRICTS

In all districts, the type of sign construction shall be in accordance with Table 9-5.

9.6.1 Construction Requirements:

A. **Wind Load:** Signs and sign structures shall be designed and constructed to resist wind forces of not less than twenty (20) pounds per square foot on signs up to sixty (60) feet in height and not less than thirty (30) pounds per square foot for signs of over sixty (60) feet in height.

B. **Bracing:** All bracing systems shall be designed and constructed to transfer lateral forces to the foundation. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as to not overstress any of the elements thereof. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or the structural frame of the building.

C. **Anchorage:** Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to safely support all loads applied.

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Signs, Name-plates, and Advertising Structures**

Section 9.3.1

Table 9-1

PERMITTED SIGNS: AGRICULTURAL & RESIDENTIAL DISTRICTS

USE	MAXIMUM DISPLAY AREA	SIGN TYPE	MAXIMUM HEIGHT	SIGN PURPOSE	MAXIMUM NUMBER OF SIGNS
Education Religious Day care Human care Cemeteries Parks (public) Public buildings	18 square feet	Ground	8 feet	Institutional	One per principal use
	10% area of wall to be served	Wall	Shall not exceed 10' and not above upper wall line		
Farm enterprise Surface mining Commercial airport	18 square feet	Ground	8 feet	Identification or business	One per enterprise ¹
Housing developments including mobile home parks and apartments	40 square feet	Ground	8 feet	Identification	One per street entrance
Community residential care facility for < 6 persons Family day care home Home business Home occupation Residential identification sign	4 square feet	Wall	Not above front wall	Home occupation Identification	One per dwelling unit

Footnotes:

1. For produce produced on the farm and sold directly off the farm, two additional 18 square foot ground signs are permitted.
2. Signs associated with an approved home occupation or home based business may be freestanding if the residential structure containing the home occupation or home based business is setback more than seventy-five (75) feet from the road right-of-way; subject to the following conditions: --One (1) non-illuminated free-standing sign not more than four (4) square feet in area --Free-standing sign permanently anchored and not more than five (5) feet in height --The free-standing sign shall contain only the name, occupation, and address of the premises; and, --Shall be located no less than fifteen (15) feet away from the road right-of-way and shall not impede visibility to and from the property or other properties.

**Article 9
Signs, Name-plates, and Advertising Structures**

Section 9.3.2

Table 9-2

PERMITTED SIGNS: COMMERCIAL AND OFFICE DISTRICT USES

USE	MAXIMUM DISPLAY AREA	SIGN TYPE	MAXIMUM HEIGHT	SIGN PURPOSE	MAXIMUM NUMBER OF SIGNS
Individual commercial & office establishments (not located within a multi-establishment center)	15% area of wall to be served	Wall or projecting	Shall not exceed 10' & not above upper wall line	Business identification	No maximum number on wall
	100 square feet	Pole	30 feet	Business identification	One pole or one ground sign ¹
	75 square feet	Ground	30 feet		
	6 square feet	Marquee	Affixed to underside of building overhang		
Commercial & office establishments located within a multi-establishment	15% area of wall to be served	Wall	Not above upper wall line	Business identification	No maximum number on wall
	Individual pole & ground signs prohibited				
	6 square feet	Marquee	Affixed to underside of building overhang	Business identification	One per establishment
Multi-establishment commercial and/or professional center (for establishments located within commercial and office multi-establishments, see above)	1 square foot for each front foot of building with a maximum of 300 square feet	Pole	50 feet	Identification of shopping center and/or identification of individual business in shopping center	One pole or one ground sign ¹
		Ground	12 feet		

**Article 9
Signs, Name-plates, and Advertising Structures**

Table 9-2 continued

USE	MAXIMUM DISPLAY AREA	SIGN TYPE	MAXIMUM HEIGHT	SIGN PURPOSE	MAXIMUM NUMBER OF SIGNS
Auto service stations	100 square feet each sign ¹	Pole	30 feet	Business identification	One pole or one ground sign ¹
		Ground	12 feet		
	15% area of wall to be served	Wall sign or projecting sign	Not above upper wall line	Business identification	No maximum number on wall
Vehicle sales	100 square feet each sign	Pole	30 feet	Business identification	One pole or one ground sign
		Ground	12 feet		
	15% area of wall to be served	Wall or projecting sign	Shall not exceed 10' & not above upper wall line	Business identification	No maximum number on wall
Businesses facing I-69	6 square feet of area for each feet of height with maximum of 300 square feet	Pole	90 feet	Business identification	One
	15% area of wall to be served	Wall or projecting sign	Shall not exceed 10' & not above upper wall line		No maximum number on wall
	6 square feet	Marquee			One sign per establishment
Off-premise signs including billboard signs in the Commercial B-2 and B-3 districts only ³ [see Section 4.3.9]	720 square feet	Ground Pole Billboard	30 feet	Advertising a business, product, service, event, person or subject	The number of and spacing of signs shall follow the rules promulgated under P.A. 106 of 1972, the Highway Advertising Act ²

Footnotes:

1. Corner locations may have one sign on each street with a maximum area of 100 square feet each.
2. Each side of the road shall be considered separately for purposes of measuring 500 feet required spacing.
3. No billboard shall be placed closer than 300 feet to any residential district or residence.
- 4.

**Article 9
Signs, Name-plates, and Advertising Structures**

Section 9.3.3

Table 9-3

PERMITTED SIGNS: INDUSTRIAL DISTRICT USES

USE	MAXIMUM DISPLAY AREA	SIGN TYPE	MAXIMUM HEIGHT	SIGN PURPOSE	MAXIMUM NUMBER OF SIGNS
Individual industrial establishments	15% area of wall to be served	Wall	Not above upper wall line	Business identification	No maximum number on wall
	100 square feet	Pole	30 feet		One pole or one ground sign per establishment
	75 square feet	Ground	12 feet		
Industrial parks	100 square feet	Pole	30 feet	Identification of business	One sign per exit drive
	75 square feet	Ground	12 feet		
Commercial and office establishments located in industrial areas	15% area of wall	Wall	Not above upper wall line	Identification of business	No maximum number on wall
	75 square feet	Ground	12 feet		One per establishment
	100 square feet	Pole	30 feet		One per establishment
Off-premise signs including billboards ² in the M-1 and M-2 Districts [see Section 4.3.9]	720 square feet	Ground Pole Billboard	30 feet	Advertising a business, product, service, event, person or subject	The number and spacing of signs shall follow the rules promulgated under P.A. 106 of 1972, the Highway Advertising Act ¹

Footnotes:

- Each side of the road should be considered separately for purposes of measuring 500 feet required spacing.
- No billboard shall be placed closer than 300 feet to any residential district or residence.

Section 9.5

Table 9-4

TEMPORARY USE SIGNS

USE	MAXIMUM SIZE PER FACE	MAXIMUM DURATION
Real estate sale, rent or lease in residential uses (no permit required)	6 square feet (single family) 10 square feet (multiple family)	5 days after purpose of sign fulfilled ¹
Real estate, all other uses (no permit required)	32 square feet	5 days after purpose of sign fulfilled
Building construction signs for residential projects	20 square feet (single family) 32 square feet (multiple family)	First occupancy
Building construction, all other districts,	200 square feet	First occupancy

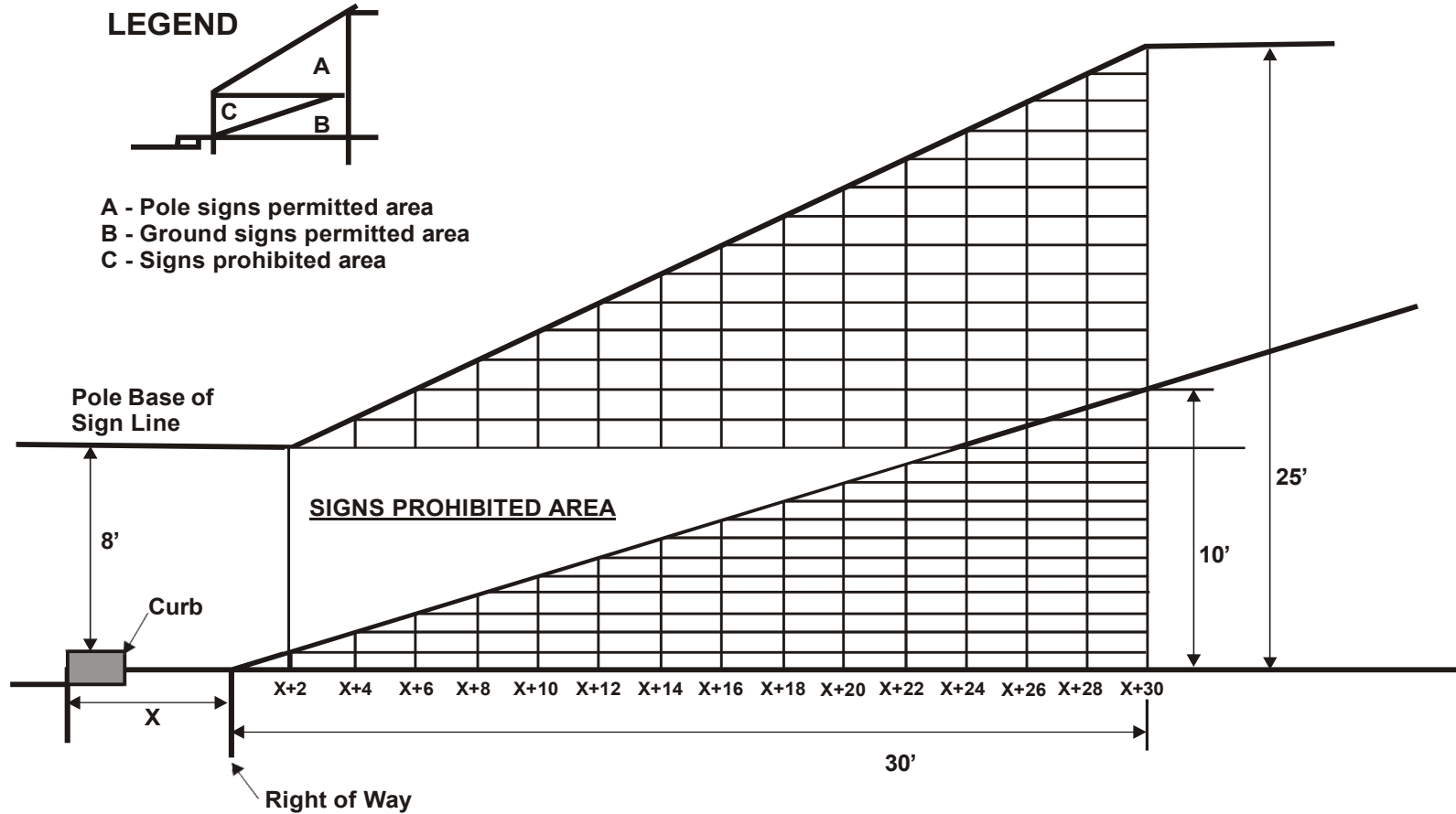
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except residential		
Political signs, all districts (no permit required)	200 square feet	45 days, each election, removed within 5 days following election
Commercial and industrial districts (this regulation includes trailer signs) ²	40 square feet	90 days each permit, 2 permits maximum per year
Residential garage sales (no permit required)	4 square feet	15 days

Footnotes:

1. For single family subdivisions under development, sign(s) shall be removed within one year after sale of 90 percent of all lots.
2. Trailer signs shall have owner's name and address clearly imprinted for identification.

FIGURE 9-1
REQUIRED SIGN SETBACKS



NOTE: Where Tables 9-1, 9-2 and 9-3 allow sign maximum heights which exceed limits of Figure 9-1, the setback required will be X+30 plus 1 additional foot for every 1' allowed in excess of the height limits of Figure 9-1.

Section 9.6

Table 9-5

PERMITTED SIGNS: CONSTRUCTION TYPE

SIGN TYPE	RESIDENTIAL	COMMERCIAL	OFFICE	INDUSTRIAL	AGRICULTURE
Pole sign		X	X		
Wall sign	X	X	X	X	
Ground sign	X	X	X	X	X
Marquee sign	X	X	X	X	X
Billboards		X ¹		X	

Footnote: 1. B-2 and B-3 Districts only

D. Electrical: All signs of electrical construction and installation shall comply with applicable electrical codes of the State of Michigan and shall be connected by a licensed electrician.

E. Other: The Zoning Administrator may require an engineer-sealed set of drawings thereby certifying that all loads are in compliance with this Section.

Section 9.7 SIGN PERMITS

9.7.1 Application for a Permit: Application for a permit to erect or replace a sign shall be made to the Zoning Administrator, by submission of the required forms, fees, exhibits, and information by the owner of the property on which the sign is to be located, or by his agent, or lessee. The application shall contain the following information:

- A. The property owner's name and address in full.
- B. Applicant's name and address.
- C. Address of property on which sign is to be situated.
- D. Business to which sign belongs or relates.
- E. Total display area in square feet.
- F. Proposed setback from right-of-way.
- G. Sign type.
- H. Sign purpose.
- I. Sign height.
- J. Height and width of building to be served.
- K. Drawing of proposed sign indicating proposed copy.

9.7.2 Sign permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the design and construction set forth in such approved plans and applications, and no other design.

9.7.3 The Zoning Administrator shall not approve plans or issue sign permits for any sign which does not conform to the provisions of this Ordinance.

9.7.4 The Zoning Administrator shall maintain a record of all sign permits issued, and said record shall be open for public inspection.

Section 9.8 PERMIT FEES

9.8.1 Permit fees shall be established by Resolution of Township Board of Trustees. A copy of current costs is available from the Zoning Administrator.

Section 9.9 ILLEGAL SIGNS

For all signs hereafter erected without issuance of a required sign permit, the Zoning Administrator shall issue a citation per the requirements of Article 17.

Section 9.10 DEFINITIONS

Definitions of terms as used herein are defined under "Signs" in Article 21 of this Ordinance.

Section 9.11 APPEALS

The Board of Appeals may authorize a reduction, modification, or waiver on any of the requirements of this Article upon request, provided the standards established in Article 18 of this Ordinance are fully met.

ARTICLE 10 NONCONFORMING USES OF LAND AND STRUCTURE

Section 10.1 INTENT AND PURPOSE

It is the intent of this article to permit legal nonconforming lots, structures or uses to continue until they are removed or terminated, but not to encourage their survival.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Section 10.2 NONCONFORMING LOTS

Lot areas and widths, on a lot of record existing on or prior to the date of adoption of this Ordinance, the minimum lot size, and width at the building line may be waived by the Zoning Administrator, or by the Planning Commission on a PUD, provided that the intended structure and required yards are in full compliance with all other requirements of this Ordinance. In no case, however, shall the width or area requirements be waived for a lot less than fifty (50) feet wide at the front lot line or less than three-thousand (3,000) square feet in area except as provided in this Ordinance for a Planned Development. Where two or more lots were, on the effective date of this Ordinance:

- A. Contiguous to one another along side lot lines
- B. Under common ownership, and
- C. Vacant, such lots shall be considered as single lots of record for purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.

Section 10.3 NONCONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued in the same manner and to the same extent as it existed when it became nonconforming, and so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except upon appeal and a finding of hardship in accordance with Section 10.9.

Except in the case of surface mining operations, existing holes may be worked and enlarged on the land which constituted the lot or parcel on which operations were conducted at the time of becoming nonconforming. However, no new holes shall be established unless a Special Use Permit is obtained pursuant to the procedures of Article 12 and the applicable standards of Section 4.3.67.

Also in the case of Sport Shooting Ranges as defined in Act No. 269 of 1989, as amended.(see Section 4.3.66)

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this article, except upon appeal and a finding of hardship in accordance with Section 10.9.

Section 10.4 NONCONFORMING STRUCTURES

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

A. No such structure may be enlarged or altered in a way which increases its nonconformity, but the use of a structure and/or the structure itself may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are also in conformance with the requirements of the district in which it is located. Furthermore, a nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use and which existed at the time for adoption or amendment of this article, but no such use shall be extended to occupy any land outside such building.

B. Should such structure be destroyed by any means to an extent of more than sixty (60%) percent of twice its assessed evaluation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. Any structure, or structure and land in combination, in or which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.

E. Where nonconforming use status applies to a structure and premises in combination, removal, or destruction of the structure shall eliminate the nonconforming status of the land and future use shall thereafter conform with the district regulations of the district in which it is located.

Section 10.5 CHANGE IN NONCONFORMING USES IN BUSINESS AND INDUSTRIAL DISTRICTS

Irrespective of other requirements of this article in any business or industrial district, if no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use of the same or a more restricted use classification, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this article. Where a nonconforming use of a structure, land or structure, and land in combination is hereafter changed to a more restrictive use classification. It shall not thereafter be changed to a less restricted use classification.

Section 10.6 REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty percent (50%) of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage of this Ordinance or an amendment to it shall not be increased. Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part

thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

Section 10.7 CHANGE OF TENANCY OR OWNERSHIP

A nonconforming building, structure, use or lot may be sold or a tenant may change with the nonconforming use right intact, provided that the physical dimensions of the nonconforming lot, or the use of the nonconforming structure or lot do not result in a change contrary to the requirements of this Article.

Section 10.8 DISTRICT CHANGES

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

Section 10.9 HARDSHIP CASES

Nonconforming use, buildings or structures may be structurally changed, altered or enlarges with the approval of the Board of Appeals in accordance with Section 18.4.11.

Section 10.10 ILLEGAL NONCONFORMING USES

Nonconforming uses of structures or land existing at the effective date of the Perry Township Zoning Ordinance that were established under the Shiawassee County Zoning Ordinance without approval of zoning compliance or without a valid building permit or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses. Any uses that were illegal nonconforming uses under the Shiawassee County Ordinance shall remain illegal nonconforming uses under this ordinance and subject to enforcement.

Section 10.11 NONCONFORMING USE DISCONTINUED

Article 10
Nonconforming Uses of Land and Structures

In the event that any nonconforming use is abandoned, for one year, any subsequent use shall conform to the uses permitted in the district in which the premises are located.

Section 10.12 ELIMINATION OF NONCONFORMING USES

The Township may eliminate any and all nonconforming uses it deems in the best interests of the Township by whatever means are provided by law in such cases.

Section 10.13 CONSTRUCTION OR CONTRACTS UNDER PERMITS ISSUED PRIOR TO THIS ORDINANCE

Any structure for which a building permit has been issued and construction of the whole or a part of which has been started or for which a contract or contracts have been entered pursuant to a building permit issued prior to the effective date of this Ordinance or an amendment to this Ordinance may be completed and used in accordance with the plans and applications on which said building permit was granted, provided the construction allowed by such permit shall have been initiated and completed within one year from the date of issue of such building permit.

Article 11
RESERVED FOR FUTURE USE

**Section 12.1 GENERAL STANDARDS AND
REQUIREMENTS**

- B. Required Information and Parcel Status.
 - 1. Three (3) paper copies of an application for a Special Use Permit or an electronic copy printable on 11" x 17" scale shall be presented to the

Article 12
Special Use Permits

12.1.1 Intent and Purpose: Rather than permitting all of the many and varied land use activities within individual

Township Clerk and accompanied by a site

for specific use of land or structures that will allow, on one hand, practical latitude for the developer, but that will at the same time maintain sound provisions for the protection of the health, safety and general welfare of the inhabitants of Perry Township. In order to provide control and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structure uses possessing these characteristics may be authorized within certain zone districts by the issuance of a Special Use Permit. By such a procedure, the Perry Township Planning Commission has the opportunity to impose conditions and safeguards upon each use which are deemed necessary for the protection of the public health, safety, and/or general welfare.

The following Sections specify the procedures and general standards which must be met before a Special Use Permit can be issued. Article 4 presents the specific standards which must be met in order for a special use to be established. The general standards of this Article, the specific use standards of Article 4, the Site Plan Review standards of Article 14 and all other applicable standards of this Ordinance (such as standards for parking, landscaping, signs, etc.) must be met before a use designated as a special use may be established on property.

12.1.2 Permit Procedures: An application for a Special Use Permit for any land use or structure permitted under this Article shall be submitted and processed under the following procedures:

A. **Submission of Application:** An application shall be submitted through the Township Clerk for consideration to the Planning Commission on a form provided by the Township Clerk not less than sixty (60) days before any regular meeting of the Perry Township Planning Commission. The application shall be accompanied by payment of a fee as established by the Township Board to cover costs of processing the application. Once an application is accepted as complete no part of any fee shall be refundable except on unused portion of an escrow fee (see Section 16.11).

2- An application determined to be complete by the Planning Commission shall be scheduled for public hearing. The Planning Commission shall select its first regularly scheduled meeting after said determination.

3. Until a Special Use Permit has been issued for any use requiring the same in this Ordinance, and until a proper zoning permit has been granted pursuant to the Special Use Permit, there shall be no construction or excavation on said land nor shall there be made any use of land related to the request for the Special Use Permit.

C. **Incomplete Applications.**

1. An application that does not fully comply with the submittal requirements of this Ordinance shall be returned to the applicant to comply with the previous section.

D. **Special Use Permit Application.**

1. The Planning Commission shall receive from the Township Clerk a copy of the Special Use Permit application and site plan within five (5) days after the same has been filed with the township clerk.

2. The findings and recommendation(s) of the Site Plan Review Committee on the site plan for the special use shall be provided to the Planning Commission at least five (5) days before the public hearing.

E. **Others Having Interest.** Any person having an interest in any application may present any petition or document supporting his or her position for or against such application for a Special Use Permit. All documents shall be submitted to the Zoning Administrator no later than five (5) days before the hearing at which the application will be considered.

12.1.3 Public Hearing: Public Hearing: At least five (5) days after receipt of the action by the Site Plan Review Committee (see Section 12.1.2 D.2.) and at least sixty (60) days after the application is accepted as complete, the Township Planning Commission shall, schedule a hearing on the site plan and Special Use Permit request the next regular meeting provided that public notice is given pursuant to Section 16.12.

Article 12
Special Use Permits

12.1.4 Review and Approval: The review of an application and site plan requesting a special use permit shall be made by the Planning Commission in accord with the procedures and standards specified in this Ordinance. If a submitted application and site plan do not meet the requirements of the Ordinance, they may not be approved. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with the Ordinance, such changes shall be allowed and shall be either noted on the application or site plan itself or attached to it or these documents shall be resubmitted incorporating said changes.

A site plan and application for a special use permit shall be approved if they comply in all respects with the requirements of this Ordinance and other applicable Township, County, State or Federal laws, rules or regulations. Approval and issuance of a special use permit shall signify prior approval of the application and

site plan, therefore, including any modification and any conditions imposed where necessary to comply with this Ordinance. The site plan, as approved, and any statements of conditions and modifications shall become part of the special use permit and shall be enforceable as such. The decision to approve or deny a request for a special use permit shall be retained as a part of the record of action on the request and shall incorporate a written statement of conclusions which specify: The basis for the decision, any changes to the originally submitted application and site plan necessary to insure compliance with the Ordinance, and any conditions imposed with approval. Once a special use permit is issued, all site development and use of land on the property affected shall be consistent with the approved special use permit, unless a change conforming to Ordinance requirements receives the mutual agreement of the landowner and the Township Planning Commission and is documented as such.

Section 12.2 STANDARDS FOR ISSUANCE

12.2.1 Basis of Determination: Before making a decision, the Township Planning Commission shall insure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special use under consideration.

A. General Standards: The Township Planning Commission shall review the particular circumstances of the special use request under consideration in terms of the following standards and shall approve a special use request only upon a finding of compliance with each of the following standards as well as applicable standards established elsewhere in this Ordinance.

1. The special use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
2. The special use shall not inappropriately change the essential character of the surrounding area.
3. The special use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural character and environmental quality of the site.
4. The special use shall not be hazardous to adjacent property or involve use, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, ground vibration, water runoff, fumes, light or glare.

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<p>5. The special use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special use shall be able to continually provide adequately for the services and facilities deemed essential to the special use under consideration.</p> <p>6. The special use shall not place demands on public services and facilities in excess of current capacity unless planned improvements have already been scheduled for completion.</p> <p>7. The special use shall be consistent with the intent and purpose of this Ordinance and the objectives of the County Land Use Plan.</p> <p>8. For special uses in the A-1 and A-2 Districts, approval of a permit shall be further determined on the basis of the proposed land use's effect on a loss of prime agricultural land or on the right-to-farm of any adjacent farm.</p> <p>9. The special use meets the Site Plan Review Standards of Section 14.5.</p> <p>B. Conditions:</p> <p>1. The Township Planning Commission may impose conditions with the approval of a special use application and site plan which are necessary to insure compliance with the standards for approval stated in this Section and any other applicable standards contained in this or other applicable Township ordinances and regulations. Such conditions shall be considered an integral part of the special land use permit and approved site plan and shall be enforced by the Zoning Administrator.</p> <p>2. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.</p> <p>3. Recording with Register of Deeds. A Special Use Permit and all conditions attendant thereto, shall be recorded with the Register of Deeds and attached to the property record of the property for which it was issued as shall a notice that such permit no longer is valid. See Section 16.9.</p> <p>C. Performance Guarantee: In authorizing a special use permit, the Township Planning Commission may</p>	<p>require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the permit holder to insure compliance with an approved site plan and the special use permit requirements per the requirements of Section 16.10.</p> <p><u>12.2.2 Effective Date of Special Use Permit</u> The Special Use Permit shall become effective when the application has been approved by the Planning Commission.</p> <p>A. A zoning permit shall not be issued until approval of such Special Use Permit by the Township Planning Commission.</p> <p>B. Land subject to a Special Use Permit may not be used or occupied for purposes of such special use until after a Certificate of Zoning Compliance for same has been issued pursuant to Section 16.7 of this Ordinance.</p> <p><u>12.2.3 Expiration of Special Use Permit:</u></p> <p>A. A Special Use Permit shall be valid for as long as the permitted use continues in accordance with the terms stated therein, unless otherwise stated in the Special Use Permit.</p> <p>B. The Planning Commission shall have the right to limit the duration of a special use where the same is of a temporary nature.</p> <p>C. Unless otherwise set forth in this Ordinance, if no construction activity to initiate site development pursuant to a Special Use Permit has begun within six (6) months from the date of its issuance, then it shall automatically expire and be of no further effect or validity.</p> <p>In the event of permit expiration, the Zoning Administrator shall notify the applicant, in writing, mailed to the address listed on the application that such Special Use Permit has expired.</p> <p>D. If the applicant requests an extension of the permit validity, prior to its expiration, the Planning Commission may extend the permit one time for an additional six (6) months if:</p> <ol style="list-style-type: none">1. It is satisfied that the owner or applicant is maintaining a good faith effort to proceed with construction and establishment of the use;2. No significant changes to applicable regulations have occurred;3. There have been no significant changes to surrounding property or public services the determination of the Planning Commission shall be forwarded to the applicant with a recommended action.
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Article 12
Special Use Permits

E. Expiration of a Special Use Permit if the use changes: If the use of a property for which a Special Use Permit was issued is no longer for the land use authorized by either of those permits, the Special Use Permit authorization shall automatically be terminated and the property shall only be used for a use permitted in the District in which the property is located. Discontinuance of a seasonal use for which a Special Use Permit was issued is also subject to termination of the Special Use Permit, if the season passes in which the permit would normally apply and a different use is in place instead.

12.2.4 Re-Application: No application for a Special Use Permit which has been denied, wholly or in part, by the Township Planning Commission shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions which is found upon inspection by the Planning Commission to be valid. A reapplication shall be processed in the same manner as the original application.

12.2.5 Requirement Compliance-Penalties: It shall be the duty and obligation of the owner(s) or operator(s) of property approved for a Special Use Permit to at all times be in compliance with the use requirements of this Ordinance and the conditions of the Special Use Permit under which their particular use is governed. Failure thereof shall be in violation of this Ordinance and subject to the penalties and remedies provided in Article 17.

12.2.6 Appeal: Appeal of a decision on a Special Use Permit request may be taken to the Board of Appeals in accord with the procedure specified in Sections 18.3 and 18.4.8.

12.2.7 Once Granted a Special Use Permit, the Use is a Permitted Use:

A. Any use for which a special use permit has been granted shall be deemed a conforming use permitted in the district in which such use is located provided:

- 1) Such permit was issued in conformity with the provisions of this Ordinance and,
- 2) Such permit shall be deemed to effect only the lot or portion thereof and uses there upon for which the Special Use Permit shall have been explicitly granted and,
- 3) Such permit authorizes a use which is subsequently built, operated and maintained in compliance with the Ordinance, the Special Use Permit, and all conditions established with its approval.

B. Permit Transferability: A Special Use Permit may be transferred from one owner of the property to

which it is affixed to the next owner of the same property. A Special Use Permit may not be transferred from one property to another property. A new owner may continue to use the property for the purposes to which the Special Use Permit was granted as long as all conditions and terms of the permit are adhered to. Permit transfer is automatic, provided the new owner submits in writing to the Zoning Administrator, his or her new address, and telephone number on a form established for that purpose. The Zoning Administrator shall review with the new owner all the applicable Ordinance requirements that apply to the property and any special conditions imposed upon the Special Use when the transfer form is submitted.

12.2.8 Special Use Permit Granted under the Shiawassee County Zoning Ordinance: It is the intent of this ordinance to adopt any and all Special Use Permits issued under the authority of the Shiawassee County Zoning Ordinance prior to the adoption of the Perry Township Zoning Ordinance.

ARTICLE 13 PLANNED UNIT DEVELOPMENTS

Section 13.1 RESIDENTIAL PLANNED UNIT DEVELOPMENTS

13.1.1 Authorization: Urbanization in certain areas of Perry Township may produce a need for an economical single-family living unit that is adaptable to urban densities, but that retains many of the attractive features of the suburban home. Among the housing concepts emerging to meet this need are townhouses, row houses, and similar types of housing units with common property areas, cluster types of subdivisions in which housing units are arranged in cluster forms with clusters separated from each other by common open space, and housing units developed with related recreational space such as golf courses, swimming pools, private parks, community center, and other recreational facilities.

13.1.2 Purpose and Intent: It is the purpose of this Section to encourage more imaginative and livable housing environments within the residential districts through a planned reduction or averaging of the individual lot area requirements for each zone district providing the overall density requirements for each district remains the same. Such averaging or reduction of lot area requirements shall only be permitted when a land owner, or group of owners acting jointly, can plan and develop a tract of land as an entity and, thereby, qualify for regulation of that tract of land as one complex land use rather than an aggregation of individual buildings located on separate, unrelated, lots. Under these conditions, a Planned Unit Development may be issued for construction and occupancy of a planned unit development, providing the standards, procedures, and requirements set forth in this Section can be complied with.

13.1.3 Objectives: The following objectives shall be considered in reviewing any application for a residential Planned Unit Development:

- A. To provide a more desirable living environment by preserving the natural character of open field, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
- B. To encourage the provision of open space and the development of recreational facilities at a generally central location and within reasonable distance of all living units.
- C. To encourage developers to use a more creative and imaginative approach in the development of a residential area.

D. To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the bypassing of natural obstacles in the residential site.

E. To encourage variety in the physical development pattern of the County by providing a mixture of housing types.

13.1.4 Qualifying Standards: An application for Planned Unit Development Permit shall comply with the following standards to qualify for consideration as a residential planned unit development:

A. The site shall be not less than twenty (20) acres in area, shall be under the control of one owner or group of owners, and shall be capable of being planned and developed as one integral unit.

B. The site shall be located within an R-1A, R-1B, R-1C, R-1D, R-M1, or R-T district.

C. Public water and sewer facilities shall be available or shall be provided as part of the site development.

13.1.5 Uses that may be Permitted: The following uses may be permitted within a residential planned unit development:

A. All uses permitted by right, by right with conditions, or by Special Use Permit in the district in which the property is located and subject to all restrictions specified for that district except as modified by a PUD Permit.

B. Two-family dwellings in R-1C, R-1D and R-M1 districts.

C. Townhouses, row houses, or other similar housing types which can be defined as a single-family dwelling with no side yards between adjacent dwelling units, provided that there shall be no more than five (5) dwelling units in any one building.

D. Recreation and open space, provided that the following uses may be set aside as common land for open space or recreation use under the provisions of this Section:

- 1. Private recreational facilities such as golf courses, swimming pools, or other recreational facilities which are limited to the use of the owners or occupants of the lots located within the planned unit development.

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2. Historic building sites or historical sites, parks, and parkway areas, ornamental parks, extensive areas with tree cover, lowlands along streams, or areas of rough terrain when such areas have natural features worthy of scenic preservation.

E. Name-plates and signs in compliance with the provisions of this Ordinance.

F. Off-street parking in compliance with the provisions of this Ordinance.

G. Customary accessory uses as permitted in the respective district.

13.1.6 Lot Size Variation Procedure: The lot area for residential planned unit developments within the underlying residential districts may be averaged or reduced from those sizes required by the applicable zoning district within which said development is located by compliance with the following procedures:

A. **Site Acreage Computation:** The gross acreage proposed for a planned unit development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed planned unit development is located.

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 under this procedure:

1. Land utilized by public utilities as easements for major facilities such as electric transmission lines, sewer lines, water mains, County drain easements or rights-of-way, or other similar lands which are not available to the owner because of such easements.
2. Lands within flood plains, as specified in Article 5, Section 5.7 or wetlands subject to regulation by the Michigan Department of Environmental Quality.

B. **Maximum Number of Lots and 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 within a planned unit development shall be computed by subtracting from the total gross area available ten (10%) percent of said total for street right-of-way purposes (unless the applicant demonstrates less will be needed to comply with this Ordinance) and dividing the remaining net area available by the minimum lot area requirement of the zoning district in which the planned unit development is located.

C. **Permissive Minimum Lot Area:** Notwithstanding other procedures set forth in this Section, lot sizes within a residential planned unit development shall not be reduced in area below the following minimum standards:

1. One-Family Detached Dwelling Units: Twenty thousand (20,000) square feet within the R-1A district and twelve thousand (12,000) square feet within the R-1B district.
2. One-Family Detached Dwelling Units: Eight thousand (8,000) square feet of lot area within the R-1C residential district and six thousand (6,000) square feet of lot area within the R-1D Residential district.
3. Two-Family Dwellings: Twelve thousand (12,000) square feet of lot area within the R-1C Residential district and nine thousand (9,000) square feet within the R-1D Residential district.
4. Townhouses, Row Houses, or Other Similar Dwelling Units: Three thousand (3,000) square feet of lot area for each dwelling unit for both the R-1C and R-1D Residential districts.

D. **Permissive Minimum Yard Requirements:** Under the lot averaging or reduction procedure each lot shall have at least the following minimum yards:

1. Front Yard: Twenty-five (25) feet for all dwellings, provided that front yard requirements may be varied by the Planning Commission after consideration of common greens or other common open space if such space provided an average of twenty-five (25) feet of front yard area per dwelling unit.
2. Side Yard: Eight (8) feet on each side for all single- and two-family dwellings. None for townhouses or row houses, provided that there shall be a minimum of fifteen (15) feet between ends of each building containing dwelling units.
3. Rear Yard: Twenty-five (25) feet for all dwellings, provided that rear yard requirements may be reduced by the Planning Commission after consideration of common open space lands or parks which abut the rear yard area.

E. **Maximum Permissive Building Height:** Two and one-half (2½) stories, but not exceeding thirty-five (35) feet. Accessory buildings shall not exceed a height of fifteen (15) feet.

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F. Minimum Dwelling Floor Area: Single- and two-family dwellings same as R-1D district and multiple family dwellings same as R-M1 district. See Schedule A, Table 3-1, Section 3.2.

13.1.7 Open Space Requirements: For each square foot of land gained through the averaging or reductions of lot sizes under the provisions of this Section, equal amounts of land shall be provided in open space. At least thirty-five (35%) percent of the net area shall be open space. All open space, tree cover, recreational area, scenic vista, or other authorized open land areas shall be either set aside as common land for the sole benefit, use, and enjoyment of present and future lot or home owners within the development or may be dedicated to the public as park land for the use of the general public. The Planning Commission shall determine which is most appropriate based on the following considerations:

A. That open space land shall be legally conveyed from the tract owner or owners to a home owners association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common, provided that actual arrangements have been made for the maintenance of said land and any buildings thereon and that an open space easement for said land may be conveyed to the public to assure that open space land shall remain open.

B. That open space land may be dedicated to the public for park or recreational purposes by the tract owner or owners, provided that the location and extent of said land conforms to the Land Use Plan for Perry Township, and that access to and the characteristics of said land is such that it will be readily available to and desirable for public use, development, and maintenance in which event the developer shall not be required to improve the same.

C. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is reviewed and approved by the Township Attorney, such as: recorded deed restrictions, covenants that run with the land, transfer to a nonprofit land trust, a recorded conservation easement such as that provided in the State of Michigan Conservation and Historic Preservation Easement Act, Public Act 197 or 1980, as amended (MCLA. 399.251) or dedication to and acceptance of the open space by the Township. Such conveyance shall assure, unless the land is dedicated to the Township and accepted by it, that the Township will not be liable for any uses or activities occurring within the dedicated open space and that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use unless mutually agreed by the written consent of the

Planning Commission and the property owner or Association. Such conveyance shall also:

1. Indicate the proposed allowable use(s) of the dedicated open space.
2. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space in the manner specified in the PUD approval.
3. Provide standards for scheduled maintenance of the open space.
4. Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
5. Bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the Planned Unit Development.

13.1.8 Application, Review and Approval Procedures: a residential planned unit development shall be applied for, reviewed and approved using the same procedure as for a Special Use Permit in Sections 12.1.2 through 12.1.12. This includes submittal, review and approval of a site plan and application of the same standards for review and approval, in addition to the standards of this Section 13.1. If approved, a Planned Unit Development Permit shall be issued with any conditions detailed in the same manner as for a Special Use Permit.

13.1.9 Scheduled Phasing:

A. When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.

B. Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted, following review of a formal request for extension by the developer and approval of same by the Planning Commission. Such approval may be withheld only where harm to adjacent lands or

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uses would occur, there have been significant changed conditions in the area, or in the standards in the Ordinance, or in the case of fraud or violation of the terms of the original approval.

Section 13.2 MIXED USE PLANNED UNIT DEVELOPMENTS

13.2.1 Intent and Purpose: It is the intent of this Section to carry out much of the same creative approach to land development as set forth in Article 13, Section 13.1 with the addition of some commercial services.

13.2.2 Qualifying Standards: An application for a Planned Unit Development Permit shall comply with the following standards to qualify for consideration as a mixed use planned unit development.

13.2.3 Permitted Uses: A mixed use planned unit development is a residential planned unit development (as permitted in Section 13.1) in an R-1C, R-1D or R-M1 district, plus any use permitted by right or by right with conditions in the O-1 and B-1 district.

13.2.4 Development Standards: For residential uses in the PUD development standards, as set forth in Article 12, Section 12.1.6, and:

A. The review and approval standards shall be as established for a residential planned unit development in Section 13.1.

B. In any mixed use planned unit development, commercial or office uses shall not be constructed or established until thirty-five percent (35%) of all proposed dwelling units are constructed and occupied.

C. Commercial or office uses shall not exceed six percent (6%) of the net area of the proposed planned unit development site, except where the planned unit development net area exceeds one hundred sixty (160) acres in which case a maximum of eight percent (8%) may be allowed.

D. The Planning Commission must make written findings, that such nonresidential uses will not significantly increase traffic in the area, will not reduce the value of adjacent homes, structures and uses, do not create unnecessary noise, dust, odors, lights, sound or other nuisances to adjacent properties, and shall materially improve the quality of the PUD.

E. The nonresidential use of the PUD must be located with direct access to a major thoroughfare.

Section 13.3 NON-RESIDENTIAL PLANNED UNIT DEVELOPMENTS

13.3.1 Purpose and Intent:

A. It is the purpose of this Section to encourage innovation and variety in land use, design, layout, and type of structures constructed; to achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encourage useful open space, and provide different opportunities for office, commercial and industrial development particularly suited to the needs of the residents of the Township, provided such opportunities do not unreasonably create any adverse economic, social or environmental impact on surrounding land uses.

B. The following objectives shall be met by an application for a nonresidential PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range planning and development of such planned unit development:

1. To provide more desirable living, shopping and working environments by preserving as much of the natural character of the property as possible, including, but not limited to, open space, stands of trees, brooks, ponds, river and lake shorelines, floodplains, hills and similar natural assets.
2. To encourage developers to use a more creative and imaginative approach in the development of areas.
3. To encourage underground utilities which can be more efficiently designed when master planning a larger area.
4. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and subsequently approved by the [Township](#).
5. To promote flexibility in design and permit planned diversification in the location of structures.
6. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.
7. To combine and coordinate architectural styles, building forms, and building relationships within the planned unit development.
8. To ensure a quality of construction commensurate with other new developments within the Township.

13.3.2 Area and Use Regulations:

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A. A nonresidential PUD shall primarily be an Office or Institutional PUD, a Commercial PUD, a railroad yard or an Industrial Park PUD depending on the underlying zoning district which shall establish the permitted uses.

B. Not more than twenty percent (20%) of the gross floor area of a nonresidential PUD in a B-1, B-2 or O-1 district may be used for dwelling units. All dwelling units shall be above the ground floor businesses or office uses.

C. Setbacks: Minimum yard restrictions of the zoning district in which the project is located shall be maintained around the perimeter of the project.

D. Open Space: Required open space shall be dedicated to the public or set aside for common use of the owners and users within the PUD so that there are assurances that the required open spaces shall remain open. Required open space shall conform with the requirements of Section 13.1.7.

13.3.3 Development Standards:

A. No nonresidential planned unit development shall be approved unless the applicant, through written submittal, and the Planning Commission, through certification of written findings, demonstrate that the land use and development meet the following standards:

1. Compliance with the dimensional, open space and use standards of the district in which it is located, along with such other uses or modified standards as may be approved through the PUD review and approval process.
2. The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the Township. Such benefit must otherwise be unfeasible or unlikely to be achieved by development under a single zoning district.
3. All land for which application is made must be owned or under control of the applicant(s) and the parcel must be capable of being planned and developed as one integral land use unit. Noncontiguous parcels may be considered where other benefits to the public are sufficiently great to warrant such consideration in the opinion of the Planning Commission.
4. The Planned Unit Development shall remain under the control or authority of a single individual, corporate or organizational owner who is authorized to administer the Planned Unit Development. Elimination of a single authority, such as by sale of part of the

Planned Unit Development shall not occur without approval of a site plan amendment.

13.3.4 Application, Review and Approval Procedures:
A nonresidential planned unit development shall be applied for, reviewed and approved using the same procedure as for a Special Use Permit in Sections 12.1.2 through 12.1.12. This includes submittal, review and approval of a site plan and application of the same standards for review and approval, in addition to the standards of this Section 13.3. The applicant shall include a statement with regard to compliance with the objectives of a nonresidential PUD stated in Section 13.3.1, and the development standards of Section 13.3.3. If approved, a Planned Unit Development Permit shall be issued with any conditions detailed in the same manner as for a Special Use Permit.

13.3.5 Scheduled Phasing:

A. When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.

B. Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted, following review of a formal request for extension by the developer and approval of same by the Planning Commission. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the standards in the Ordinance, or in the case of fraud or violation of the terms of the original approval.

Section 13.4 HARDSHIP PLANNED UNIT DEVELOPMENTS

13.4.1 Intent and Purpose:

A. It is the intent of this Section to provide a site specific administrative remedy to allow reasonable use of property in those limited instances in which a property owner demonstrates to the Township Board that (1) the applicant's property cannot be used for the purposes permitted in the zoning district, (2) the plight is due to unique circumstances peculiar to the property and not to the general neighborhood conditions, (3) the proposed development and use would not alter the essential character of the area, and (4) the applicant's problem has not been self-created.

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B. If and when a property owner meets such four-part threshold burden of proof, it is not intended that any use may then be approved. Rather, this Section is intended to authorize administrative relief to the minimum extent necessary to allow reasonable use of property on the particular site, taking into consideration the objective of achieving compatibility and high quality development.

C. In order to satisfy the finality requirement dictated by the Michigan Supreme Court in *Paragon Properties Company v City of Novi*, a property owner shall not be required to seek variance relief at the Board of Appeals if relief is sought and denied under this Section. An application under this Section also represents a waiver of the right to request a use variance from the Board of Appeals, under the Michigan Zoning Enabling Act of 2008.

13.4.2 Application Requirements:

A. In addition to the information required for other variance requests, an application for a Hardship Planned Unit Development shall include a plan drawn to scale detailing the specific use and improvements proposed by the applicant, and a summary of the facts which support each of the following conclusions:

1. Applicant's property cannot be used for the purposes permitted in the zoning district.
2. Applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions.
3. Applicant's suggested use would not alter the essential character of the area.
4. Applicant's problem has not been self-created.

B. At the end of each statement (1. through 4.) identify all persons who will appear at the hearing with respect to each of the facts, and, separately, identify all persons who will appear at the hearing relative to the respective conclusion (and if any person is to be offered as an expert witness, include with the application a resume which shows the education and experience of such person within the particular area of expertise).

13.4.3. Pre-Hearing Conference:

A. Prior to the scheduling of a hearing, the applicant shall contact the Zoning Administrator for the purpose of scheduling a pre-hearing conference.

B. The purposes of the pre-hearing conference shall be to:

1. Review the procedure for the hearing and identify all persons who will appear (directly or

through affidavit) and the evidence to be offered on behalf of the applicant.

2. Attempt to secure a statement of agreed upon facts to be used to narrow the matters of dispute and shorten the hearing.
3. Explore a means of providing relief to the applicant by way of non-use variance from the Board of Appeals.
4. Discuss the need, desirability, and the terms of providing, a verbatim record of the hearing.

C. The Zoning Administrator shall determine who should be present at the pre-hearing conference based upon the application submitted, and taking into consideration the discussion with the applicant or the applicant's representative.

D. The pre-hearing conference shall be scheduled and conducted on an expeditious basis so as to avoid unreasonable delay to the applicant. Sufficient time shall be taken, however, to achieve the purposes of the pre-hearing conference, stated above.

13.4.4. Hearing Procedure:

A. The applicant shall have the burden of proof. In order to be entitled to relief, the applicant must demonstrate each of the four factors set forth in Section 13.4.2.A, paragraphs 1 through 4, above.

B. Manner of Presentation:

1. Community representatives shall present an overview of the zoning regulations involved. This may include an indication of the objectives sought to be achieved in the zoning district, and any planning, engineering, financial, environmental or other considerations which are generally relevant within the zoning district and/or in the general area of the property at issue.
2. The applicant may present witnesses, including the applicant, or may submit affidavits, for the purpose of attempting to prove facts or conclusions. The applicant shall be provided with the opportunity to present all testimony and evidence proposed to be presented at the pre-hearing conference, either through witnesses or affidavits, however, the supervisor of the Township Board may restrict testimony and evidence which would result in unreasonable duplication. In addition, by motion made on its own or at the request of a person at the hearing, the Township Board may require the presence of any witness who has offered either testimony by affidavit on a material question of fact or testimony of an

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expert nature, with the view of permitting members of the Township Board to ask questions of such witnesses.

3. At the conclusion of the applicant's presentation, interested persons attending the hearing shall be provided with the opportunity to present testimony and evidence in the same manner and subject to requiring the presence and questioning of witnesses, as provided above for the applicant.
4. When interested persons have completed their presentations, at the same meeting and/or at an adjourned meeting date, testimony and evidence may be presented on behalf of the community in the same manner, and subject to requiring the presence and questioning of witnesses, as provided above for the applicant. The purpose of such presentation shall be to ensure that a full picture, including all relevant information, is before the Township Board for consideration as it relates to the specific application presented.
5. If testimony or evidence has been offered by or on behalf of interested persons and/or the community, the applicant shall have the opportunity to make a responsive presentation, restricted to answering the points raised by interested persons and community representatives. The manner of presenting witnesses, and requirement of their presence and questioning, shall be the same as provided above for the applicant's principal presentation.
6. At the hearing, the Township Board may determine to establish other rules of procedure, such as meeting hours on any given day, procedure for presentations by interested persons and/or on behalf of the community, or other rules found to be necessary or appropriate by the Township Board. When questions of procedure arise during the hearing, the supervisor of the Township Board may solicit the recommendation of the representatives of both the applicant and the community.
7. If a hearing is not completed at a given meeting within the time period allowed by the Township Board, it shall adjourn the hearing to a date certain for continuation.

13.4.5. Decision of the Township Board:

A. The Township Board may deem it appropriate in any given case to provide an opportunity for anyone presenting testimony or evidence to submit proposed findings of fact and conclusions.

B. At the conclusion of the hearing, the Township Board may make its decision at that meeting, or it may adjourn the hearing to a new date for the purpose of reviewing the testimony and evidence, and reviewing proposed findings and conclusions submitted by hearing participants, in preparation for making its decision.

C. If the Township Board determines to grant a Hardship Planned Unit Development, it shall be the minimum relief required to allow reasonable use of the property, while maintaining the essential character of the area. The motion may include conditions that are authorized by law.

D. If the Township Board adopts a motion to grant a Hardship Planned Unit Development, such motion may be made as a tentative grant of relief, subject to review by the Planning Commission, Planning Director, consultant, Zoning Administrator, or other person or official with expertise, with a view of obtaining recommendations on any conditions that may be relevant and authorized by law, and for the further purpose of ensuring that the grant of relief would not violate applicable law. If a motion authorizing such a tentative grant of relief is made, the Township Board, in the same motion, should request the completion of all reviews by other boards or persons by a specific date, so that relief may be expeditiously finalized.

ARTICLE 14 SITE PLAN REVIEW

Section 14.1 PURPOSE AND INTENT

It is the purpose of this article to require site plan review approval for certain building structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, and the character of future development in the area.

The requirements contained in this article are intended to reduce the hazards to life and property due to fire, flooding, soil erosion, poor surface water drainage, inadequate private sewage disposal systems, pollution, dust, fumes, noise vibrations, noxious odors and other hazards; and to promote and facilitate the adequate provision of a system of roads, streets and parking, sewage disposal, drainage, public education, recreation and other public requirements, and to promote the harmonious relationship of uses through proper design.

Section 14.2 MEMBERSHIP

A. Site Plan Review Committee shall consist of the members of the Perry Township Planning Commission to assist in the administration of site plan requirements under the terms of this Ordinance.

The Perry Township Zoning Administrator or a permanently designated employee of the Office of the Zoning Administrator (or his/her designee) will also attend all planning commission meetings when a Site Plan Review is required and will chair that part of the meeting concerned with the Site Plan Application.

B. The Planning Commission may request input from the County Drain Commissioner, the County Road Commission, and/or the County Health Department, the local Fire Department and the County office of the Natural Resources and Conservation Service.

14.2.1 The Office of the Township Zoning Administrator shall provide administrative support to the committee including agendas, minutes, legal notices and records. The files of the committee shall be maintained separately in the Zoning Administrator's Office and open to public inspection during normal working hours.

Section 14.3 JURISDICTION

Site plan review is required for:

- A. All developments requiring a Zoning Permit other than single-family homes, duplexes, and accessory buildings associated with them;
- B. All special uses (S)and
- C. PUDs (P); and
- D. Any right by condition use specified as requiring site plan review. Platted subdivisions and condominium projects involving more than two dwelling units, and .
- E. Conservation design developments.

14.3.1 The Site Plan Review Committee shall take action on all site plans submitted for review unless withdrawn by the applicant. The Planning Commission shall approve, deny or approve with conditions site plans for special uses and PUDs as part of the approval process for special uses (see Article 12) and PUDs (see Article 13).

14.3.2 Major and Minor Site Plans:

A. All site plans associated with a request for a Special Use Permit, all PUD Permit requests, and all other site plans for land uses requiring more than ten (10) new parking spaces shall be classified as a major site plan which go through the site plan review

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procedures specified in Sections 14.4, 14.6, 14.7, 14.8 and 14.9.

B. All site plans for land uses requiring less than ten (10) new parking spaces may be classified as minor site plans upon determination by the Zoning Administrator that the proposed project is not expected to have a significant impact on natural resources, traffic patterns or future development in the vicinity.

C. The standards of Section 14.5, as well as any other relevant standards of this Ordinance, shall be applied to determine if a major or minor site plan conforms to this Ordinance.

14.3.3 Minor Site Plan: All minor site plans shall be distributed to the Site Plan Review Committee pursuant to Section 14.6.2. However, unless a member of the Site Plan Review Committee requests the minor site plan be reviewed by the whole committee at a meeting of the committee, the site plan shall be reviewed and approved, approved with conditions, or denied by the Zoning Administrator. The Zoning Administrator shall not act before fifteen (15) days following the date of dissemination of the site plan to the Committee members. The Zoning Administrator shall determine compliance of the site plan with the standards in Section 14.5, taking into account any responses received by members of the Site Plan Review Committee, or any other agency or official the Zoning Administrator requested and received a response from regarding the proposed site plan.

14.3.4 Relationship to Variances: If it is evident that in order for a site plan to be approved, one or more variances must be obtained, the Zoning Administrator shall so inform the applicant and explain the procedural steps and implications of initiating a variance request immediately, following action by the Site Plan Review Committee or following action by the Planning Commission if they make the final decision. The applicant shall make the decision as to when or whether to proceed with a variance request.

Section 14.4 PLAN REVIEW PROCEDURES

14.4.1 Application: The owner or his/her designated agent shall file an application requesting site plan review with the Zoning Administrator on a special form designated for the purpose and as adopted or periodically updated by the Site Plan Review Committee. The owner and/or applicant shall include their full name, address, telephone, fax numbers and e-mail address and their signature on the application.

A. An application that does not fully comply with the submittal requirements of this Ordinance shall be returned to the applicant.

B. An application determined to be complete by the Zoning Administrator shall be scheduled for review by the Site Plan Review Committee.

14.4.2 Site Plan: Each application for Site Plan Review shall contain the required quantity plan view line drawings containing all of the following information unless specific waivers are granted by the Zoning Administrator. A Site Plan for A Conservation Design Development requires three (3) copies containing the information listed in Section 4.3.20

Table 14-1 Number of Copies

Type of Project	Number of Copies	Criteria for Plans in Section
Major Site Plan	5	14.4.2
Minor Site Plan	3	14.4.2
Conservation Design Development	3	4.3.20

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Table 14-2 Plan Requirements and Waivers

Requirements for Site Plan Completeness	Portion of Site Plan Eligible for Wavier by Zoning Administrator		
	Major Site Plans	Minor Site Plans	Conservation Design Developments
A. A scale drawing at no smaller than 1" =50' (1" = 20' for land under 5 acres)	none	scale may be changed	none
B. Property dimensions, legal description of the property, existing or proposed deed restrictions or previous zoning approval limiting the property and in the case of a condominium development, the proposed master deed.	none	none	none
C. Significant vegetation and location of all proposed landscaping, buffer strips, greenbelts, berms, fences or walls.	none	none	none
D. Existing and proposed public rights-of-way and/or private easements.	none	none	none
E. Water courses and water bodies including surface drainage ways.	none	none	none
F. Location of abutting streets and proposed alignment of streets, drives, and easements serving the development, and the location of all roads and driveways within 200 feet of the parcel.	none	the location of all roads and driveways within 200 feet of the parcel.	
G. Location of proposed buildings and intended uses thereof, as well as floor area, finished floor elevation, building height and lot coverage.	none	finished floor elevation	
H. Location and design of off-street parking areas, including type of surface materials, maneuvering lanes, service lanes, off-street loading spaces and other service areas within the development.	none		all
I. Location of water supply and the location and design of waste water systems and solid waste disposal facilities (including trash receptacles and dumpsters). All utility lines must be indicated along with the location and specifications of any proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials, as well as any containment structures or clear zones required by government authorities.	none		
J. Proposed grades of any site retention and detention facilities, and site drainage pattern at a minimum of two (2) foot intervals.	none	site drainage pattern at a minimum of two (2) foot intervals.	
K. Proposed location of common open spaces and facilities, if applicable.	none		
L. Proposed location of accessory buildings and use, including free-standing signs and on-site lighting.	free-standing signs		
M. A location map at a smaller scale indicating the relationship of the site to the surrounding land use.	all		
N. North arrow, scale, descriptive legend, name and address of applicant, name and address of surveyor, engineer, landscape architect or professional planner involved in development of the site plan, the professional seal of the preparer, and date prepared or last amended.	none	name and address of surveyor, engineer, landscape architect or professional planner involved in development of the site plan, the professional seal of the preparer,	

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Table 14-2 Plan Requirements and Waivers Continued

Requirements for Site Plan Completeness	Portion Eligible for Wavier by Zoning Administrator		
	Major Site Plans	Minor Site Plans	Conservation Design Developments
O. Distance of proposed structures from rear, side, and front lot lines.	none		
P. The zoning of the site and of all adjacent property and the location of any building or structure with a base area larger than ten (10) square feet on adjacent property within two-hundred (200) feet of the parcel boundary.	none	the location of any building or structure with a base area larger than ten (10) square feet on adjacent property within two-hundred (200) feet of the parcel boundary.	
Q. The location of all proposed outside storage and the manner in which it is to be screened and accessed.	none		
R. Dimensions and number of proposed lots or condominium units.	none		
S. Total acreage of site.	none		
T. All areas within the 100-year floodplain or regulated wetland areas on to the site.	none		
U. The location of stands of trees and individual trees, apart from the stands of trees having a caliper of twelve (12) inches or greater, four feet above existing grade.	all		
V. For projects requiring an Environmental Impact Assessment pursuant to Section 5.2.1, a completed Environmental Impact Assessment Work Sheet on a special form designed for the purpose and as adopted or periodically updated by the Site Plan Review Committee shall accompany the Site Plan.	none		
W. For projects requiring a Traffic Impact Assessment pursuant to Section 5.2.1, a completed Traffic Impact Assessment shall accompany the Site Plan.	none		
X. Location of all farms within one mile.	all		

14.4.3 A fee shall be charged to the applicant for site plan review based on a schedule developed by the Planning Commission and approved by the Township Board.

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Section 14.4 STANDARDS FOR SITE PLAN REVIEW APPROVAL

In reviewing a Site Plan, the Planning Commission shall consider the following standards when applicable, in the case of a Conservation Design Developments, standards for approval are found in Section 4.3.20

Table 14.3 General Standards for Approval

STANDARDS	Applicable		
	Major Site Plans	Minor Site Plans	Conservation Design Developments
A. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.	Yes	Yes	Yes
B. Ingress and egress to the property and proposed structures thereon shall provide motor vehicle and pedestrian safety and convenience, efficient traffic flow and control, and easy access in cases of fire, catastrophe or emergency.	Yes	Yes	Yes
C. Every structure or dwelling unit shall have access to a public or approved private street, walkway, or other areas dedicated to common use.	Yes	Yes	Yes
D. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the County storm drainage system.	Yes	Yes	Yes
E. Provisions shall be made for the construction of storm sewer facilities including grading, gutters, piping and treatment of turf to handle storm water, prevent erosion and the formation of dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicle or pedestrian traffic or create puddles in paved areas.	Yes	Yes	Yes
F. That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and, where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.	Yes	Yes	Yes
G. That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing, or landscaping.	Yes	Yes	Yes
H. That existing stands of trees and large individual trees be preserved to the extent feasible.	Yes	Yes	Yes
I. Off-street parking and loading areas where required, shall be satisfactory in size, shape and design and not present noise, glare, odor or other nuisance effects on adjoining properties and properties in the proposed development above a level enjoyed by existing similar uses in the area, or in that zone.	Yes	Yes	Not Applicable
J. The type, dimensions and character of open spaces, landscaping, screening and buffering shall enhance the design, character, use and value of the property and abutting lands and waters. Any exterior lighting shall be designed to prevent unnecessary illumination of the night sky and shall be shielded from adjacent properties.	Yes	Yes	Replaced by Section 4.3.20 6.)

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Table 14.3 General Standards for Approval Continued

STANDARDS	Applicable		
	Major Site Plans	Minor Site Plans	Conservation Design Developments
K. Signs, if any, and their proposed size, shape, height and lighting relative to glare, traffic safety, and economic effect, shall be aesthetically pleasing, compatible and in harmony with signs, structures and uses of adjoining properties.	Yes	Yes	Yes
L. Garbage storage and disposal and recycling bins shall be designed to ensure no vermin or rodent infestation and easy access to facilities which are screened from view from the street or abutting properties when not in use.	Yes	Yes	Not Applicable
M. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous substances from entering the soil or water including:	Yes	Yes	Not Applicable
1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.	Yes	Yes	Not Applicable
2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.	Yes	Yes	Not Applicable
3. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.	Yes	Yes	Not Applicable
4. Rules for keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.	Yes	Yes	Not Applicable
5. Underground storage tank installation, operation, maintenance, closure, and removal shall be in accordance with the requirements of the State Police Fire Marshal Division and the Michigan Department of Environmental Quality.	Yes	Yes	Not Applicable
6. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.	Yes	Yes	Not Applicable

14.5.1 Other Regulations: Before granting approval of any application, Planning Commission shall be reasonably sure that the proposed development fully complies with:

- A. All applicable State laws
- B. County and local ordinances
- C. The adopted published rules, standards or policies of the Perry Township Planning Commission
- D. The published rules, standards or policies Shiawassee County Drain Commissioner
- E. The published rules, standards or policies Shiawassee County Road Commissioners
- F. The published rules, standards or policies of the Shiawassee County Health Department
- G. The fire safety and emergency vehicle access requirements of the Michigan Building Code and/or any local Fire Code having jurisdiction
- H. The published rules, standards or policies the Perry Township Board of Trustees.

Section 14.5 MEETINGS OF SITE PLAN REVIEW COMMITTEE

14.6.1 Meetings: The Planning Commission in its role as the Site Plan Review Committee shall hold meetings as needed in accordance with the Open Meetings Act.

14.6.2 Copies: Copies of the application and site plan must comply with Zoning Ordinance regulations and be acceptable by staff. Copies of the application and site plan shall be sent by the Zoning Administrator to each member of the Planning Commission and to the township supervisor within five (5) days of receipt of an acceptable application and site plan.

Section 14.6 INDIVIDUAL RECOMMENDATIONS

It shall be conclusively presumed that a member of the Site Plan Review Committee has no objections to an applicant's site plan as submitted when a member fails to either submit written comments or voice his or her concerns before the adjournment of properly noticed meetings. Such recommendations shall be made in terms of each member's respective area of expertise and shall include reference to laws, ordinances, standards, rules and policies supporting the recommendation. A form may be developed by the Site Plan Review Committee to facilitate timely, instructive responses which may serve as a proxy for a member of the Site Plan Review Committee in the event the member is unable to attend a meeting.

Section 14.7 SITE PLAN APPROVAL

A site plan shall be approved if it contains the information required by the Zoning Ordinance and is in compliance with the Zoning Ordinance, the conditions imposed under the Zoning Ordinance, other applicable ordinances, and state and federal statutes. Except in the case of Conservation Design Developments the Committee's decisions are non-discretionary or ministerial in nature.

A. If any Planning Commission member demonstrates a lack of compliance in the site plan with their own rules, standards, or ordinances, a site plan shall not be approved until compliance is acknowledged. Appeals by applicants to local, state, or federal agencies other than the decisions of the Zoning Administrator shall be directed to the legal course of action applicable to those agencies. Any disapproval of a site plan shall be accompanied by the reasons for that disapproval and provided, in writing, to the

applicant. Further, a site plan for a Conservation Design Development shall not be approved if four (4) of the members that are currently appointed, object to the approval on the basis of failure to comply with the placement or design standards contained in Section 4.3.20.

B. An approval of a site plan for a Special Use Permit does not constitute the final approval of a Special Use Permit. Standards for complete approval of a Special Use Permit are outlined in Article 12.

Section 14.8 REVIEW PERIOD LIMITATIONS

The Planning Commission shall act on a complete application within forty five (45) calendar days. This time limitation may be extended only by the mutual consent of the applicant and the commission chairperson.

Section 14.9 BOARD OF APPEALS

Any applicant for Site Plan Review considering himself aggrieved by the decision of Planning Commission may appeal the decision to the Zoning Board of Appeals(ZBA) within 21 calendar days of receipt of the decision. The ZBA shall review the decision of the Planning Commission to ensure that it is consistent with the standards contained in this Ordinance and rules established by agencies responsible for site plan review. The ZBA shall give written justification for their decision. The Board of Appeals may not grant a variance to any element of a site plan unless an application for a variance has been filed therefore; any such variance request shall be reviewed relative to the requirements of Section 6.4.5.

Section 14.10 REVIEW OF SITE PLANS BY COUNTY PLANNING COMMISSION

A. Site plans for Special Use Permits and Planned Unit Developments shall be reviewed by the Perry Township Planning Commission according to provisions of Article 12 following review and action by the Site Plan Review Committee.

B. Site plans for Special Use Permits, including Site Plans under jurisdiction of Section 14.3, shall be prepared in the same manner for Township Review as said plans are prepared for the Planning Commission.

Section 14.11 AMENDMENTS TO SITE PLAN

No changes shall be made to an approved site plan prior to, during or after construction except upon mutual agreement between the applicant and the Township and by application to the Zoning Administrator according to the following procedures:

A. Small changes to an approved site plan involving changes in the location of buildings and structures, adjustment of utilities, walkways, trafficways, parking areas, and similar slight changes may be approved by the Zoning Administrator provided they would not otherwise violate a requirement of this Ordinance or require a variance from the Board of Appeals.

B. Major changes or amendments to an approved site plan involving enlargement of the project area or new buildings, change in the number and location of accesses to public streets or alleys, a reduction in the number of parking spaces, a major relocation of a building, an increase in the gross floor area or heights of buildings, a reduction in the common open space, and similar major changes, shall require the approval of the Site Plan Review Committee or Planning Commission, whichever made the decision, in the same manner as the original application was submitted, reviewed, and approved.

Section 14.12 CONFORMITY TO APPROVED SITE PLAN

A. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto, which have received the approval of the Planning Commission. If construction and development does not conform with such approved plan, the permit holder or land owner shall be notified of a violation of this Ordinance and if the circumstances warrant, issued a stop work or cease operations order per the requirements of Section 16.6.3.

Following a hearing pursuant to the requirements of Section 16.6.3, any Zoning Permit associated with the project may be revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site other than for the purpose of correcting the violation. However, the ZBA may by variance or the Planning Commission may by site plan amendment, upon proper application of the developer and after a hearing, approve a modification in the Site Plan to coincide with the developer's construction provided such construction complies with the criteria contained in the Site Plan approval provisions and with the spirit, purpose, and intent of the Township Zoning Ordinance.

B. Approval of the Site Plan shall be valid for a period of one (1) year after the date of approval. If a Building Permit has not been obtained and on-site development actually commenced within said one (1) year, the Site Plan approval shall become void and a new application for Site Plan approval shall be required and new approval shall be required and obtained before any construction or earth change is commenced upon the site.

Section 14.13 AS BUILT SITE PLANS

Once a project for which a site plan was approved is completed, two (2) sets of "as built" site plans showing the exact building footprints, driveways, parking areas, landscaping, utilities, sidewalks, bike paths and trails shall be signed by the licensed professional who prepared them and delivered to the Zoning Administrator within one (1) month of receipt of a Certificate of Zoning Compliance (for each phase of a project if multi-phased). The Zoning Administrator may waive this requirement, except where major utilities, new streets and/or large buildings are involved.

Section 14.14 CONDITIONAL APPROVALS

A. As provided in the Michigan Zoning Enabling Act 110 of 2006, site plans for special uses, planned unit developments, variances or other discretionary decisions may be approved with reasonable conditions.

B. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements:

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

be necessary to insure compliance with those standards.

C. A site plan shall be approved if it contains the information required and is in compliance with this Zoning Ordinance and with the conditions imposed pursuant to this Ordinance, other applicable ordinances, and State and Federal statutes.

D. Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in this Zoning Ordinance, other applicable ordinances, and State and Federal statutes.

**ARTICLE 15: RESERVED FOR
FUTURE USE**

ARTICLE 16 ADMINISTRATION

Section 16.1 ADMINISTRATION

The provisions of this Ordinance shall be administered by the Township Zoning Administrator, the Township Planning Commission and the Township Board in accordance Michigan Zoning Enabling Act 110 of 2006

The Township Board shall have the primary responsibility for supervision of the administration and enforcement of the Ordinance. In order to carry out this responsibility the Township Board may adopt and file rules and guidelines to assist the Zoning Administrator and the Township Planning Commission in administering and enforcing this Ordinance.

The Township Board shall employ a Zoning Administrator who shall be empowered to issue violation notices of the zoning ordinance and to work with the Township Attorney to bring civil action or criminal enforcement on behalf of the Township when deemed necessary.

Section 16.2 RELIEF FROM PERSONAL RESPONSIBILITY

The Zoning Administrator, officer or employee charged with the enforcement of this Ordinance, while acting for the Township, shall not thereby render himself or herself liable personally, and he or she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her official duties.

Any suit instituted against any officer or employee because of an act performed by the employee in the lawful discharge of his or her duties and under the provisions of the Ordinance shall be defended by the Township Attorney, or other legal representative of the Township, until the final termination of the proceedings.

In no case shall the Zoning Administrator or any of his or her subordinates be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of the Ordinance; and any member of the Perry Township Planning Commission, acting in good faith and without malice, shall be free from liability for acts

performed under any of its provisions or by reason of any act or omission in the performance of his or her official duties in connection herewith.

Section 16.3 DUTIES OF THE ZONING ADMINISTRATOR

It shall be the responsibility of the Zoning Administrator and his or her employees to enforce the provisions of this Ordinance and in so doing shall perform the following duties:

16.3.1 Issue Permits: All applications for Zoning Permits shall be submitted to the Zoning Administrator who shall issue Zoning Permits and Certificates of Zoning Compliance when all applicable provisions of this Ordinance have been complied with.

16.3.2 File Applications: The Zoning Administrator shall maintain files of all applications for Zoning Permits and for Certificates of Zoning Compliance and shall keep records of all Zoning Permits and Certificates of Zoning Compliance issued. These shall be filed with the Zoning Administrator, such files and records shall be open to public inspection. Copies shall be furnished at cost upon request of any person having a proprietary or tenancy interest in the property involved.

16.3.3 Official Copies: Maintain one official copy of an updated Zoning Ordinance and Zoning District Map, as amended, in accordance with Article 2.

16.3.4 Inspections: The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this Ordinance.

16.3.5 Record of Complaints: The Zoning Administrator shall keep a record of every identifiable complaint of a violation of any of the provisions of this Ordinance, such records shall be public record.

16.3.6 Report to Township Board: On behalf of the Planning Commission, the Zoning Administrator shall report to the Township Board periodically; at intervals of not greater than one (1) year, summarizing for the period since the last previous report of zoning permits, Certificates of Zoning Compliance, all complaints in violation, all appeals, variances and exceptions granted by the Zoning Board of Appeals and State action taken subsequent thereto.

16.3.7 Chairman of Site Plan Review Committee: The Zoning Administrator shall act as

Chairman of the Planning Commission while performing a Site Plan Review, but shall have no vote, in accordance with Article 14 of this Ordinance.

16.3.8 Prepare Record of Decisions: The Zoning Administrator shall establish notebooks or other records for listing each decision, waiver interpretation, or enforcement action made under this Ordinance. This record shall be organized for easy reference by date and decision to help ensure consistency of future decisions.

16.3.9 Prepare Forms, Manuals and Guidelines: The Zoning Administrator shall periodically prepare or update forms, procedure manuals and guidelines for the smooth administration of the Zoning Ordinance. All such forms, manuals and guidelines shall be reviewed and approved by the Planning Commission. A form, procedure or guideline may be implemented for not more than thirty (30) days after being established by the Zoning Administrator without Planning Commission approval.

16.3.10 Enforce the Zoning Ordinance: The Zoning Administrator shall be the principal Ordinance enforcement officer. Other individuals may be hired for this purpose, or the task may be delegated to others who work under the supervision of the Zoning Administrator. Once a case is referred to the Township Attorney, the Zoning Administrator and Township Attorney shall share enforcement responsibility.

Section 16.4 DUTIES OF THE PLANNING COMMISSION

The Planning Commission shall perform the following duties:

16.4.1 Adopt forms, rules, procedures and guidelines for the proper administration and enforcement of the Ordinance.

16.4.2 Act as the policy board on matters of enforcement and administration of the Ordinance not covered by the adopted rules or guidelines of the Township Board.

16.4.3 Conduct public hearings.

16.4.4 Make comprehensive review and recommend changes to the Zoning Ordinance as deemed necessary but not less than once every five (5) years.

16.4.5 Review all proposed requests for Special Use Permits and/or amendments to the Zoning Ordinance for compliance with requirements of the Ordinance based on Article 12 and 19, and thence recommend appropriate action to the Township Board for approval, disapproval, or modification.

Section 16.5 ZONING PERMITS AND CERTIFICATE OF LOT APPROVAL

The following provisions shall apply in the issuance of any Zoning Permit in addition to any other requirements for a particular use contained in this Ordinance:

16.5.1 Commencement: Excavation for building or structure shall not be commenced; the erection, addition to, alteration of, or moving of any building or structure shall not be undertaken, or any land shall not be changed to a use of a different use type, use category, or use class under this Ordinance, nor to any different use group under the State Construction Code, PA 230 of 1972, until a Zoning Permit has been secured from the Zoning Administrator. A Zoning Permit shall not be issued for those uses requiring a Special Use Permit as provided for in this Ordinance until a Special Use Permit has been approved in compliance with the provisions of Article 12 of this Ordinance. Except upon a written order of the Board of Appeals, no Zoning Permit shall be issued for any building, structure or use of land that would be in violation of any of the provisions of this Ordinance.

16.5.2 Application for Zoning Permit: There shall be submitted to the Zoning Administrator with each application for a Zoning Permit the following:

A. In the case of a permit for a dwelling or other building intended for human occupancy or having waste water plumbing, a written report or an electronic copy from the Shiawassee County Health Department certifying, the approval of a private sanitary sewage disposal system, or when public sanitary sewage service is available or required by local ordinance, a written notice of acceptance of hookup or a tap-in fee receipt shall be required.

B. When a new or rehabilitated driveway is intended, proof of issuance of a driveway permit from the Shiawassee County Road Commission shall be required.

C. All applications for a Zoning Permit shall require an accurate scale map showing the following:

1. The location, shape, area, dimensions, and legal descriptions of the parcel, location of easements and centerline of road.
2. The location, dimensions, height of the existing and/or proposed structures to be erected, altered, or moved on the parcel,
3. All existing and proposed uses.
4. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other users.

- 5. The yard, open space, and parking space dimensions.
- 6. Any change to the ground contour of the parcel involved.

D. A copy of the deed or proof of equitable title shall be required with any application for a Zoning Permit for any new principal or accessory structure on any non-platted parcel in order to assure compliance with dimensional requirements of this Ordinance, to protect easements from encroachment, and to assure conformance with the Land Division Act, Public Act 288 of 1967, as amended. The Zoning Administrator may examine electronic copies of recorded deeds to meet this requirement.

16.5.3 Affidavit of Compliance: Each application form for a Zoning Permit, a Special Use Permit or Planned Unit Development Permit shall contain a signed and notarized affidavit stating that the applicant understands, and agrees to comply with the following laws when applicable to the lot, tract or parcel in question. The applicant shall further affirm that said lot tract or parcel is not currently in violation of the following laws.

- A. The Land Division Act, Public Act 288 of 1967, as amended.
- B. The Shiawassee County Health Department Sanitary Code.
- C. The Flood Plain regulations of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 31, as amended.
- D. Michigan Public Health Code, Public Act 368 of 1978, as amended.
- E. Farmland and Open Space Preservation provisions of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 361, as amended.
- F. Wetlands Protection provisions of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 303, Section 324.30301 et.seq., as amended.
- G. Inland Lakes and Streams provisions of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 301, Section 324.30101, et.seq, as amended.
- H. "Miss Dig Law", Act 53, as amended.
- I. Airport Zoning Act, Public Act 23 of 1950, as amended.
- J.

State Construction Code Act, Public Act 230 of 1972, as amended.

- K. The Shiawassee County Drain Commission Standard Construction Specifications for open and closed drains.
- L. The Subdivision Control Procedures pursuant to Public Act 288 of 1967, as amended.
- M. The Shiawassee County Soil Erosion and Sedimentation Control Ordinance, and any applicable regulations of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 91, Section 324.9101 et. seq., as amended.
- N. Michigan Department of Environment, Great Lakes and Energy rules for Land Divisions, as amended.
- O. All township ordinances that are applicable to the proposed building, structure or land use.
- P. All other State, Federal or local laws, rules, or regulations applicable to the proposed building, structure or use of the property.

16.5.4 Withholding Permit:

A. Section 16.5.3 notwithstanding, the Zoning Administrator may withhold any Zoning Permit pending verification that an applicant has received required township, county, state or federal permits including but not limited to sanitary sewer and water tap-in permits, septic and water well permits, soil erosion and sedimentation control permits, wetlands permits, floodplain, culvert, or driveway permits. Likewise, wherever this Ordinance authorizes permit approval by the Planning Commission, Township Board or the Board of Appeals, the Planning Commission, Township Board or Board of Appeals shall condition final approval of the requested development activity upon the receipt of any of the above mentioned township, county, state or federal approvals and/or direct the Zoning Administrator not to issue a Zoning Permit until said permits from other jurisdictions or agencies have been obtained.

B. The Zoning Administrator may refuse to issue a Zoning Permit to a person who is responsible for an unresolved violation of this Ordinance at the requested location, or another location within the jurisdiction of this Ordinance, until such time as the violation is satisfactorily corrected.

16.5.5 Certificate of Lot Approval

A. Upon request and the payment of a fee established in accordance with Section 16.11, the

Zoning Administrator shall review proposed lot drawings and legal descriptions to determine if the following criteria have been met:

1. Compliance with the Land Division Act 288 of 1967, as amended.
2. For the type of lot being created (see Article 21C) and within the particular Zoning District, if the requirements for lot area, frontage/depth ratio, lot width, and density, are in compliance.
3. That a current on-site septic and well permit match the description of the proposed lot.
4. Whether or not the site is impacted by drain easements, flood plain regulations, or farmland easement under Part 361 PA 451 of 1994, as amended.
5. The minimum yard setbacks and the location of the front lot line

C. Approval shall be granted in writing and may contain a drawing that is specifically approved and signed by the Zoning Administrator.

D. Approval shall be valid for six (6) months after issuance, but may be renewed prior to expiration, by the Zoning Administrator for one (1) additional period not exceeding six (6) months

E. The Decision shall be subject to an appeal of an Administrative Decision, provided said appeal is filed with Zoning Board of Appeals within twenty one calendar (21) days of issuance.

F. A lot which is created in accordance with a Certificate of Lot Approval shall be considered a lot of record while the permit is valid.

G. Notice of action on a request for a Certificate of Lot Approval shall be mailed to the supervisor of the township in which the lot is located. The time limit on an appeal, as described in D above shall begin the day after the notice is mailed.

16.4.6 Temporary Zoning Permits for Temporary Buildings, Structures & Uses:

B. Application: Temporary Zoning Permits as specifically authorized in Section 5.8 may be approved, modified, conditioned, or denied by the Zoning Administrator based on the standards established in Section 5.8 and such conditions as are reasonably necessary to minimize adverse impacts on abutting property, and protect the public health, safety and general welfare (see Section 16.5.6.B.3. below). The

Zoning Administrator may refer the application for a Temporary Zoning Permit to the Planning Commission for a decision.

C. Permits: A written temporary Zoning Permit shall be issued for all temporary buildings, structures and uses that comply with this Ordinance and shall contain the following information:

1. The applicant's name.
2. The location and effective dates of the temporary building, structure or use.
3. Conditions specified by which the permit was issued, such as:
 - a. use and placement of signs.
 - b. provision for security and safety measures.
 - c. control of nuisance factors.
 - d. elements of a performance guarantee.
4. Signature of the Zoning Administrator on the permit.

D. Conditions of Approval:

1. The nature and intensity of the temporary use and the size and placement of any temporary building or structure shall be planned so that the temporary use, building or structure will be compatible with existing development on abutting property.
2. Except for a garage sale, the temporary use shall not be located within a permanent building or structure.
3. The parcel shall be of sufficient size to adequately accommodate the temporary use, building or structure.
4. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particular regarding the traffic generated by the temporary use or structure.
5. Off-street parking areas are of adequate size for the particular temporary use, building or structure, are safely located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
6. Signs shall conform to the provisions of this Ordinance (see Article 9, Section 9.5).

7. Any lighting or noise shall be directed and controlled so as to not create a nuisance to neighboring property owners.
8. The Zoning Administrator may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this Ordinance.

E. Renewable Temporary Zoning Permits: Temporary Zoning Permits which are renewable shall have an application filed for renewal at least fifteen (15) days prior to the expiration date of the current permit, except that applications for renewal or extension of a permit for less than fifteen (15) days may be applied for no later than three (3) days prior to the expiration date of the current permit.

F. Performance Guarantee: The Zoning Administrator shall require a performance guarantee in the form of cash, check or savings certificate be deposited with the Township Treasurer in an amount equal to the estimated cost of removing any temporary structure for which a Temporary Permit is authorized under this Section should it not be removed by an applicant at the end of an authorized period. The applicant shall similarly sign an affidavit holding the Township harmless against any claim for damages if the Township were to subsequently use the performance guarantee to remove the temporary structure after its authorized period had expired. The performance guarantee shall be returned when all the terms and conditions of the temporary Zoning Permit have been met and the temporary use or structure has been removed.

G. Permit Revocation: A temporary Zoning Permit may be revoked at any time for:

1. nonconformance with the requirements of this Section and/or a permit issued hereunder
2. evidence that the temporary Zoning Permit was obtained by misrepresentation or fraud
3. that one (1) or more of the conditions of the temporary Zoning Permit have not been met; and
4. that the temporary use is in violation of any statute, Ordinance, law, or regulation.

H. Cessation of Temporary Use upon Revocation: Upon expiration or revocation of a temporary Zoning Permit for a temporary use, building or structure, the temporary use shall cease and all temporary structures, dwellings or buildings shall be removed from the parcel of land.

I. Appeal: An appeal of a decision by the Zoning Administrator relative to approval or denial of a temporary Zoning Permit for a temporary use or renewal thereof may be taken to the Board of Appeals pursuant to Section 18.3 of this Ordinance.

Section 16.6 ADMINISTRATIVE PROVISIONS

Suspension of a Permit: Any permit issued shall become invalid if the authorized work is not initiated within six (6) months of receipt of a permit, or is suspended or abandoned for a period of six (6) months after the time of commencing the work unless the development proposed shall have passed its first building inspection.

Previous Approvals: Nothing in the Ordinance shall require changes in the plans, construction, or designated use of a building for which a lawful permit has been here-to-fore issued or otherwise lawfully authorized, and the construction of which shall have been actively pursued within ninety (90) days after the effective date of this Ordinance; and the entire building shall be completed as authorized within two (2) years after the date of approval of the application.

Revocation of Permits: The Zoning Administrator may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based, or in case of failure or neglect to comply with any provisions of this Ordinance. The owner or his agent shall be notified of such revocation in writing. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. Cancellation of a permit issued for a special land use, planned unit development or variance shall not occur before a hearing by the body which granted the permit. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit. See also Section 14.13.

Inspections: The Zoning Administrator shall inspect sites on which new permanent buildings will be

erected prior to issuance of a zoning permit and at such other time as is necessary to ensure conformance with this Ordinance.

Administrative Waiver:

A. Authority and Limit of Waiver: The Zoning Administrator is authorized to grant administrative waivers to the provisions of this Ordinance in an amount not to exceed a ten percent (10%) variation from the site development standards, parking and loading requirements, sign requirements, lot width-to-depth ratios and the specific dimensional, area, and similar provisions and requirements contained in Articles 5, 6, 7, 8, and 9 of this Ordinance. Up to a ten (10) percent variation in front, side or rear yards may be granted on any nonconforming lot of record. This authority does not extend to waiver or consideration of different land uses than those expressly permitted within a zoning district.

B. Criteria: Upon receipt of a written request for an administrative waiver, the Zoning Administrator shall prepare a report of the situation and all factual data concerning the site in terms of: (1) what the situation would be if developed pursuant to the standards stated in this Ordinance, (2) what the situation would be if the administrative waiver were granted, (3) what impacts, if any, on the public and neighboring property owners would result if the administrative waiver were granted, and (4) the conclusion on the waiver request and the rationale for that conclusion. No administrative waiver shall be granted if doing so would create a nuisance or result in significantly more noise, odor, dust, bright or flashing lights, or similar impact on the public or abutting property. Decisions rendered by the Zoning Administrator shall be in the form of a letter which states specifically a determination on each of the items listed above. An appeal on any administrative waiver may be made by any affected person to the Board of Appeals within ten (10) days following the decision. No decision by a Zoning Administrator on an administrative waiver shall be effective until after this ten (10) day period has passed. All abutting property owners shall receive notice of any administrative waiver request and when a decision is expected to be made, prior to a determination by the Zoning Administrator. Abutting property owners may file a written statement on the administrative waiver request with the Zoning Administrator, but the decision of the Zoning Administrator shall be based on the standards contained in this Section.

C. Appeals: The decision of the Zoning Administrator may be appealed to the Board of Appeals pursuant to Section 18.3 of this Ordinance.

Section 16.7 CERTIFICATE OF ZONING COMPLIANCE

No land shall be occupied or used and no building shall be used or changed in use until a Certificate of Zoning Compliance shall have been issued by the Zoning

Administrator stating that the building and its intended use complies with the provisions of this Ordinance.

The holder of every Zoning Permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof, shall notify the Zoning Administrator within 24 hours after completion of the work authorized by such permit for a final inspection and issuance of a Certificate of Zoning Compliance.

Certificates for Existing Buildings: Certificates of Zoning Compliance may be issued upon request for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, such uses of land are in conformity with the provisions of this Ordinance. Where the certificate is issued for building, or use not in conformity with this Ordinance, the certificate shall specify the degree of nonconformity including but not limited to use type, use intensity, structures, and dimensions.

Certificates for New or Changed Uses: All uses permitted in this Ordinance by Zoning Permit, Right with Conditions, Special Use Permit, Site Plan Approval, or Planning Unit Development Permit, shall not be occupied or used until a Certificate of Zoning Compliance is issued by the Zoning Administrator.

A. Application for Certificates of Zoning Compliance shall be in writing to the Zoning Administrator on a forms furnished for that purpose, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

B. If such certificate is refused for cause, the applicant therefore shall be mailed a notice of such refusal and cause thereof, within the aforesaid five (5) day period.

Except upon a written order of the Board of Appeals, or Certificate of Zoning Compliance shall be issued for any building, structure or use of land that would be in violation of any of the provisions of this Ordinance.

Section 16.8 ZONING APPROVAL RUNS WITH THE LAND

The approval to engage in any land use activity or to construct a building or structure that has received a Zoning Permit, Certificate of Zoning Compliance, or other permit issued under the authority of this Ordinance, or any variance granted by the Board of Appeals, runs with the land, just like a nonconforming use right, and not with the owner. Thus, any person who relies on a valid permit or approval granted under the

terms of this Ordinance may sell the property to another person who will enjoy the same rights, privileges and restrictions as the seller, provided that the sellers use of the property was not in violation of the Ordinance prior to the sale.

Section 16.9 RECORDING CONDITIONS WITH REGISTER OF DEEDS

At the direction of the body or official making the final decision to approve or approve with conditions a planned unit development, special land use, variance or other discretionary approval authorized by this Ordinance, or as otherwise may be specified by this Ordinance, or at the discretion of the Zoning Administrator, an approval or approval with conditions may be recorded with the County Register of Deeds. The following requirements shall be met with each recording:

A. The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved site plan or variance unless an amendment thereto is adopted by the Township. In addition, all deed restrictions and easements associated with the property shall be duly filed with the Register of Deeds of the County in which the property is located and copies of all recorded documents shall be presented to the Zoning Administrator.

B. Record of Agreement: A copy of any agreement between joint users of parking areas shall be filed with the application for a zoning permit and recorded with the Register of Deeds. The agreement shall include a guarantee for continued use of the parking facility by each party. A copy of all recorded documents shall be presented to the Zoning Administrator.

C. All documents to be recorded with the County Register of Deeds at the initiative of the Township, shall be first reviewed and approved as to form and content by the Township's Attorney.

Section 16.10 PERFORMANCE GUARANTEES AND PERFORMANCE BONDING FOR COMPLIANCE

A. Requirements: In authorizing any Zoning Permit, Temporary Zoning Permit, Special Use Permit, Planning Unit Development Permit, site plan approval or variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished: (1) to insure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance; and (2) to provide sufficient resources for the Township to complete required improvements or conditions in the event the

permit holder does not; or (3) to insure the discontinuance of a temporary use by a stipulated time.

B. Improvements Covered: Improvements that shall be covered by the performance guarantee or bond include, but are not necessarily limited to: streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage and sidewalks. The term "improvements" should not be construed to mean the project itself, but rather those features associated with the projects which are deemed necessary to protect the health, safety and welfare of Perry Township's resources and future users or inhabitants of the proposed project. The term "improvements" does not include improvements for which a performance guarantee has been deposited pursuant to the Land Division Act, Public Act 288 of 1967, as amended. The performance guarantee shall meet the following requirements:

1. Form: The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Township Treasurer, which names the property owner as the obligor and the Township as the obligee.
2. Time when Required: The performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an interest bearing account in a financial institution with which the Township regularly conducts business.
3. Amount and Type: The amount and type of the performance guarantee shall be determined by the body or official making the decision to approve the request, or if they have not done so, by the Zoning Administrator. The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions. The performance guarantee shall be reasonable, appropriate, and commensurate with the scope of the project. Additional guidelines for establishing the amount of a performance guarantee or bond may be prescribed by resolution of the Township Board of Trustees.

C. Return of Performance Guarantee or Bond: The Zoning Administrator, upon the written request of the obligor, and pursuant to the procedure in the next subsection, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in proportion to the

work completed on the applicable improvement or condition and may be written as an element of the conditions surrounding the approval of the project.

D. Withholding and Partial Withholding of Performance Bond: As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the Planning Commission or Township Board of Trustees indicating approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.

1. The Planning Commission shall approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Planning Commission within 30 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.

2. Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any unused balance remaining would be returned to the applicant, any excess expense would be recorded as a lien on the property.

E. Record of Performance Guarantees: A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

Section 16.11 FEES

A. The amount of all Planned Unit Development fees, Site Plan Review fees, Special Use fees, Inspection and Certificate of Zoning Compliance fees, Board of Appeals fees, Amendment fees, and any other fees pursuant to this Ordinance shall be determined, and periodically revised, by adoption of a Schedule of Fees by the Township Board of Trustees. Fees for review of development proposals, inspections and the issuance

of Zoning Permits or Certificates of Zoning Compliance required under this Ordinance shall be deposited with the Township Treasurer in advance of processing any application, issuance of any permit or inspection. Fees shall be based on actual direct costs of inspection and supervision resulting from the enforcement of this Ordinance and may include the cost of filing approvals with other entities, such as the County Register of Deeds. Such fees may also include but are not limited to all costs associated with conducting a public hearing or inspection, including the newspaper notice and any map, postage, photocopying, staff time, Planning Commission, Township Board of Trustees and/or Board of Appeals special meeting expenses, mileage and any costs associated with reviews by qualified professional planners and/or engineers. Such fees may be collected in escrow with any unexpended balance returned to an applicant according to the procedure described below:

B. A fee is required for any application for approval of a Site Plan, Special Use, Planned Unit Development, variance, or other use or activity requiring a permit under this Ordinance, except for projects proposed by the Perry Township or one of its agencies, or by any other public agency if the fee is waived by either the Zoning Board of Appeals, Board of Trustees or the Planning Commission. Either the Zoning Administrator or the Planning Commission may require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee shall be required for any project with more than ten (10) dwelling units, or more than ten thousand (10,000) square feet of enclosed space, or which requires any more than twenty (20) parking spaces. An escrow fee may be requested for any other project which may, in the discretion of the Zoning Administrator or Planning Commission create an identifiable and potentially negative impact on public infrastructure or services, or on adjacent properties and because of which, professional input is desired before a decision to approve, deny or approve with conditions is made.

C. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Township values to review the proposed application and/or site plan of an applicant. Professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and identifying any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review hired by the Township and a copy of the statement of expenses for the professional services rendered.

D. No application for approval for which an escrow fee is requested will be processed until the escrow fee is deposited with the County Treasurer. The amount of the escrow fee shall be established based on an estimate

of the cost of the services to be rendered by the professionals contacted by the Zoning Administrator. The applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request.

E. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any Zoning Permit or other permit issued by a representative of the County in response to the applicant's request. Failure of the applicant to make timely payment of any balance due will entitle the Township to place a lien on the subject property.

Section 16.12 PUBLIC NOTICE

Where public notice is required for a hearing on an application for a Special Use Permit, a Planning Unit Development Permit, a variance or other procedure wherein this Section is referenced, the following public notice procedure shall be followed:

A. Notice of the hearing shall be given by mail or personal delivery to the owners of property for which special land use permit approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. Notice of the public hearing shall also be published in a newspaper of general distribution in the Township. Public notice shall be given not less than five (5) nor more than fifteen (15) days before the date of the public hearing on the application. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

B. Each notice given under this Section shall:

1. Describe the nature of the Special Use Permit
2. Indicate the property which is the subject of the special use request
3. State when, where, and at what time the public hearing on the special use request will be considered
4. Indicate when and where written comments be received concerning the request.

ARTICLE 17 VIOLATIONS AND ENFORCEMENT

Section 17.1 ENFORCEMENT, VIOLATIONS, PENALTIES

Violations are a Nuisance per se: The Zoning

Administrator shall enforce the provisions of this Ordinance. Violations of any provisions of this Ordinance are declared to be nuisance per se. Any and all building or land use activities considered possible violations of the provisions of this Ordinance observed or communicated to any Township official shall be reported to the Zoning Administrator.

Violations and Penalties:

A. It shall be unlawful for any person to commence operations of any kind that are in violation of the terms of this Ordinance and any violations shall be subject to the penalties herein prescribed.

B. Unless a violation of this Ordinance is specifically designated in 17.1.2.C. as a municipal civil infraction, the violation shall be deemed a misdemeanor. Any person deemed guilty of a misdemeanor shall, upon conviction thereof, be punished by imprisonment in the county jail for not more than ninety (90) days or by a fine of not more than five hundred dollars (\$500.00), or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate punishable offense.

C. The following violations of this Ordinance may be handled as a municipal civil infraction:

1. a violation of the terms of a Zoning permit issued pursuant to Section 16.5.
2. a violation of the terms of a Temporary Zoning Permit issued pursuant to Section 16.5.6.
3. a violation of the terms of a Certificate of Zoning Compliance issued pursuant to Section 16.7.
4. a violation of the terms of a Site Plan approved pursuant to Article 14.
5. a violation of the terms of a Special Use Permit approved pursuant to Article 12.
6. a violation of the terms of a Planned Unit Development Permit approved pursuant to Article 13.
7. a violation of any variance, condition or other approval of the Zoning Board of Appeals pursuant to Article 18.

8. a violation of any sign permit approved pursuant to Article 9.

9. a violation of any private road permit approved pursuant to Section 6.5.

10. A violation of Section 5.2.1.C. regarding illegal maintenance of junk on a lot.

Civil and Criminal Penalties:

A. The sanction for any violation of the Perry Township Zoning Ordinance which is a municipal civil infraction shall be a civil fine as provided in 17.1.6 plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and the applicable Township Ordinance.

B. The Zoning Administrator and the Zoning Enforcement Officer are the Township Officials authorized to issue municipal civil infraction violation notices and municipal civil infraction violation citations under this Ordinance.

C. In addition to enforcing violations as misdemeanors or municipal civil infractions, violations of this Ordinance may be enforced by civil action along with any other remedies provided by law. Violations of the Ordinance are a nuisance per se, and adjudication of responsibility for a municipal civil infraction violation of this Ordinance shall not preclude other civil proceedings to abate such nuisance.

D. Each day that a violation exists constitutes a separate offense or infraction.

Cumulative Rights and Remedies: The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

No Permit to Violators: The Zoning Administrator may refuse to issue new Zoning Permits to a person who has failed to correct violations or to any person representing a firm which has failed to correct violations of this Ordinance or the Michigan Construction Code Act, Public Act 230 of 1972, or the Land Division Act, Public Act 288 of 1967, as amended.

Municipal Civil Infraction: Schedule of Fines:

A. Fines for Municipal Civil Infraction Citations.

1. A person, corporation, or firm who violates any provision of Section 17.1.2.C, of the Zoning Ordinance of Perry Township that is found responsible by the district court for a municipal civil infraction citation, shall pay a civil fine of not

Article 17 - Violations and Enforcement

more than \$500.00, plus costs and other sanctions, for each infraction.

2. An initial civil fine of \$50.00 shall be paid to the Perry Township Treasurer at the Perry Township Hall for a municipal civil infraction citation. Repeat offenses shall be subject to increased fines as set forth below. As used in this subsection, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of the section Perry Township Zoning Ordinance committed by a corporation, person, or firm within any 24 month period and for which the per-son admits responsibility or is determined to be responsible. The increased fine for a repeat offense under those subsections shall be as follows:

- a. The fine for any offense that is a repeat offense shall be no less than \$100.00 plus costs and other sanctions.
- b. The fine for any offense that is a second repeat offense shall be no less than \$500.00 plus costs and other sanctions.
- c. The fine for any offense that is a third or subsequent repeat offense shall be no less than \$500.00 plus costs and other sanctions.

17.1.8. Enforcement Procedure: The Zoning Administrator shall prepare a procedure and administrative forms for Ordinance enforcement with input from the Township's Attorney. These procedures and forms shall be approved by the Planning Commission and placed on file at the Zoning counter for public inspection.

Location of Violations Bureau

The Municipal Civil Infractions Violations Bureau for disposition of violation notices of the Zoning Ordinance of Perry Township shall be located at the Township Office at 2770 W Ellsworth Rd, Perry, MI.

**ARTICLE 18
PERRY TOWNSHIP ZONING BOARD OF APPEAL**

Section 18.1 CREATION AND MEMBERSHIP

18.1.1 Establishment: There is hereby established a Zoning Board of Appeals (ZBA) in accordance with the Michigan Zoning Enabling Act (Act 110) of 2006, as amended. The Board of Appeals shall perform its duties and exercise its power in such a way that the objective of this Ordinance may be equitably achieved.

18.1.2 Membership and Terms of Office:

A. The Zoning Board of Appeals shall consist of five (5) members appointed by the Perry Township Board of Trustees one of whom shall be a member of the Planning Commission if it is acting as the Zoning Commission. The term of each member shall be divided as nearly as possible into three (3) groups with the terms of office for each three (3) years, but for the first ZBA, two people will be appointed for one (1) year, two others for two (2) years, and the third for three (3) years. Reappointments will be for three (3) years. All members of said Board of Appeals shall be chosen from electors residing in the Township. One of the other four members may be on the Township Board of Trustees but may not act as chairperson of the Zoning Board of Appeals. One (1) alternate shall be appointed for a three year term in case of an absence of a regular member or conflict of interest for any matter coming before the ZBA.

B. It is the policy of the Township Board of Trustees that no member of the Zoning Board of Appeals shall be appointed to more than twelve (12) consecutive years on the Board.

18.1.3 Compensation: The members of the Zoning Board of Appeals shall be paid such amount per meeting as shall be determined by the Township Board and in addition shall be reimbursed for reasonable expenses actually incurred in the performance of their duties.

Section 18.2 ORGANIZATION AND PROCEDURE

18.2.1 Rules of Procedure: The Zoning Board of Appeals shall adopt rules of procedure for the conduct of its meetings and implementation of its duties. The Board shall choose its own chairman, and in his or her absence, an acting chairman who may administer oaths and compel the attendance of witnesses.

18.2.2 Meetings: Three (3) members of the Zoning Board of Appeals shall comprise a quorum for the purpose of conducting a meeting of the Zoning Board of Appeals. Meetings shall be held at the call of the chairman or

the Zoning Administrator by first class mail or email to each member of the Board of Appeals. All meetings of the Zoning Board of Appeals shall be open to the public.

18.2.3 Records: Minutes of all meetings shall be recorded and shall contain the grounds of every determination made by the ZBA including all evidence and data considered, all findings of fact and conclusions drawn by the Board for every case together with the votes of the members and final disposition of each case. Such minutes shall be filed in the Office of the Township Clerk and shall be available to the public.

The Record of Proceedings shall be contained in a file with the following information:

- A. An application made available by the Zoning Administrator, is to be completed.
- B. Any reports, plans, surveys, or photos.
- C. Notice of Public Hearing to affected parties in newspaper.
- D. Proof of publication in the newspaper.
- E. Record of testimony heard and evidence presented.
- F. A copy of the zoning Article(s) and Section(s) in question.
- G. Briefs, correspondence or other communications made to the Board of Appeals.
- H. Statement of facts found by Board of its knowledge regarding the request including any information gained from personal inspection.
- I. Decision of the Board as specifically related to the Findings of Fact.
- K. A copy of any other correspondence to the appellant regarding the request.

18.2.4 Counsel: Legal counsel may be retained by the Zoning Board of Appeals for any purpose deemed necessary provided that such appointment or retainer shall be approved in advance by the Township Board of Trustees.

18.2.5 Hearings: The Zoning Board of Appeals shall fix a reasonable time and date for a Public Hearing

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not to exceed forty-five (45) days from the date of filing any petition of appeal with the Zoning Administrator. Upon the hearing any party may appear in person or by agent or by attorney.

18.2.6 Notification: Notice of all Zoning Board of Appeals hearings shall be published in a newspaper of general circulation and mailed to nearby property owners using the same procedure as specified in Section 16.12. The Township Board and Chairperson of the Township Planning Commission for which the Board of Appeals hearing is scheduled shall be notified pursuant to the procedure in Section 19.4, however, a response shall be requested within twenty (20) days of receipt of notice and the Zoning Board of Appeals need not wait for a response before conducting a hearing or making a decision.

18.2.7 Majority Vote: The concurring vote of a majority of the total membership of the Zoning Board of 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.

18.2.8 Decisions: Once all the necessary information has been received, the Zoning Board of Appeals shall return a decision on a case in a timely manner, or if time frames are included within rules of procedure, then within the time specified in rules of procedure.

Section 18.3 APPEALS

18.3.1 Filing of Appeal: An appeal may be taken by any person aggrieved or by an officer of the Township of any order, requirement, decision or determination made by any administrative official charged with the enforcement of this Ordinance. The Appeal must be taken within 14 days of the decision, order, act, or date of the action Appealed.

18.3.2 Procedure on Appeals: A notice of appeal shall be filed by the appellant with the Zoning Administrator. Such petition shall state the reasons for the appeal and the order or ruling appealed from. When applicable, the legal description of the property involved shall be stated in the notice of appeal. Before such an appeal shall be processed, the fees for an appeal as hereinafter set forth

shall be paid to the Zoning Administrator who shall deliver same to the Township Treasurer to be credited to the appropriate fund of the Township.

A. A notice of appeal that does not fully comply with the submittal requirements of this Ordinance shall be returned to the applicant.

B. A notice of appeal determined to be complete by the Township Clerk shall be scheduled for public hearing

before the Zoning Board of Appeals. The Zoning Administrator shall select the first regularly scheduled meeting of the Zoning Board of Appeals for the public hearing for which notice pursuant to Section 18.2.6 can be sent.

18.3.3 Fees on Appeal: Appeal fees shall be established from time to time by the Perry Township Board of Trustees sufficient to cover all costs incurred by the Township pursuant to the processing of any appeal, including but not limited to the costs of advertisements, investigations and Appeal Board member attendance fees.

18.3.4 Stay of Proceedings: An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Appeals after the petition of appeal shall have been filed with the Township Clerk, that by reason of facts stated in the appeal petition, a stay would in his or her opinion cause imminent peril to life and property.

Section 18.4 DUTIES AND POWERS

18.4.1 Duties: The Board of Appeals shall have the duty to rule on those matters provided in this Ordinance for administrative review, interpretation, or variance.

18.4.2 Powers: The Board of Appeals shall have the power to make final determinations, within its jurisdiction and duties herein prescribed, in such a way that the objectives of this Ordinance may be equitably achieved in order there shall be uniform interpretation and flexibility in the enforcement of this Ordinance or to fulfill any other responsibilities bestowed upon the Board of Appeals by this Ordinance.

18.4.3 Review: The Board of Appeals shall hear and decide appeals where it is alleged that there is an error in any order, requirement, permit, or decision made by the Zoning Administrator or any other administrative official or body in administering or enforcing any provision of this Ordinance.

18.4.4 Interpretation: The Board of Appeals shall have the power to:

A. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.

B. Determine the precise location of the boundary lines between zoning districts and properties.

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C. Classify, upon receipt of an application therefore, a use which is not specifically mentioned in the regulations of any district. Such classification may take the form of an appeal of the Zoning Administrator's decision that such use is not consistent with specifically outlined uses in Ordinance or that such use must be presented to the Planning Commission for consideration to be added to the Ordinance as a reasonable use with accompanying necessary rules and regulations. The following standards should be considered:

1. The use not specifically mentioned must substantially conform to the purpose and intent of the district and substantially similar to another permitted principal use, as a use permitted by right with conditions, as an accessory use or as a special use as provided for in the district.
2. The classification of the unmentioned use does not automatically permit the use; it only identifies the district in which it may be located and the existing zoning regulations with which it must conform.
3. The Board of Appeals shall not create new uses; only interpret if such uses are substantially similar to an existing use. The incorporation of a new use and all applicable rules and regulations shall be the duty of the Board of Commissioners upon review and hearing as conducted by the Planning Commission.

D. No rehearing on a denied or approved interpretation application shall be permitted except upon the grounds of newly discovered evidence or a falsehood previously relied upon which is found upon inspection by the Board of Appeals to be valid. A rehearing shall be processed in the same manner as the original application. A request for rehearing shall be made within eight (8) days from the meeting at which the decision was made. No Zoning Permit shall be granted which relies upon an ordinance interpretation before eight (8) days have expired.

18.4.5 Variances: The Board of Appeals may authorize specific variances from such requirements as lot area and width regulations, yard and depth regulations, off-street parking and loading space requirements, sign and billboard regulations, provides all of the following standards shall be satisfied and the record of the proceedings of the Board of Appeals contains evidence supporting that conclusion:

A. That there are practical difficulties which prevent carrying out the strict letter of this Ordinance. These practical difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

B. That a genuine practical difficulty exists because of unique 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, and shall not be recurrent in nature.

C. That the practical difficulties or special conditions or circumstances do not result from actions of the applicant or property owner.

D. That the variance will relate only to property under control of the applicant.

E. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.

F. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

G. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

H. That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district, or any use for which a Special Use Permit is required; except where failing to do so would result in a constitutional taking for which compensation would otherwise have to be paid because the application of existing regulations do not permit a reasonable use of land under contemporary legal standards. In this case, the applicant shall first have sought and been denied a rezoning, Special Use Permit or PUD approval as appropriate. This option is not available if an applicant has applied for Hardship PUD pursuant to Section 13.4.

I. Rules: The following rules shall apply in the granting of variances:

1. The Board of Appeals may specify, in writing, such conditions regarding the character, location and other features of the structures or property that will, in its judgment, secure the objectives and purposes of this Ordinance. Such conditions shall meet the requirements of Section 14.15. The breach of any such condition shall be a violation of this Ordinance.

2. Every 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 one (1) year after the granting of the variance, or

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- b. The occupancy of land or premises, or buildings authorized by the variance has taken place within one (1) year after the granting of variances.

Finding that the practical difficulty was not created by the appellant and is related only to property that is owned or occupied by the appellant.

A statement of the impacts of the variance if authorized, the property values, use and enjoyment of the property in the neighborhood or district, and on the public, health, safety and welfare.

3. No application for a variance which has been denied, wholly or partly, by the Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence, proof of changed conditions, or falsehood previously relied upon to make a decision is found upon inspection by the Board of Appeals to be valid.

4. No rehearing on a denied or approved variance shall be permitted except upon the grounds of newly discovered evidence or falsehood previously relied upon which is found upon inspections by the Board of Appeals to be valid. A rehearing shall be processed in the same manner as the original application. A request for rehearing shall be made within eight (8) days from the meeting at which the decision was made. No Zoning Permit shall be granted which relies upon a variance before eight(8) days have expired unless the Board of Appeals waives this requirement via roll call vote.

18.4.6 Findings of Fact: The Board of Appeals shall grant no variance of make any determination on an appeal or other issue requested of it unless the Board records specific findings of fact based directly on the particular evidence presented to it. These findings of fact must support conclusions that the standards and conditions imposed by the requirements of this Ordinance have been met.

Said findings of fact shall include, but not be limited to, the following information:

Findings of Fact:

How the application of the Zoning Ordinance creates unnecessary hardship or practical difficulty in the use of petitioner's property.

Identify the unique physical circumstances or conditions or exceptional topography that create practical difficulties.

Specific findings (characteristics of the land) showing that because of physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance. That the authorization of a variance is, therefore, necessary to enable the reasonable use of the property and that the condition is specific to this property and not general to other properties in the area.

6. The proposed variance does not permit the establishment of any use which is not permitted by right within the district or any use or dimensional variance for which a Special Use Permit is necessary.

7. Findings on whether the proposed development complies with the requirements, standards or procedures given in the Zoning Ordinance or an interpretation of the disputed ordinance provisions, if applicable.

8. Findings on any error in judgment or procedure in the administration of the relevant zoning provisions.

9. The possible precedents or affects which might result from the approval or denial or the appeal.

10. Findings on the impact if the appeal is approved, on the ability of the County or other governmental agency to provide adequate public services and facilities and/or programs that might reasonably require in the future if the appeal is approved.

18.4.7 Special Use Permit: The Board of Appeals shall review any properly filed appeal from action by the Perry Township Planning Commission on a request for a Special Use Permit pursuant to Article 12 of this Ordinance. The Board of Appeals has the power to approve or deny the issuance of a Special Use Permit, or it can authorize approval and vary the conditions of that approval as long as the conditions remain consistent with the standards described in Article 12 and are consistent with the intent and purposes of this Ordinance. In making this determination, the Board of Appeals shall examine the application and all accompanying data as well as the records and determinations of the Planning Commission hearing. Furthermore, the Board shall make any additional investigations it deems necessary before rendering a decision. Decisions of the Board of Appeals are appealable to the Circuit Court.

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- 4. Finding that the practical difficulty was not Created by the appellant and is related only to

examine the application and all accompanying data as well as the records of the Site Plan Review Committee.

18.4.8 Essential Services: The Board of Appeals shall have the power to permit the erection and use of a building or an addition to an existing building of a public service corporation or for public utility purposes in any permitted district to a greater height or of larger area than the district requirements herein established and permit the location in any use district of a public utility building, structure or use if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.

18.4.11 Nonconformity Appeals: Nonconforming use, buildings or structures may be structurally changed, altered, enlarged, moved, repaired, re-established, reconstructed, or changed to another nonconforming use upon appeal in cases of exceptional hardship upon a finding that failure to grant the relief requested will:

18.4.9 Determination of a Lot of Record: The Board of Appeals shall have the power to make "Lot of Record" determinations in accordance with the following:

- A. Unreasonably restricts continued use of the property or restricts valuable benefits that the public currently derives from the property as used in its nonconforming status.
- B. Not have an adverse effect on surrounding property.
- C. Be the minimum necessary to relieve the hardship.

A. Upon application of any person claiming to be the owner of the legal or equitable title to a parcel of land which was the subject to a deed or land contract, not recorded in the Office of the Register of Deeds on the effective date of this Ordinance, the Board of Appeals is authorized to conduct a hearing to determine whether a variance should be granted to such owner entitling him to have the parcel treated as a "lot of record" in accordance with Article 10 of this ordinance.

18.4.12 Bond for Compliance: The Board of Appeals may require that a bond or other performance guarantee pursuant to Section 16.10 be furnished to insure compliance with the requirements, specifications, and conditions imposed with the granting of any variance, appeal, or Special Use Permit.

B. The Board shall grant said variance when it finds by a preponderance of evidence that the instrument that the instrument purporting to transfer title to the parcel of said owner was executed prior to the effective date of this Ordinance. In making its determination, the Board is authorized to consider all matters it deems relevant, including but not limited to, the tax roll of the County, the relationship of the parties to the purported transfer, the degree of formality of the purported document of transfer, and the testimony of the applicant and his witnesses.

C. Such determination shall have only the effect of equating such an owner with the owner of a lot of record and shall not relieve such owner from complying with the other requirements set forth in this Ordinance.

18.4.10 Site Plan Review: The Board of Appeals shall review and make final determination on properly filed appeals action by the Zoning Administrator, Site Plan Review Committee and/or Planning Commission pursuant to Article 14 of this Ordinance. The Board of Appeals has the power to sustain, reverse, or remand for further consideration the decision of the approving body when it is found that the decision is inconsistent with the provisions of this Ordinance, or that there was an error of fact involved in the decision. In making this determination, the Board of Appeals shall examine the application and all accompanying data as well as the records of the Site Plan Review Committee. In making this determination, the Board of Appeals shall

ARTICLE 19 AMENDMENTS

Section 19.1 INITIATION OF AMENDMENTS

A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Districts Map of Perry Township may be amended pursuant to the Zoning Enabling Act 110 of 2006 as amended

B. Amendments may be initiated by the Board of Trustees, the Planning Commission, or by petition of one or more persons having an interest in the property to be affected by the proposed amendment.

Section 19.2 FEES

A. The Board of Trustees shall establish, by resolution, fees for zoning amendment petitions.

B. Such fee shall be paid in full at the time of application, and no part of such fee shall be returnable to the petitioner.

C. Fees shall not be required for amendments proposed or requested by the Board of Trustees or the Township Planning Commission whose township is under the jurisdiction of this Ordinance.

Section 19.3 AMENDMENT PROCEDURES

All petitions for amendment shall be submitted as provided herein:

A. The petitioner shall cause to be delivered to the Zoning Administrator not less than sixty (60) days before any regular meeting of the Planning Commission:

1. Eight (8) copies of the petition for amendment accompanied by eight (8) copies of such documents as prescribed therein.
2. A petition shall be made for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same type amendment.

B. The Zoning Administrator shall review each petition to insure it is complete and in compliance with the provisions of this Ordinance.

1. Any petition not complete or not in compliance with this Ordinance shall be returned to the petitioner.

2. Any petition returned as not complete or not in compliance with this Ordinance shall not constitute filing to commence the running of time for processing the petition.

3. Any petition meeting the requirements of this Ordinance shall be scheduled for public hearing by the Planning Commission Chair at the next regularly scheduled Planning Commission meeting.

C. Any person having an interest in any amendment may reasonably present testimony or evidence in support of or opposition thereto.

Section 19.4 FINDINGS OF FACT REQUIRED

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings in full along with its resulting recommendations for the proper disposition of the petition to the Perry Township Board of Trustees. The facts to be expressly considered by the Planning Commission shall include, but shall not be limited to the following:

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- A. What, if any, identifiable conditions related to the petition have changed which justify the petitioned change in zoning.
- B. What, if any, error in judgment, procedure, or administration was made in the original Ordinance which justifies the petitioned change in zoning.
- C. What are the precedents and the possible effects of precedent which might result from the approval or denial of the petition.
- D. What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities and/or programs that might reasonably be required in the future if the petition is approved.
- E. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property.
- F. Does the petitioned zoning change generally comply with the adopted Master Plan of Perry Township.
- G. Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
1. Surface water drainage problems
 2. Waste water disposal problems
 3. Adverse effect on surface or subsurface water quality
 4. The loss of valuable natural resources such as forest, wetland, historic sites, wildlife, mineral deposits, or valuable agricultural land.

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Planning Commission shall not forward a recommendation to the Township Board of Trustees unless all of the aforementioned and other factors identified by the Ordinance are affirmatively resolved. After the hearing, the Township Planning Commission shall submit a summary of the comments received at the public hearing its findings of fact and the proposed amendment (including any zoning maps and other related material) to the Township Board of Trustees.

Section 19.5 PUBLIC HEARING

A. The Planning Commission shall conduct at least one public hearing on each petition for amendment; notice of which shall be given by publication in a newspaper published in the County at least 15 days prior to the public hearing. Notice of the time and place of the hearing shall also be given by mail to each electric, gas, pipeline, and telephone public utility company that registers its name and mailing address with the Zoning Administrator for the purpose of receiving the notice of public hearings and to each railroad within the district or zone affected. The notices shall include the date, time and place of the public hearing, the nature of the proposed amendment and include the places and times at which the tentative text and/or maps of the property proposed to be rezoned may be examined and written comments received.

B. The Zoning Administrator shall maintain a file of each affidavit of mailing for each mailing under this Section.

C. ~~If an individual property or several adjacent properties are proposed for rezoning; notice of the proposed rezoning and hearing shall be given to the owners of the property in question and to all persons to whom real property is assessed within three-hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three- hundred (300) feet at least twenty (20) days prior to the hearing. If the name of the occupant is not known, "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.~~

Section 19.7 CONSIDERATION BY THE BOARD OF TRUSTEES

After receiving the recommendations of the Planning Commission, the Board of Trustees, at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the petitioned amendment. Such action shall be by ordinance requiring a roll call vote. The amendment shall be approved by a majority vote of the members of the Township Board of Trustees. The Township Board of Trustees may hold additional public hearings if it considers it necessary. Notice of a public hearing held by the Township Board of Trustees shall be published in a newspaper which circulates in the County. The notice shall be given not more than fifteen (15) days nor less than five (5) days before the hearing. Further, it is understood pursuant to the Michigan Zoning Enabling Act (Act 110 of 2006), as amended, that the Board of Trustees shall make no change in the proposed amendment without first referring the petition back to the Planning Commission which shall have 30 days from and after such referral in which to make a further recommendation to the Board of Trustees, after which the Board of Trustees shall take such action as it determines necessary. In the event that a petition is referred back to the Planning Commission, the Board of Trustees shall make specific mention of their objections to results of the Planning Commissions' findings and recommendations.

Section 19.6 PLANNING COMMISSION RECOMMENDATIONS

All findings of fact shall be made a part of the public records of the meeting of the Planning Commission and the Board of Trustees. The

**Section 19.8 NOTICE OF ORDINANCE
ADOPTION**

Following the adoption of the Zoning Ordinance or an amendment by the Perry Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the County within fifteen (15) days after adoption.

**Section 19.9 CONDITIONAL REZONING
OF LAND**

As an alternative to a rezoning amendment as described in Section 19.1 of this Ordinance, the Township may allow conditional rezoning to help ensure the proper use and development of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with the provisions of the Zoning Enabling Act of 2006. It is recognized that, in certain instances, it would be an advantage to both the Township and petitioners seeking Rezoning of land if a site plan, along with conditions and limitations that may be relied upon by the Township could be proposed as part of a petition for Rezoning. Conditional rezoning of land must follow the standards and procedures as noted below.

A. A petition for Conditional Rezoning shall follow the Amendment Procedures defined in Section 19.3 of this Ordinance.

B. In addition to these procedures in Section 19.3, the following specific procedures, standards and requirements shall apply to all proposed conditional rezoning requests.

1. Application and Offer of Conditions

- a. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may only be made at the time the application for rezoning is filed.
- b. If the owner and/or applicant voluntarily makes any additional offers of conditions, amendments of conditions, or withdrawals of conditions, that occurs after the initial conditional rezoning application has been submitted to and reviewed by County staff, and after the petition referral process has commenced, as defined in Section 19.4, shall result in the referral process and timelines starting again by amending the original application at the County Staff level and being followed through to completion as defined

in Section 19.4. This may also result in additional fees to cover the additional referral process.

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c. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

d. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

e. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

f. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

g. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

h. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

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2. Township Planning Commission Review.

The Township Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 19.5 of this Ordinance, may recommend approval or denial of the rezoning.

3. Township Board of Trustees Review.

After receipt of the Township Planning Commission's recommendation, the Board of Trustees shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Board of Trustees's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 19.4 of this Ordinance and proceed thereafter in accordance with said statute to approve or deny the conditional rezoning.

4. Approval.

- a. If the Board of Trustees finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Board of Trustees to accomplish the requested rezoning.
- b. The Statement of Conditions shall:
 - i. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Board of Trustees.
 - ii. Contain a legal description of the land to which it pertains.
 - iii. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

iv. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

v. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the County with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.

vi. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

c. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

d. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. The Board of Trustees shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land on the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

e. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

**Article 19
Amendments**

5. Compliance with Conditions.

- a. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- b. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

6. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Board of Trustees if (1) it is demonstrated to the Board of Trustees reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Board of Trustees finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

7. Reversion of Zoning.

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection 6 above, then the land shall revert to its former zoning classification as set forth in MCL 125.216i. The reversion process shall be initiated by the Board of Trustees requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

8. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection 6 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

9. Amendment of Conditions.

- a. During the time period for commencement of an approved development or use specified pursuant to Subsection 5 above or during any extension thereof granted by the Board of Trustees, the Township shall not add to or alter the conditions in the Statement of Conditions.
- b. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

10. Township Right to Rezone.

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Enabling Act 33 of 2006.

11. Failure to Offer Conditions.

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

**Article 20
RESERVED FOR FUTURE USE**

ARTICLE 21 DEFINITIONS

Section 21.1 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text, tables and illustrations of this Ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. Words used in the present tense include the future tense; and the singular includes the plural unless the context clearly indicates the contrary.
4. The word "person" includes a corporation, partnership, or firm as well as an individual.
5. The word "building" includes the word "structure".
6. The word "lot" includes the word "plot", "tract", or "parcel".
7. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
11. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".
9. Any word or term not defined in this Article shall be given a meaning of common or standard acceptance. A dictionary may be consulted.
10. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

11. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, schedules as included or attached and as enacted or subsequently amended.
12. The "Township" is the Township of Perry, County of Shiawassee, State of Michigan; the "Planning Commission" is the Perry Township, the "Board of Appeals" is the Zoning Board of Appeals of Perry Township Planning Commission, the "Board" is the Perry Township Board of Trustees, and the Site Plan Review Committee is the Perry Township Planning Commission.
13. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday. A legal holiday includes; New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Christmas Day, Martin Luther King day, Lincoln's birthday, President's Day, Columbus Day, and Veterans Day.
14. All statutory citations are to statutes as amended, including codifications and repeals if a new statute is adopted with a similar scope and purpose.

Section 21.2 DEFINITIONS

A. BUILDING, BASEMENT, STORY and STRUCTURE DEFINITIONS

Accessory Building: A subordinate building or structure on the same lot with a principal or main building, but detached from it.

Agricultural Tourism and Entertainment Establishment: A commercial use that is accessory to an agricultural operation or similar established uses such as greenhouses, nurseries, etc., that provides the general public an opportunity for recreation, education, or cultural experiences related to current and/or historical agricultural practices and operations.

Basement: That portion of a building which is partly or wholly below and partly above grade, and having at least one-half (½) its height above grade (see "Grade", "Story" and "Cellar"). See Figure 21-1.

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

Article 21
Definitions

Building: Any structure, either temporary or permanent, having a roof supported by columns, walls or other supports, and used or intended for the shelter or enclosure of persons, animals, chattels, or property of any kind, or for the conduct of business. The definition includes but is not limited to: mobile homes, tents, inflatable structures, sheds, garages, greenhouses, and other principal and accessory buildings.

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Building Area: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Building, Front Line of: The line that coincides with the face of the building nearest the front line of the lot which includes sun parlors and enclosed porches, but not steps.

Building, Height Of: In the case of a principal building, the vertical distance measured from the average finished grade in the front yard to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gable roofs. A cupola, widow's watch or tower that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. The measurement of the height of an accessory building or structure shall be determined as the greatest vertical distance from the average finished grade of any side to the highest point of the roof surface. (See Figure 21-2)

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

Building, Main: A building in which is conducted the principal use of the lot upon which it is situated.

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

Carport: A partially open structure, intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to garages.

Cellar: A cellar is a basement.

Commercial Vehicle Service Station: Buildings and premises where gasoline, diesel fuel, oil, grease, battery, tires, and/or accessories for commercial vehicles (vehicles with a rated capacity of one (1) ton or more) supplied and sold at retail, and where minor services may be rendered to such vehicles but not including:

- A. Major mechanical and body work such as straightening of body parts, painting, and welding.
- B. Storage of damaged commercial or other vehicles not in operating condition, except those waiting for immediate repair or service.
- C. Other work involving noise, glare, fumes, and smoke to an extent greater than normally found in commercial vehicle service stations.

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

Fence: An accessory structure made of wood, metal, stone, brick, or various manufactured materials, intended for use as a barrier, to property ingress or egress, a screen from objectionable vista, noise, and/or for decorative use.

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Definitions

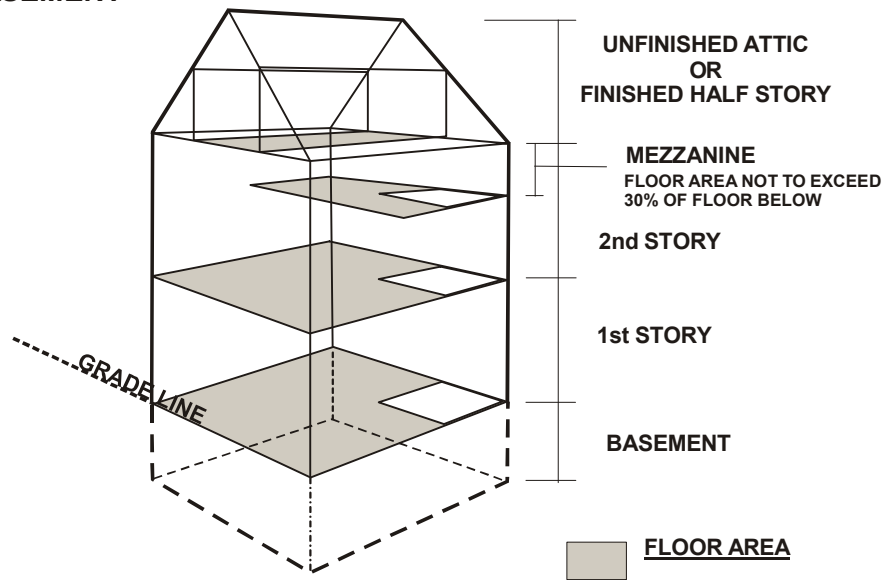
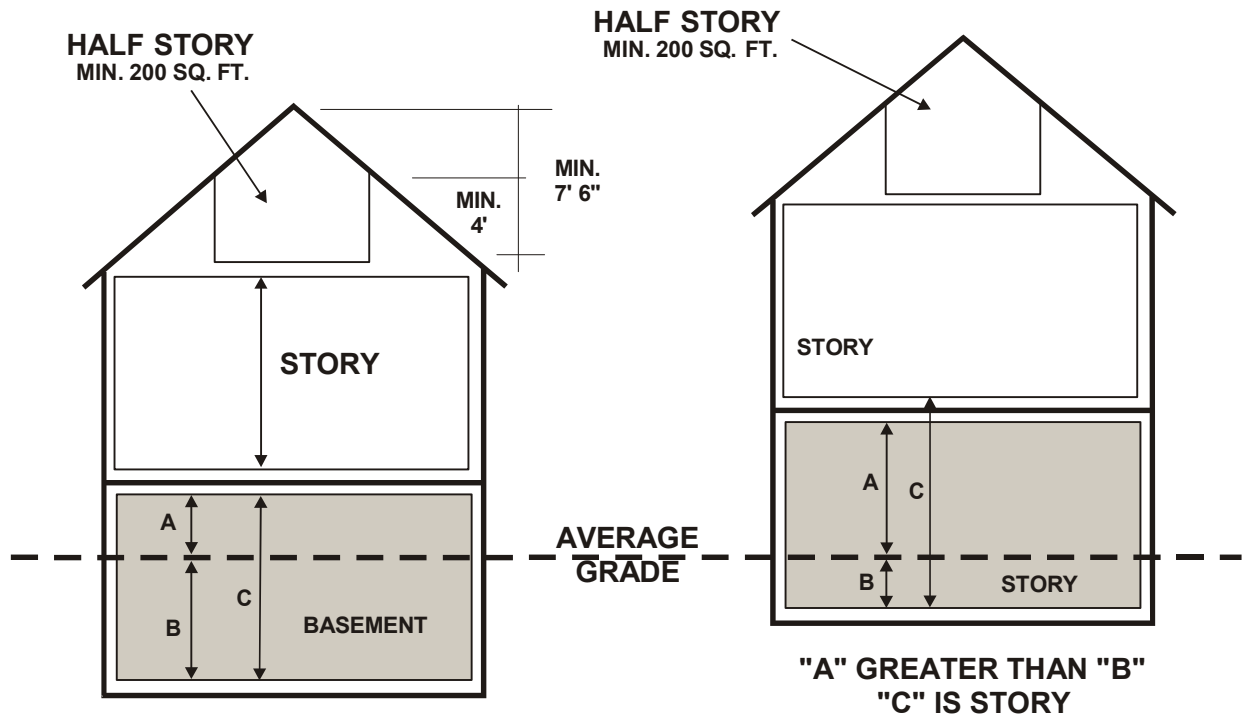
Floor Area: The term "floor area", "total floor area" and "gross floor area", shall mean the floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent-shafts and courts, without any deduction for corridors, stairways, closet, the thickness of walls, columns or other features. See Figure 21-3.

Floor Area, Usable (for the purposes of computing parking): The term "usable floor area" as applied to offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public, including those areas occupied by fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, housing or mechanical equipment integral with the building, maintenance facilities, or those areas where customers, patients, clients, salesmen, and the general public are denied access. "Floor area" shall be measured from the exterior faces of exterior walls. See Figure 21-3.

Grade Average: The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure. See Figure 21-4

Grade, Finished: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure. See Figure 21-4.

FIGURE 21-1
BASEMENT AND STORY



BASIC STRUCTURAL TERMS

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FIGURE 21-2
BUILDING HEIGHTS

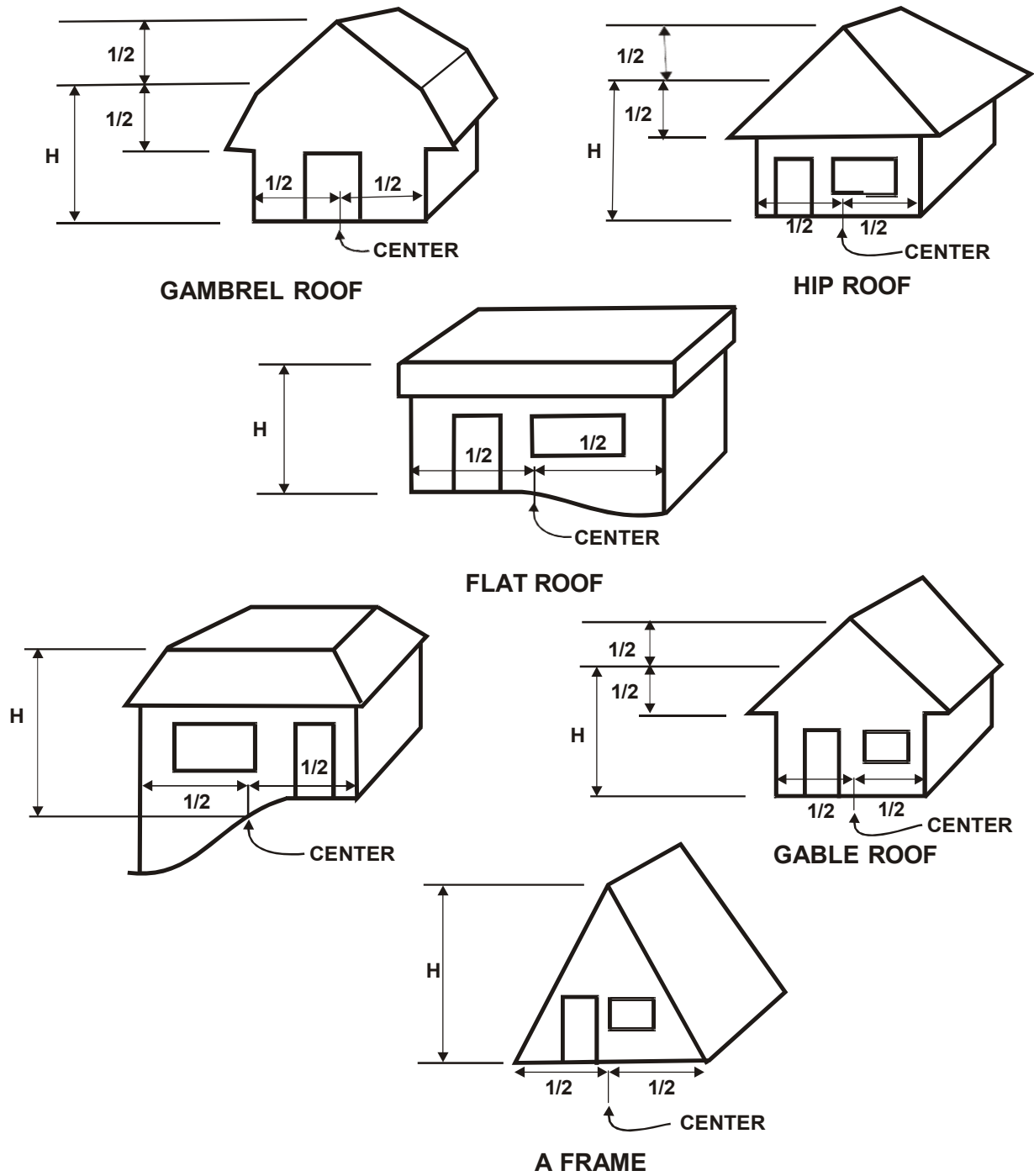


FIGURE 21-3
FLOOR AREA

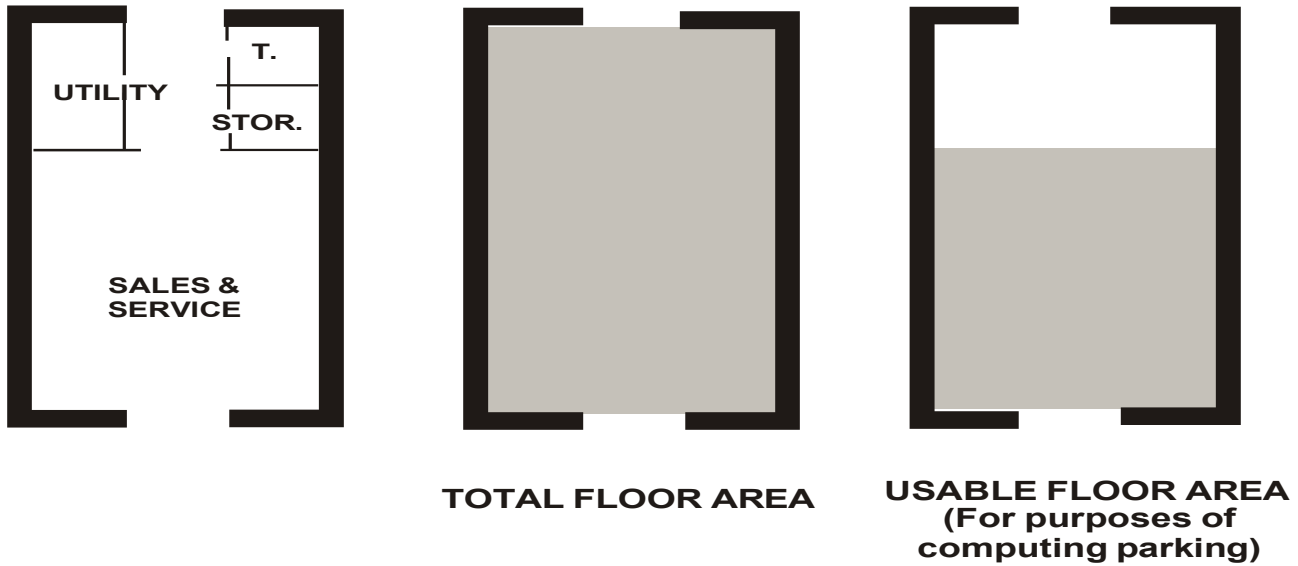
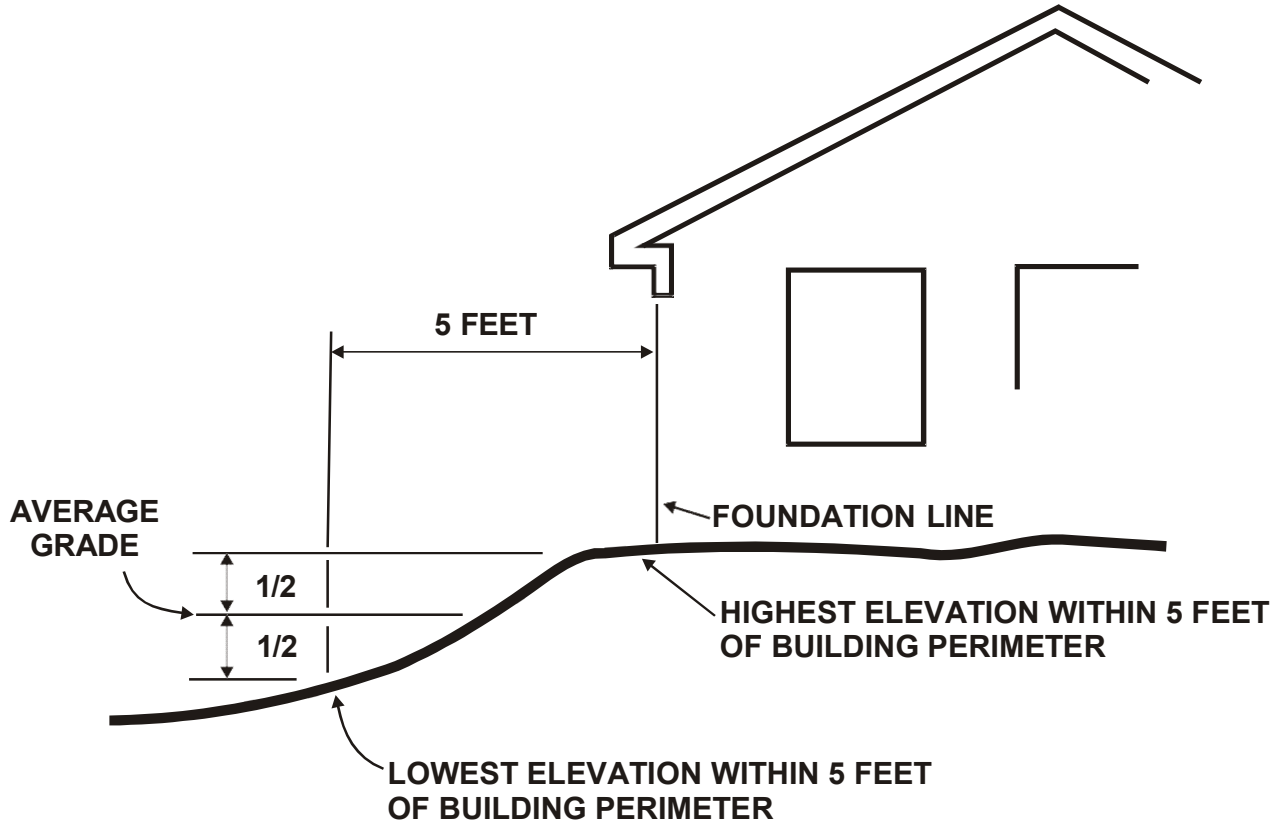


FIGURE 21-4
AVERAGE GRADE



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Definitions

Mezzanine: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story. See Figure 21-4.

Nonconforming Structure: A building, structure, plot, premises or use of land lawfully existing at the time of the effective date of this Ordinance which does conform to the regulations of the district in which it is situated.

Porch: A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air conditioned and when the percentage of window area to wall area is less than fifty (50) percent.

Ramp: A sloping walkway, roadway or passage used to join and provide a smooth transition between two levels of different elevation, including between land and water at a boat launching site.

Screen: A structure providing enclosure such as a fence and a visual barrier between the area enclosed and the adjacent property. A screen may also be a non structure consisting of shrubs or other growing materials.

Story: That part of a building, except a mezzanine as defined herein included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story. See Figure 21-1.

Story (Half): An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'-6"). For the purposes of this definition, the floor area is only that area having at least four (4) feet clear height between floor and ceiling. See Figure 21-1.

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 top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists. See Figure 21-1.

Structure: Anything fabricated, constructed or erected, the use of which requires fixation or placement in, on or attachment to something having location on the ground including but not limited to all buildings, independently supported decks, satellite dishes, fences and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services.

Swimming Pool: The term "Swimming Pool" shall mean any structure or container located either above or below grade designed to hold water to a depth of greater than

twenty-four (24) inches intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purposes of determining required yard spaces and maximum lot coverage.

Temporary Building: A building or structure permitted by procedures established in this Ordinance, to exist during a specified period of time.

B. CONDOMINIUM DEFINITIONS:

Condominium Master Deed: The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

Condominium Project: Means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act, Public Act 59 of 1978.

Condominium Subdivision: A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended. Also known as a site condominium.

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

Condominium Unit: Means that portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot", for purposes of determining compliance of the site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.

General Common Area: That portion of a site condominium project designed and intended for joint ownership and maintenance by the condominium associated as described in the Master Deed.

Limited Common Area: That portion of a site condominium project designed and intended for

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separate ownership, but outside the building setbacks for the zoning district the property is located in, as described in the Master Deed.

C. LOT DEFINITIONS:

Forty acres or equivalent means forty (40) or more acres, or a parcel containing not less than 30 acres, of any configuration, described to equal one sixteenth (1/16) of a section; or a parcel containing not less than 30 acres described as a government lot

Frontage: The total continuous length of the front lot line. (See also Lot, Front Lot Line.)

Lot: Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having proper size to comply with the frontage, area, frontage/depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on a private road approved by the Township (see Figures 21-5 and 21-8). A lot may or may not be specifically designated as such on public records. A lot may consist of: (a) a single lot of record; (b) a portion of a lot of record; (c) any combination of complete and/or portions of contiguous lots of record; or (d) a parcel of land described by metes and bounds, provided that in no case of a lot division or combination shall the width, frontage, area, frontage/depth ratio of any lot or parcel created including residuals fail to comply with the requirements of this Ordinance.

Lot Area, Gross: The area contained within the lot lines or property boundary including street right-of-way (See Figure 21-6), except in a planned unit development.

Lot Area, Net: The total area of a horizontal plane within the lot lines of a lot, exclusive of any public street right-of-way abutting any side of the lot, except in a planned unit development. (See Figure 21-6).

Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees. See Figure 21-5.

Lot Coverage: The amount of a lot, stated in terms of percentage, that is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks (four inches or less above the finished grade) or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

Lot, Depth of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot. See Figure 21-7.

Lot, Flag: A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property. See Figure 21-5.

Lot Frontage: The length of the front lot line.

Lot, Interior: Any lot other than a corner lot which, with the exception of a "through lot", has only one lot line fronting on a street. See Figure 21-5.

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FIGURE 21-5
LOT TYPES

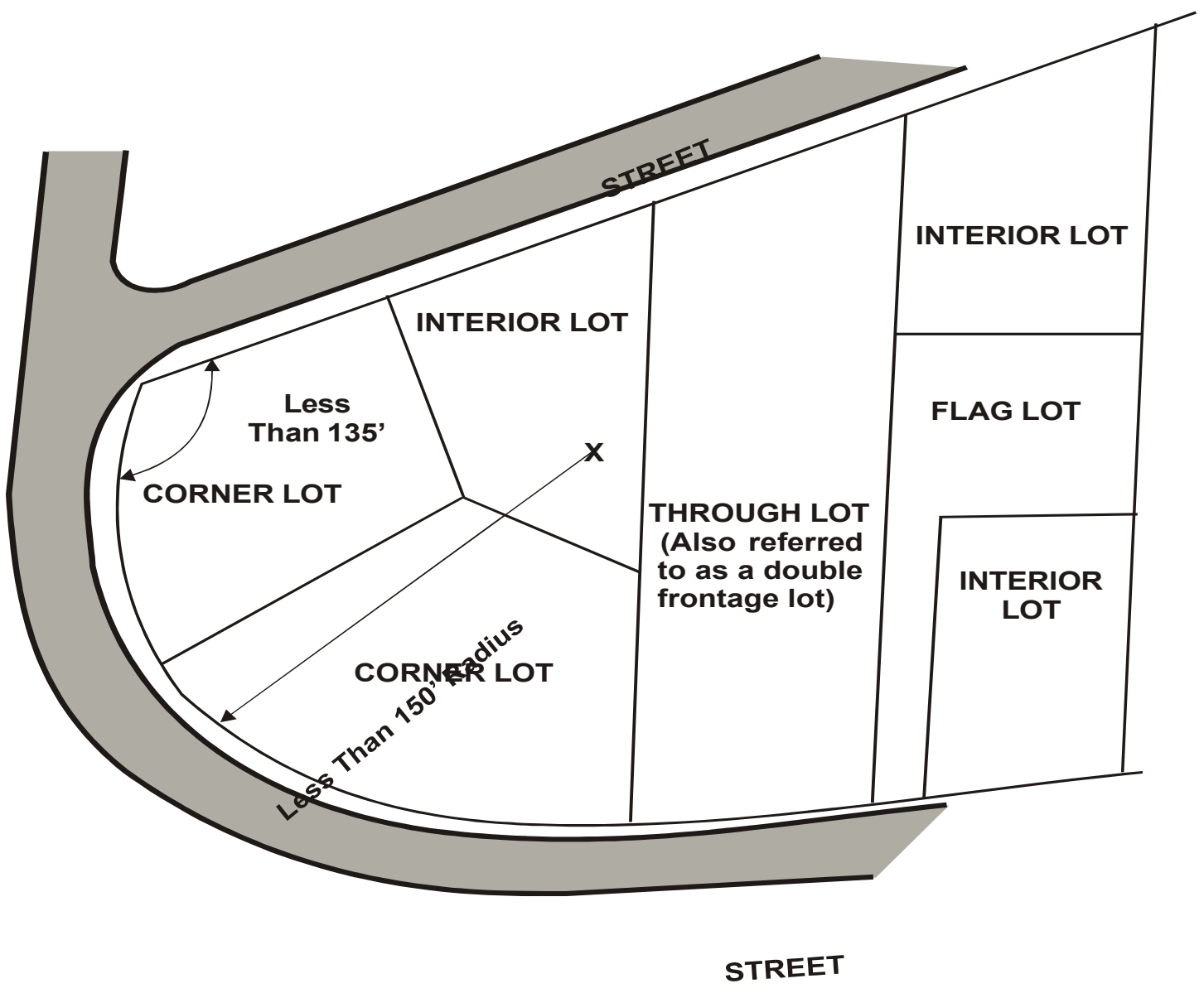
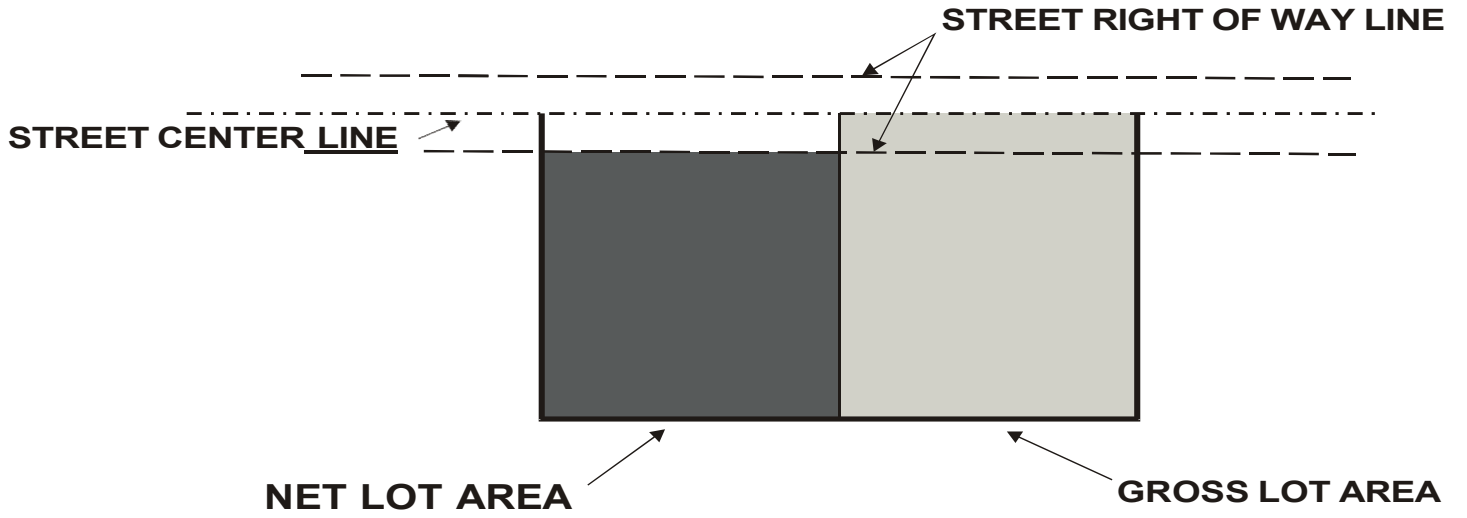


FIGURE 21-6
NET AND GROSS LOT AREA



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Lot, Line: The lines bounding a lot as defined herein. See Figure 21-8.

Front Lot Line: In the case of an interior lot, that line separating said lot from the street, private road, or other access easement. In the case of a through lot, that line separating said lot from either street private road, or other access easement. In the case of a waterfront lot, the line which fronts on a navigable waterway shall be a front lot line.

Rear Lot Line: That lot line opposite the front lot line. In the case of a through lot or a lot having frontage on more than one street, the line which is opposite the street address selected by the owner. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.

Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record:

A lot, division, tract or parcel that is the subject of an instrument of land transfer, including but not limited to a deed, land contract, or a lease for more than a year that was recorded with the Register of Deeds Office on or before March 31, 1997 or a lot that was legally created under the Land Division Act 288 of 1967, as amended (including lots created before March 31, 1997 that were both included in a recorded survey and actively marketed for sale at that time) that is recorded with the County Register of Deeds prior to the effective date of this Ordinance or an amendment thereto. Lots which hold a Certificate of Lot Approval from the Zoning Administrator in accordance with Section 16.5.5 shall also be considered a lot of record during the life of the certificate.

Lot, Through: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot (see Figure 2-4). In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required. See Figure 21-5.

Lot, Waterfront: A lot which fronts on a navigable waterway, as defined in State law.

Lot, Width of: The horizontal straight line distance between the side lot lines, measured between the two points where the line establishing the setback for the front yard intersects the side lot lines.

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FIGURE 21-7
LOT DEPTH

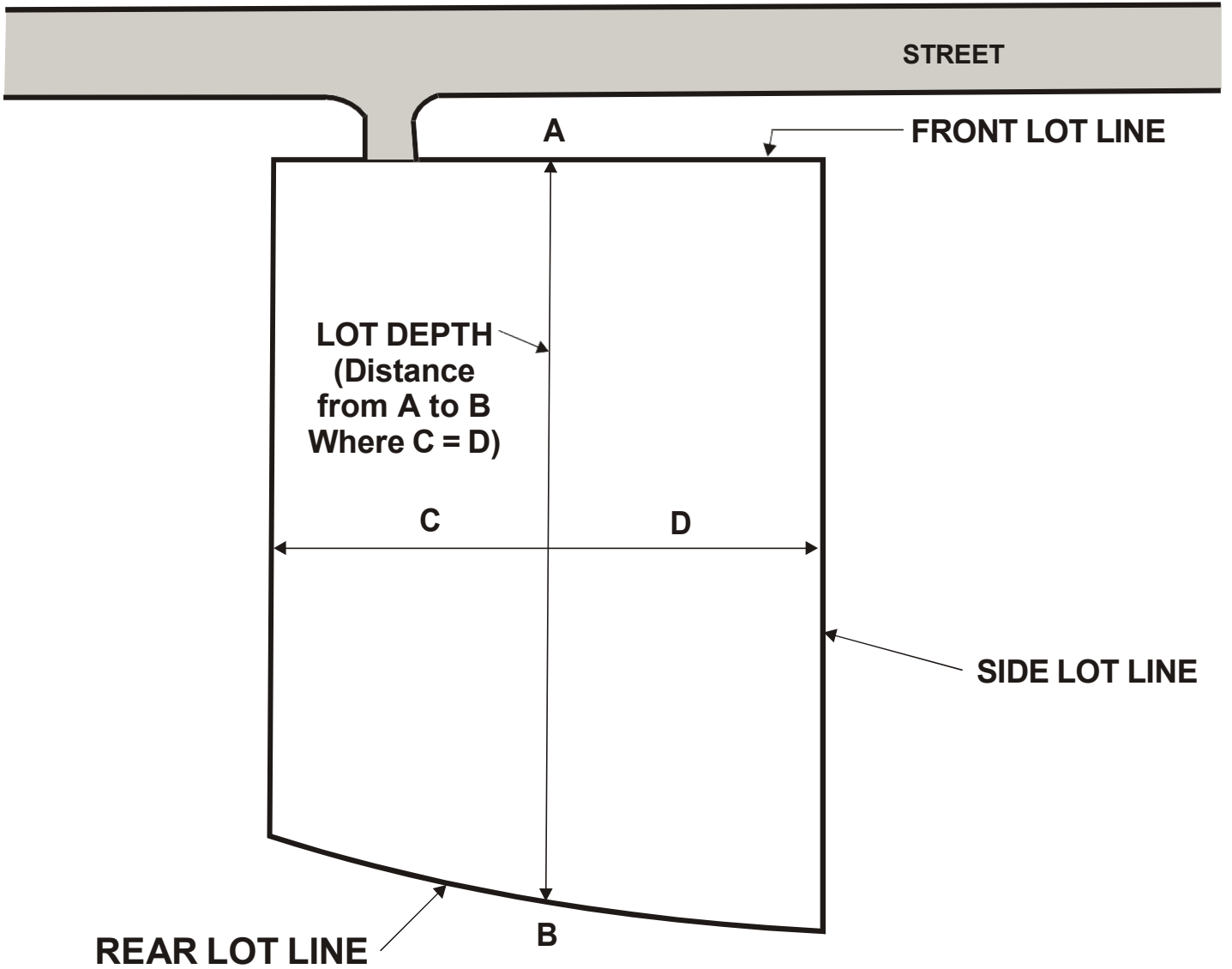
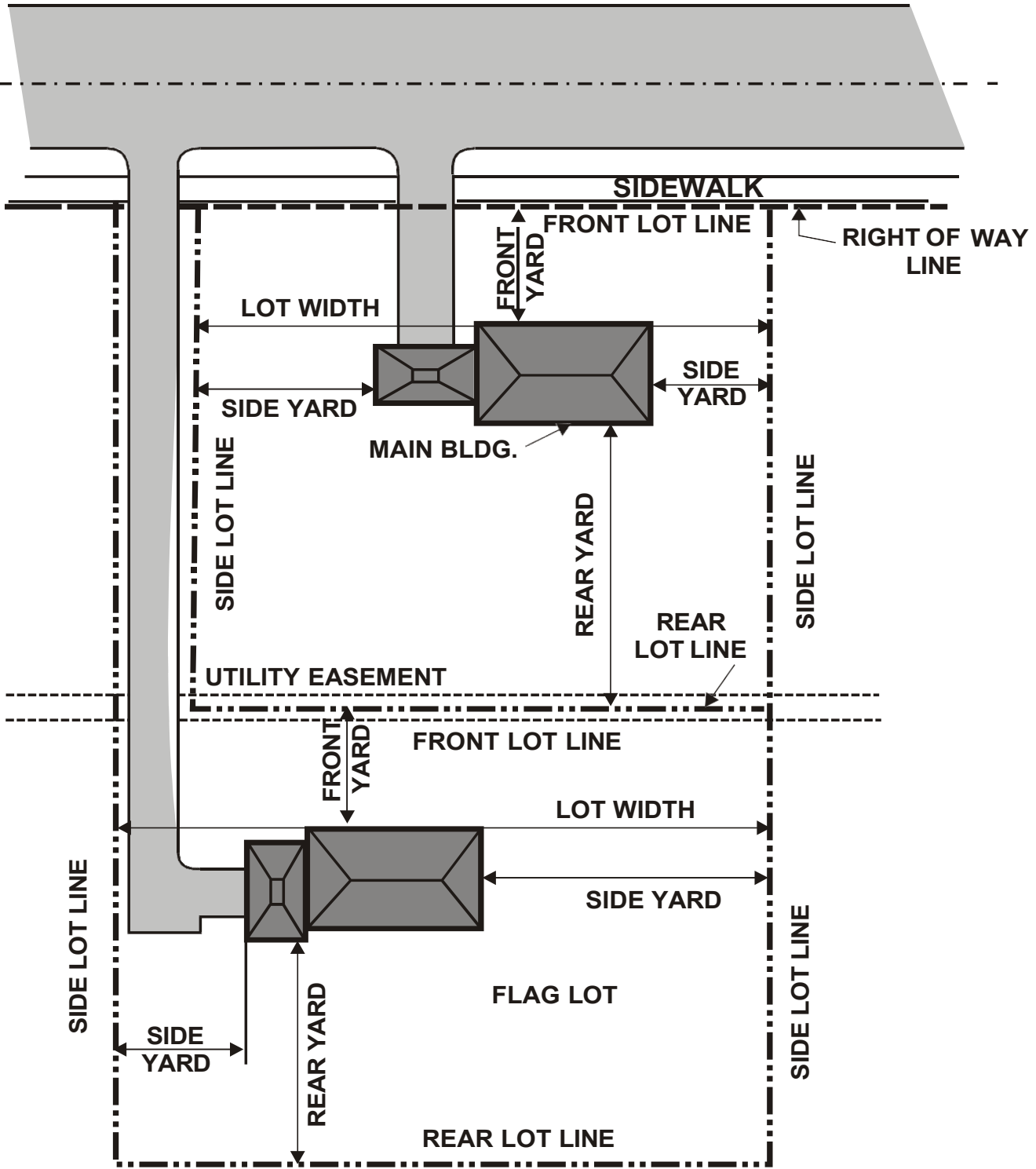


FIGURE 21-8
LOT LINES AND YARDS



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Nonconforming Lot of Record: A lot, the area, width, or other characteristic of which fails to meet requirements of the zoning district in which it is located and which was conforming "of record" prior to enactment of the Zoning Ordinance.

Original Parcel: A parcel or contiguous parcels of land as it existed before the effective date of this Ordinance or an applicable amended to this ordinance that regulates the development of land based on the size of the existing parcels. An (1) original parcel may also be called the parent parcel. Two or more contiguous parcels may also be called a parent tract

Parcel: (See definition of "lot").

Plat: A map of a subdivision of land recorded with the County Register of Deeds pursuant to the Land Division Act, Public Act 288 of 1967, or a prior statute.

Subdivision: The division of a lot, tract, or parcel of land into more lots for the purpose of sale or development, and subject to the requirements of the Land Division Act, Public Act 288 of 1967, as amended, and this Ordinance.

D. YARD DEFINITIONS

Berm: A lineal earthen mound of variable height and width, used as visual relief or transitional area between different land uses.

Buffer Strip: A strip of land reserved for plant material, berms, walls, and possibly fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties even if not in a separately established buffer strip and may be so required by this Ordinance.

Greenbelt: An open space strip running along the property line with grass or other plant ground cover.

Greenway: means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

Open Space, Common: Open space except a Golf Course that is held for the collective use and enjoyment of the owners, tenants, or occupants of a single cluster development who are provided direct access to the common open space area without crossing property that is not collectively owned.

Open Space, Dedicated: Common open space dedicated as a permanent recorded easement, except a Golf Course

Open Space, Usable: The portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation.

Setback: The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance. See Figure 21-8.

Yard: An open space on the same lot with a building, unoccupied and unobstructed, from the ground upward, except as otherwise provided herein. The measurement of a yard shall be the horizontal distance between the lot line and the building line. See Figure 21-8.

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, excluding road right-of-way, and the nearest point on the main building or land use.

Yard, Rear: A yard extending the 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 or the centerline of the alley, if any, and the rear line of the building. In the case of a corner lot, the rear yard may be opposite either street frontage.

Yard, Side: An open, unoccupied space on the same lot with building, situated between the building and the side of the lot and extending from the front yard to the rear yard. Any lot line not a front line or a rear line shall be deemed a side line.

E. STREET DEFINITIONS

Alley: A dedicated public way other than a street which provides a secondary means of access to abutting property and is not intended for general traffic.

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

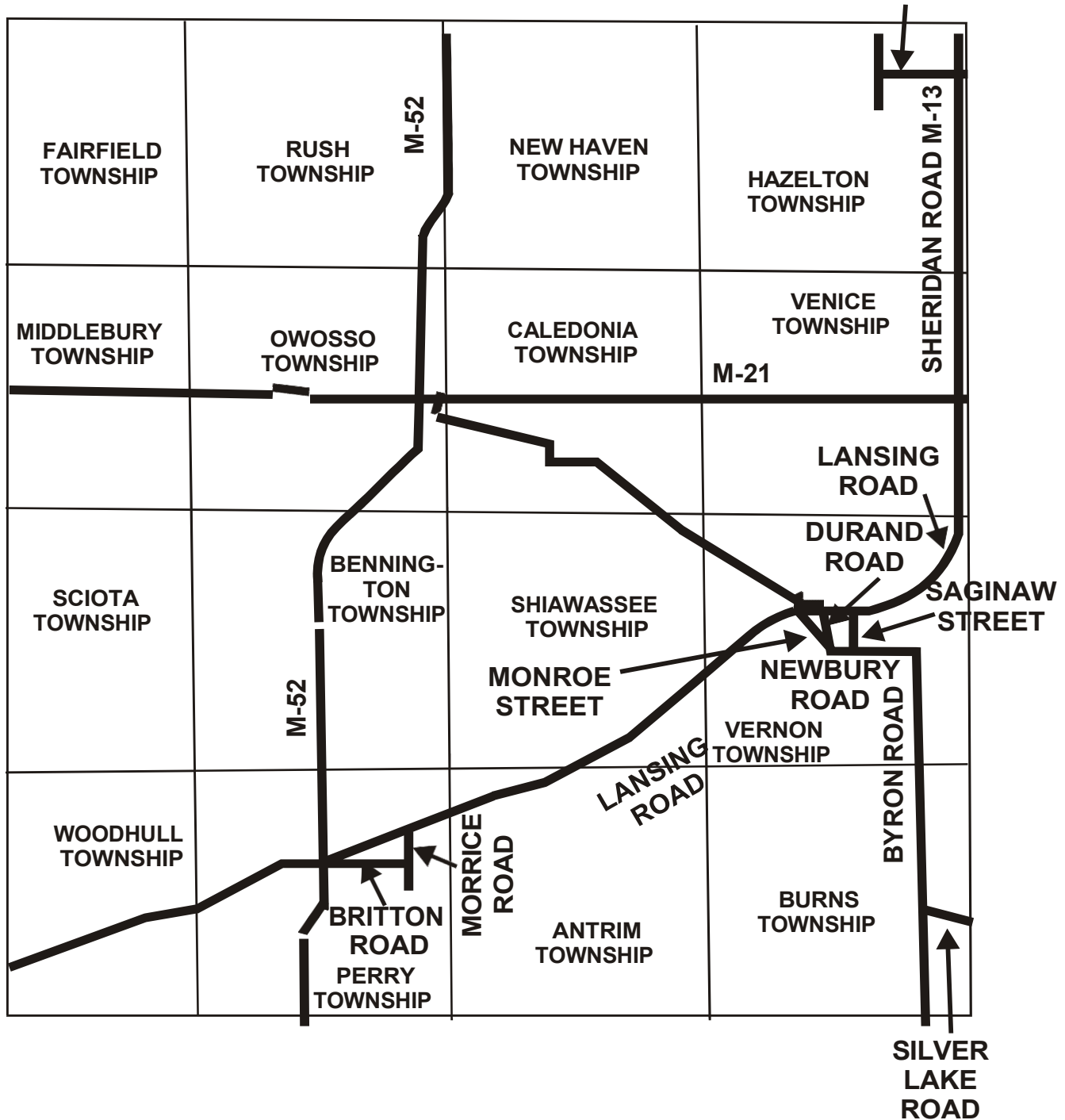
Driveway: A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any other requirements of the County Road Commission or State of Michigan (depending on which entity exercises authority over the street from which driveway access is derived).

Local or Public: A public highway, the principal use or function of which is to give access to abutting properties.

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Major Thoroughfare: A public street, the principle use or function of which is to provide a paved arterial route for fast and/or heavy through traffic with its secondary use or function the provision of access to abutting property. Major thoroughfares are identified as either Federal or State Highways, or those defined by the Shiawassee County Road Commission as Class A Primary Roads as shown in Figure 21-9.

**FIGURE 21-9
MAJOR THOROUGHFARE MAP**



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Definitions

Primary Road: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary use or function the provision of access to abutting property.

Private Road: A private way or means of approach to provide access to two (2) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated to and accepted by the public road agency for general public use. (See Section 6.5)

Public Road: Same as "street."

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Street: A public dedicated right-of-way, other than an alley, or an approved private road or easement which affords the principal means of access to abutting property.

Street Line: The legal line of demarcation between a street or road and abutting land, which is also known as the edge or furthest extreme of the right-of-way.

F. DWELLINGS

Apartment: A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple dwelling intended or designed for use as a residence by a single family.

Apartment, Garden: A group of two (2) or more multiple dwelling buildings not over two (2) stories in height, located on the same lot, that offer each dwelling unit direct access to an open yard area.

Attached Dwelling: A single-family dwelling attached to two (2) or more single-family dwellings by common vertical walls. See Figure 21-10.

Condominium: A form of real property ownership sometimes considered a type of dwelling such as an apartment or townhouse which is owned as opposed to rented.

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

Detached Dwelling: A dwelling that is not attached to any other dwelling by any means. See Figure 21-10.

Dormitory: A building or portion thereof used for housing purposes under the supervision of a college, university, or other institution.

Dwelling, Multi-Family: A building or portion thereof used and designed to contain separate living quarters for three or more families, but which may have joint services or facilities. See Figure 21-10.

Dwelling, Row House, or Town House: Three or more one-family dwelling units, each having access on the first floor, to the same lot, that offer each dwelling unit direct access to an open yard area. See Figure 21-10.

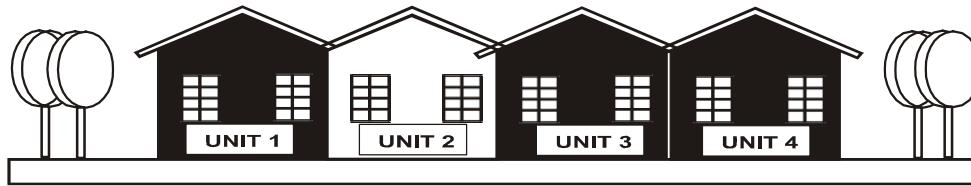
Dwelling, Single-Family: A building containing not more than one dwelling unit used, intended or designed to be used as the home, residence or sleeping place of one-family. See Figure 21-10.

Dwelling, Two-Family or Duplex: A detached or semi-detached building designed and occupied exclusively by two families living independently of each other. See Figure 21-10.

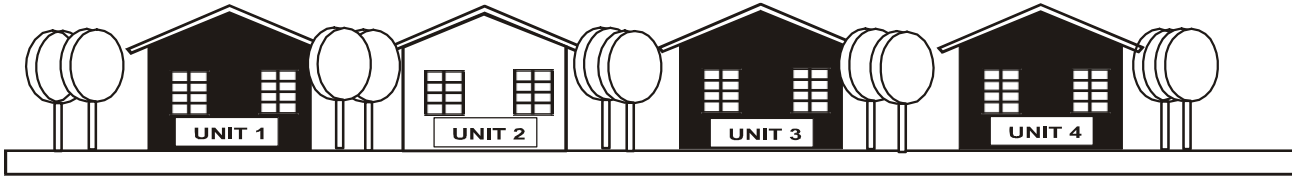
Dwelling Unit: A building, or portion thereof, providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

ECHO Housing or ECHO Unit: A small dwelling unit added as accessory to a principal dwelling usually to provide a residence for an elderly relative.

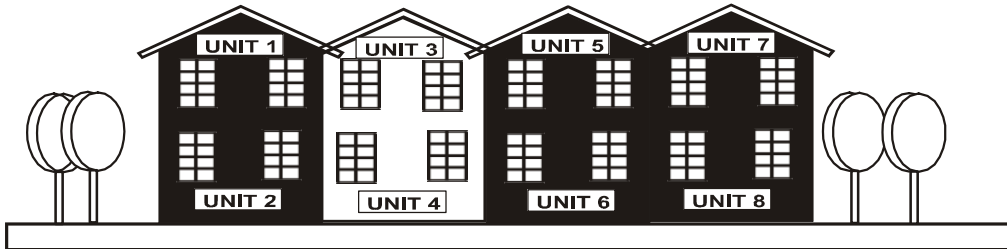
FIGURE 21-10
DWELLING, ROW HOUSE OR TOWN HOUSE



DWELLING -- ATTACHED



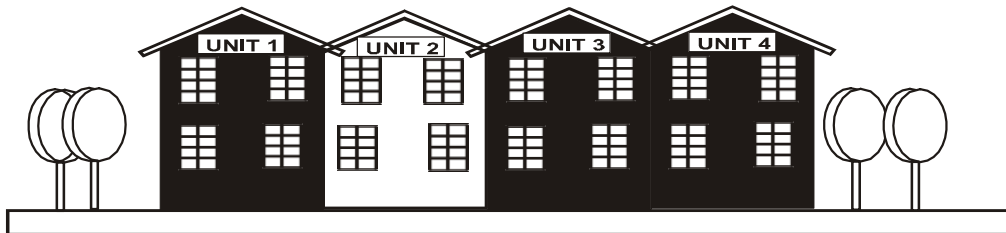
DWELLING -- DETACHED



DWELLING -- MULTI-FAMILY



DWELLING -- SINGLE FAMILY



DWELLING -- TOWNHOUSE



DWELLING -- TWO FAMILY

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Family: An individual or two or more persons related by blood, marriage, or adoption, and/or a group not to exceed six (6) persons not related by blood or marriage occupying premises and living as a single nonprofit housekeeping unit with single culinary facilities as distinguished from a group occupying a boarding house, lodging house, club, fraternity, hotel or similar dwelling for group use. Domestic servants residing on the premises shall be considered as part of the family.

Room: An area of a dwelling unit not including bathrooms, closets, and kitchens.

G. ANIMAL, FARM AND RELATED DEFINITIONS:

Animal: Members of the animal kingdom other than human beings.

Bona fide farm or Bona fide agricultural enterprises means a parcel of land of twenty (20) acres or more in size engaged in commercial agriculture or commercial horticulture. (See Commercial Agriculture and Horticulture.)

Commercial Agriculture or Horticulture (CAH): The commercial production, harvesting and storage of farm products on a farm and the farm operations typically attendant thereto, as defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended;

Concentrated Animal Feeding Operation (CAFO): means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area where manure may accumulate, or where the concentration of animals is such that vegetative cover cannot be maintained within the enclosure during the months of May, June, July and August. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered concentrated animal feeding operations, but pastures shall not be considered concentrated animal feeding operations.

Domesticated Animal: means those species of animals which have lived under the husbandry of human beings.

Equine: means all animals of the equine family which includes horses, asses, jacks, jennies, hinnies, mules, donkeys, burros, ponies, and zebras

Equine Boarding Stable: A facility for the storage and care of more than ten (10) horses and other members of the equine animal family for a profit.

Equine Training Facility: A facility operated for profit for training of horses, provision of riding lessons, clinics and otherwise general education involving horses,

Equine Breeding Facility: A facility used for breeding and raising horses for profit.

Farm: A parcel of land containing at least twenty (20) acres which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products which include necessary farm structures and the storage of equipment used.

Farm Market: A commercial establishment selling produce and other farm products, whether or not produced on the property, at retail to customers, not unlike a grocery store.

Household Pets: Any domesticated dog(excluding hybrids with wolves, coyotes, or jackals); domesticated cats (excluding hybrids with ocelots or margays); domesticated rodents; nonpoisonous reptiles, amphibians and arachnids; fish; ferrets; captive-bred species of common cage birds or other domesticated animal except livestock. The household pet must be kept for friendship, security, or hunting purposes. (See Section 5.2.12.) The Zoning Administrator shall prepare a list of other animals which may be considered household pets if so approved by the Planning Commission.

Kennel: Any lot or premise on which five (5) or more household pets six months of age or older, are kept.

- **Kennel, Commercial:** Any lot or premise used for the commercial sale, boarding, or treatment of household pets.
- **Kennel, Private:** Any lot or premises used for the private maintenance of ten (10) or fewer household pets not involving any commercial activities. Keeping of more than ten (10) animals shall be considered a commercial kennel regardless of ownership of animals.

Large Carnivore: A large carnivore is an inherently dangerous mammal of the canidae, felidae, or ursidae families, including hybrids thereof, which, due to the inherent nature, may be considered dangerous to humans and which include:

Canidae, including any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (Canis Familiaris).

Felidae, including any member of the cat family weighing over fifteen (15) pounds not customarily domesticated by man, or any hybrids thereof, but not including domestic cats

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(Felis Catus).

Ursidae, including any member of the bear family, or any hybrids thereof.

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Livestock: means those species of animals used for human food and fiber or those species of animals used to service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, capitive cervidae as listed in Act No. 191 of 2000, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs or cats.

Prime Agricultural Land: Land best suited for the production of food, feed, forage and fiber crops. It is now or could be available for such uses and could be cropland, pasture land, forest or other land. It does not include urban build-up or water areas. Criteria:

- A. It has the soil quality, growing season and moisture conditions necessary to produce high yields of crops economically when treated and managed in accordance with modern farming methods.
- B. Soils with the capability of producing yields of crops common to the area equal to or greater than yields from well-managed, deep, well-drained sandy loams.
- C. Slopes of less than six percent.
- D. Effective rooting depth of at least 20 inches.
- E. If drainage is needed, the land must be capable of providing sufficient depth for production of crops common to the area. (Excluded are lands with waterlogged soils which have standing water of as much as six inches deep several times during the growing season.)
- F. Soils that do not flood more than once every two (2) years.
- G. Soils that present no particular difficulty in cultivating with large equipment (less than 10 percent is covered with coarse rock fragments).
- H. Land having the potential of being made prime for agriculture through economically justifiable investments and practices. For example: drainage, clearing, irrigation, etc.

Riding Academy: Any establishment where equine are kept for training, riding, driving, or stabling, for compensation or incidental to the operation of any club, association, ranch or similar establishment.

Roadside Stand: A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

Stable, Private: An accessory building in which horses are kept for private use and not for hire, re-numeration or sale. The storage and care of more than ten (10) equine

shall be considered a Equine Boarding Stable regardless of the ownership of the animals.

Vicious Animal: Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. (See Section 5.2.12.A.)

Wild Animal: means any non-domesticated animal or any cross of a non-domesticated animal. (See Section 5.2.12.A.)

H. LAND USES and USE CATEGORIES

Accessory Use: A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building. When "accessory" is used in this text, it shall have the same meaning as accessory use. An accessory use includes, but is not limited to, the following:

- A. Swimming pools for the use of the occupants of a residence or their guests.
- B. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- C. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is not permitted in the applicable district regulations.
- D. Storage of goods used in, or produced by, industrial uses or related activities, unless such storage is not permitted in the applicable district regulations.
- E. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- F. Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- G. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- H. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

Agricultural District: Either the A-1 or A-2 Districts described in Article 2.

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

Amusement Center, Pinball or Video Game Arcade or Establishment: Establishments where the principal business consists of customer-operated games or entertainment experience of a mechanical, electronic, physical or emotional nature or an admission fee, or a fee for the use of the particular devices engaged by a customer.

Automobile Repair: The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.

Automobile Service Station: Buildings and premises where gasoline, oil, grease, battery, tires, and/or accessories for automobiles and trucks up to one (1) ton rated capacity (unless other approvals available under this Ordinance are petitioned and approved) may be supplied and sold at retail, and where minor services may be rendered to such vehicles but not including:

- A. Major mechanical and body work such as straightening of body parts, painting, and welding.
- B. Storage of damaged automobiles or light trucks not in operating condition, except those waiting for immediate repair or service.
- C. Other work involving noise, glare, fumes, and smoke to an extent greater than normally found in automobile service stations. An automobile service station is neither a commercial garage nor an automobile repair body shop.

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BI Basic Utility (private landing strip): A private transportation facility, closed to the public to accommodate the take-off and landing of aircraft which has sod runways.

BII Basic Utility (limited commercial airport): A transportation facility to accommodate the take-off and landing of aircraft, and the servicing and/or repair thereof which has sod or paved runways.

BIII Commercial Airport: A transportation facility to accommodate the take-off, landing, shelter, supply, service and repair of aircraft, and the receiving and discharging of passengers and cargo.

Bed and Breakfast Operation: A single family, owner occupied dwelling unit in which transient guests are provided a sleeping room and board for compensation as an accessory use of the single-family dwelling. A continental or American breakfast, lunch and/or dinner may be served to overnight guests only. A bed and breakfast operation has three (3) or less sleeping rooms available for transient occupancy, including sleeping rooms occupied by the innkeeper and his/her family.

Boarding House or Rooming House: A building, other than a hotel, where for compensation and by pre-arrangement for definite periods, lodging and meals are provided for three or more persons, on a temporary basis.

Business District: A district in which the principal land uses are not residential, and includes the O-1, B-1, B-2, B-3, M-1, and M-2 Districts.

Business Service Establishments: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis as well as finance, insurance and real estate services.

Campground: A parcel or tract of land under the control of a person in which four or more sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters in tents or recreational vehicles.

Cemetery: Property, including, if on the site, crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

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

Clinic: A building where human or animal patients, who are not lodged overnight, are admitted for examination

and treatment by a group of physicians, dentists, veterinarians or similar professions.

Club: An organization catering exclusively to members and their guests, 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 the membership and purpose of the club.

Commercial District: Either the B-1, B-2, or B-3 Districts described in Article 2.

Common Boating Access Site: see Section 5.2.13

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: A radio, telephone or television transmission, reception or relay structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals. Includes wireless telecommunication towers and any tower erected by a public entity for hazard warning or other communication purposes.

Antenna – Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Commercial Wireless Telecommunication Service – Licensed companies providing wireless telecommunication services including cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, paging, and similar services that are marketed to the general public.

Colocation – The use of a wireless telecommunications tower or facility by more than one wireless telecommunications provider.

Freestanding or Ground-Mounted Solar Energy System - Any solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure.

Lattice Tower – A support structure constructed of vertical metal struts and cross braces, forming a triangular or square structure which often tapers from the foundation to the top.

Monopole – A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a

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foundation.

Rooftop and Building-Mounted Solar System - Any solar power system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

Solar Energy System (SES) - Any equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar energy systems consist primarily of solar thermal, photovoltaic and concentrated solar but may include other various experimental solar technologies.

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Tower – Any ground or roof mounted pole, spire, structure, or combination thereof taller than thirty (30) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Wireless Telecommunications Tower – Any structure that supports one or more wireless telecommunication antenna/s owned and operated by a wireless telecommunication service provider that is licensed by the Federal Communications Commission to provide service in the applicable market. Tower types include but are not limited to monopoles, guyed towers, and lattice towers.

Community Residential Care Facilities: Community residential care facilities provide shelter and care for individuals with special needs in single family dwellings for six or less persons or in larger facilities when more persons are assisted. These are all state-regulated facilities.

Compost: Organic matter from yard clippings or compostable materials which have undergone biological decomposition by composting, which have been stabilized to a degree that it is potentially beneficial to plant growth without creating a nuisance, and which are used or sold for use as a soil amendment, artificial topsoil, or growing medium amendment or for other similar uses.

Composting: The process by which biological decomposition of yard clippings or compostable material is carried out under controlled aerobic conditions and which stabilizes the organic fraction into a material that can easily and safely be stored, handled, and used in an environmentally acceptable manner. The presence of insignificant anaerobic zones within the composting material will not cause the process to be classified as other than composting.

Composting facility A facility where composting of yard clippings or compostable material occurs using composting technology. Composting technology may include physical turning, windrowing, aeration, or other mechanical handling of organic matter.

Conservation Design Development: The grouping of single family dwellings on a limited portion of developable land in order to preserve agricultural lands, woodlands, open space, natural features, and rural character. The size the lots may be reduced below those normally required in the zoning district in which the development is located.

Convalescent or Nursing Home: A building wherein infirm, aged, or incapacitated persons are furnished shelter, care, food, lodging and medical attention.

Convenience Retail Establishments: A retail establishment offering for sale prepackaged food products, milk, bread, donuts, sandwiches, beverages, newspapers and magazines, household items, pharmaceuticals, and other items for off-premises consumption. These are usually short trip, high volume uses not more than 3,500 square feet in size. A convenience retail establishment can share a building with another use, such as an automobile service station. Drive-through establishments are not convenience retail establishments.

Dance Hall: An establishment where open public dancing by patrons is available during at least four (4) days per week with or without partners furnished by the establishment.

Dangerous Chemicals: Manufacturing, Storage and/or Distribution: Manufacturing establishments which produce flammable, explosive or corrosive substances subject to state or federal regulation.

Drive-in: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Drive-through Establishments: An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to conveniently make deposits, view specified objects, receive services, or obtain goods without disembarking from their motor vehicles, and then proceeding elsewhere. They are distinguished from a drive-in establishment by the absence of parking while the service is being provided (as in a drive-in theater).

Educational and Social Institutions: An educational institution is any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge. A social institution is any building or part thereof which is designed, constructed, or used to provide a service of a public, nonprofit or charitable nature to the people of the community on an ongoing basis (not just special events). Educational and social institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal

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departments or commissions of overhead surface or underground gas, electrical, steam, or water distribution or transmission systems, collection, communication, supply of disposal systems including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, but not including buildings, except those necessary to house the foregoing, reasonable necessary for the furnishings of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and the Ordinance of the Township of Perry in any use district, it being the intention thereof to except such erection, construction, alteration, and maintenance from the application of this Ordinance, except electrical substations, gas regulator stations and any communication tower over forty (40) feet which require a Special Use Permit in compliance with Article 12.

Flood Plain: Land areas adjacent to the water body or watercourse including drainage ways subject to periodic inundation which are indicated on the Flood Plain Information Study, U.S. Army Corps of Engineers, the Flood Hazard Analysis Study, U.S. Natural Resources Conservation Service, or equivalent technical determination.

Food Service Establishments: An establishment where food and drink are prepared, served and consumed primarily on the premises.

Game or Hunting Preserve: A fenced area in private ownership containing wild animals which are regularly hunted for a fee. Often the principal use of such land not to be confused with a bona fide commercial agriculture or horticulture operation which is occasionally hunted by sportsmen and for which a small fee may be paid.

Garage, Parking: A structure or series of structures for the temporary or parking of motor vehicles having no public shop or service connected therewith.

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

Garage, Private: An accessory building or accessory portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, motor homes, snowmobiles and similar vehicles owned and used by the occupants of the building to which it is accessory.

General Retail Establishments: The principal activity of general retail establishments is the purchase and resale,

leasing or renting of goods or merchandise to the public for personal, household, or business use or consumption and rendering services incidental to the sale of such goods. There may be processing or manufacturing of products incidental or subordinate to the selling activities (such as a bakery or delicatessen at a grocery store). A common accessory use is repair of products sold on the premises.

Group Housing: Group housing is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of a "family" but often share a common situation. The size of the group may be larger than the average size of a household. Tenancy is usually arranged on a monthly or longer basis. It is a form of transient lodging. There is usually a common eating area for residents.

Guest Unit: A room or group of rooms occupied, arranged or designed for occupancy by one or more guests for compensation.

Halfway House: Public or private building(s) used principally for the occupancy and therapy of mentally and emotionally ill persons not requiring intensive care, supervision, or confinement. For purposes of this Ordinance all requirements of public and semipublic institutions shall apply.

Heavy Equipment: Commercial vehicles and trailers which are used in construction, excavation, mining, and the hauling of goods and materials, including but not limited to semi-tractors, commercial tractors, stake trucks, dump trucks, gravel trucks, fuel delivery trucks, school buses, semi trailers, low boy trailers, bulldozers, scrapers, tree spades, graders, bucket trucks, well drilling rigs, and similar vehicles built on commercial truck chassis.

Home Business: A home business is a home occupation in an accessory building within two hundred (200) feet of a dwelling unit on the same lot.

Home Occupation: An accessory use of a dwelling unit involving the manufacture, provision or sale of goods and services which is conducted entirely within the dwelling and is clearly secondary and incidental to the use of the dwelling as a residence and does not change the character thereof. See Section 5.3.2.A.

Hospital: An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured including an integral part of the institution such as related facilities, central service facilities, and staff offices.

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Hotel: A building in which the rooms are occupied or designed for temporary occupancy by individuals who are lodged with or without meals and in which there are more than ten (10) sleeping rooms served only by a general kitchen and dining facility located within the building, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

Human Care Facilities:

1. Child Care Center/Day Care Center: A facility, other than a private residence, receiving more than six (6) preschool or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

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

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

4. Congregate Facility: A facility which provides adult foster care for more than twenty (20) adults of which not more than six (6) can be of age sixty-five (65) or older with the condition that each living unit does not exceed twenty (20) individuals and requires functional grouping of residents.

5. Group Home: A facility which provides adult foster care for more than six (6), but not more than twenty (20) adults of which not more than six (6) can be of age sixty-five (65) or older.

Indoor Entertainment Establishments: Business establishments providing recreation that diverts, amuses, or entertains; or provides entertainment or other hospitality associated with food service or

accommodations. This does not include drive-through establishments. Additional regulations apply to indoor entertainment establishments that serve alcohol.

Industrial District: Either the M-1 or M-2 Districts described in Article 2.

Industrial, Heavy: Intensive high volume production with a relatively high ratio of workers to floor area (typically over fifteen (15) workers per gross industrial acre) wherein bulky, durable goods, requiring heavy trucking or rail movement are fabricated and which produces smoke, noise, and/or odor.

Industrial Service Establishments: Industrial service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Institutions for Human Care and Habitation: Institutions for human care include a broad spectrum of facilities for the diagnosis, treatment, care, rehabilitation or training of persons who may be ill, physically disabled, mentally retarded, emotionally disturbed, drug or alcohol dependent. Also includes facilities designed to meet the temporary housing needs of special populations (e.g. homeless, abused spouses, etc.). Does not include correctional facilities.

Junk: Shall be considered to be miscellaneous dry solid waste material resulting from housekeeping, mercantile and manufacturing enterprises and offices including, but not limited to, scrap metals, rubber and paper, abandoned, wrecked, unlicensed and inoperable automobiles and motor vehicles, rags, bottles, tin cans, an comparable items. It includes any inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of thirty (30) days, unless it is actively in the process of rehabilitation as an antique car, and shall also include whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days and which is not in a completely enclosed building.

Junk Yard: An area where waste, used or secondhand 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 Yard" includes automobile salvage yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

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Lodging/Accommodations: A facility offering transient lodging accommodations to the general public and possibly providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities as accessory uses.

Lodging House: A building in which three or more rooms are rented and in which no food is furnished.

Manufactured Homes: Dwelling units prefabricated in part or total and transported to the building site for long-term temporary use.

Manufacturing Establishments: Manufacturing and production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

Marina: A boat basin with facilities for berthing and securing all types of recreational craft, providing adequate supplies, provisions and service and fueling facilities, and rental, repair and storage of boats.

Medical Service Establishments: Health care facilities providing medical, dental, surgical and preventive health services to patients as well as establishments providing support to health professionals and patients such as medical laboratories, medical suppliers and service establishments.

Mini-storage/Self-service Facility: Separate storage areas are provided for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Accessory uses may include living quarters for a resident manager or security and leasing offices. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the self-service storage use. The rental of trucks or equipment is not considered accessory to a self-service storage use.

Mobile Home: A movable or portable dwelling constructed to be towed on its own chassis and designed for permanent year-round living as a single family dwelling. Provided, however, that 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 and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power, and potable water utilities.

Mobile Home Park: Any lot, site, parcel or tract of land under the control or management of any person upon

which two or more mobile homes are parked or which is offered to the public for that purpose regardless of whether a charge is made, therefore, or not, and including any buildings, structure, tent, vehicle, or enclosure used or intended to be used as part of the equipment of the park.

Motel: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units, designed primarily for transient automobile travelers and providing accessory off-street parking facilities. The term "motel" shall include buildings designated as "auto courts" "tourist courts", "motor hotels", and similar appellations which are designed as integrated units of individuals rooms under common ownership.

Multiple Family Dwellings: A building or portion thereof used and designed to contain separate living quarters for three or more families on one or more levels, but which may have joint services or facilities, such as for laundry or storage.

Nuisance: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things such as, but not limited to noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passenger traffic, and invasion of non-abutting street frontage by traffic.

Nursery, (Plant Materials): A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nursing or Convalescent Home: A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.

Office District: The O-1 District as described in Article 2.

Office Establishments: Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services. Accessory uses may include

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cafeterias and health facilities established primarily to service the needs of employees on the premises.

Outdoor Recreation & Entertainment Establishments: Outdoor recreation and entertainment uses provide continuous, intermittent or seasonal recreation and/or entertainment-oriented activities largely in an outdoor setting. They may take place in a number of structures that are arranged together in an outdoor setting. There may be concessions, restaurants, retail shops selling items related to the recreation or entertainment uses, office for management functions, spectator seating and service areas, including locker rooms and rest rooms, caretaker's quarters and maintenance facilities in addition to structures for the principal uses. Additional regulations apply to outdoor entertainment establishments that serve alcohol.

Park: A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

Pawnshop: An establishment where merchandise is left as security for a loan of money and abandoned if repayment of the loan has not been made within a specified period.

Personal Service Establishments: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

Planned Unit Development: A land area which has both individual building sites and common property such as park and which is designed and developed under one (1) owner or organized group as a separate neighborhood or community unit. A PUD or Planned Unit Development is intended to permit and control the development of preplanned areas for various compatible uses allowed by the Zoning Ordinance and for other uses not so provided. It is a discretionary review and approval procedure that results in an approved development if all standards of this Article are met and denial if they are not. The zoning district does not change, if a PUD is approved, but like a special use, an approved PUD has all the rights and privileges of an approved use by right as long as all conditions attached to the approval are complied with.

Pool or Billiard Hall: An establishment having a substantial or significant portion of its space devoted to the game of pool, billiards, bumper pool, ping pong, darts, dice, cards, or similar activities that is not owned or operated by a public or quasi-public agency.

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

Private Non-Commercial Race Track: A facility constructed for the purpose of racing or practicing for racing of mechanical devices, vehicles, models of vehicles, which involves a change in the natural state of the surface of the ground, including removal of topsoil, earthen filling, the spreading of aggregate, the creation of earthen berms, ramps, or other man-made earth change or construction.

Public Buildings: Buildings housing public services usually in offices; but not including "Utility and Public Service Installations" or "Educational and Social Institutions".

Public Place: Any public way, park, cemetery, school or open space adjacent thereto; any public lake or stream and any place of business, business establishment, and any establishment licensed by the Michigan State Liquor Control Commission, open to use of the public in general, open to public view, or to which the public has access.

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

Recreation, Private: A recreational space or structure, or combination thereof, belonging to and/or operated by private interests for use by private individuals and/or organizations and/or the public, consisting primarily of man-made structures and/or other artificial apparatus which are necessary to or form the basis for said use.

Recreation, Public: Any recreational space or structure owned by the public or any space and structure or combination thereof privately owned and publicly used consisting primarily of the utilization of natural physical features as the basis for said use (structures and artificial apparatus being secondary to the primary outdoor use).

Religious Institutions: Religious institutions primarily provide meeting areas for religious activities. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on site (as an accessory use).

Repair Services: Establishments that service or repair appliances, electrical equipment or other mechanical equipment or consumer goods. Includes customer drop-off and pick-up as well as off-site service calls.

Research and Development Establishments: An establishment or other facility for carrying on investigation in the natural, physical or social sciences which may include engineering and product development.

Residential District: The R-1A, R-1B, R-1C, R-1D, R-M1, or R-T Districts as described in Article 2.

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Restaurant: An establishment where food is prepared and served for consumption within the principal building, with or without carry-out services.

Sauna, Hot Tub, or Other Similar Enterprises: An establishment where saunas, hot tubs, whirlpools, sun lamps, and similar body relaxing, soothing, or improving facilities are available for male and female customers, with or without supervision, or participation by employees or independent contractors of the business.

Secondhand Store: An establishment where used merchandise is offered for sale as a principal portion of the business of the establishment.

Sexually Oriented Businesses: Business or commercial enterprises engaging in the provision of sexually oriented products and services to adults. Often of an adult entertainment character.

Sexually Oriented Businesses (specific types):

1. Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

2. Adult Bookstore or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

a. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe specified sexual activities or specified anatomical areas. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises twenty percent (20%) or more of sales volume or occupies twenty percent (20%) or more of the floor area or visible inventory within the establishment; or

b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. The sale of such material shall be deemed to constitute a principal business

purpose of an establishment if it comprises twenty percent (20%) or more of sales volume or occupies twenty percent (20%) or more of the floor area or visible inventory within the establishment.

2. Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

- a. Persons who appear in a state of nudity;
- b. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
- c. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- d. Persons who engage in lewd, lascivious or erotic dancing, including but not limited to straddle dancing or lap dancing, or performances that are intended for the sexual interests or titillation of an audience or customers.

3. Adult Motel: A hotel, motel or similar commercial establishment that:

- a. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right of way that advertises the availability of any of the above; and either
- b. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
- c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

4. Adult Motion Picture Theater: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

5. Adult Theater: A theater, concert hall, auditorium or similar commercial establishment that regularly and primarily features a person or persons who appear in a state of nudity or live performances that are

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characterized by exposure of specified anatomical areas or by specified sexual activities.

6. Escort: A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

7. Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

8. Massage Parlor: An establishment where persons conduct, or permit to be conducted, or engaged in, massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating, or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, ointments, oils, alcohol, or any other means of preparations to provide relaxation or enjoyment to the recipient by persons not licensed or certified by the State of Michigan as registered nurses, physicians, massage therapists, rehabilitation therapists, or myomassologists.

9. Nude Model Studio: Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

10. Nudity or a State of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals, genital area, buttocks or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

11. Sexual Encounter Center: A business or commercial enterprise that, as one of its principal business purposes, offers for any form of the following:

- physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

12. Specified Anatomical Areas: Specified anatomical areas are defined as:

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

13. Specified Sexual Activities: Specified sexual activities means and includes any of the following:

- a. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- b. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c. masturbation, actual or simulated; or
- d. excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

13. Straddle Dance (also known as a lap dance or friction dance): A form of live erotic dance at a sexually oriented business where a person offers physical contact in the form of touching, with any part of the person's body, the genital or pubic area of a patron or other person; or when a person uses his/her breast(s) to touch any part of the patron or other person's body; or allows the touching of the breast(s), genitals, pubic area or buttocks of a patron or other person, whether clothed or unclothed by a patron or other person. It shall be a "straddle dance" regardless of whether the "touch" or "touching" occurs while the person is clothed, nude, semi-nude or displaying or exposing any specified anatomical area. It shall also be a "straddle dance" regardless of whether the "touch" or "touching" is direct or through a medium.

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inner connecting

Shopping Center: A group of commercial establishments planned and developed as a unit with off-street parking provided on the property and related in its location, size and type of shops to the trade area which the center serves. Included in this definition are "Regional Shopping Center" and "Neighborhood Convenience Shopping Center".

links, etc. which are not part of the main supports of the sign are to be included in determining the sign area.

Signs (See Figure 21-11).

11. Trailer Sign: Any sign mounted on a vehicle normally licensed by the State of Michigan as a trailer and used for advertising or promotional purposes.

1. Advertising Structure: A structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located.

12. Wall Sign: Any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one advertising surface.

2. Banners: Any sign intended to be hung either with or without frames possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions and symbolic flags of any institution or business shall not be considered banners for the purpose of this article.

13. Window Sign: Any sign placed inside or upon a window facing the outside and which is intended to be seen by the exterior,

3. Billboard: A non-point-of-sale sign which advertises a business, organization, event, person, place or thing.

4. Ground and/or Pole Sign: Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

5. Illuminated Sign: Any sign illuminated in any manner by an artificial light.

6. Nonconforming Sign: Any sign that does not conform to the regulations of this article.

7. Projecting Sign or Marquee: Any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

8. Roof Sign: Any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

9. Signs: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and used as an outdoor display.

10. Sign Area: That area enclosed by one continuous line connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main supporting sign structures but all other ornamental attachments,

Slaughter House: Any building used for the slaughter or the preparation of live animals for food consumption or other uses and for processing animals and the parts thereof to make them saleable for food or otherwise. Retail sales shall be limited to items slaughtered on the premises.

Storage Facilities for Building Materials: Fully covered, partially covered or uncovered storage areas and facilities for materials used in construction and building activities, including but not limited to cement blocks, cement, sand, gravel, stone, crushed stone, landscaping materials, bricks, wallboard, lumber and similar materials. These facilities may be accessory to a principal use such as a surface mining operation, or may be established on a site while a new building is being constructed or street or highway improvements are being made, or may be a principal use in limited districts (see Table 2-2); except that this definition does not include a wholesale or retail lumber yard, and where the use is associated with a surface mining operation, on or off-site, it shall be considered a part of the surface mining operation, even if the materials are imported from off-site, and as such is subject to a special use permit as an accessory use to surface mining.

Temporary Use: A land use specifically authorized and permitted by procedures established in this Ordinance, to exist during a specified period of time.

Utility and Public Service Installations: A building or structure within which a utility or transportation service deemed necessary for the public health, safety or general welfare (an essential service) is provided to the public by an entity under public franchise or ownership; including but not limited to facilities created for the generation, transmission and/or distribution of electricity, gas, steam, communications, television, and water; the collection and treatment of sewage and solid waste; and the provision of roads, rails, air or mass transportation. Accessory uses may include offices, truck and large equipment parking, fueling and maintenance.

Use: The purpose for which land or a building is arranged, designed, or intended or for which land or a building may be occupied.

Vehicle Sales and Service Establishments: Retail sales and service of motorized land and water vehicles. Generally the customer does not wait at the site while the service or repair is being performed. Accessory uses may include offices, showrooms, sales of parts, and vehicle storage.

Vehicle Wash: A building or portion thereof, containing facilities for washing more than two vehicles, using production line methods with a chain conveyor, blower, steam cleaning devices or other similar mechanical devices.

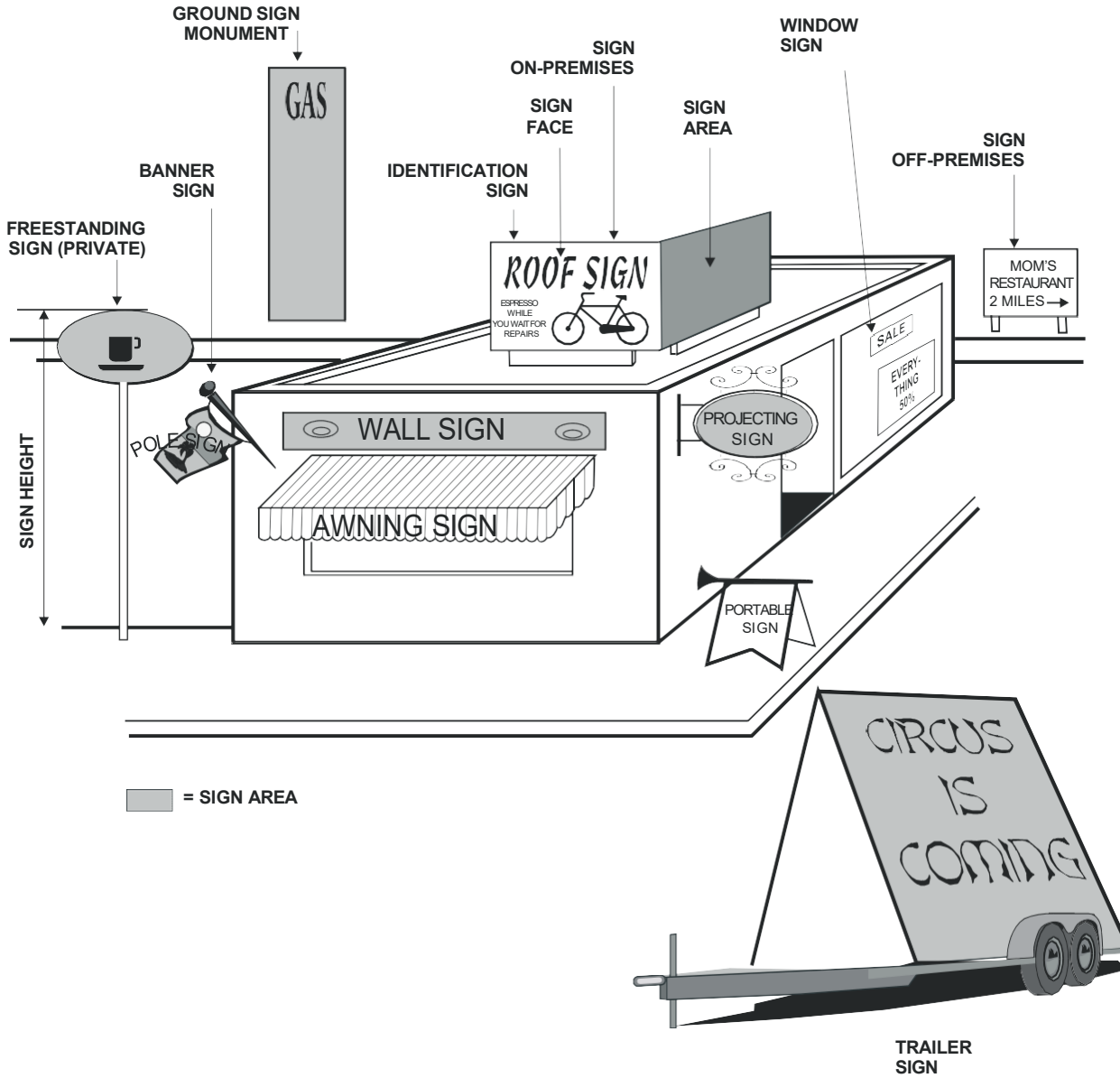
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Watercraft Access Site: A facility available for use by the public for the launching and retrieval of watercraft which may contain a boat trailer ramp or a canoe or other watercraft access area.

Wholesale Trade Establishments: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, fueling and maintenance.

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FIGURE 21-11
SIGNS



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I. OTHER DEFINITIONS USED IN THIS ORDINANCE

Adjacent: having a common boundary line with, or lying next to, or a having a point of contact with

Abutting: to share a border or boundary with, including public or private right of ways for roads or other easements

Alteration: Any modification, addition, or change in construction or type of occupancy, and change or rearrangement in the structural parts of a building. Any enlargement of a building, whether by extending a side or by increasing its height, or the moving from one location to another.

Applicant: A person who submits an application under one of the procedures in this Ordinance. The applicant must be the owner of the property for which an application for a permit or other approval is filed, or an authorized representative of the owner. A "petitioner" is also an "applicant."

Benefit, Recognizable and Substantial: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonable foreseeable detriments of the proposed development and use(s), including, without limitation: long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis; reducing to a significant extent the nonconformity of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.

Board of Appeals: The body appointed by the Township Board to hear appeals by any aggrieved party by a decision or order of the Zoning Administrator, or where it is alleged that the literal enforcement of this Ordinance would involve practical difficulties or would cause unnecessary hardship to the property owner.

Board of Trustees or Township Board: The Perry Township Board of Trustees.

Building Official: The Shiawassee County Building Official responsible for administering the State Construction Code Act 230 of 1972 in Shiawassee County.

Certificate of Zoning Compliance: A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the occupancy of a structure or building which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance.

Change of Use: A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the Building Code, as amended.

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

Contiguous: sharing a lot line with, regardless of public or private right of ways for roads or other easements

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

Dismantled Motor Vehicles: A motor vehicle from which some part or parts which are ordinarily a component thereof have been removed or are missing and which render the vehicle incapable of being operated or propelled under its own power.

District or Zone: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements, and height limitations.

Erected: The word "erected" includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for a building or structure. Excavation, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

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

Fee Simple Title: A freehold estate with no restrictions with respect to inheritable characteristics and full possessors rights.

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Filing Date: The date upon which any application pursuant to this Ordinance is submitted and the required filing fee is paid.

Future Land Use Plan: The plan adopted by the Planning Commission pursuant to the Michigan Planning Enabling Act (Act 33 of 2008) including text, maps and graphic proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the county, the relationship of land uses to one another, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Hazardous Substance: means one of the following:

1. A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.
2. "Hazardous substance" as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, Public Law 96-510, 94 Stat. 2767.
3. "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, MCL 324.11103.
4. "Petroleum" as defined in the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, MCL 324.21303(d)(ii).

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

Michigan Building Code: The administrative rules adopted under the State Construction Code Act 230 of 1972, as amended, that adopt codes governing the construction of buildings and structures including but not limited to the Michigan Residential Code and the Michigan Rehabilitation Code.

Nuisance: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things such as, but not limited to noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passenger traffic, and invasion of non-abutting street frontage by traffic.

Off-Street Parking Lot: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

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

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

Parking Space: A land area of not less than ten (10) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public street or alley. See Figure 21-12.

Partially Dismantled Motor Vehicle: A motor vehicle from which some part or parts which are ordinarily a component thereof have been removed or are missing and which render the vehicle incapable of being operated or propelled under its own power.

Person: As used in all but Section 4.3.65 dealing with sexually oriented businesses, means an individual, partnership, association, trust, or corporation, or any other legal entity or combination of legal entities.

Planning Director: A professional planner, appointed by the Township Board and assigned to staff the Township Planning Commission and advise the Board on matters related to this Ordinance.

Proof of Equitable Title: Proof of Equitable Title is defined as a recorded land contract agreement or recorded deed conveying to the purchaser interest in real estate and/or any assignments of the purchasers interest thereof.

Reclamation: The activity of returning a parcel of land that has been surface mined for gravel, coal, clay, shale or any earth material and used as an operations area to a land form that has a viable land use compatible with land use activities in the surrounding area. This further implies that the proposed land use has a value equal to or greater than the use of the parcel prior to mining and operations activity.

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Recreational Vehicles: Small mobile units principally designed for recreational pastime such as motor homes, camper trailers, pickup campers, pop-up tent trailers, and similar camping type vehicles or trailers.

Refuse Storage Space: Any exterior space designated by a site plan for containers, structures, or other receptacle intended for temporary storage or solid waste materials.

Repair: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

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

Scenic Vista: A distant view through or along an avenue or opening relating to natural scenery.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

Special Use: A use of land which is not essentially incompatible with the classes of land uses permitted in a zoning district, but which possesses characteristics or locational qualities which may make it incompatible with adjoining lots when proposed in a particular location because of certain nuisance-like characteristics, or which may pose problems in a particular location with the adequate provision of public services and facilities. Also known as a "special land use" in the Michigan Zoning Enabling Act (Act 110 of 2006).

Special Use Permit: A permit issued following a process to ensure that a proposed special use is compatible with adjacent lands, public services, and facilities. (See Article 12)

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

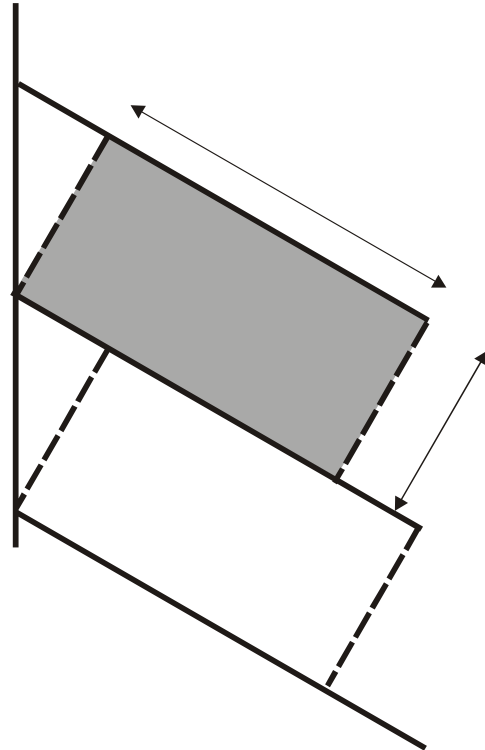
Structural Alterations: Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls.

Traffic Impact Assessment or Study: See Section 5.2.1.F.

Travel Trailer: A recreational unit designed to be used for temporary residence purposes.

Underground Storage Tank: A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to

**FIGURE 21-12
PARKING SPACE DIMENSIONS**



contain hazardous substances, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is ten percent (10%) or more beneath the surface of the ground.

Variance: A variance is a modification of the dimensional requirements of the Zoning Ordinance where such variance will not result in a use of property being allowed that is not otherwise allowed in that zoning district and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary hardship or practical difficulties.

Watercourse: An open conduit, either naturally or artificially created, which periodically or continuously contains moving water draining an area of at least two (2) square miles.

Water's Edge: Means "ordinary high water mark."

Zoning Administrator: The administrator of this Ordinance appointed by the Township Board. Employees hired to work with and for the Zoning Administrator may be empowered to exercise the same authority as the Zoning Administrator, according to rules and procedures established by the Planning Commission.

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Zoning Permit: A document signed by the Zoning Administrator according to procedures established in this Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that indicates that a

site plan, plot plan, and/or other zoning application or request for special zoning approval or variance for a use, structure or building has been reviewed and determined to comply with the requirements of this Ordinance or has been granted a variance therefrom.

**Article 22
RESERVED FOR FUTURE USE**

Article 23
SEVERABILITY, VALIDATION AND SAVINGS CLAUSE

Section 23.1 SEVERABILITY

This Ordinance and the various Articles, Sections, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, clause or word is adjudged unconstitutional or invalid for any reason, by any Court, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the Court to be inoperable.

Section 23.2 CONFLICTING PROVISIONS REPEALED

Where a provision of this Ordinance conflicts with a provision of another Ordinance, the strictest shall prevail.

Section 23.3 SAVINGS CLAUSE

This Ordinance shall not impair or affect any act done, offense committed or right accruing, accrued, or acquired; or liability, penalty, forfeiture or punishment incurred prior to the time this Ordinance takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if this Ordinance had not been adopted. Such proceedings may be consummated under and according to the Ordinance in force at the time such proceedings are or were commenced. All prosecution, or other actions, pending at the effective date of this Ordinance and all prosecution, or other proceedings, instituted after the effective date of this Ordinance, or offenses or acts committed prior to the effective date of this Ordinance, may be continued or instituted under and in accordance with the provisions of the Ordinance in force at the time of such offense.

Article 24
EFFECTIVE DATE

This Ordinance shall be in full force and effect on the date stated in the publication, i.e. seven (7) days after publication. Which will be Date: _____

Therefore, be it ordained that the Perry Township Board of Trustees adopts this Ordinance at a

meeting thereof, duly called and held on the _____

Approved by the Board of Trustees of Perry Township, Shiawassee County, Michigan on the _____

Effective _____

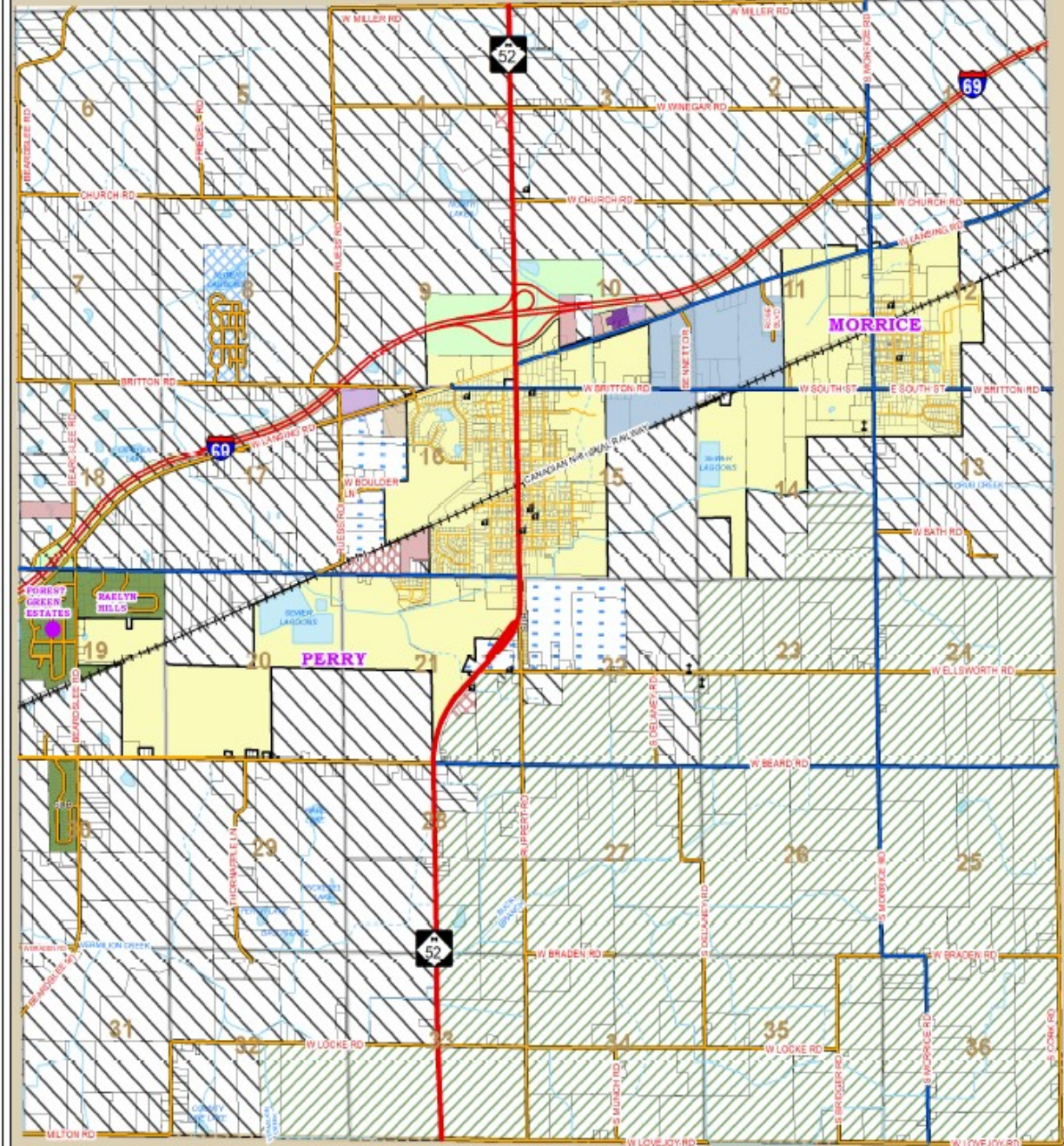
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Perry Township Zoning Map



Zoning Boundaries	
	A-1 District: Agricultural Production
	A-2 District: Agricultural / Rural Residential
	B-1 District: Commercial
	B-2 District: General Business
	B-3 District: Highway Service
	M-1 District: Light Industrial
	M-1 District: Heavy Industrial
	R-1A District: One Family Rural Residential
	R-1B District: One Family Low Density Residential
	R-T District: Mobile Home Development
	DDA - see Map 9 on pg. 65 of Master Plan

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