

# **WATERLOO TOWNSHIP ZONING ORDINANCE**

*Adopted November 16, 2004  
Effective November 30, 2004  
Adoption of Zoning Map March 21, 2006  
Amended February 26, 2007  
Amended December 15, 2009  
Amended October 19, 2011  
Amended August 21, 2013  
Amended August 28, 2018  
Amended June 25, 2019*

See Following Table Regarding Amendments

**Waterloo Township  
Jackson County, Michigan**

## Summary Table of Amendments

Ordinance No. and Adoption Date	Affected Section(s)	Summary
#06-07-18-02 on 07/18/2006	Section II of table 9-2	The 2004 Waterloo Township Zoning Ordinance is amended to revise Table 9-2 by the replacement of the "S" in the A-1 District cell for single family dwellings in Line 1 under "Uses of a Primarily Residential Character", with "BR", thereby designating single family dwellings in the A-1 District as a "Use By Right".
06-07-18-02 07/18/2006	Section III Amendment	The 2004 Waterloo Township Zoning is amended by the deletion of Section 11.23 addressing special land use standards for single family dwellings in the A-1 District.
#06-10-17-03 On 10-17-06	Preamble	Incorporate reference to Zoning Enabling Act
	Sec. 1.01	Incorporate reference to Zoning Enabling Act
	Sec. 3.01	Coordinate "Purpose" with Zoning Enabling Act
	Sec. 3.08	Incorporate reference to Zoning Enabling Act (administration
	Sec. 3.08	Incorporate hearing notice requirements of Zoning Enabling Act
	Sec. 5.02(C) and (D)	Incorporate Zoning Enabling Act requirements for special land use hearing notices and statement of findings
	Sec. 6.02	Clarify ZBA provisions regarding members, alternates, and removal from office, according to Zoning Enabling Act
	Sec. 6.04	Incorporate reference to Zoning Enabling Act (ZBA jurisdiction
	Sec. 6.06(B)	ZBA hearing notices
	Sec. 6.08	Appeals of ZBA decisions
	Sec. 7.04(C)	Hearing notice requirements for ordinance amendments
	Sec. 7.04(F)	Township Board action on amendment petitions.
#09-12-15-1 #09-12-15-2 On 12-15-09	Sections 9, 11, 15, 18, and 20	Modified Tables 9.2 & 9.3 to include "outdoor wood-fired boilers" and "On-site Use Wind Energy Systems". Modified Table 18/05 and Section 18.05B. Added two new sections in at the end of Article 11, again for "Outdoor Wood Fired Boilers" and "On-site Use Wind Energy systems", Modified 20.20.C to address accessory structure location. Modified 15.07 to address appropriate authority for signs in right-of-ways.
10-19-11	11,19 and 21,02 Tables 9-2 and 9-3 11.15	11.19 and 21.02 Text amended to expand the locations in which towers of this type are permitted and define appropriate special requirements; 11.15 to amend text for Special Performance Standards
08/21/2013	Section 9	Zoning change from PC to A2 or parcels on Green Rd.
08/28/2018	Sections: 4.03 B, 4.04 B and 6.05	To specifically allow Zoning Official to request official surveys to enable determination of zoning compliance
06/25/2019	Sec.9.05.C Sec. 9.05.B.2 Sec. 20.25 and 20.26 Tables 9-2 and 9-3 Sec. 21.02	Incorporate Onsite Solar Energy Systems and Commercial/Utility Photovoltaic Solar Energy Systems ordinances



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## **PREAMBLE**

An Ordinance enacted by Waterloo Township under Public Act 184 of 1943, as amended, to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by Ordinance, and within which district provisions are adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches; to provide for administration and amendments of said Ordinance; to provide for appeals and for the organization and procedures to be followed by the Zoning Board of Appeals; and to provide for penalties for the violation of said Ordinance. The continued administration of this Ordinance, amendments to this Ordinance and all other matters concerning operation of this ordinance shall be done pursuant to P.A. 110 of 2006, as amended, the Michigan Zoning Enabling Act.  
(Amended 10-17-06, Ord. #06-10-17-03)

## **Article 1 TITLE and PURPOSE**

### **Section 1.01 Title**

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

### **Section 1.02 Purpose**

It is the purpose of this Zoning Ordinance to establish districts, standards and review procedures in association with the use of land in Waterloo Township, including enforcement and appeal provisions to promote the public health, safety, and general welfare including preservation of community character, to encourage the use of lands in accordance with their character and adaptability, to limit the improper use of land, to conserve natural resources and energy, 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, to insure that uses of the land shall be situated in appropriate locations and relationships, to avoid the overcrowding of population, to provide adequate light, air, to lessen congestion on the public roads and streets, to reduce hazards to life and property, to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements, to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, and to implement the goals, objectives and policies of the Waterloo Township Master Plan.  
(Amended 10-17-06, Ord. #06-10-17-03)

***End of Article 1***



**Article 2**  
**INTERPRETATION, SEVERABILITY, VESTED RIGHT,**  
**REPEAL, and EFFECTIVE DATE**

**Section 2.01 INTERPRETATION**

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

**Section 2.02 SEVERANCE CLAUSE**

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

**Section 2.03 VESTED RIGHT**

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

**Section 2.04 REPEAL**

All ordinances and amendments thereto enacted and/or adopted by the Township by virtue of Act 184 of the Public Acts of 1943, as amended, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

**Section 2.05 EFFECTIVE DATE**

This Ordinance shall take effect seven (7) days following adoption and upon publication of a notice of adoption in accordance with the provisions and procedures of the Township Zoning Act, PA 184 of 1943, as amended. Made and passed by the Township Board of the Township of Waterloo, Jackson County, Michigan on the 16th day of November, 2004.

1. Date of Adoption by Township Board: November 16, 2004.
2. Date Notice of Adoption Published in Newspaper: November 23, 2004
3. Date Ordinance Shall Take Effect: November 30, 2004

***End of Article 2***

## Article 3 ADMINISTRATION, ENFORCEMENT, and PENALTIES

### Section 3.01 Administration

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Planning Commission, and such personnel as designated by the Township Board in accordance with the Michigan P.A. 184 of 1943, as amended, "Township Zoning Act"; and this Ordinance. The Township Board shall appoint one or more Zoning Administrators who shall act as an officer in the administration and enforcement of this Ordinance. The Township Board, Planning Commission, Zoning Administrator and any other person or body involved in the administration and enforcement of this Ordinance may exercise any authority conferred upon it by law, including the Township Zoning Act. (Amended 10-17-06, Ord. #06-10-17-03)

### Section 3.02 Duties of the Zoning Administrator

Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in doing so shall perform, but not necessarily be limited to, the following duties:

- A. Receive Applications and Issue Permits:** All applications for zoning permits, including permits for signs, businesses, home occupations, dwellings, special land uses, temporary uses, and temporary dwellings, as well as applications for appeals, site plan and plot plan approvals; and requests for changes to a nonconforming use shall be submitted to the Zoning Administrator who may issue permits when all applicable provisions of this Ordinance have been met and, where required by this Ordinance, approval has been granted by the Planning Commission, Township Board, or Zoning Board of Appeals.
- B. Maintain File of Applications and Permits:** The Zoning Administrator shall maintain files of all permit applications, and shall keep a record of all permits issued. The Zoning Administrator shall provide the Township Clerk with a copy of all zoning permits which shall be filed in the office of the Township Clerk and shall be available for public inspection.
- C. Inspections:** The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to carry out the enforcement of this Ordinance. No person shall assault and/or otherwise interfere with the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator shall seek authority through the Township Supervisor or legal council to obtain a search warrant any time a property owner refuses access to a property in order to make an inspection to determine compliance with this Ordinance.
- D. Record of Complaints:** The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint; such records shall be open for public inspection.
- E. Violations:** Enforcement actions may be initiated by a complaint, or by the Zoning Administrator independently anytime he or she identifies a violation.
- F. Report to the Township Board:** The Zoning Administrator shall report to the Township Board periodically at intervals not less than monthly, summarizing for the period since the last previous report, all Zoning Permits issued and all complaints of violation and any action taken on each complaint.

### Section 3.03 Permit Procedures and Regulations

It is the intent and purpose of this Section to create a review and permit process for the administration of this Ordinance. The primary process shall require the issuance of one permit which shall be the Zoning Permit. Issuance of such a Permit, pursuant to this Section, shall indicate that the uses and plans for which the Zoning Permit is requested comply with this Ordinance. Upon the issuance of a Zoning Permit, the applicant may erect or alter a building or structure for which the Zoning Permit has been issued only after receiving a Building Permit from the Township Building Inspector.

**A. Zoning Permit Required:** No excavation shall be initiated, no building shall be erected, altered, moved or structural alterations (including but not limited to porches, decks, or patios) initiated, nor any principal use be established to replace a previous use of the property until a Zoning Permit has been issued by the Zoning Administrator and, where required, a Building Permit has been issued by the Building Inspector. The Zoning Administrator shall not issue a Zoning Permit until the applicant has submitted a complete and adequate application for such Zoning Permit, and the designated review body holding approval authority has granted approval. No Zoning Permit shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of this Ordinance, except upon written order of the Zoning Board of Appeals. An application for a Zoning Permit shall be available from the Zoning Administrator.

**B. Zoning Permit Approval Authority and Procedures:** Authority and procedures for the granting of approval of a zoning permit application shall be as follows:

1. Township Board Authority and Procedures:

- a. The Township Board shall be the approving body for all Zoning Permits for the following:
  - 1) All uses permitted by right within any Commercial or Industrial zoning district, excluding single family and two family dwellings, whether such use is a new use on a vacant parcel or a new use established to replace an existing or previous use such as, for example purposes only, a hardware store converted into an office building or grocery store, or another retail establishment where the principal product or service for sale is substantially different than the previous retail establishment.
  - 2) All special land uses.
  - 3) All uses for which this Ordinance requires five (5) or more off street parking spaces.
  - 4) All single and two family developments subject to the platting requirements of P.A. 591 of 1996, the Land Division Act, as amended.
  - 5) All condominium subdivisions subject to P.A. 59 of 1978, the Condominium Act, as amended.
- b. The following procedure shall be followed in the review of Zoning Permit applications for which the Township Board is the approving body:
  - 1) In addition to the submittal of a Zoning Permit application, the applicant shall submit a Site Plan pursuant to Article 4 (Procedures for Plot Plan and Site Plan Review) to the Planning Commission which shall recommend approval, denial, or approval with conditions to the Township Board. The Township Board shall subsequently approve, deny, or approve with conditions the application and site plan, pursuant to Article 4. Upon approval of the Site Plan by the Township Board, the Zoning Administrator shall issue the applicable Zoning Permit.
  - 2) In the case of a Zoning Permit application for a use which is listed as a "Special Land Use" in the District within which the subject property is located, the procedures of Article 5 (Procedures for Special Land Uses) shall apply.

2. Zoning Administrator Authority and Procedures:

- a. The Zoning Administrator shall be the approving body for all Zoning Permits for all other uses not delineated above for Township Board approval, including single family and two family dwellings and accessory structures associated with such dwellings.
- b. The following procedure shall be followed in the review of Zoning Permit applications for which the Zoning Administrator is the approving body:
  - 1) In addition to the submittal of a zoning permit application, the applicant shall submit to the Zoning Administrator a plot plan that adequately portrays proposed construction and uses upon the property, pursuant to the procedures and requirements of Article 4 (Procedures for Plot Plan and Site Plan Review).
  - 2) After conducting a review, the Zoning Administrator shall reject, approve, or conditionally approve the application and plot plan pursuant to Article 4. Upon approval by the Zoning Administrator of the application, including the plot plan, the Zoning Administrator shall issue the applicable Zoning Permit.

**C. Permit Issuance, Withholding, Expiration, and Revocation.**

1. Issuance: Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue the appropriate permit. A performance guarantee may be required as a condition to the issuance of any Zoning Permit in order to insure conformance with the requirements of this Ordinance (see Section 3.06). In any case where a permit is refused, the reasons shall be stated in writing to the applicant.
2. Withholding Permit: The Zoning Administrator may withhold any Zoning Permit pending verification that an applicant has received required county, state or federal permits including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetlands permits; flood plain and culvert permits; driveway permits; or building permits. Likewise, wherever this Ordinance authorizes permit approval by the Zoning Administrator or Township Board, the Zoning Administrator or Township Board may condition final approval of the requested development activity upon the receipt of any of the above mentioned county, state or federal approvals and/or direct the Zoning Administrator not to issue a Zoning Permit until said permits from other agencies have been obtained.

3. **Expiration of Permit:** Any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first inspection by the Zoning Administrator. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective, provided however, that the Township Board may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. Upon expiration without a waiver extension, the permit shall be renewable upon reapplication and upon payment of the original fee, subject to the provisions of all ordinances in effect at the time of renewal.
4. **Revocation:** The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit.

**D. Relation to Nonconforming Uses:** It shall not be necessary for an owner of a legal nonconforming structure or use, existing on the effective date of this Ordinance, to obtain a Zoning Permit in order to maintain its legal, nonconforming status. However, no nonconforming building, structure, or use shall be renewed, changed, or extended pursuant to Article 9 (Nonconforming Lots, Structures, and Uses) until a Zoning Permit has been issued by the Zoning Administrator. In such cases the Permit shall state specifically how the nonconforming building, structure, or use differs from the provisions of this Ordinance.

**E. Occupancy Permit:** No structure or use shall be occupied without first receiving a certificate of occupancy permit from the Building Inspector.

#### **Section 3.04 Fees**

**A. General Fees:** Fees for review of applications for zoning permits, ordinance amendment requests, appeals to the Zoning Board of Appeals, inspections and the issuance of permits or certificates required under this Ordinance shall be deposited with the Township Clerk in advance of processing any application or issuance of any permit. No application for approval for which a fee is requested will be processed until the fee is deposited with the Township Clerk. The amount of such fees shall be established by the Township Board by resolution and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance. Such fees may include but are not limited to all costs associated with conducting a public hearing or inspection, including newspaper notice, postage, photocopying, and staff time; Planning Commission, Township Board and/or Zoning Board of Appeals time; mileage; and any costs associated with reviews by qualified professionals including professional planners and/or engineers.

**B. Professional Review Fee:** A fee may be requested for any project or application which may, in the discretion of the Zoning Administrator, Zoning Board of Appeals, Planning Commission, or Township Board, involve matters of land appraisal, land title work, legal assistance or other matters, or may create conditions on the subject site hazardous to the general public health, safety, or welfare, or create an identifiable and potentially negative impact on public infrastructure or services or on adjacent properties, and because of which professional input and/or assistance is desired before a decision to approve, deny or approve with conditions is made. The applicant shall receive a copy of any professional review contracted for by the Township and a copy of the statement of expenses for the professional services rendered. The applicant is entitled to a refund of any unused fee at the time a permit is either issued or denied in response to the applicant's request. If actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to receipt of any Zoning Permit or other permit issued by the Township in response to the applicant's request.

#### **Section 3.05 Violations**

**A. Violations are Nuisances Per Se:** Violations of any provisions of this Ordinance are declared to be nuisances per se. A violation includes any act which is prohibited or made or declared to be unlawful or an offense by this Ordinance and any omission or failure to act where the act is required by this Ordinance.

**B. Notice of Violation:** The Zoning Administrator shall inspect each alleged or apparent violation. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a Notice of Violation, in writing, which specifies all circumstances found to be in violation. A Notice of Violation or stop order posted by the Zoning Administrator on a structure or dwelling shall not be removed without written authorization from the Zoning Administrator.

**C. Service of Notice:** Such notice shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records.

**D. Violation Correction Period:** All violations shall be corrected within the time period specified on the Notice of Violation, as deemed appropriate in the reasonable discretion of the Zoning Administrator, but not less than fifteen (15) days nor more than six (6) months.

**E. Legal Action:** If the owner or party in interest fails to correct the violation within the time period specified, the Township Board and Township Attorney shall be notified of such failure and appropriate legal action shall be taken. If the threat to public health and or safety necessitates immediate action, this procedure may be circumscribed and the Township Board may initiate injunctive action in Circuit Court or any such other remedy provided by Law.

**F. Violations as Misdemeanors:** Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances, approved site plans, zoning permits, or other authorizations under this Ordinance, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500) or imprisoned for not more than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. The owner of record or tenant of any building, structure, premises, or part thereof, and any architect, building contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

**G. Remedies:** The Township Board may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.

### **Section 3.06 Performance Guarantee for Compliance**

**A. Purpose:** In authorizing any Zoning Permit 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; (2) to insure the discontinuance of a temporary use by a stipulated time; and (3) to provide sufficient resources for the Township to complete required improvements or conditions in the event the permit holder does not. A performance guarantee may be required as a condition for the issuance of a Zoning Permit in addition to any other condition established pursuant to Section 20.01.

**B. Requirements of Guarantee:** The performance guarantee shall meet the following requirements:

1. **Improvements Covered:** Improvements that shall be covered by the performance guarantee include those features and actions associated with the project which are considered necessary by the approving body to protect natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, common open space improvements, lighting, drainage and sidewalks.
2. **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 Clerk, which names the property owner as the obligor and the Township as the obligee. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
3. **Amount and Time Required:** The amount of the performance guarantee or bond shall be one hundred fifty percent (150%) of the estimated cost of the improvements or conditions, according to a detailed cost estimate submitted by the applicant and approved by the Township Board. After approval of the detailed cost estimate, the performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project.

**C. Return of Performance Guarantee or Bond:** The following procedure shall be followed in the return of performance guarantees or bonds:

1. **Request for Payment:** As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Township Clerk of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the Township Board indicating either 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.

2. **Approval of Payment:** The Township Board shall either 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 Township Board within forty-five (45) days after receipt of the notice from the obligor of the completion of the improvements. Where approval or partial approval is granted, the Township Board shall notify the Township Clerk of such approval and the Township Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.
  - a. 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.
3. **Lack of Full Completion:** 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 balance remaining shall be returned to the applicant.

**D. Record of Performance Guarantees:** A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

### Section 3.07 Reserved for Future Use

### **Section 3.08 Public Hearing Notices** (Amended 10-17-06, Ord. #06-10-17-03)

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

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

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

1. General public, by publication of the hearing notice in a newspaper of general circulation in the Township.
2. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
3. To all persons to whom real property is assessed within 300 feet of the boundary of the project subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in Waterloo Township, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
  - a. Subsection (3) above shall not apply in the case of rezoning requests involving eleven (11) or more adjacent properties, or an ordinance interpretation request or an appeal of an administrative decision that does not involve a specific property.
4. In the case of a text amendment or zoning map amendment, to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing, by mail.

**C. Timing of Notice:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15)

days before the date the request will be considered for approval, including applications for zoning map amendments (rezonings), text amendments, special land uses, variances, appeals and ordinance interpretations.

**D. Confirmation of Notices Made by Mail or Personal Delivery:** Notice shall be deemed mailed by its deposit in the United States first class mail, properly addressed and postage paid. The Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

***End of Article 3***

## Article 4 PROCEDURES for PLOT PLAN and SITE PLAN REVIEW

### **Section 4.01 Purpose**

It is the purpose of this Article to specify standards, data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this Ordinance. A site plan contains comprehensive and detailed information about improvements proposed on the site and is required for land uses such as business, industrial, and multiple family developments. Plot plans are less detailed plans pertaining to improvements proposed on the site and are required for less complex developments, such as single family and two family dwellings.

### **Section 4.02 Approval of Site Plan or Plot Plan Required**

**A. Township Board Approval for Site Plans:** Site plan approval is required by the Township Board, prior to the issuance of a Zoning Permit, for the following uses:

1. All uses permitted by right within any Commercial or Industrial zoning district, excluding single family and two family dwellings, whether such use is a new use on a vacant parcel or a new use established to replace an existing or previous use.
2. All special land uses.
3. All uses for which this Ordinance requires five (5) or more off street parking spaces.
4. All single and two family developments subject to the platting requirements of P.A. 591 of 1997, the Land Division Act, as amended.
5. All condominium subdivisions subject to P.A. 59 of 1978, the Condominium Act, as amended.

**B. Zoning Administrator Approval for Plot Plans:** Plot Plan approval is required by the Zoning Administrator, prior to the issuance of a Zoning Permit, for all other uses not listed in Section 4.02 (A) above, including single family and two-family dwellings.

### **Section 4.03 Plot Plan Review Procedures**

**A. Submittal Requirements:** In addition to the submittal of a zoning permit application, the applicant shall submit to the Zoning Administrator drawings and plans that adequately portray proposed construction and uses upon the property. Such drawings and plans shall adequately portray, in the judgment of the Zoning Administrator, sufficient information to determine compliance of such proposed construction or use with the standards of this Ordinance. An accurate, readable, scale drawing, at a scale no less than 1" = 20', showing the following shall be submitted with applications for Zoning Permits for uses requiring plot plan review, except in the case of minor alterations and repair, as determined by the Zoning Administrator.

1. Name, address and telephone number of the applicant (and owner if different).
2. Property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
3. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
4. Dimensions of yards, parking lots and space dimensions, and the number of spaces.
5. A description of proposed use(s) of the building(s), land and structures.
6. The proposed number of sleeping rooms, dwelling units, and employees, as applicable.
7. Configuration of the driveway and parking areas.
8. Existing public right-of-ways or easements.
9. Evidence of approval and location of proposed septic waste disposal and potable water source.
10. Any other information deemed necessary by the Zoning Administrator to determine zoning ordinance compliance and provide for the enforcement of this Ordinance.

**B. Review:** The Zoning Administrator shall review the application materials for completeness and compliance with the standards of this Ordinance. If such materials are not complete or do not adequately portray proposed construction and use of the property, the materials shall be returned to the applicant with a written notice identifying the inadequacies. Specifically that the Office of Zoning Administration when considering a Zoning Application is unsure if the submitted drawings are adequate to make an official determination that the proposal will conform to the provisions of this Ordinance they may require that the applicant submit a current certified survey of the specific parcel boundaries that are judged to be inadequate. Upon receipt of completed and adequate application materials, the Zoning Administrator shall review the application materials and determine their conformity with the applicable provisions of this Ordinance.



**C. Action:** After conducting a review, the Zoning Administrator shall reject, approve, or conditionally approve the plot plan as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the Zoning Administrator shall be stated in writing and shown on the plot plan, together with the reasons, and delivered to the applicant. The decision by the Zoning Administrator shall be made within thirty (30) days of the receipt of complete and adequate application materials. A plot plan shall be approved if it contains the information required by law, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

**Section 4.04 Site Plan Review Procedures**

**A. Submittal Requirements:** At least twenty (20) copies of the application and site plan shall be submitted to the Zoning Administrator, along with all required fees. Each site plan shall be provided on a professional quality drawing of scale not less than 1"=100'. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and all drawings shall include name, address and telephone number of the property owner, developer, or representative agent. In addition to the applicant's full name, address and phone number, the following data shall be submitted with applications for Zoning Permits for uses requiring a site plan. The Planning Commission may waive any of the submittal requirements specified below upon the applicant's successful demonstration to the Planning Commission that such information is not necessary for the Planning Commission to make a sound and educated recommendation regarding the site plan's conformance to the standards of the Ordinance.

1. A survey showing property dimensions and legal description, including angles, net and gross lot area and dimensions, and an arrow pointing north.
2. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, carports or garages, employees by shift, amount of recreational and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
3. Natural features such as woodlands, streams, flood plains, county drains, lakes or ponds, topography (at two-foot intervals on-site and within one hundred fifty (150) feet of the site) and man-made features such as existing roads and structures, with indication as to which are to be retained and which removed or altered.
4. Existing and proposed man-made features such as, but not limited to:
  - a. public right-of-ways, private easements of record, and deed restrictions.
  - b. streets, alleys, sidewalks, and driveways, including dimensioned cross-sections and inside radii of all curves); acceleration, deceleration or right turn lanes; loading/unloading areas; parking spaces, the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles; and traffic control measures (including signs) and proposed street or road names.
  - c. principal and accessory building and structure locations; finished floor and grade line elevations; building and structure heights, square footage, and dimensions; and proposed typical elevational drawings for each building side.
  - d. utilities; water supply; exterior drains, dry wells, catch basins, and retention and/or detention areas; sumps, septic tanks and drain fields and other facilities designed to collect, store or transport storm water, waste water, and other wastes; any easements that exist or are proposed to be established for installation, repair and maintenance of utilities; and trash storage/receptacle pads and areas. The point of discharge for all drains and pipes shall be specified on the site plan.
  - e. lighting, including height of light fixtures, type and style of fixture; and measures intended to shield adjacent properties from such lighting and assure compliance with Article 18.
  - f. signs, including location, dimensions and elevations.
5. Location and specifications for any existing or 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.
6. A landscaping plan pursuant to Article 17 (Landscaping and Screening) indicating the locations of plant materials to be preserved and locations of proposed planting and screening; fencing; proposed alterations to natural features including but not limited to topography, woodland stands, and drainage courses; and proposed locations of open spaces and intended uses of such spaces.
7. Proposed density schedules for residential uses including the number of dwelling units per acre, the types of units, and the number of each unit type.
8. A statement from the applicant identifying all federal, state and local permits required, if any.
9. Project completion schedule.

10. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).
11. Such other information as is necessary to enable the Township Board to determine whether the proposed site plan will conform to the provisions of this Ordinance.

**B. Zoning Administrator Review and Distribution:** The Zoning Administrator shall record the date of receipt of the application and site plan. The Zoning Administrator shall review the application materials for completeness. If such materials do not appear complete, the materials shall be returned to the applicant with a written notice identifying the inadequacies. Specifically that the Office of Zoning Administration when considering a Zoning Application is unsure if the submitted drawings are adequate to make an official determination that the proposal will conform to the provisions of the Ordinance they may require that the applicant submit a current certified survey of the specific parcel boundaries that are judged to be inadequate. Upon receipt of completed and adequate application materials, the Zoning Administrator shall transmit seven (7) copies thereof to the Planning Commission; five (5) copies thereof to the Township Board, and the remaining shall be transmitted to other review bodies as may be deemed desirable such as, but not limited to public agencies and engineering and planning staff and consultants. At least one (1) copy shall be retained by the Zoning Administrator.

**C. Planning Commission Review and Action:**

1. The Planning Commission shall review the application and site plans for completeness and if such application or plans are not complete according to Section 4.04(A) above, the plans shall be returned to the applicant with a written notice identifying the inadequacies of the plans. Upon receipt of an adequately completed application and plans, the Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 4.05. The Planning Commission may, at its discretion, delay deliberating upon a site plan at its next regularly scheduled or special meeting unless the site plan and all supporting documents, including a zoning permit application form, have been received by the Zoning Administrator within thirty (30) days of such meeting and the Zoning Administrator had made the site plan available to the Planning Commission at least ten (10) days prior to such meeting.
2. After conducting a review, the Planning Commission shall recommend denial, approval, or conditional approval of the site plan as it pertains to requirements and standards contained in the Zoning Ordinance, including the standards of Section 4.05. Recommendations by the Planning Commission shall be made within ninety (90) days of the receipt of a complete application unless, in the opinion of the Planning Commission, an extension of time is necessary to adequately collect and review information pertinent to a recommendation.

**D. Township Board Review and Final Action:** After receiving the Planning Commission's recommendation and conducting its own review of the application and site plan, the Township Board shall deny, approve, or conditionally approve the site plan as it pertains to requirements and standards contained in the Zoning Ordinance, including the standards of Section 4.05. The decision of the Township Board shall be made within sixty (60) days of the receipt of the Planning Commission's recommendation unless, in the opinion of the Township Board, an extension of time is necessary to adequately collect and review information pertinent to a final decision. A site plan shall be approved by the Township Board if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the Township Board for approval shall be stated in writing, together with the reasons, and delivered to the applicant.

**E. Approved Site Plans:** Three (3) copies of the approved site plan, with any conditions contained within shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Township Supervisor, attested by the Township Clerk, for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.

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**Section 4.05 Site Plan Approval Standards**

**A.** Each site plan shall conform with the applicable provisions of this Ordinance including requirements pertaining to lot area, lot width, setbacks and permitted uses, and the standards listed below:

1. Applicable provisions of:
  - a. Article 15, Signs
  - b. Article 16, Off-Street Parking and Loading
  - c. Article 17, Landscaping and Screening
  - d. Article 18, Environmental Protection
  - e. Article 20, General Provisions
2. All elements of the Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance. The location of buildings, outside storage areas, parking areas, screen walls, utility areas and other site alterations shall minimize adverse effects upon the users of the site and upon the use and enjoyment of adjoining properties.
3. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which are in keeping with the general appearance of adjacent and surrounding uses and development. Priority shall be given to the preservation of woodlands, wetlands, steep slopes, water courses, ponds, lakes, and groundwater recharge areas.
4. The removal of storm waters shall not increase erosion, sedimentation, or degradation of surface or groundwater quality, nor adversely affect neighboring properties. The removal of storm waters shall rely upon the site's natural drainage characteristics to the greatest extent practical.
5. All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.
6. Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.
7. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
8. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards of the County Road Commission.
9. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative impacts of such parking areas both on the site and in relation to surrounding properties.
10. Residential and nonresidential development shall not include unnecessary curb cuts. Nonresidential uses shall use shared drives and/or service drives unless precluded by substantial practical difficulties.
11. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.
12. Site plans shall conform to all applicable requirements of state and federal statutes.
13. Sites which are characterized by the presence of hazardous materials or wastes, including fuels salts, and chemicals, shall be designed to prevent sills and discharges of polluting materials. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
  - a. 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 ground water discharge permit.
  - b. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

**B.** Each site plan shall conform with any conditions imposed by the Township Board pursuant to Section 20.01.

#### **Section 4.06 Conformity to Approved Site Plans**

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 approval by the Township Board. If construction and development does not conform with such approved plans, the approval of any Township permit shall be revoked by the Zoning Administrator pursuant to Section 3.03. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

#### **Section 4.07 Changes**

**A. Changes to the Site Plan:** No changes shall be made to an approved Site Plan prior to or during construction except upon mutual agreement between the applicant and the Township Board or Zoning Administrator according to the following procedures;

1. **Minor Changes:** Minor changes to an approved Site Plan involving changes of less than five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; adjustment of utilities; and similar minor changes may be approved by the Zoning Administrator unless the Zoning Administrator defers judgment to the Township Board.
2. **Major Changes:** Major changes or amendments to an approved Site Plan involving changes in excess of five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces; an increase in the gross floor area or heights of buildings; a reduction in the open space; and similar major changes, shall require the approval of the Township Board, in the same manner as the original application was submitted, reviewed, and approved and subject to the finding of all of the following:
  - a. Such changes will not adversely affect the initial basis for granting approval;
  - b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and
  - c. Such changes shall not result in the reduction of open space area as required herein.

**B. Changes to a Plot Plan:** The Zoning Administrator shall review proposed changes to an approved Plot Plan in accordance with the same procedures, requirements, and standards used by the Planning Commission as specified in Section 4.03. Changes to a Plot Plan which contain elements which require Site Plan approval according to Section 4.02(A) shall require that the entire project be processed as a Site Plan according to the procedures of Section 4.04.

#### **Section 4.08 Sketch Plan Review Option**

An applicant may seek approval of a sketch plan, the purpose of which is to receive approval of the general design and layout of the project prior to preparing a detailed site plan. The following procedures and standards shall apply to the submittal and review of such sketch plans.

**A. Submittal of Sketch Plans:** At least twenty (20) copies of the application and sketch plan shall be submitted to the Zoning Administrator, along with all required fees. Each sketch plan shall be provided on a professional quality drawing of scale not less than 1"=200'. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and all drawings shall include name, address and telephone number of the property owner, developer, or representative agent. In addition to the applicant's full name, address and phone number, the following data shall be submitted with applications for sketch plan approval.

1. Property dimensions.
2. Topographic elevations at no greater than five (5) foot intervals.
3. Significant vegetation.
4. Water courses and water bodies, including man-made surface drainage ways.
5. Existing public right of way, pavements, and/or private easements.
6. Existing uses, buildings, structures, and lots.
7. Proposed uses and general location of buildings, structures, and lots.
8. Zoning classification of adjacent properties.
9. The name and address of the person and firm who prepared the plan and the date on which the plan was prepared.

**B. Zoning Administrator / Planning Commission / Township Board Action:** The sketch plan shall be acted upon by the Zoning Administrator, Planning Commission, and Township Board in the same manner as provided for site plans in Section 4.04 (B), (C), and (D).

1. Approval of a sketch plan does not authorize the initiation of any construction activities associated with the proposed project. No project construction activities shall be initiated prior to final site plan approval and issuance of a Zoning Permit.

**C. One Year Approval Period:** Approval of a sketch plan is valid for a period of one (1) year. If a complete site plan for the development, or any phase of the development, has not been submitted during that period, the approval of the sketch plan shall be null and void.

***End of Article 4***

## **Article 5**

### **PROCEDURES for SPECIAL LAND USES**

#### **Section 5.01 Purpose**

It is the purpose of this Article to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will, at the same time, promote the intent and purpose of this Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide control and reasonable flexibility, this Article permits detailed review of certain specified types of special 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. Article 10 of this Ordinance identifies those uses that are classified as "special land uses" and the respective Districts in which each is permitted. Approval of such a use may be authorized by the issuance of a Zoning Permit for a Special Land Use. By such a procedure, the Township Board shall have the opportunity to impose conditions upon each use which are deemed necessary for the protection of the public welfare. Such conditions shall be based on standards in this Ordinance.

#### **Section 5.02 Procedures for Special Land Uses**

**A. Submission of Application:** Any person owning or having an ownership interest in the subject property may file an application for a special land use as provided for in this Ordinance. An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board. Twenty (20) sets of the following materials, constituting the special land use application, shall be submitted to the Zoning Administrator:

1. Application form supplied by the Zoning Administrator.
2. Site plan meeting the requirements of Section 4.04(A), except in the case of a proposed single family dwelling in an A-1 District, in which case the site plan submittal requirements shall be those of Section 4.03(A)(1) – (10), in addition to any data the applicant may submit to illustrate conformance with Section 11.23.
3. Written statement of analysis regarding the estimated population holding capacity of any proposed residential land use, the anticipated impact upon community facilities, such as schools and infrastructure, the anticipated new traffic generation including available roadway capacities and impact upon neighboring land uses and streets.

**B. Forwarding of Application to Planning Commission:** Upon certification by the Zoning Administrator that the site plan and application form appear to be complete, seven (7) copies of the site plan shall be forwarded to the Planning Commission and five (5) copies shall be forwarded to the Township Board. The Township Zoning Administrator may also submit one (1) copy of the site plan and application to each of the following agencies considered to be impacted or affected by the application for a Special Land Use.

1. County Road Commission.
2. County Health Department.
3. County Drain Commissioner.
4. Fire Department providing service to that part of the Township.
5. Other agencies as relevant.

#### **C. Planning Commission Hearing and Recommendation:**

1. Application Review and Public Hearing:
  - a. The Planning Commission shall review the special land use application at its next scheduled meeting, and, finding that the application is complete, schedule a date for public hearing and deliberation. The Planning Commission may, at its discretion, delay deliberating upon the application at its next regularly scheduled or special meeting unless the site plan and all supporting documents, including a zoning permit application form, have been received by the Zoning Administrator with thirty (30) days of such meeting and the Zoning Administrator had made the site plan available to the Planning Commission at least ten (10) days prior to such meeting. The Planning Commission shall publish a notice of public hearing. The notice shall conform to Section 3.08. (Amended 10-17-06, Ord. #06-10-17-03)

2. **Planning Commission Recommendation:** Upon review of the special land use application, and a review of all supporting materials and the public hearing comments, the Planning Commission shall recommend to the Township Board to deny, approve, or approve with conditions the application for special land use approval. The recommendation shall be incorporated in a statement of findings and conclusion relative to the application which specifies the basis for the recommendation and any suggested conditions. In arriving at its recommendation, the Planning Commission shall refer to and be guided by those standards set forth in Article 11 (Standards for Special Land Uses). (Amended 10-17-06, Ord. #06-10-17-03)

**D. Township Board Action:** Following receipt of the Planning Commission's recommendation, the Township Board shall, within sixty (60) days of the receipt of the Planning Commission's recommendation, deny, approve, or approve with conditions the special land use application, unless the applicant and the board agree to an extension of time, which shall be specified in the minutes. Its decision shall be incorporated in a statement of findings and conclusions relative to the application which specifies the basis for the recommendation and any conditions imposed. In arriving at its decision, the Township board shall refer to and be guided by those standards set forth in Article 11 (Standards for Special Land Uses). A request for approval of a special land use or activity which is in compliance with those standards, other applicable ordinances, and state and federal statutes shall be approved. The Township Board may require that a performance guarantee, in accordance with Section 3.06 of this Ordinance, be deposited with the Township to insure completion of improvements. (Amended 10-17-06, Ord. #06-10-17-03)

### **Section 5.03 Appeal to Circuit Court**

An appeal on a special land use application decision shall not be appealable to the Zoning Board of Appeals. An appeal on a special land use application decision may be taken to the Circuit Court.

### **Section 5.04 Reapplication**

No application for a Zoning Permit for a special land use which has been denied wholly or in part by the Township Board shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions that the Planning Commission determines has significant bearing upon the basis for the original decision. A reapplication shall require a new fee and the process shall follow all provisions of Section 7.02.

### **Section 5.05 Revisions**

**A. Site Plan:** The site plan, as approved, shall become part of the record of approval, and subsequent actions shall be consistent with the approved the site plan. Revisions to the approved Site Plan shall comply with the application and review procedures of Section 6.07.

**B. Use or Activity:** A change in the character of the use or activity from what the originally approved Zoning Permit for special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of this Article and all other applicable sections of this Ordinance. Changes requiring a new application and review procedure include, but shall not be limited to:

1. the addition of land to the legal description of the original special land use permit;
2. the establishment of another special land use(s);
3. the addition of more sales or service area, or the addition of dwelling units; and
4. an expansion or increase in intensity of use.

***End of Article 5***

## Article 6 ZONING BOARD OF APPEALS (ZBA)

### **Section 6.01 Purpose**

The purpose of this Article is to insure that the objectives of this Ordinance are fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that flexibility be provided for in the strict application of this Ordinance, that the spirit of the Ordinance be observed, public safety secured, and substantial justice done.

### **Section 6.02 Creation And Membership**

**A. Establishment:** The Zoning Board of Appeals (ZBA) established by the Waterloo Zoning Ordinance adopted June 23, 1992, is hereby retained in accordance with Act 184 of the Public Acts of 1943, as amended, and shall consist of five members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the Township outside of incorporated cities and villages. A member of the Township Board may serve on the ZBA but not serve as the chairperson. The Zoning Administrator or other employee or contractor of the Township Board may not serve on the ZBA. (Amended 10-7-06, Ord. #06-10-17-03)

**B. Alternate Members:** The Township board may appoint not more than two (2) alternate members for the same term as regular members of the ZBA. No alternate member may be either a member of the Township Board or the Planning Commission. An alternate member may be called as a member of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the ZBA and shall serve in the case until a final decision is made. (Amended 10-17-06, Ord. # 06-10-17-03)

**C. Terms of Office:** Members shall be appointed for three (3) year terms except in the case of Planning Commission and Township board members, whose terms shall be limited to the time they are members of the Planning Commission or Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has been expired. Vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed. (Amended 10-17-06, Ord. # 06-10-17-03)

**D. Conflict of Interest:** A member of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure to do so shall constitute malfeasance in office. (Amended 10-17-06, Ord. # 06-10-17-03)

### **Section 6.03 Organization**

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

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

**C. Oaths and Witnesses:** The chairperson may administer oaths and compel the attendance of any witness in order to insure a fair and proper hearing.

**D. Records:** The minutes of all meetings shall contain the grounds for every determination made by the Board including all evidence and data considered, all findings of fact and conclusions drawn by the Board for every case, along with the vote of each member and the final ruling on each case. The ZBA shall file its minutes in the office of the Township Clerk.

**E. Legal Counsel:** An attorney for the Township shall act as legal counsel for the ZBA pursuant to procedures established by the Township Board.



**Section 6.04 Jurisdiction**

The ZBA shall act upon questions as they arise in the administration of this Ordinance. The Board shall perform its duties and exercise its powers as provided in Act 184 of the Public Acts of 1943, as amended. The ZBA shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters for which this Ordinance provides an administrative review, interpretation, variance, or temporary zoning permit. Within this capacity the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator, Planning Commission, or any official administering or enforcing the provisions of this Ordinance as set forth in Sec. 6.05. (Amended 10-17-06, Ord. # 06-10-17-06)

**Section 6.05 Authorized Appeals**

The ZBA shall hear the following specified categories of appeals in accordance with the following standards, and may hear other appeals or take action on other matters as may be provided for in this Ordinance:

If an applicant is seeking a variance from a common neighboring property line, the applicant must provide an official survey to verify the existing property line.

**A. Administrative Review:** The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other body or official in administering or enforcing the provisions of this Ordinance, except in the case of a special land use or planned unit development decision.

1. The Zoning Board of Appeals shall reverse or otherwise modify the decision of such body or official only if it finds that the action or decision appealed:
  - a. was arbitrary or capricious, or
  - b. was based upon an erroneous finding of a material fact, or
  - c. constituted an abuse of discretion, or
  - d. was based upon erroneous interpretation of the Zoning Ordinance or zoning law, or
  - e. did not follow required procedures.
2. The ZBA may remand the case to the official or body whose decision is the subject of the appeal for further proceedings and decisions, with appropriate instructions.

**B. Interpretation of the Ordinance:** The Zoning Board of Appeal's interpretive authority shall include, but not be limited to, the following:

1. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request the ZBA shall insure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.
2. Interpret the precise location of the boundary lines between zoning districts where the Official Zoning Map does not provide adequate clarification.
3. Determine the parking space requirements of any use not specifically mentioned, either by classifying it with one of the groups listed in Article 21, Off Street Parking and Loading, or by an analysis of the specific needs.
4. Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the ZBA shall so declare, the effect being that use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it

**C. Variances and Required Findings:**

1. The ZBA shall have the power to authorize specific variances from site development requirements of this Ordinance such as, but not limited to, lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, and sign requirements, but in no case shall the ZBA have the authority to issue a variance to permit a special land use or prohibited use in such District. The ZBA may grant a variance only upon a finding that practical difficulties exist. A finding of practical difficulties shall require demonstration by the applicant of all of the following:
  - a. That strict compliance with area, setbacks, frontage, height, bulk, density or other site development standards would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome..
  - 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 does not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.
- c. That the difficulty or special conditions or circumstances do not result from actions of the applicant or applicant's predecessors.
  - 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 the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.
2. It shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings.
  3. The record of proceedings of the ZBA shall contain evidence supporting its decision on a variance request.

### **Section 6.06 Appeal Procedures**

**A. Notice of Appeal and Fee:** Appeal requests for Ordinance interpretations, variances, and administrative reviews may be made to the ZBA by completing and filing a written Notice of Appeal with the Zoning Administrator on forms established for that purpose, along with the established fee and such information as is necessary to decide such request. Upon receipt of a Notice of Appeal and fee, the Zoning Administrator shall promptly transmit records concerning the appealed action, as well as any related information to the chairperson of the ZBA.

**B. Scheduling and Notice of Hearing:** Upon receipt of a Notice of Appeal, the chairperson of the ZBA shall fix a reasonable time and date for a public hearing. Notice of the hearing shall comply with Section 3.08. (Amended 10-17-06, Ord. # 06-10-17-03)

1. The ZBA may, at its discretion, delay deliberating upon an appeal at its next regularly scheduled or special meeting unless the appeal application materials have been received by the Zoning Administrator within thirty (30) days of such meeting and the Zoning Administrator had made the appeal application materials available to the ZBA at least ten (10) days prior to such meeting.

**C. Hearing:** Upon the hearing, any party may appear in person or by agent or attorney. The Board may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.

**D. Decision:** The ZBA shall render its decision within sixty (60) days of filing of an adequately completed Notice of Appeal, unless in the opinion of ZBA, an extension of time is necessary to review information pertinent to making the decision. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant on any matter upon which they are required to pass under or to effect any variation in this Ordinance. The ZBA shall state the grounds of each determination.

1. Conditions: In granting any variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance (See Section 20.01). Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
2. Variance Authorization Period: Each variance granted under the provisions of this Ordinance shall become null and void unless the construction or other actions authorized by such variance have commenced within one hundred eighty (180) days of the granting of such variance and occupancy of the land, buildings, or premises authorized by the variance has taken place within one year of the granting of the variance. Upon written application filed with the Township Clerk prior to the termination of the one hundred eighty (180) days time period, the ZBA may authorize a single extension of the time limit for an additional period of not more than one hundred eighty (180) days upon the finding by the ZBA that the project has a reasonable expectation of being completed.

**E. Reapplication:** A rehearing on a application upon which the ZBA initially took action shall not be permitted within a period of one (1) year from the date of the initial action, except on proof of changed conditions, or upon the grounds of newly discovered evidence or a falsehood previously relied upon, found to be valid upon inspection by the ZBA.

**F. Performance Guarantee:** In authorizing any variance, or in granting any temporary housing permits, the ZBA may require a performance guarantee covering the estimated cost of conditions or improvements associated with a project, pursuant to Section 3.06.

**Section 6.07 Stay**

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the ZBA after notice of appeal has been filed with he or she, that by reason of facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property. Under such conditions, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the ZBA, or, on application, by court of record. This paragraph shall not be in derogation of any rights the Township may have at law.

**Section 6.08 Review by Circuit Court**

**A. Circuit Court Review:** The decision of the ZBA shall be final. However, any party aggrieved by an order, determination or decision of the ZBA may obtain a review thereof both on the facts and the law, in the Circuit Court; provided that application is made to the Court within 30 days after the ZBA certifies its decision in writing or approves the minutes of its decision. (Amended 10-17-06, Ord. #06-10-17-03)

***End of Article 6***

## Article 7 PROCEDURES for AMENDMENTS

### **Section 7.01 Purpose**

The purpose of this Article is to identify the procedures and guidelines for amending this Ordinance. This Ordinance is intended to establish and maintain sound, stable and desirable development within the Township. It is not intended that this Ordinance be amended except to correct an error in the Ordinance, to address changed or changing conditions in a particular area in the Township, to conform with changes to the Land Use Plan and/or other ordinances of the Township, to meet public need for new or additional land uses in areas so contemplated by the Land Use Plan, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Township.

### **Section 7.02 Initiation Of Amendments**

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

### **Section 7.03 Filing Fee**

The Township Board shall establish by resolution, a fee to be paid in full at the time of receipt of any application to amend this Ordinance. Said fee shall be collected by the Township Clerk and no part shall be refundable to the applicant. No fee shall be charged when the applicant is the Township Board or Planning Commission.

### **Section 7.04 Procedures**

**A. Application:** A petitioner shall submit a completed application for ordinance amendment to the Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment and reasons for such requested amendment. When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall submit a scaled map of the property clearly showing the property's location, correlated with the legal description, and sealed by a professional engineer or registered land surveyor. This requirement may be waived for applications made by the Planning Commission or Township Board if comparable documentation is provided.

**B. Zoning Administrator Review:** The Zoning Administrator shall review the application form to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission.

**C. Notice of Hearing:** After the Zoning Administrator has transmitted the amendment application to the Planning Commission, the Planning Commission shall establish a date for a public hearing on the application which will be conducted by the Planning Commission within sixty (60) days of the date of application receipt. The Planning Commission shall give notice of the public hearing in conformance with Section 3.08. (Amended 10-17-06, Ord. # 06-10-17-03)

**D. Planning Commission Review:** In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application. Findings of fact shall be gathered and shall be made a part of the public records of the meetings of the Planning Commission.

1. If the petition involves an amendment to the official zoning map, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
  - a) What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
  - b) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
  - c) What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
  - d) Does the petitioned district change adversely affect environmental conditions, or the value of the surrounding property?
  - e) Is the site's physical, geological, hydrological and other environmental features compatible with the host of uses permitted in the proposed district?
  - f) Is the subject property able to be put to a reasonable economic use in the zoning district in which it is presently located?
  - g) Does the petitioned district change generally comply with the Township's Land Use Plan?

- h) Is the proposed rezoning consistent with the zoning classification of surrounding land?
- i) Can all requirements in the proposed zoning classification be complied with on the subject parcel?
2. If the petition involves an amendment to the text of the Ordinance, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
  - a) Is the proposed amendment supported by documentation, such as from the Zoning Board of Appeals, that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
  - b) Is the proposed amendment supported by reference materials, planning and zoning publications, information gained at seminars or experiences of other communities to more effectively deal with certain zoning issues?
  - c) Is the proposed amendment supported by significant case law?
3. In determining the above mentioned findings of fact, the Planning Commission may solicit information and testimony from officials of, but not limited to, the County Health Department, County Road Commission, County Drain Commission, County Sheriff Department, any school district affected, and the County Planning Commission.

**E. Planning Commission Action / Recommendation:** The Planning Commission shall transmit its findings of fact and a summary of comments received at the public hearing to the Township Board, along with its recommended action on the amendment request. The Planning Commission shall transmit its findings of fact to the County Planning Commission. The Planning Commission shall report its findings in full along with its recommendations for disposition of the application, to the Township Board and County Planning Commission within a period of sixty (60) days following the required public hearing in subsection (C) above.

**F. Township Board Actions**

1. After receiving the findings and recommendations of the Planning Commission, and after receiving the findings and recommendations of the County Planning Commission, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings and recommendations. The Township Board may refer any proposed amendment back to the Planning Commission for further consideration and comment within a time specified by the Township Board. Thereafter, the Township Board may adopt the amendment with or without changes. Such action shall be by Ordinance, requiring a majority vote of the Township Board. The Township Board may hold additional public hearings if the Township Board considers it necessary. The Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be heard. This written request shall take the form of a certified mail letter from the property owner to the Township Clerk. All hearings subject to this subsection shall comply with the notice requirements of Section 3.08. (Amended 10-17-06, Ord. #06-10-17-03)
  - a. If the recommendation of the County Planning Commission has not been received by the Township within Thirty (30) days of the County Planning Commission's receipt of the Township Planning Commission's findings and recommendations, the Township shall conclusively presume that the County has waived its right for review and recommendation.

**G. Publication Of Notice Of Ordinance Amendments:** Following adoption of subsequent amendments to this Ordinance by the Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice shall include the following information:

1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
2. The effective date of the amended Ordinance.
3. The place and time where a copy of the amended Ordinance may be purchased or inspected.

**Section 7.05 Resubmittal**

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

**Section 7.06 Comprehensive Review of Zoning Ordinance**

The Planning Commission shall, from time to time, or at intervals of not more than five (5) years, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

***End of Article 7***

**Article 8**  
***(RESERVED FOR FUTURE USE)***

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***End of Article 8***

## Article 9 ZONING DISTRICTS, REGULATIONS, and MAP

### **Section 9.01 Establishment of Districts**

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

PC	Public Conservation District
A-1	Primary Agriculture District
A-2	Secondary Agriculture District
RNF	Rural Non-Farm District
R-1	Low Density Residential District
R-2	Medium Density Residential District
R-3	High Density Residential District
R-4	Manufactured Housing Community District
C-1	Local Commercial District
C-2	General Commercial District
I-1	Light Industrial District

### **Section 9.02 Zoning District Map**

**A.** The boundaries of the respective Districts enumerated in Section 9.01 are defined and established as depicted on the Official Zoning Map entitled WATERLOO TOWNSHIP ZONING MAP which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.

**B.** This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is the Official Zoning Map of the Waterloo Township Zoning Ordinance adopted on the 16th day of November, 2004.* If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map.

**C.** The Official Zoning Map shall be located at the Township Hall and shall be the final authority with regard to the current zoning status of all land in the Township, along with supporting minutes of Township Board meetings regarding zoning district changes, regardless of the existence of copies of the Official Zoning Map which may be made and published from time to time.

### **Section 9.03 Purposes of Zoning Districts**

See Table 9-1.

### **Section 9.04 Interpretation Of District Boundaries**

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

1. Boundaries indicated as approximately following roads or highway shall be construed as following the center lines of said roads or highways.
2. Boundaries indicated as approximately following section lines, quarter section lines, quarter-quarter section lines, or lot lines shall be construed as following such lines.
3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such boundary lines.
4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.



6. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the centerlines of streams, canals, or other bodies of water shall be construed to follow such centerlines.
7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question.

#### **Section 9.05 Permitted Uses in Zoning Districts**

**A. Compliance with Zoning Regulations:** Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent.

**B. Uses Permitted in Each Zoning District:** Tables 9-2 and 9-3 identify the principal land uses permitted in each of the zoning districts enumerated in Section 9.01. No land use shall be established on a lot or parcel except in conformance with Tables 9-2 and 9-3. In order to insure all possible benefits and protection for the zoning districts in this Ordinance, the Table delineates whether a land use permitted in a particular District is a "Use Permitted by Right" or a "Special Land Use".

1. Uses Permitted by Right: Uses permitted by right are the primary uses and structures specified for which the District has been established.
2. Special Land Uses: Special land uses are uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures permitted in the District, but could present potential injurious effects upon the primary uses and structures within the District or are otherwise unique in character, and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. All such uses shall be subject to a public hearing. See Article 5, Procedures for Special Land Uses. Commercial/Utility Solar Energy Systems are permitted in the Pubic Conservation and Agricultural Zones as a Special Land Use provided that they are approved according to the provisions of Article 11.02 and 11.26.

- a) To assure adequate review of proposed land developments and meet the goals and objectives of this Ordinance and the Waterloo Township Land Use Plan, any use that includes a building that exceeds 3,000 sq. ft. in gross floor area in the C-1 District, or 6,000 sq. ft. in gross floor area in the C-2 District, is classified as a Special Land Use and subject to the provisions of Article 5: Procedures for Special land Uses.

**C. Accessory Uses:** Unless otherwise specified in this Ordinance, accessory uses which are clearly incidental to, and customarily associated with the principal use of the property, are permitted in all Districts and shall conform to all applicable standards of this Ordinance, including Section 20.20 (Accessory Uses, Buildings, and Structures). Private solar energy systems are permitted as an accessory use in all Zoning Districts.

**D. Prohibited Uses:** Any use of land not specifically permitted is prohibited. The Zoning Board of Appeals shall have the power to classify a use which is not specifically identified, according to a comparable permitted or prohibited use, for the purpose of clarifying the use regulations in any District, if so petitioned and in accord with the requirements of Sections 6.05(B)(4) and 6.06. If the Zoning Board of Appeals finds no comparable uses based on an examination of the characteristics of the proposed use, it shall so state and the Planning Commission may be petitioned to initiate an amendment to the text of the Ordinance to establish the appropriate district(s) and/or type of use (use permitted by right or special land use), and criteria that will apply for that use. If the Ordinance is amended to include the new regulations, then an application can be processed to establish that use.

#### **Section 9.06 Site Development Requirements of Zoning Districts**

**A.** All land uses shall comply with the specific site development requirements of the District in which it is located, as delineated in Table 9-4, unless otherwise specified by this Ordinance including:

1. Article 11: Standards for Specific Special Land Uses.
2. Article 20: General Provisions.

**B.** In addition to compliance with Section 9.06(A) above, all uses shall comply with all other applicable site development provisions of this Ordinance, including, but not limited to, the following Articles:

1. Article 15: Signs
2. Article 16: Off-Street Parking and Loading
3. Article 17: Landscaping and Screening
4. Article 18: Environmental Standards

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

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

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

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

### **Section 9.07 Special District Provisions**

#### **A. Manufactured Housing Community District (R-4)**

1. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Michigan Mobile Home Commission Act, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission shall generally follow the procedures and requirements in Article 4 of this Ordinance, where applicable, except where said procedures and requirements are superseded by the requirements in P.A. 96 of 1987, as amended, or the Mobile Home Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action of the preliminary plan within sixty (60) days after the Township receives the preliminary plan.
2. All manufactured housing communities shall be constructed and maintained in accordance with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission pursuant to the authority vested in the Mobile Home Commission by such Act. The construction of a mobile home park shall not be initiated, nor shall a mobile home park be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Public Health, Michigan Department of Commerce, and all other agencies pursuant to the Mobile Home Commission Act.
3. In addition to complying with the provisions of P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission, the following standards and provisions shall apply:
  - a. Minimum Parcel Size: Ten (10) acres.
  - b. Minimum Site Size: The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. This 5,500 square foot standard for any one site may be reduced by twenty (20) percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space.

**Table 9-1  
PURPOSES of ZONING DISTRICTS**

DISTRICT TYPE	DISTRICT	PURPOSE
<b>ALL DISTRICTS</b>	<b>All Districts</b>	It is the purpose of all zoning districts enumerated in Section 9.01 to protect sensitive environmental resources that may be part of a development site, and that all uses be adequately served by facilities and services including sewage disposal, potable water, fire protection, and streets, and recognize natural constraints presented by the lack of public sewer and water. In addition, it is the purpose of all Residential Districts that development assure a stable and sound residential environment with suitable open spaces associated with dwellings, and it is the purpose of all Business and Industrial Districts that development minimize negative impacts on abutting properties. The lot area requirements of each District are minimum requirements, and larger lot areas may be necessary to facilitate sewage disposal and potable water where natural conditions dictate. In addition to the above purposes, additional purposes of each District are delineated below:
<b>CONSERVATION DISTRICTS</b>	<b>PC</b>	It is the purpose of the PC (Public Conservation) District to protect the quantity and quality of the publicly owned natural resources in the Township comprising the Waterloo State Recreation Area. The enjoyment and long-term protection of this facility is of great public interest and importance to the Township, the State of Michigan, and other public entities. Much of the land in this District is characterized by extensive wetland and woodland environments. These resources are important in providing for wildlife habitats, water and air purification, flood control, and recreation opportunities, and support the desired rural character of the Township. It is the purpose of this District to carefully review and limit the introduction of uses that could undermine the recreational and environmental benefits derived from such resources.
	<b>A-1</b>	It is the purpose of the A-1 (Primary Agriculture) District to encourage and provide opportunities for agriculture and retention of land areas in Waterloo Township which are well suited for production of food and fiber, while also providing opportunities for comparatively low density rural residential lifestyles and development patterns that encourage the preservation of open spaces, and other natural resources, and the Township's rural character. Conditions in this District are more supportive of long term economically viable farming as compared to the A-2 District, including lesser residential encroachment, comparatively large parcel sizes, and a greater presence of prime farmland soils. The purpose of this District is to provide opportunities for the conversion of farmland and vacant land to residential use of an overall rural character where farming may no longer be viable or desirable to the landowner. This District is characterized by extensive natural resources and these resources embody important environmental benefits and support the desired rural character of the community. The purpose of this District is to provide opportunities for comparatively low density residential development in a manner which encourages the preservation of both the quantity and quality of these resources. Persons considering residing within this District should be aware that the traditional smells, noises, pesticide applications, and other generally recognized agricultural activities associated with farming may well continue on a long term basis.
	<b>A-2</b>	The purpose of the A-2 (Secondary Agriculture) District is identical to the purpose of the A-1 District described above except that, because the A-2 District is characterized by conditions that are less supportive of long term economically viable farming, the A-2 District is intended to accommodate comparatively low density rural residential lifestyles of a somewhat greater density.

*Table 9-1 Continued Next Page*

(Table 9-1 continued)

DISTRICT TYPE	DISTRICT	PURPOSE
<b>RESIDENTIAL DISTRICTS</b>	<b>RNF</b>	It is the purpose of the RNF (Rural Non-Farm) District to recognize land areas previously considered to be suitable for low-density single family development under the provisions of the RNF District established by the Waterloo Township Zoning Ordinance adopted on June 23, 1992 and zoned RNF prior to the adoption of this subsequent Zoning Ordinance. As this District is now retained solely to recognize such pre-existing conditions, and the policies of the Waterloo Township Master Plan do not support the expansion of the District's boundaries beyond current limits, it is the intent of this Ordinance that no new RNF Districts be expanded or newly established after the effective date of this Ordinance.
	<b>R-1</b>	It is the purpose of the R-1 (Low Density Residential) District to provide opportunities for comparatively low density single family residential development patterns and lifestyles in an overall rural/suburban setting.
	<b>R-2</b>	It is the purpose of the R-2 (Medium Density Residential) District to provide opportunities for residential development patterns and lifestyles of somewhat greater densities than the R-1 District. In light of the smaller lot sizes authorized, this District is not intended to be established except where public sewer is present or expected to be extended to in the near future, or where existing land division patterns reflect the development patterns anticipated by this District.
	<b>R-3</b>	It is the purpose of the R-3 (High Density Residential) District to provide opportunities for residential development patterns and lifestyles of a more urban character than the R-2 District. In light of the comparatively small lot sizes authorized in this District, this District is not intended to be established except where public sewer is present or expected to be extended to in the near future, or where existing land division patterns reflect development patterns anticipated by this District.
	<b>R-4</b>	It is the purpose of the R-4 (Manufactured Housing Community) District to provide opportunities for manufactured housing communities to meet the varied housing needs of the Township's present and future residents while similarly limiting excessive public costs and demands placed upon public facilities and services which may be associated with such housing developments.
<b>COMMERCIAL DISTRICTS</b>	<b>C-1</b>	The C-1 (Local Commercial District) is intended to provide opportunities for business establishments that primarily address the local day-to-day retail and service needs of Township residents and visitors. It is the intent of this District that the buildings and uses within this District be of comparatively small size and bulk in light of the local market such buildings and uses are intended to serve and the desired rural character of the Township. This District is not intended to accommodate regional or highway retail and service uses, or other uses which may undermine the intended function and character of this District.
	<b>C-2</b>	The C-2 (General Commercial District) is intended to provide opportunities for business establishments that primarily address the retail and service needs of both local and regional populations, including the highway traveler.
<b>INDUSTRIAL DISTRICTS</b>	<b>I-1</b>	It is the intent of the I-1 (Light Industrial District) to provide for a variety of manufacturing and other industrial uses that can be generally described as being of low intensity, including comparatively small building sizes, the absence of objectionable external affects such as noise and fumes, and limited demands for public services. Manufacturing operations in this District are generally intended to rely on previously prepared materials, as opposed to the use, alteration, or manipulation of raw materials. No use shall be established in this District that does not have adequate provisions for the safe and lawful disposal of all chemicals, wastes and hazardous materials that it may use or generate.

End of Table 9-1

**Table 9-2  
Permitted Principal Uses in Conservation and Residential Zoning Districts**

PRINCIPAL USES		ZONING DISTRICTS							
		BR = Use Permitted by Right, S = Special Land Use, and – = Prohibited Use							
		PC	A-1	A-2	RNF	R-1	R-2	R-3	R-4
<b>Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character</b>									
1	Agriculture.	BR	BR	BR	-	-	-	-	-
2	Agricultural service establishment.	-	S	-	-	-	-	-	-
3	Commercial stables.	S	S	S	-	-	-	-	-
4	Retail sales of ornamental trees, shrubs, and nursery stock that is grown on the premise.	-	BR	BR	-	-	-	-	-
5	Farm equipment sales, service, and repair.	-	S	-	-	-	-	-	-
6	Public or private conservation areas, areas set aside for the protection of wildlife and natural resources, wildlife management areas, nature preserves, and game refuges.	BR	BR	BR	-	-	-	-	-
7	Outdoor commercial recreation, limited to campgrounds, recreational fields, hunt clubs, and shooting ranges.	S	S	S	-	-	-	-	-
8	Golf courses and country clubs.	S	S	S	S	S	S	S	S
9	Retreat Center.	S	S	S	-	-	-	-	-
10	Extraction operation.	-	S	S	-	-	-	-	-
11	On-site Use Wind Energy System (Amended 12/7/09 Ord # 09-12-151)	-	S	S	S	-	-	-	-
<b>Uses of a Primarily Residential Character</b>									
1	Single family dwellings.	BR	BR	BR	BR	BR	BR	BR	BR
2	Two family dwellings.	-	-	-	-	-	BR	BR	-
3	Multiple family dwellings	-	-	-	-	-	-	S	-
4	Manufactured housing communities, including accessory sales and storage of mobile homes.	-	-	-	-	-	-	-	BR
5	Day care, family home.	BR	BR	BR	BR	BR	BR	BR	BR
6	Day care, group home.	S	S	S	S	S	S	S	-
7	Foster care facility, family home.	BR	BR	BR	BR	BR	BR	BR	-
8	Foster care facility, group home.	S	S	S	S	S	S	S	-
9	Nursing home.	-	S	S	-	S	S	S	-
<b>Uses of a Primarily Commercial or Business Character</b>									
1	Day care center.	-	-	-	S	S	S	S	-
2	Communication towers, Class One	-	S	S	-	-	-	-	-
3	Communication towers, Class Two	-	S	S	-	-	-	-	-
4	Communication towers, Class three	S	S	S	S	S	S	S	S
5	Kennels.	S	S	S	-	-	-	-	-
6	Veterinarian clinics.	S	S	S	-	-	-	-	-
7	Bed and breakfast establishments.	S	S	S	-	-	-	-	-
8	Hospitals and clinics.	-	-	-	S	S	S	S	-
<b>Other Uses Not Listed Above</b>									
1	Public assembly facilities such as, but not limited to, cemeteries, parks, schools, libraries, religious facilities, and museums.	S	S	S	S	S	S	S	-
2	Public facilities not otherwise included in (1) above such as, but not limited to, fire stations, police stations, substations, jails, and public parking lots.	S	S	S	S	S	S	S	-
3	Clubs, lodges, and similar social centered organizations.	S	S	S	S	S	S	S	-
4	Outdoor Wood Fired Boilers (Amended 12/7/09 Ord #09-112-15-2)	-	S	S	S	-	-	-	-
5	Onsite wind energy system	BR	BR	BR	BR	BR	BR	BR	BR
6	Commercial/utility wind energy system	-	-	-	-	-	-	-	-
7	Onsite solar energy system	BR	BR	BR	BR	BR	BR	BR	BR
8	Commercial/Utility Photovoltaic Solar Energy Systems	S	S	S	-	-	-	-	-

End of Table 9-2

**Table 9-3  
Permitted Principal Uses in Commercial and Industrial Zoning Districts**

PRINCIPAL USES		ZONING DISTRICTS <sup>1</sup>		
		C-1	C-2	I-1
		C-1	C-2	I-1
<b>Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character</b>				
1	Agriculture.	-	-	BR
2	Agricultural service establishment.	-	S	S
3	Retail sales of ornamental trees, shrubs, and nursery stock grown on the premise.	BR	BR	-
4	Farm equipment sales, service, and repair.	S	BR	-
5	Outdoor commercial recreation, limited to campgrounds, golf courses and country clubs; recreational fields, hunt clubs, and shooting ranges.	-	S	-
6	Marinas.	S	-	-
7	On-site Use Wind Energy System (Amended 12/7/09 Ord #09-12-15-1)	S	S	S
8	Outdoor Wood Fired Boilers (Amended 12/7/09 Ord # 09-12-15-2)	S	S	S
<b>Uses of a Primarily Residential Character</b>				
1	Single family dwellings.	S <sup>2</sup>	S <sup>2</sup>	-
<b>Uses of a Primarily Commercial or Business Character<sup>1</sup></b>				
1	Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building including, but not limited to, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware.	BR	BR	-
2	Service station, standard.	S	S	-
3	Service station, multiple use.	S	S	-
4	Vehicle repair shop.	S	S	S
5	Sale of new or used cars, farm machinery, and other vehicles and equipment, and the service and repair of such vehicles and equipment provided such service and repair is an accessory use.	-	S	-
6	Motels and hotels.	-	S	-
7	Storage facilities, including mini-storage and bulk storage.	-	S	S
8	Standard restaurants, clubs, and other establishments which provide food or drink for consumption on the premises, but shall not serve alcohol or provide entertainment.	BR	BR	-
9	Standard restaurants, clubs, and other establishments which provide food or drink for consumption on the premises, and may serve alcohol, and/or provide entertainment	S	S	-
10	Indoor commercial recreation such as theaters, bowling alleys, skating rinks, indoor shooting ranges, and similar uses.	-	S	-
11	Drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle retail or service establishments including restaurants, financial institutions, and similar facilities.	S	S	-
12	Funeral homes and mortuaries, including a dwelling occupied by the facility owner.	-	S	-
13	Day care center.	S	S	-
14	Communication towers, Class One	-	S	S
15	Communication towers, Class Two	BR	BR	BR
16	Communication towers, Class Three	S	S	S
16	Kennels.	S	S	-
17	Veterinarian clinics.	BR	BR	-
18	Arcade	S	S	-
19	Personal service establishments which perform services on the premises within a completely enclosed building, such as, but not limited to, shoe repair shops, barber and beauty shops, photographic studios, and dry cleaners.	BR	BR	-
20	Office establishments which perform services on the premises including but not limited to financial institutions, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, lawyers, and architects, and similar office uses.	BR	BR	-

Table 9-3 Continued Next Page

See End of Table for Explanation of Footnotes

(Table 9-3 continued)

PRINCIPAL USES		ZONING DISTRICTS <sup>1</sup>		
		BR= Use Permitted by Right S = Special Land Use, - = Prohibited Use		
		C-1	C-2	I-1
<b>Uses of a Primarily Commercial or Business Character<sup>1</sup> (continued)</b>				
21	Offices and showrooms of plumbers, electricians, decorator, or similar trades in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided that the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices, or display.	-	BR	-
22	Hospitals and clinics.	S	S	-
23	Vehicle / car wash facility	-	S	-
24	Adult entertainment business	-	S	-
25	Retail sales, delivery and service of oil and oil fuel systems, and accessory storage of oil for retail sale, existing on the effective date of this Ordinance.	S	-	-
26	Retail sales, delivery and service of propane and propane fuel systems, and accessory storage of propane for retail sale.	S	-	-
<b>Uses of a Primarily Industrial Character<sup>1</sup></b>				
1	Truck Terminals.	-	S	S
2	Building material sales yard, including retail lumber yards and incidental millwork; storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment; warehousing and wholesale establishments; storage and transfer establishments; distribution plants; parcel delivery service; and ice and cold storage plants.	-	S	BR
3	Junkyards and salvage yards.	-	-	S
4	Tool and die manufacturing establishments.	-	-	S
5	Plastic molding and extrusion.	-	-	S
6	Monument and art stone production and sales.	-	S	BR
7	Printing and publishing	-	BR	BR
8	The manufacturing, compounding, processing, treatment, fabrication or packaging of such products as: drugs, perfumes, pharmaceuticals, toiletries, bakery goods, candy, ceramics, clothing, jewelry, instruments, optical goods, hardware and cutlery, and food products (except fish, sauerkraut, vinegar, yeast, rendering or refining of fats and oils, and similar food products involving the creation of odors or other offensive impacts).	-	-	S
9	The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, canvas, cork, felt, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, sheet metal, wax, and wire. "Previously prepared materials" are materials processed, manufactured or created at another location and shipped to the facility permitted in this district for assembly into new products.	-	-	BR
10	Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts such as condensers, transformers, and crystal holders.	-	-	BR
<b>Other Uses Not Listed Above</b>				
1	Public assembly facilities such as, but not limited to, cemeteries, parks, schools, libraries, religious facilities, and museums.	S	-	-
2	Public facilities not otherwise included in (1) above such as, but not limited to, fire stations, police stations, substations, jails, and public parking lots.	S	S	S
3	Clubs, lodges, and similar social centered organizations.	S	S	-
4	Onsite wind energy system	BR	BR	BR
5	Commercial/utility wind energy system	-	-	-
6	Onsite solar energy system	BR	BR	BR
7	Commercial/Utility Photovoltaic Solar Energy Systems	S	S	S

See End of Table for Explanation of Footnotes

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**Footnotes for Table 9-3**

- <sup>1</sup> Irrespective of the particular labeling of a cell in this table, any use that includes a building that exceeds 3,000 sq. ft. in gross floor area in the C-1 District, or 6,000 sq. ft. in gross floor area in the C-2 District, is classified as a Special Land Use and subject to the provisions of Article 5, Procedures for Special land Uses.
- <sup>2</sup> Dwellings permitted as a special land use when located above the first or second story of a commercial building in a C-1 or C-2 District.

**End of Table 9-3**

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**Table 9-4  
Site Development Requirements<sup>1</sup>**

All land uses shall comply with the site development requirements in Table 9-3, unless otherwise specified by Article 11 – Standards for Specific Special Land Uses, or Article 20 – General Provisions, or as may be authorized pursuant to Article 12 – Open Space Communities.

See Section 9.06.

Zoning District	Minimum Lot Area	Minimum Lot Width and Frontage <sup>2</sup>	Maximum Building Height	Maximum Lot Coverage	Minimum Yard Setback		
					Front <sup>3</sup>	Side	Rear
<b>PC: Public Conservation</b>	5 acres <sup>4</sup>	300 ft.	35 ft.	See Footnote 9	60 ft.	30 ft.	50 ft.
<b>A-1: Primary Agriculture</b>	5 acres <sup>4,11</sup>	300 ft.	35 ft. <sup>10</sup>	See Footnote 9	60 ft.	30 ft.	50 ft.
<b>A-2: Secondary Agriculture</b>	3 acres <sup>4,11</sup>	225 ft.	35 ft. <sup>10</sup>	See Footnote 9	60 ft.	30 ft.	50 ft.
<b>RNF: Rural Non-Farm Residential</b>	2 acres <sup>4</sup>	200 ft.	35 ft.	See Footnote 9	35 ft.	20 ft.	35 ft.
<b>R-1: Low Density Residential</b>	1 acre <sup>4</sup>	125 ft.	35 ft.	See Footnote 9	35 ft.	20 ft.	40 ft.
<b>R-2: Medium Density Residential</b>	1 acre; 1/2 acre with public sewer <sup>4,6</sup>	125 ft.; 85 ft. with public sewer <sup>6</sup>	35 ft.	See Footnote 9	35 ft.	20 ft.	40 ft.
<b>R-3: High Density Residential</b>	1 acre; 10,000 sq. ft. with public sewer <sup>4,6</sup>	125 ft.; 65 ft. with public sewer <sup>6</sup>	35 ft.	See Footnote 9	25 ft. <sup>8</sup>	10 ft.	40 ft. <sup>8</sup>
<b>R-4: Manufactured Housing Community</b>		See	Section	9.07(A)			
<b>C-1: Local Commercial</b>	1/2 acre	100 ft.	35 ft.	35%	35 ft.	20 ft. <sup>7</sup>	35 ft. <sup>7</sup>
<b>C-2: General Commercial</b>	1 acre	200 ft.	35 ft.	35%	50 ft.	20 ft. <sup>7</sup>	35 ft. <sup>7</sup>
<b>I-1: Light Industrial</b>	1 acre	200 ft.	35 ft.	35%	75 ft.	20 ft. <sup>7</sup>	35 ft. <sup>7</sup>

ft. = feet; sq. ft. = square feet

See the following page for Footnotes.

**Footnotes for Table 9-4  
SITE DEVELOPMENT REQUIREMENTS**

1. All uses shall comply with the site development requirements in Table 9-4, unless otherwise specified by Article 11 – Standards for Specific Special Land Uses or Article 20 – General Provisions, or authorized pursuant to Article 12 – Open Space Communities. In addition, all uses shall comply with all other applicable site development provisions of this Ordinance, including, but not limited to, the following Articles: Article 15 - Signs; Article 16 - Off-Street Parking and Loading; Article 17 - Landscaping and Screening; and Article 18 - Environmental Standards.
2. The depth of a lot shall not exceed 4 times its width. This standard shall not apply in the case of a lot in a platted or condominium subdivision where the Township Board finds during site plan review proceedings, that compliance with this standard will undermine the orderly development of the subdivision due to the subdivision's unique or irregular shape, and there exists no reasonable alternatives to creating the lot in conformance with this standard.
3. The front yard setback shall be measured from the road right-of way line. A front yard setback shall be maintained along both yards abutting a right-of-way on a corner lot.
4. See Article 12, Open Space Communities, for additional lot area, width, and density options.
5. Minimum lot area, width and frontage for two-family dwellings in the R-2 District are as follows:
  - a. Without public sewer: 70,000 sq. ft. lot area, 150 ft. lot width/frontage.
  - b. With public sewer: 30,000 sq. ft. lot area, 110 ft. lot width/frontage.
6. Minimum lot area, width and frontage for two-family dwellings in the R-3 District are as follows:
  - a. Without public sewer: 70,000 sq. ft. lot area, 150 ft. lot width/frontage.
  - b. With public sewer: 15,000 sq. ft. lot area, 65 ft. lot width/frontage.
7. Minimum setback shall be increased to 75 feet in the case where the yard abuts a Conservation or Residential District.
8. In the case of a lakefront lot, the minimum front yard setback shall be 40 feet and the rear yard setback shall be 25 feet. See Article 21 for definitions of "Lakefront Lot" and "Lot Line, Front."
9. Maximum lot coverages for residentially-used parcels in Conservation and Residential Districts shall comply with the following table, based upon the acreage of the parcel.

PARCEL ACREAGE	MAXIMUM LOT COVERAGE
1.50 Acres or Less	15%
1.51 – 3.00 Acres	10%
3.01 – 5.00 Acres	5%
5.01 Acres or Greater	3%

10. The maximum height of farm buildings and structures shall be one hundred (100) feet. All farm buildings and structures over eighty (80) feet in height shall be set back from a lot line a distance at least equal to one-half the height of the building or structure.
11. One lot of less than five (5) acres in area in the A-1 District, or less than three (3) acres in area in the A-2 District, may be created for each whole forty (40) acres of land comprising a parcel existing on the effective date of this Ordinance, provided the following:
  - a. The parcel existing on the effective date of this Ordinance was, for a minimum period of six (6) months during the previous two (2) years, used for bona fide agriculture as determined by the Township Board.
  - b. Newly created lots shall be a minimum of one (1) acre in area.
  - c. No more than four (4) lots of less than five (5) acres in area in the A-1 District, or less than three (3) acres in area in the A-2 District, may be created from the parcel existing on the effective date of this Ordinance.

**End of Article 9**

## **Article 10**

# **NONCONFORMING LOTS, USES, and STRUCTURES**

### **Section 10.01 Purpose**

It is recognized that there exists lots, structures and uses of land and structures within the Districts established by this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance. It is the purpose of this Article to permit legal nonconforming lots, structures and uses to continue until they are removed, but not to encourage their survival.

### **Section 10.02 Nonconforming Lots**

**A.** In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record recorded with the Register of Deeds at or before the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions, setbacks and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located, unless a yard requirement variance is obtained through approval of the Zoning Board of Appeals.

### **Section 10.03 Nonconforming Uses of Land**

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

1. 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. However, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building.
2. 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 Ordinance.
3. A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use.
4. No nonconforming use shall be substituted for or otherwise replace an existing nonconforming use.
5. If a nonconforming use of a parcel or lot ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, the subsequent use of such parcel or lot shall conform to the regulations and provisions of this Ordinance for the district in which such lot or parcel is located.
6. A nonconforming use of a structure may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are in conformance with the requirements of said district.

### **Section 10.04 Nonconforming Structures**

**A.** Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance or subsequent amendment by reason of restrictions on area, lot coverage, height, 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:

1. No such structure may be enlarged or altered in any way which increases its nonconformity
2. Should such structure be a dwelling or residential garage and be destroyed by any means and to any extent, it may be reconstructed or repaired provided that it is not enlarged or otherwise altered in any way which increases its nonconformity as it existed prior to being destroyed.
3. Should such structure not be a dwelling or residential garage and be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the respective site development standards for the District in which it is located.
4. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

5. Any structure, or structure and land in combination, in or on 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.
6. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land, and all subsequent uses and structures on the land shall conform to the applicable district regulations.

**Section 10.05 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 ten (10) percent of the then building's replacement cost prior to the initiation of repairs, exclusive of foundations, provided that the cubic content of the building as it existed at the time of passage or amendment of this Article shall not be increased. No structural alterations shall be made, except that 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 10.06 District Changes**

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

**Section 10.07 Hardship Cases**

Nonconforming buildings or structures may be structurally changed, altered or enlarged with the approval of the Zoning Board of Appeals when the Zoning Board of Appeals finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alteration or enlargement may be granted only with a finding by the Zoning Board of Appeals that approval will not have an adverse affect on surrounding property and that it will be the minimum necessary to relieve the hardship.

**Section 10.08 Illegal Nonconforming Uses**

Nonconforming uses of structures or land existing at the effective date of this Ordinance that were established 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.

***End of Article 10***

## Article 11 STANDARDS for SPECIAL LAND USES

### **Section 11.01 Purpose**

The purpose of this Article is to establish appropriate standards and requirements for the review and approval of special land uses, as authorized in each District according to Table 9-2, and assure potential negative impacts of such uses are minimized through such applicable general and specific site development standards. A special land use shall be approved only where such application complies with the general standards of Section 11.01 and those standards contained in this Article for specific special land uses. The regulations and standards contained in this Article shall be applied in addition to any other applicable standard or regulation contained elsewhere in this Ordinance unless specifically noted otherwise. See Article 5: Procedures for Special Land Uses.

### **Section 11.02 General Standards Applicable To All Special Land Uses**

**A.** Each application for a special land use shall be reviewed for the purpose of determining that the land use or activity which may be authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The land use or activity shall be consistent with the public health, safety, and welfare of the Township and comply with the following standards:

1. Be harmonious with and in accordance with the general principles and objectives of the Township's Land Use Plan.
2. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:
  - a. The bulk, placement, and materials of construction of proposed structures.
  - b. Pedestrian and vehicular circulation.
  - c. The location of vehicular use or parking areas.
3. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will substantially improve property in the immediate vicinity and in the community as a whole.
4. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties
5. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors or pollution.
6. Be necessary to meet the intent and purpose of the zoning regulations, and be related to the standards established in the Ordinance for the land use or activity under consideration.
7. Protect the natural environment and special natural resources, such as wetlands, woodlands, hillsides, and water courses, and ensure that the natural landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
8. Meet the site plan review requirements of Article 4.
9. Conform with all applicable county, state and federal requirements for that use.

### **Section 11.03 Bed And Breakfast**

**A. The following site and developmental requirements shall apply:**

1. No bed and breakfast use shall be permitted within a subdivision plat or condominium development, or on any property where there exists another bed and breakfast use within one thousand (1,000) feet, measured as a straight line distance between the closest lot lines.
2. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

**B Special Performance Standards:**

1. The bed and breakfast facility shall be a single family dwelling which is operated and occupied by the owner of the dwelling.
2. Meals may be served to employees and overnight guests only. No separate or additional kitchen facilities shall be provided for the guests.

3. The number of bedrooms available for use by guests shall not exceed six (6).
4. No receptions, private parties or activities for which a fee is paid shall be permitted.
5. The establishment shall contain at least two (2) exits to the outdoors.
6. Rooms utilized for sleeping must be part of the primary residential structure.
7. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
8. Lavatories and bathing facilities shall be available to all persons using the premises.
9. Each sleeping room shall be equipped with a smoke detector.
10. The exterior appearance of the structure shall not be altered from its single family character.

#### **Section 11.04 Junk Yards**

##### **A. The following site and developmental requirements shall apply:**

1. The minimum lot size shall be five (5) acres.
2. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around all sides of the area used for the storage or dismantling of materials. Walls and fences shall be of sound construction, painted or otherwise finished neatly and inconspicuously, and maintained in such condition.
3. No portion of the enclosed area shall be located within 1000 feet a school, day care facility, church, hospital, and convalescent or nursing home.
4. All enclosed areas shall be set back at least fifty (50) feet from any lot line. A landscaped buffer strip at least one hundred (100) feet in width shall be provided between the enclosed area and any adjoining Conservation or Residential district.
5. 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.

##### **B. Special Performance Standards:**

1. All activities shall be confined to within the enclosed area including any: storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all equipment and inoperative vehicles. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height.
2. 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.
3. 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.
4. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles.
5. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environmental Quality.
6. All non-operational vehicles shall have batteries removed and be drained of all liquids, and all batteries and drained liquids shall be disposed of according to law.

#### **Section 11.05 Cemeteries**

##### **A. The following site and developmental requirements shall apply:**

1. Minimum lot size shall be one (1) acre.
2. No more than five percent (5%) of the site area may be occupied by buildings.
3. All structures shall be no less than fifty (50) feet from any lot line or road right-of-way
4. Parking areas and driveways shall be provided on the site, and all parking areas, driveways, and burial plots shall be at least ten (10) feet from any lot line.

##### **B. Special Performance Standards:**

1. A screen shall be established along all lot lines which abut a property zoned or used for residential uses.

#### **Section 11.06 Public Facilities and Public Assembly Facilities**

##### **A. The following site and developmental requirements shall apply:**

1. No more than sixty percent (60%) of the site shall be covered by impervious surface
2. No building, driveway, or parking area shall be closer than fifty (50) feet from any lot line or road right-of-way.

3. 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 one (1) foot of additional height above the district height limitation, excluding a spire.

**Section 11.07 Commercial Stables**

**A. The following site and developmental requirements shall apply:**

1. Minimum lot size shall be three (3) acres.
2. Off-street parking shall be provided 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 stable. Overflow parking for special events shall be identified on the site plan.
3. Commercial stables shall not be located in platted subdivisions or condominium subdivisions unless specifically designed as an equestrian community.
4. Stables, buildings housing horses, and manure piles shall be set back a minimum of seventy-five (75) feet from any lot line.
5. A vegetative strip of at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water. In areas with slopes of over five percent (5%), the Planning Commission may increase setbacks in order to minimize runoff, prevent erosion, and promote nutrient absorption.

**B. Special Performance Standards:**

1. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
2. Manure piles shall be stored, removed, and/or applied in accordance with the Michigan Agriculture Commission's most recently published Generally Accepted Agricultural Management Practices.
3. No special events such as shows, exhibitions, and contests shall be permitted within seventy-five (75) feet of a residentially used or residentially zoned property, including the parking of cars and viewing areas.
4. Animal density shall not exceed one (1) horse for the first three (3) acres, and one (1) additional horse for each additional one-half (1/2) acre, up to seven (7) horses. One (1) additional acre of lot area shall exist for each additional horse thereafter.

**Section 11.08 Day Care Facility, Group Home**

**A. The following site and developmental requirements shall apply:**

1. One identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the facility and an address.
2. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.

**B. Special Performance Standards:**

1. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
2. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor shall the front yard be the location of play equipment.
3. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.
4. State licensing shall be required.

**Section 11.09 Drive-in and Drive-Through Facilities**

**A. The following site and developmental requirements shall apply:**

1. Ingress and egress driveways shall be located at least seventy-five (75) linear feet from any corner when said property abuts an intersection of two streets. Further, no driveway shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway providing access to or from the drive-in business. All driveways providing ingress and egress to a drive-in business shall be not more than thirty (30) feet wide at the property line.

**B. Special Performance Standards:**

1. Access to and egress from a drive-in establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing of vehicles on sidewalks or streets.

2. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of five (5) stacking spaces for the service ordering station shall be provided.

**Section 11.10 Foster Care Facility, Group Home**

**A. The following special performance standards shall apply:**

1. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. The driveway may not be used for this purpose.

**B. Special Performance Standards:**

1. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
2. Adult foster care large group homes shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility, and provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.

**Section 11.11 Kennels**

**A. The following site and developmental requirements shall apply:**

1. The lot shall be at least five (5) acres in size and three hundred (300) feet in width.
2. Kennels shall not be located in a platted or condominium subdivision.
3. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one hundred feet (100) to any adjacent lot line in a Conservation or Residential district or any adjacent building used by the general public. Runs and exercise areas shall be located in the rear yard only.

**B. Special Performance Standards:**

1. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.
2. All animals must be licensed and maintained in a healthful and careful manner.
3. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
5. Exercise yards, when provided for training or exercising, shall not be used between the hours of 9:00 p.m. and 7:00 a.m.
6. During the hours of 7 a.m. until 9 p.m. animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
7. Indoor runs shall be a minimum of four (4) feet wide and ten (10) feet long.
8. The kennel shall be staffed during all day-light hours.
9. The kennel owner shall reside on the same lot as the kennel.
10. All kennels shall be operated in conformance with all applicable county, state and federal regulations.
11. All kennels shall be subject to all applicable permitting or licensing requirements of Jackson County and the state. The applicant shall submit satisfactory evidence verifying the issuance of such permits, or the absence of the need for such permits.

**Section 11.12 Motels and Hotels**

**A. The following site and developmental requirements shall apply:**

1. A hotel or motel shall not be located within two hundred (200) feet of any adjacent Conservation or Residential District.
2. Ingress and egress to the facility shall be only from a paved road.

**B. Special Performance Standards:**

1. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
2. Motels and hotels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

**Section 11.13 Nursing Homes, Hospitals, and Sanitariums**

**A. The following site and developmental requirements shall apply:**

1. The lot shall be a minimum of five (5) acres.
2. All ingress and egress for the site shall be from a paved road.
3. No building shall be closer than one-hundred (100) feet to any parcel in a Conservation or Residential District.



**B. Special Performance standards:**

1. Parking areas shall not be located within fifty (50) feet of a Conservation or Residential District.
2. A nursing home shall provide a minimum of two-thousand (2,000) square feet of outdoor open space for every bed used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas and driveways shall not be counted as required open space.
3. All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable state and federal laws.

**Section 11.14 Open Air Businesses (Vehicles, Landscape Supplies, and Similar Uses)**

**A. The following site and developmental requirements shall apply:**

1. All buildings and areas used for loading and unloading shall be set back a minimum of fifty (50) feet from any lot line.
2. Storage yards associated with home and garden centers, lumber yards and nurseries shall be completely obscured from view from public streets.

**B. Special Performance standards:**

1. In the case of auto sales:
  - a. 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.
  - b. Outside storage areas for vehicles shall be screened on all sides except the side facing the principal road from which access to the property is gained.
  - c. All areas subject to vehicular use shall be paved with a durable dust-free surface.
2. Storage or display of goods and materials shall not occur in the required yards.
3. 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 drainage ways.
4. Devices for the transmission or broadcasting of voice or music outdoors shall be prohibited.

**Section 11.15 Vehicle Repair Shops and Service Stations**

**A. The following site and developmental requirements shall apply:**

1. No more than two (2) driveways onto a roadway shall be permitted. Driveway approach width shall not exceed thirty-five (35) feet and no driveway shall be located closer than thirty-five (35) feet from property zoned for residential use.
2. 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 straight line distance between lot lines.
3. All buildings and accessory structures, including gasoline pumps, shall be located at least forty (40) feet from all lot lines, seventy (70) feet from the road right-of-way, and one hundred (100) feet from a Conservation or Residential District.
4. The entire area used for vehicle service shall be paved and adequately drained.
5. Ingress and egress to the facility shall be only from a paved road.

**B. Special Performance Standards:**

1. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
2. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, and tires shall be limited to a period of not more than ten (10) days and then only for the purpose of temporary storage pending transfer to another facility. Such storage shall be limited to a rear yard, comply with required rear yard setbacks, and be screened by an obscuring wall or fence of not less than six (6) feet. Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited.
3. The entire area used for vehicle service shall be hard-surfaced and adequately drained.
4. The sale, rent, or lease of vehicles is prohibited.
5. All batteries and drained liquids shall be disposed of according to law.
6. Operational hours are maintained within 7 a.m. to 9 p.m.
7. Outdoor storage of any parts shall be limited to a rear yard, comply with required rear yard setbacks, and be screened by an obscuring wall or fence of not less than six (6) feet.

**Section 11.16 Vehicle / Car Wash Establishment**

**A. The following site and developmental requirements shall apply:**

1. All washing activities shall be carried on within an enclosed building, or under a covered structure with side walls separating individual washing bays.
2. Vacuuming activities shall be set back a minimum of one hundred (100) feet from property zoned or used for residential purposes.
3. All maneuvering lanes and stacking lanes shall be located on the site and shall provide sufficient room to avoid waiting cars encroaching into a road right-of-way.

**B. Special Performance Standards:**

1. Buildings shall be oriented so that self-serve open bays do not face onto adjacent thoroughfares, unless otherwise screened by landscaping.
2. Each bay shall be graded and drained to collect run-off originating in the bay.

**Section 11.17 Veterinary Clinics**

**A. The following site and developmental requirements shall apply:**

1. 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 lot line in a Residential District, or to any adjacent building used by the general public, and shall not be located in any required yard.

**B. Special Performance Standards:**

1. Uses permitted include medical treatment and boarding for animals receiving treatment. Retail sales are permitted only as a clearly incidental and accessory use to the principal clinic use.
2. All principal use activities shall be conducted within a totally enclosed main building.
3. There shall be no storage or boarding of animals outside of the fully enclosed building.
4. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

**Section 11.18 Multiple Family Dwellings**

**A. The following site and developmental requirements shall apply:**

1. Minimum lot size shall be 30,000 sq. ft. for the first three (3) dwelling units, and an additional two thousand five hundred (2,500) square feet for each additional dwelling unit.
2. Any multiple family development consisting of more than ten (10) units shall gain direct access from a paved county primary or county local road.
3. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development and shall be designed to minimize congestion and interference with normal traffic flow.
4. All developments shall provide for underground installation of all utilities.
5. No dwelling unit shall have its principal access more than one hundred fifty (150) feet from either an access drive or a public street, and the required off-street parking area.
6. The distance between any two (2) residential structures which occupy the same lot shall be not less than thirty (30) feet, if both of the walls facing each other contains windows or other openings, and not less than twenty (20) feet for all other situations.
7. Maximum building heights shall not exceed thirty-five (35) feet, except that maximum building heights shall not exceed twenty-five (25) feet where such buildings exceed one hundred (100) feet in length.
8. The maximum number of dwelling units contained in a single building shall be eight (8).
9. There shall be provided easily accessible and usable open space in the development in an amount of ten percent (10%) or more of the site area or five hundred (500) square feet per four dwelling units, whichever is greater, but in no case shall less than ten thousand (10,000) square feet be provided.

**B. Special Performance Standards:**

1. All group off-street parking facilities shall be adequately lighted during hours of darkness.
2. 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.
3. Accessory buildings, structures, and uses that are clearly customary and incidental to the functioning of the development are permitted, including an office for conducting the business of the development, utility areas for laundry facilities and auxiliary storage for tenants, recreation areas such as community buildings, playgrounds, and open space for tenants, and administrative offices.

**Section 11.19A Communication Towers, Class One**

**A. The following site and developmental requirements shall apply:**

1. The tower shall be set back from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by an engineering firm approved by the Township, that the structural integrity of the tower will withstand high winds and impacts, and the likelihood of a tower failure is minimal. The applicant shall incur all costs associated with the engineering review.
2. The maximum height of a communication tower shall be less than two hundred (200) feet. The Township Board may waive this standard upon the applicant successfully demonstrating that a greater height is necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). However, in no case shall the height exceed two hundred fifty (250) feet.
3. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30) feet.
4. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
5. All towers and accessory buildings shall be secured to prevent unauthorized access.
6. The plans of the tower construction shall be certified and sealed by a registered structural engineer and these plans shall be in compliance with all applicable building and electrical codes.
7. All towers must meet the standards of the State of Michigan and Federal Aviation Administrations, and the Federal Communications Commission.
9. No part of any tower shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area. In no case shall a tower be located within thirty (30) feet of a property line or within two-hundred (200) feet of an existing dwelling..
10. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
11. All towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable statutes, regulations and standards.
12. Towers and antennae shall be designed to withstand a uniform wind loading as prescribed in the applicable building code.
13. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
14. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned or leased by the applicant.
15. The base of the tower shall occupy no more than five hundred (500) square feet.
16. Minimum spacing between tower locations shall be three (3) miles. The Township Board may waive this standard upon the applicant successfully demonstrating that a lesser distance is necessary for reasonable communication by the applicant (and by other entities to collocate on the structure).
17. Towers shall not be artificially lighted unless required by State or Federal Aviation Administrations. Lights shall not be lit except during those specific hours required by the Federal Aviation Administration. Except where specifically required otherwise by the Federal Aviation Administration, lights shall be red in color and shall not emit light in a downward direction. Strobe lights are prohibited.
18. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes or as required by State and Federal regulatory agencies.
19. The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme shall be designed to minimize off-site visibility of the tower and antenna.
20. Existing on-site vegetation shall be preserved to the maximum extent practical.
21. Where the property adjoins any residentially zoned property or land use, the operator shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten (10) feet to any structure.
22. Parking and drive areas shall be provided and maintained by the tower owner/operator.
23. 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.

**B. Special Performance Standards:**

1. Structures shall be subject to any and all State and Federal regulations concerning nonionizing electromagnetic radiation. If more restrictive State or Federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the Special Use approval will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator.

2. The tower shall be removed by the property owner or leasee within six (6) months of non-use or abandonment. The Township Board shall require posting a performance bond of insure funding for removal of abandoned towers.
3. Collocation
  - a. Definition: Collocation is the location by two or more communication providers on a common structure, tower, or building, with the view toward reducing the overall number of towers.
  - b. Statement of Policy: It is the policy of the Township to minimize the overall number of newly established locations for communication towers in the community, and encourage the use of existing towers to facilitate adequate and efficient opportunities for communication while promoting the public health, safety, and welfare and minimizing negative impacts of such sites. Each licensed provider of a communication tower must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of towers reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate in the interest of achieving the purposes of this Section and Ordinance. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township.
  - c. Feasibility of Collocation: Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:
    - 1) The communication provider entity under consideration for collocation will be charged reasonable market rent or other market compensation for collocation.
    - 2) The site on which collocation is being considered, taking into consideration reasonable modification of replacement of a facility, is able to provide structural support.
    - 3) The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
    - 4) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the standards contained in this Section.
  - d. Requirements for Collocation:
    - 1) A special land use permit for the construction and use of a new Class One communication tower shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
    - 2) All new and modified communication towers shall be designed and constructed so as to accommodate collocation.
    - 3) The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a communication tower shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect and subject to removal as a nonconforming structure.
4. If a party who owns or otherwise controls a communication tower shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new tower, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for new towers in the Township for a period of five years from the date of the failure or refusal to permit the collocation.
5. The application shall include a map showing existing and known proposed communication towers within the Township, and further showing existing and known proposed communication towers within three (3) miles from the borders of Waterloo Township, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed.

**Section 11.19B Communication Towers, Class Three**

- A. The following site and developmental requirements shall apply:
  1. The tower shall be set back from all property lines a distance equal to its height plus five feet.
  2. The maximum height of the communication tower shall be less than seventy-five (75) feet.

3. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30) feet.
4. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
5. All towers and accessory buildings shall be secured to prevent unauthorized access.
6. The plans of the tower construction shall be in compliance with all applicable building and electrical codes.
7. Towers and antennae shall be designed to withstand a uniform wind loading as prescribed in the applicable building code.
8. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
9. Towers shall not be artificially lighted.
10. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes or as required by State and Federal regulatory agencies.

**B. Special Performance Standards:**

1. Structures shall be subject to any and all State and Federal regulations concerning nonionizing electromagnetic radiation. If more restrictive State or Federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the Special Use approval will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator.
2. The tower shall be removed by the property owner or leasee within six (6) months of non-use or abandonment. The Township Board shall require posting a performance bond of insure funding for removal of abandoned towers.
3. Collocation
  - a. Definition: Collocation is the location by two or more communication providers on a common structure, tower, or building, with the view toward reducing the overall number of towers.
  - b. Statement of Policy: It is the policy of the Township to minimize the overall number of newly established locations for communication towers in the community, and encourage the use of existing towers to facilitate adequate and efficient opportunities for communication while promoting the public health, safety, and welfare and minimizing negative impacts of such sites. Each licensed provider of a communication tower must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of towers reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate in the interest of achieving the purposes of this Section and Ordinance. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township.
  - c. Feasibility of Collocation: Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:
    - 1) The communication provider entity under consideration for collocation will be charged reasonable market rent or other market compensation for collocation.
    - 2) The site on which collocation is being considered, taking into consideration reasonable modification of replacement of a facility, is able to provide structural support.
    - 3) The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
    - 4) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the standards contained in this Section.
  - d. Requirements for Collocation:
    - 1) A special land use permit for the construction and use of a new Class One communication tower shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
    - 2) All new and modified communication towers shall be designed and constructed so as to accommodate collocation.
    - 3) The policy of the community is for collocation. Thus, if a party who owns or otherwise controls

a communication tower shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect and subject to removal as a nonconforming structure.

4. If a party who owns or otherwise controls a communication tower shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new tower, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for new towers in the Township for a period of five years from the date of the failure or refusal to permit the collocation.
5. The application shall include a map showing existing and known proposed communication towers within the Township, and further showing existing and known proposed communication towers within three (3) miles from the borders of Waterloo Township, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed.

### **Section 11.20 Outdoor Commercial Recreation**

#### **A. Special Performance Standards For All Outdoor Commercial Recreation Facilities:**

1. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
2. Facilities shall provide off-street parking and passenger loading areas.
3. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
4. Facilities which have a participant capacity greater than five hundred (500) people shall provide letters of review from the County Sheriff and County Road Commission with respect to the proposed project.
5. A recreational accessory use shall not predate the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
6. 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 12:00 a.m. (midnight) and may be prohibited on legal holidays.
7. The minimum front, side and rear yard setbacks for principal and accessory structures shall be seventy-five (75) feet, except that no temporary sanitary facility or trash receptacle, or spectator seating facility or area, shall be located within one hundred (100) feet of a lot in a Conservation or Residential District. The first fifty (50) feet of all yards shall be kept free of off-street parking and shall be landscaped.

#### **B. Site, Development and Performance Standards for Camping Facilities**

1. Each campsite shall be set back from any right-of-way or lot line at least one hundred fifty (150) feet and all principal and accessory buildings shall be setback a minimum distance of two hundred (200) feet from all right-of-way and lot lines.
2. A common use area shall be provided on the parcel at a rate of five hundred (500) square feet per campsite, except that a minimum of ten thousand (10,000) square feet shall be provided.
3. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
4. At least one public telephone shall be provided in the facility.
5. No more than one permanent dwelling shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.
6. Each campsite shall have a picnic table and designated place for fires.
7. All campgrounds shall be licensed by the Michigan Department of Public Health.
8. All provisions for water, laundry, sanitary facilities, fire protection, and electrical services shall be installed and maintained in accordance to all applicable township, county and state laws and ordinances.
9. Each campsite made available as a travel trailer space shall contain at least 2,000 square feet. Each space shall be clearly defined on the ground by stakes or markers, and no parking space shall be closer than thirty (30) feet to another space.
10. All entrances and exit lanes within a campground shall be lighted.

#### **C. Site, Development and Performance Standards for Golf Courses and Country Clubs**

1. A minimum of sixty (60) acres shall be provided for a nine hole golf course; and one hundred twenty (120) acres for an eighteen (18) hole golf course.

2. All principal or accessory buildings and parking areas shall be not less than one hundred (100) feet from any lot line.
3. Total lot area covered by principal and accessory buildings shall not exceed fifteen percent (15%).
4. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
5. 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. In the consideration of golf driving ranges 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.
6. Water quality protective measures are required as follows:
  - a. Maintenance of erosion control barriers during construction.
  - b. 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.
  - c. All chemical applications associated with herbicides, insecticides, fungicides or rodenticides must be by a Michigan Department of Agriculture Licensed Applicator. 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.
7. A fifty (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses and wetlands shall be maintained as part of a golf course. The buffer zone must contain natural vegetation and shall not be chemically treated. Selective pruning and removal of dead plant material is permitted within the buffer area.
8. Major accessory uses such as a standard restaurant and bar shall be housed in a single building within 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.

**D. Site, Development and Performance Standards for Shooting Ranges and Hunt Clubs.**

1. Minimum lot area shall be forty (40) acres for outdoor shooting activities. The Planning Commission may require additional acreage where site characteristics, surrounding land uses, and/or the proposed type(s) of firearms warrant, in order to minimize the potential for a projectile to cross a property line.
2. Minimum setbacks from all lot lines for outdoor shooting ranges shall be two hundred fifty (250) feet.
3. A minimum eight (8) foot high fence shall be provided around the entire area devoted to or used for the outdoor shooting of firearms to assure that individuals will not unknowingly trespass on the property.
4. A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission 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.
5. The Planning Commission may submit the site plan to law enforcement agencies for comment.
6. All indoor and outdoor activities, including the shooting of projectiles and storage of projectiles, shall comply with the most current published standards and guidelines of the National Rifle Association.
7. Hours of outdoor operation shall be between 8:00 a.m. and dusk, excluding facilities operated by law enforcement agencies.

**Section 11.21 Extraction Operations**

**A. Additional Materials to be Submitted for Special Use Review:** In addition to the data requirements of Section 4.04(C), each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:

1. Location, size and legal description of the total site area to be excavated.
2. Location, width and grade of all easements or rights-of-way on or abutting the area subject to extraction.
3. A statement from the applicant identifying all federal, state, county and local permits required, if any.
4. Provisions for landscaping and screening.
5. A master plan for the extraction of minerals on the site, including:
  - a. The area and amount of material to be 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 and proposed work schedule of the total project.
  - e. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
  - f. Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.
6. The proposed location of access points to the site and proposed haul routes.

7. Proposed plans for fencing, and signs.
8. Depth to groundwater.
9. Vertical aerial photography, enlarged to a scale equal to one inch (1") equals two hundred (200) feet, which identifies site boundaries and proposed locations of all extraction activities and phases.
10. A detailed reclamation plan that identifies, at a minimum, the following:
  - a. Physical descriptions of the location of each principal phase, number of acres included in each phase, and estimated length of time to complete each phase in extraction.
  - b. Depiction of finished, stabilized, side slopes, including methods and plant materials.
  - c. Landscape plan for the portion of the property disturbed by extraction and associated activities, including an inventory of plant/tree species to be used.
  - d. Description of the intended reclamation use of the site upon completion of extraction activities and the spatial arrangement of proposed reclamation uses.
  - e. The restoration of vegetation upon the site, including seeding of grasses, or the planting of trees
  - f. The restoration of the site topography.
  - g. Schedule of removal of buildings and structures associated with extraction activities.

**B. Site, Development and Performance Requirements Shall Apply:**

1. Minimum parcel size shall be forty (40) acres.
2. All extraction operations shall comply with the standards and requirements of the Waterloo Township Sand and Gravel Ordinance.

**Section 11.22 Adult Entertainment Business**

**A. Purpose:** The purpose of this Section is to clearly define what constitutes an adult entertainment business and regulate the location and concentration of such businesses, but not exclude such businesses. These regulations are created with the understanding that Waterloo Township acknowledges that there are some uses which, because of their very nature, have serious objectionable impacts when concentrated in location, causing deleterious effects upon adjacent residential and commercial use areas. The Township recognizes that regulation of adult related businesses is necessary to insure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods and retail areas.

**B. Definitions**

1. Adult Entertainment Business: Any business, club or organization where one or more persons display "*specified anatomical areas*" or engage in "*specified sexual activities*" as defined in this Section, either in person or by photograph, motion picture, television or other type of image. This definition includes the following as defined by this Section: "*adult bookstore,*" "*adult novelty shop,*" "*adult theater,*" "*massage parlor,*" "*public bath*" and "*taxi dance hall.*"
2. Adult Book Store: An establishment partly or wholly devoted to the display, sale or rental of books, magazines or other periodicals, video tapes, photographs or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "*specified sexual activities*" or "*specified anatomical areas*" as defined by this Section, where the floor area or shelf space devoted to such material and accessible to customers exceeds fifteen percent (15%) of the total floor area or shelf space accessible to customers, or where more than thirty percent (30%) of the total floor area is devoted to such material, irrespective of the public's ability to access all such floor area or shelf space.
3. Adult Novelty Shop: Any establishment where the floor area or shelf space devoted to the sale of devices which stimulate human genitals or devices designed for sexual stimulation accounts for more than fifteen percent (15%) of the total floor area or shelf space accessible to customers, or where more than thirty percent (30%) of the total floor area is devoted to such material, irrespective of the public's ability to access all such floor area or shelf space.
4. Adult Theater: Any establishment presenting material or activity distinguished or characterized by an emphasis on matter depicting, describing or relating to "*specified sexual activities*" or "*specified anatomical areas*" as defined by this Section, for observation by patrons or customers.
5. Massage Parlor: An establishment in which a substantial or significant portion of the business conducted involves the administration of non-therapeutic massage, erotic touching, or fondling of such body areas as human genitals, pubic region, buttock, or breasts. The term "*massage parlor*" does not include medical or therapeutic massage services or any state licensed practitioners or medical or related services such as chiropractors or physical therapists.
6. Public Bath: An establishment providing common bathing facilities or hot tubs for use for a fee. Shower facilities, swimming pools, saunas and similar facilities intended as accessory uses in a school, health club, motel, or similar facility are not "*public baths.*"



7. Specified Anatomical Areas: Human genitals, pubic regions, buttock, or any portion of the female breast below a point immediately above the top of the areola when less than completely and opaquely covered, in addition to human genitals in a discernibly turgid state, even if completely and opaquely covered.
8. Specified Sexual Activities: Human genitals in a state of stimulation or arousal; acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy; fondling of or erotic touching of human genitals, pubic region, buttock or female breast; bestiality; fellatio or cunnilingus; sadomasochistic abuse; and human excretory functions.
9. Taxi Dance Hall: An establishment which provides dance partners for one or more dances as the direct or indirect result of payment of a fee.

**C. The following site and developmental requirements shall apply:**

1. No adult entertainment business shall be established on any premises where there exists another adult entertainment business within one thousand (1,000) feet, measured as a straight line distance between the closest property lines.
2. The property on which an adult related business is located shall be situated at least three hundred (300) feet from a residential lot line and one thousand (1,000) feet from a church or school, measured as a straight line distance between the closest property lines.
3. Signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner which include "*specified anatomical areas*" or "*specified sexual activities*."
4. Adult entertainment businesses shall not be located in a building in which one (1) or more dwelling units are located.
5. Operational hours are permitted between 10:00 a.m. and 10:00 p.m. only.
6. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
7. The applicant shall submit a diagram of the premises showing a plan thereof and specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and illumination intensity of each. A manager's station shall not exceed thirty (30) square feet of floor area.
8. The premises shall be so configured and designed to provide an unobstructed view of each area of the premises to which any person is permitted access for any purpose from at least one (1) of the manager's stations.
9. Activities conducted within a building devoted to an adult entertainment business shall be shielded in such a manner that no person outside the building can see said activities, provided however that such shielding shall not consist of a curtain alone, shall not obstruct the exit sign or directional or instructional signs regarding emergency egress, nor be constructed in such a way as to block an exit

**Section 11.23 (Deleted)**

(Amended 7-18-06, Ord. #06-07-18-02)

**Section 11.24 On Site Use Wind Energy Systems**

- A. All On Site Use Wind Energy systems shall comply with the standards and requirements of the Waterloo Township Wind Power Ordinance. (Amended 12-06-2009, Ord. # 09-12-15-01)

**Section 11.25 Outdoor Wood-fired Boilers**

- A. All Outdoor Wood-fired Boilers shall comply with the standards and requirements of the Waterloo Township Outdoor and Open Burning Ordinance.
- B. The outdoor wood-fired boiler shall be located in such a way as to satisfy the following requirements:
  1. be at least 50 feet from any property line or right of way.
  2. be at least 50 feet from any building on the parcel in which the boiler is placed.
  3. be at least 300 feet from the nearest building which is not on the same property as the outdoor wood-fired boiler.
  4. shall not be located in front of the principle structure on the property.
- C. The Site Plan must indicate the location of all buildings on parcels adjacent to the parcel containing the wood burner and located within 300 feet of the final location of the wood burner. (Amended 12-06-09, Ord. # 09-12-15-02)

**Section 11.26 Commercial/Utility Photovoltaic Solar Energy Systems**

Commercial/Utility Photovoltaic Solar Energy Systems are only permitted in the Pubic Conservation and Agricultural Zones as a Special Land Use provided that they are approved according to the general provisions of Article 11.02 and the specific provisions of this Section, 11.26.

The purpose and intent of this ordinance is to establish a process for a Special Use Permit for Commercial/Utility Photovoltaic Solar Energy Systems development in Waterloo Township, for the review and permitting of such facilities, to protect the health, welfare, safety and quality of life of the general public and to ensure compatible land uses in the vicinity of the areas affected by such facilities.

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

**A. Definitions:**

1. **Commercial/Utility Photovoltaic Solar Energy Systems:** A solar energy system where the principle design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of electricity to a person or entity, by the conversion of solar energy through photovoltaic technology to electricity.
2. **Habitable Structure:** Any existing structure useable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by these definitions, the Office of Zoning Administration shall make a determination of any structure regarding whether or not it is habitable.
3. **Parcel Tract:** More than one parcel that are adjoining and have identical ownership. The parcels are considered adjoining even if they are located on opposite sides of a road or Section Line.
4. **Participating Site:** A property within a parcel or tract that participates in a lease or easement agreement or other contractual agreement, with an entity submitting a Special Lane Use Permit application for the purpose of developing a Commercial/Utility Photovoltaic Solar Energy System.
5. **Solar Array:** Includes the aggregate solar panels and their structural supports.
6. **Commercial/Utility Photovoltaic Solar Energy Facility:** The legally defined property including the solar array, accessory structures and ancillary equipment, buffers and access drives. The solar facility will be identified on the approved site plan. The commercial/utility photovoltaic solar facility could be an entire parcel, more than one adjoining parcel, or portions of a parcel or adjoining parcels. If the legally defined property is located within a larger parcel, it is not required that the leased property obtain an approved land division under the Waterloo Township's Land Division, Combination, and Parcel/Lot Boundary Adjustment Ordinance.

**B. Application for Special Land Use Permit requirements for a Commercial/Utility Photovoltaic Solar Energy Systems:**

1. If portion of the parcel is to be leased by the owner for use as a commercial/utility photovoltaic solar facility all property within the participating site must be included in some type of recorded legal agreement specifying the applicable uses for the duration of the project. The proposed lease or other legal agreement(s) between the owner of the parcel and the developer of the participating site must be included in the application for Special Land Use. Any language related to compensation may be redacted.
2. After zoning has been approved, no Commercial/Utility Photovoltaics Solar Energy System shall be installed until written evidence has been submitted to the Township of an energy purchaser.
3. A Commercial/Utility Photovoltaics Solar Energy System special land use permit application must include a complete description of the project including all buildings and accessory structures. Any substations or new transmission lines shall be included in the site plan. The intended route for connecting to the power grid and the alternative locations for any substation must be described.
4. Site plans shall identify all parcels on which the Commercial/Utility Photovoltaic Solar Energy System will be developed, existing and proposed buildings, accessory structures, utilities, transmission lines, solar panels, drainage ways, grades, topographical conditions, regulated wetlands, regulated floodplains, and regulated lakes, streams or ponds. The plans shall include required setbacks, access

routes to the participating site that are a part of the proposed facilities, proposed road improvements, any parcels within three hundred (300) feet of the facility, proposed transmission lines to and from Power Switchyards and/or between adjoining properties, proposed signage; and proposed mitigation procedures for dust and erosion control.

5. The application shall include the time period to construct, phasing of construction and anticipated useful life of the facility.
6. All property taxes shall be paid in full before the Township Board considers the application.

**C. The following site and development standards shall apply:**

1. Setbacks: Commercial/Utility Photovoltaic Solar Energy Systems participating array shall be located at least fifty (50) feet from any adjacent parcel property lines.
2. The maximum height of solar panels is 14 feet. This takes into account the rotation of panels to maximize exposure to sunlight throughout the day. The height of the 'power switchyard'—the structure needed to connect the solar energy facility to electric transmission lines—is limited to the height needed to tie into the electric transmission lines. All other buildings/accessory structures must meet the height requirements of the underlying zoning district.
3. Fencing is required around the Power Switchyard and shall be at least eight (8) feet in height.
4. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Appropriate warning signage shall be placed at the entrance and perimeter of the Commercial/Utility Photovoltaic Solar Energy Systems. The facility operator's emergency contact information and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.
5. Screening:
  - a. All Commercial/Utility Photovoltaic Solar Energy Systems shall have a minimum landscape buffer of 20 feet around accessory mechanical buildings and substations. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and be at least 4 feet tall at time of planting. The buffer trees shall be expected to grow to a height of 10 feet within 3 growing seasons. The trees may be trimmed but no lower than a height of 10 feet. Additional visual screening may be required to protect adjacent residential property.
  - b. Access: A minimum of 33 feet unobstructed access shall be provided around the entire commercial/utility photovoltaic solar facility and located internal to any fencing.
6. Glare: All Commercial/Utility Photovoltaic Solar Energy Systems shall be designed such that they do not produce glare that would constitute a nuisance to occupants of neighboring properties or to persons traveling neighboring roads.
7. Connection to utility grid: The intended route for connecting to the power grid and the alternative locations of any necessary substation shall be disclosed with the application for Commercial/Utility Photovoltaic Solar Energy Systems.
8. Lighting: Lighting of the large solar energy facility shall be limited to the minimum necessary, supplied with down lighting, and in no case shall any illumination from such lighting extend beyond the perimeter of the solar energy facility. Any lighting on the solar facility shall be turned off unless there is a need for light in an emergency or during maintenance or repairs.
9. In addition to the requirements of this Section, the Township Board may impose additional reasonable conditions on the approval of a Commercial/Utility Photovoltaic Solar Energy Systems as a Special Land Use.
10. All Commercial/Utility Photovoltaic Solar Energy Facilities shall be required to obtain and supply in the application all necessary permits from the Michigan Department of Environment, Great Lakes and Energy; and any applicable township, county and Federal permits.
11. All necessary legal agreements between the owner of the commercial/utility photovoltaic solar facility and property owners must be in place prior to commencing construction.
12. All medium voltage cable within the solar facility must be buried, with the exception of the power switchyard or within a substation.

13. The construction and maintenance of the commercial/utility photovoltaic solar facility shall not adversely affect the natural and existing drainage of the site or adjacent properties. Any erosion or flooding of property as a result of the construction or operations of a solar facility is the responsibility of the developer/owner of the structures.
  14. If the site includes wetlands or flood plains, the applicant shall provide documentation of compliance with all federal state and local regulations.
- D. **Application Escrow Account:** An escrow account shall be set up when the applicant applies for a Special Use Permit for a solar facility. The monetary amount filed by the applicant with the Township shall be in accordance with the fee schedule set by the Township Board. These funds are used to cover all reasonable costs and expenses associated with the special use permit and site plan review and approval process, which costs can include, but are not limited to, fees of the Township Attorney and Township Engineer, as well as any reports or studies which the Township anticipates it may be done related to the zoning review process for the particular application. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the applicant.
  - E. **Decommissioning Escrow Account:** If a-Special Land Use Permit is approved pursuant to this section, the Township shall require security in the form of a surety bond acceptable to the Township, which will be furnished to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a Special Land Use Permit has been approved but before construction commences on the solar facility. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the solar facility. Such financial security shall be kept in full force and effect during the entire time that the solar facility exists or is in place, and such financial security shall be irrevocable and non-cancelable.
  - E. **Decommissioning Plan:** A decommissioning plan is required and shall describe the decommissioning of a commercial/utility photovoltaic solar facility and final restoration conditions of the land within twelve (12) months of abandonment, including evidence of proposed commitments to the owners of leased lots.
  - F. **Forfeiture of Decommissioning Escrow Account:** The bond is forfeited in the event the operator does not comply with their decommissioning plan within twelve (12) months of one of the following three conditions:
    - a. Termination of the lease
    - b. Failure to complete the project
    - c. Inactivity for twelve (12) months
  - G. **Liability Insurance:** The applicant shall provide and maintain a liability insurance policy to cover property damage for surface and/or subsurface occurrences and bodily injury in an amount not less than Four Million (\$4,000,000.00) Dollars per occurrence, in any combination of primary and umbrella coverage, naming Waterloo Township, its elected officials and appointed officials as additional named insureds and provide a copy of this policy to the Township Clerk prior to starting construction. Said insurance shall provide an endorsement which provides that the general aggregate limit of the operator's commercial and general liability applies to the site. Waterloo Township must be sent a notice of intent to cancel the insurance not less than twenty (20) days before the cancellation thereof. The policy is subject to the review of the Township's attorney prior to acceptance. Failure of the operator, or any persons, firm or corporation named in the policy to maintain the insurance shall be cause for termination of the permit.
  - H. **Immunity:** The applicant is required to agree in writing, subject to the acceptance of the Waterloo Township Attorney, to defend, indemnify, and hold harmless the Waterloo Township Board of Trustees, and its officers, agents, and employees, against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney fees resulting from the installation, construction, repair, replacement, operation, or maintenance of the proposed solar energy facility to the extent caused by the applicant, its contractors, its subcontractors, and the officers, employees, or agents of any of those.

**Alteration of approved plans:** Before deviating from approved plans, the applicant shall submit to the Township an application to amend or change the approved plans. The application must contain sufficient information to apprise the Township of the reason and nature of the requested change(s). When the Township receives an application for a change or modification of an existing plan, the Township Board shall approve or reject the application according to whether or not the application meets the requirements of the Zoning Ordinance. If an application is rejected, the Board shall give the reasons for the rejection in writing.

***End of Article 11***

## Article 12 OPEN SPACE COMMUNITIES (OSC) OVERLAY DISTRICT

### **Section 12.01 Purpose**

It is the purpose of this Article to provide opportunities for residential development which, because of the more flexible standards available to "Open Space Communities" (OSC) under this Article, more effectively encourage the preservation of the Township's natural resources, sensitive environmental areas, and rural character. The regulations of this Article propose to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the zoning district within which the OSC is proposed to be located, so that the remainder of the site can be preserved as open space or for agricultural use.

### **Section 12.02 Overlay District**

The OSC District is established as an overlay district. The District exists as an overlay on top of all other Districts that permit residential development as a use permitted by right according to Table 9-2. Land located in such a District may be developed according to the more traditional provisions of the base zoning district, such as the AG-1 Agricultural District, or according to the more flexible open space community overlay provisions of this Article. A rezoning for an open space community is not necessary as it is already available within all Conservation and Residential Districts by the OSC Overlay District.

### **Section 12.03 Procedures for Open Space Communities**

A. Application for an OSC shall not be considered an application for a special land use. However, the process for application, review, and action on a OSC request shall follow the same procedures and requirements for special land uses under Article 5 except as provided below:

1. **Recording of Approval Action**: 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 OSC plan unless a change is approved by the Township Board. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Township Clerk.
2. **Permit Issuance**: Upon receipt of the recorded documents, the Township Clerk shall direct the Zoning Administrator to issue a Zoning Permit for the OSC.
3. **Conventional Plan**: At the time the applicant submits a site plan for the OSC, the applicant shall also submit a conventional plan which shall illustrate a practical and reasonable manner for developing the project parcel according to the underlying zoning district provisions. This plan shall identify the total number of lots and dwellings reasonably attainable. The Township Board shall be the determining body regarding the number of dwellings and lots reasonably attainable by conventional design after considering the recommendation of the Planning Commission. This information shall be used when determining the permissible number of dwellings and lots for an OSC proposal.
  - a. The conventional plan referenced in subsection (3) need not be an engineered set of construction drawings, but shall be of such detail and clarity to demonstrate conformity with all state, county and Township regulations including, but not limited to, potable water and sewage disposal, storm water management including necessary detention and retention ponds, and road design and construction. The conventional plan shall demonstrate the feasibility of the proposed plan both in regard to its construction and its negligible impact upon sensitive environmental resources including wetlands and drainage courses and, in doing so, shall include the following: natural features such as wetlands, woodlands, flood plains, streams, rivers, county drains, lakes, ponds, and topography (at two-foot intervals); and man-made features such as existing roads, structures, utilities, easements, and adjacent land use conditions. A conventional plan shall not be considered by the Planning Commission or Township Board if such body determines that it does not provide the necessary level of detail or information to assess such conventional plan for the purposes of subsection (3) above.
4. **Preapplication Conference and Conceptual Plan**: Prior to the submission of a preliminary application for OSC approval, the applicant may request a preapplication meeting with Township officials. The purpose of the meeting is to inform Township officials of the concept of the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements of the Township. Statements made in the course of a preapplication conference shall not be legally binding. At the preapplication conference (or conferences), the applicant may present a conceptual plan of the proposed OSC development which provides an overview of the proposed project. Representatives of the Township at such meeting shall include the Zoning Administrator, Supervisor or

other designated Township Board representative, the Planning Commission Chairperson or other designated Planning Commission representative, and any consultants as either the Township or the applicant deem appropriate.

#### **Section 12.04 Approval Standards**

**A. Minimum Eligibility:** To be considered as an OSC project, the proposed development project must be consistent with Section 12.01 and comply with the following provisions.

1. Permitted Principal Uses: Dwellings, as authorized by the base District's requirements.
2. Unified Control: The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
3. Dedicated Open Space: The OSC shall include permanently dedicated open space.

**B. Design and Compatibility Standards:** An application for an OSC shall comply with the following:

1. Section 4.05, Site Plan Approval Standards
2. Section 11.02, General Standards for Special Land Uses
3. Section 12.05, OSC Design Standards

#### **Section 12.05 OSC Design Standards:**

A proposed OSC shall comply with the following design standards:

**A. Regulatory Flexibility:** To encourage flexibility and creativity consistent with the OSC concept, departures from the regulations of the base zoning district may be permitted, subject to review and approval by the Township Board. For example, such departures may include but are not limited to modifications to lot dimensional standards, setback requirements, and lot area requirements. However, in no case shall an OSC's design features exceed the following:

1. Number of Lots/Dwellings: See Section 12.05(B).
2. Building Setbacks: In no case shall a building setback be less than that specified below:
  - a. Along a public or private road outside of the OSC parcel: One hundred feet (100) feet, except where the Township Board finds the natural or proposed topography, vegetation, or other conditions provide adequate screening and buffering, in which case such setback may be reduced to no less than sixty (60) feet.
  - b. Along a public or private road inside of the OSC parcel: Twenty-five (25) ft.
  - c. In the case where the OSC consists of individual lots, no dwelling shall be located within ten (10) feet of an side lot line or twenty (20) feet of an rear lot line. Where such lot lines serve as perimeter boundary lines of the OSC parcel, subsection (d) below shall apply.
  - d. Along OSC parcel perimeter, but not adjacent to a road: Fifty (50) ft.
  - e. Between any two (2) detached dwellings within an OSC development: Twenty (20) feet.
  - f. Along lakes, ponds, rivers, streams, and wetlands: Sixty (60) ft.
3. Parking Lot Setbacks: In no case shall a parking lot be less than fifty (50) feet from an OSC perimeter boundary line, except in the case where the perimeter boundary line abuts a public road, in which case the minimum setback shall be one hundred (100) feet.
4. Minimum Lot Area
  - a. A-1, A-2, and RNF Districts: The minimum lot area for a dwelling in an OSC in an A-1 District shall be one and one-half (1.5) acres, and the minimum lot area for a dwelling in an OSC in a RNF or A-2 District shall be one and one-quarter (1.25) acres. The Township Board may decrease these standards by no more than one-quarter (0.25) acre upon its finding that, as applied to the specific OSC design proposal, a lesser minimum lot area will not negatively impact abutting land uses and the visual character of the area as viewed from adjacent public roads, and that important benefits shall be derived from the lesser minimum lot area such as enhanced protection of sensitive environmental areas and decreased disturbance to existing topography and vegetative cover.
  - b. R-1, R-2, and R-3 Districts: The minimum lot area for a dwelling in an OSC in an R-1, R-2, or R-3 District shall be one (1) acre, except where the OSC is to be served by public sewer, in which case the minimum lot area shall be no less than fifty percent (50%) of the minimum lot area required by the underlining Residential District.

- B. Residential Density Bonus:** Recognizing that individual sites lend themselves to different design solutions with different space utilization requirements and that the OSC process provides that the Township Board may exercise discretionary powers, densities in excess of those attainable as illustrated by the conventional plan may be permitted, provided that all other requirements of this Article are met. No residential density bonus increases shall be permitted unless a determination is made by the Township Board that the desired density will not adversely affect public services including, but not limited to, water and sewer services, storm water drainage, road conditions and capacity, traffic, parks and recreation, fire and police services, schools, and any planned public and private improvements in the area. Except in the case of an OSC in an RNF District, the Township Board may grant an increase in the number of dwelling units above and beyond that approved by the Township Board in the Conventional Plan for proposals that exhibit superior design character. The percent increase in the number of dwelling units that may be authorized above the number of dwellings that would otherwise be attainable under the Conventional Plan, based on superior design measures, shall be according to Table 12.05(B) below which identifies each superior design measure and its corresponding percentage increase in dwelling units. The specified percentage increase in dwelling units shall be authorized when the Township Board finds such superior design measure is substantially reflected in the OSC design, based upon its reasonable discretion. However, in no case shall the total development density of an OSC exceed the following maximum densities:
- a. A-1 District: One (1) dwelling per 3.4 acres in the OSC project area.
  - b. A-2 District: One (1) dwelling per 2.4 acres in the OSC project area.
  - c. R-1, R-2, and R-3 Districts: Twenty percent (20%) increase over the Conventional Plan.

**Table 12.05(B)**

Superior Design Measure	Value of Superior Design Measure as a Percentage Increase in Dwelling Units
The dedication of usable open space to a public entity or nonprofit land or nature conservancy that has the effect of increasing or enhancing the public use and enjoyment of scenic areas, waterfronts, natural areas, or other significant environmental areas; and/or the dedication of usable open space for other public use that clearly addresses a need in the community.	30%
In Conservation Districts, dedication of more than 60% of the project parcel as permanent open space.	30%
Strategic placement of dedicated open space in relation to abutting OSC projects to support continuous networks of important environmental resource systems including, but not limited to, wetlands, woodlands, stream corridors, and wildlife corridors and habitats.	30%

**C. Guarantee of Open Space:** An OSC shall include permanently dedicated open space. The dedicated open space shall forever remain open space, subject only to uses approved by the Township Board on the approved site plan. Further subdivision of open space land or its use for other than conservation, or agricultural uses or preservation in an undeveloped state, except for easements for utilities and septic systems, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Township that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. 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 open space development.

1. A minimum of fifty percent (50%) of the OSC parcel shall be designated as permanent open space, to be maintained in an undeveloped state. For the purposes of this subsection, the following terms and phrases shall have the following meanings:
  - a. "Undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
  - b. "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.



2. Any structure(s) or building(s) accessory to the permanently dedicated open space may be erected within the dedicated open space, subject to the approved site plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the total required dedicated open space area.
3. Dedicated open space may include flood plain areas, but the minimum required dedicated open space shall not include required yard setback areas, roads and road rights-of-way, public rights-of-way, year-round submerged lands of a non-wetland character such as lakes, and wetlands (as defined by the Michigan Department of Environmental Quality) exceed thirty percent (30%) of the required dedicated open space.
4. All land within a development that is not devoted to a building, dwelling unit, required yard, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state. This provision shall not prohibit the inclusion of non-residential buildings, required yards, accessory uses, vehicle access, vehicle parking, a roadway, or other approved land improvement in the designated common land.
5. The dedicated open space shall be set aside by the owner through an irrevocable conveyance that is found acceptable to the Township Attorney, such as recorded deed restrictions, covenants that run perpetually with the land, transfer to a non profit land trust, or a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended. Such conveyance shall assure that the open space will be protected from all forms of development, except as specifically delineated on an approved site plan. All subsequent use and improvements to the dedicated open space shall comply with the approved site plan. Changes to the authorized uses or improvements to the open space are prohibited except where the Township Board approves a revised site plan upon finding that the applicant's proposed changes shall not alter the essential character of the open space or undermine the purpose and spirit of the OSC concept as presented in this Article. Such conveyance shall:
  - a. Indicate the proposed allowable use(s) of the dedicated open space.
  - b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
  - c. Provide standards for scheduled maintenance of the open space.
  - d. 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.

**D. Utilities and Storm Water Management:**

1. The OSC shall provide for underground installation of all utilities.
2. An OSC permit shall not be issued unless public water and sanitary sewer service is provided to the development if such service is available.
3. Provisions shall be made for appropriate storm water management, including the construction of necessary storm water facilities. The storm water system may include the establishment of detention or retention basins, and associated infrastructure. The storm water management plan shall rely upon natural systems to the greatest extent possible and preserve the quality and integrity of such systems, rather than systems that encourage unnecessary topographic alternations, erosion, heightened impurities directed to surface and ground water systems, and similar negative impacts.
4. Fire protection measures shall be provided in all OSCs which provide public water, and in OSCs which are generally characterized by lots of approximately one half (1/2) acre or less in size where such lots are clustered or otherwise generally adjacent to one another. Fire protection measures shall include an adequate on-site source of water for use by the local fire department and associated infrastructure to enable the local fire department to effectively respond to a fire emergency.

**E. Access and Circulation:**

1. Access: The nearest edge of any entrance or exit drive for a OSC shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line). All dwellings within an OSC shall gain access from an interior road within the OSC.
2. Pedestrian Circulation: A pedestrian circulation system may be required along one side of, or all of, the internal roads of the OSC. The exact location and alignment of the pedestrian ways shall be jointly agreed upon by the applicant and the approving body, and shall be coordinated with existing or planned pedestrian ways and roads in the area. Pedestrian circulation networks shall assure ease of access from residences to the designated open space areas.

**F. Natural Features:** The development shall be designed to promote the preservation of natural features such as mature woodlands, steep slopes, wetlands, floodplains, stream corridors, and special plant and animal habitats.

**G. Preservation of Road Corridor Character in A-1 and A-2 Districts:** The development shall be designed to promote the effective preservation of the existing character along the public road frontages that the OSC abuts, to the extent such frontage areas are characterized by open space areas, significant vegetation, environmental resources, and/or scenic views, through, the retention of such features by building setbacks, strategic placement of dedicated open space, proposed native planting screens, and/or other means.

**H. Scheduled Phasing:**

1. **Scheduled Phasing:** 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.
2. **Timing of Phases:** Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved final 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 owner and approval of same by the Township Board. 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 case of fraud or violation of the terms of the original approval.

**Section 12.06 Waiver of Standards**

**A.** The Township Board may waive any of the Section 12.05 standards for an OSC, except Sections 12.05(A)(1), (2), and (3), 12.05(B), and 12.05(C), where the applicant can demonstrate, within the discretion of the Township Board, the following:

1. The waiving of the applicable standards will advance the purpose of this Ordinance, as specified in Section 1.02.
2. The spirit and intent of the open space development provisions will still be achieved.
3. No nuisance will be created.

**B.** The Township Board shall not consider any waiver of standards unless the applicant has submitted written justification for those standards to be waived, according to 12.06(A)(1), (2), and (3) above. Such justification shall address each requested waiver individually.

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***End of Article 12***

**Article 13**  
***(RESERVED FOR FUTURE USE)***

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***End of Article 13***

**Article 14**  
***(RESERVED FOR FUTURE USE)***

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***End of Article 14***

## Article 15 SIGNS

### Section 15.01 Purpose

The purpose of this Article is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives. It is a basic tenet of this Article that unrestricted signage does not support the existing character of the Township and does not benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers and visual blight. It is similarly the purpose of this Article to protect the character of residential neighborhoods by discouraging the encroachment of signage which undermines the intended character of such areas.

### Section 15.02 Definitions

- A. Business Center:** A grouping of two or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise developed as a unified grouping of businesses. A business center shall be considered one use for the purposes of determination of the maximum number of free-standing signs.
- B. Business Sign:** A sign advertising the name, services, goods or any other aspect or feature of a commercial or industrial business.
- C. Changeable Copy Sign:** A sign designed to allow for message changes, either automatically (as in the case of electric time and temperature signs) or manually (as in the case of physically replacing letters).
- D. Freestanding Sign:** A sign which is not attached to a principal or an accessory structure, including center pole signs, posts and panels, or monument signs, but excluding off-premises signs.
- E. Non-Commercial Sign:** A sign that contains non-commercial messages such as designation of public telephones, restrooms, restrictions on smoking, or political or religious philosophies.
- F. Off-Premises Advertising Sign (Billboards):** A sign which identifies goods, services, facilities, events, or attractions which are available or provided at a location other than the lot or parcel upon which such sign is located (commonly referred to as "billboards").
- G. Portable Sign:** Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, including but not limited to "A-frame", "T-frame", or inverted "T-shaped" structures, including those signs mounted on wheeled trailers, hot-air and gas filled balloons, sandwich boards, banners, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-governmental flags and searchlights, but excluding political signs, construction signs, signs pertaining to the sale, lease or rent of real estate, permanent changeable message signs, and regulatory/governmental signs.
- H. Real Estate Sign:** A temporary sign advertising a property or structure's availability for sale, lease, or rent.
- I. Roof Sign:** A sign mounted on the roof of a building or structure, lying either flat against the roof or upright at an angle to the roof pitch.
- J. Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises.
- K. Wall Sign:** A sign which faces an adjacent parking area and/or public street and is attached directly to a building wall, or rigid or nonrigid fabric marquee or awning-type structure attached to a building, and is generally parallel to the building wall, including signs painted on any building wall, or extending from the wall in the case of a canopy, awning, or marquee-type structure.
- L. Window Sign:** A sign located in or on a window which is intended to be viewed from the outside.



**Section 15.03 General Standards**

**A. Sign Area:** The area of a sign shall be computed by calculating the square footage of a sign face as measured by enclosing the most protruding points or edges of all sign faces of the sign within a single parallelogram, rectangle, triangle, or circle, including any framing. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where (2) such similarly shaped faces are placed back-to-back, parallel to one another and less than one (1) foot apart from one another, the area of the sign shall be the area of one (1) face.

**B. Sign Setbacks:** Unless otherwise specified in Section 15.04 or elsewhere in this Ordinance, the following setback requirements shall apply:

1. All setbacks shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground, to the right-of-way or property line.
2. All freestanding signs shall be setback a minimum distance from all lot lines of at least one half (1/2) the minimum setback distances for buildings within the said District, except as provided below:
  - a. No freestanding sign shall be located closer than three hundred (300) feet from any railroad grade crossing.
  - b. No freestanding sign shall be located closer than one hundred (100) feet from any existing residence or Residential District, except where a commercial building is occupied by a business and residence.

**C. Sign Height:** The height of a freestanding sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the ground elevation directly below the sign. Berms or other artificial means intended to increase the height of a sign by increasing the ground elevation below the sign is prohibited.

**D. Lighting:**

1. The source of illumination upon a sign shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the parcel on which the lighted sign is located. This requirement shall not apply in the case of the use of bare bulbs in association with changeable copy and theater marquee signs.
2. No sign shall be illuminated by other than electrical means and all wiring shall conform to the Building Code.
3. All sign lighting shall comply with the provisions of Section 18.04.

**E. Sign Materials and Maintenance:** Signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein, and shall be appropriate in appearance with the existing and intended character of their vicinity. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. Every sign shall be constructed and maintained in a manner consistent with building code provisions and maintained in good structural and aesthetic condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports.

**Section 15.04 Signs Permitted in All Districts**

**A.** The following signs are permitted in any zoning district provided all standards of this Article and Ordinance are met and a zoning permit for such sign is issued where required so (see Section 15.10):

1. Decorative flags or flags with the insignia of a nation, state, community organization, college, university, or corporation.
2. Miscellaneous signs affixed to vending machines, gas pumps, and ice containers indicating the contents or announcing on-premises sales, provided each sign does not exceed two (2) square feet in area.
3. Political advertising signs related to a candidate running for office or a proposition up for public vote, provided each sign shall not exceed sixteen (16) square feet in area.
4. Warning signs such as no trespassing and warning of electrical current or animals, provided that such signs do not exceed six (6) square feet, or if more than one such sign is posted, each sign shall not exceed two (2) square feet and shall be spaced no closer than necessary to alert the public of the restriction.
5. Regulatory, direction, and street signs erected by a public agency.
6. Signs which assist motorists in determining or confirming a correct route, driveway, or parking area location, provided that such signs shall not exceed four (4) square feet in area or two (2) feet in height, and provided that any property identification or logo on such signs shall be included in the calculation of total permitted wall or freestanding sign area.
7. Residential identification and home occupation signs for single family dwellings and two-family dwellings, and residences with family home day care facilities, provided only one (1) sign shall be permitted per lot

and shall not exceed three (3) square feet in sign area. Home occupation signs in Residential Districts shall be affixed to the dwelling.

8. Residential development consisting of a platted subdivision, condominium subdivision, multiple family development, mobile home park, or other unified residential development consisting of at least five (5) dwelling units is permitted one (1) sign per vehicle entrance, no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding eighteen (18) square feet and a height not exceeding five (5) feet.
9. Real estate signs advertising a single lot or residence not exceeding an area of six (6) square feet provided such signs are no closer than fifteen (15) feet to the right-of-way of a street. A platted subdivision, condominium subdivision, multiple family development, mobile home park, or other unified residential or non-residential development consisting of at least five (5) dwelling units or buildings, or three (3) acres of land in the case of a non-residential development, is permitted one real estate sign no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding sixteen (16) square feet and a height not exceeding five (5) feet. Such sign shall be removed within one (1) year after the sale of ninety percent (90%) of all lots, units, or buildings within said development.
10. Construction signs are permitted in any district with a maximum height of six (6) feet and not exceeding eighteen (18) square feet in area for all districts, and provided only one (1) such sign per lot. Such sign shall be setback a minimum of fifteen (15) feet from any property line or street right-of-way and shall be erected only during the construction period and removed within fourteen (14) days of the issuance of an occupancy permit.
11. Signs directing the public to a model home or unit, or the rental office in a multiple family development, provided no more than two (2) signs shall be placed upon a single lot or parcel and each sign does not exceed six (6) square feet.
12. Signs carved into stone, concrete, or similar material, or made of bronze, aluminum, or other noncombustible material, which identify the name of a building, a building's date of erection, or monumental citations, provided such signs do not exceed ten (10) square feet in area and are an integral part of the structure.
13. Historical markers, plaques, or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding sixteen (16) square feet in area.
14. Non-commercial signs, provided such signs do not exceed two (2) square feet in area unless permitted otherwise by this Section or Ordinance.
15. Garage sale and estate sale signs provided such signs shall not exceed six (6) square feet in area, are not erected more than seven (7) days prior to the sale, and are removed within one (1) business day of such sale.
16. One bulletin board sign is permitted on a site in any district which is used for a church or other religious institution, school, museum, library, or other nonprofit institution. Such sign shall have a maximum height of six (6) feet and shall not exceed forty-eight (48) square feet. Such sign shall be setback a minimum of ten (10) feet from any property line or street right-of-way.

#### **Section 15.05 Signs in Commercial and Industrial Districts**

In addition to the signs permitted pursuant to Section 15.04, the following business signs shall be permitted in Commercial and Industrial districts subject to the following restrictions:

**A. Type and Usage:** Signs shall be wall signs and/or freestanding signs and shall pertain exclusively to the business or businesses located on the lot on which the sign is located.

**B. Wall Signs:**

1. Number: There is no limitation on the number of wall signs placed upon a building provided all maximum sign area requirements are met.
2. Area: The maximum total sign area of all wall signs upon a building facade shall not exceed ten percent (10%) of the area of such façade, but in no case shall exceed one-hundred fifty (150) square feet. In the case of a business center, any wall signs used to identify the business center and/or individual businesses shall be applied toward meeting this maximum standard of ten percent (10%) of the area of such façade.
  - a. The above referenced ten percent (10%) standard may be increased to twenty percent (20%) where no freestanding sign is located on the site, but in no case shall wall sign area exceed two-hundred fifty (200) square feet.
  - b. Window Signs: Window signs shall constitute a wall sign and the area of such window signs shall be counted in the determination of the above referenced maximum wall sign area standards. However, in no case shall the area of a wall sign exceed ten percent (10%) of the window area on which it is attached or faces except that such sign shall not exceed fifty percent (50%) of the window area on which it is attached or faces in the case of the advertising of the grand opening of a business for a period not to exceed forty-five (45) days.

3. **Dimensions:** The maximum vertical dimension of any wall sign shall not exceed one third (1/3) of the building height, and shall not project above the roof line or cornice of the building to which it is attached. The maximum horizontal dimension of any wall sign shall not exceed two-thirds (2/3) of the building width.

**C. Freestanding Signs:**

1. **Number:** No more than one (1) freestanding sign shall be permitted on a lot or parcel.
2. **Area:**
  - a. The maximum total sign area of a freestanding sign in an Industrial or C-1 District shall not exceed eighteen (18) square feet except in the case of a business center, in which case such sign shall not exceed twenty-four (24) square feet.
  - b. The maximum total sign area of a freestanding sign in a C-2 District shall not exceed twenty-four (24) square feet, except in the case of a business center, in which case such sign shall not exceed forty-eight (48) square feet.
3. **Height:** Freestanding signs shall not exceed a height of six (6) feet except that such height shall not exceed ten (10) feet in the C-2 District.

**Section 15.06 Signs in Conservation and Residential Districts**

In addition to the signs permitted pursuant to Section 15.04, signs for institutions, public buildings, special land uses and businesses authorized in Conservation or Residential Districts shall be permitted in such Conservation and Residential Districts subject to the following restrictions:

**A. Type and Usage:** Signs shall be wall signs and/or freestanding signs and shall pertain exclusively to the business or businesses located on the lot on which the sign is located.

**B. Wall Signs:**

1. **Number:** There is no limitation on the number of wall signs placed upon a building provided all maximum sign area requirements are met.
2. **Area:** The maximum total sign area of all wall signs upon a building facade shall not exceed ten percent (10%) of the area of such façade, but in no case shall exceed forty-eight (48) square feet.
3. **Dimensions:** The maximum vertical dimension of any wall sign shall not exceed one third (1/3) of the building height, and shall not project above the roof line or cornice of the building to which it is attached. The maximum horizontal dimension of any wall sign shall not exceed one half (1/2) of the building width.

**C. Freestanding Signs:**

1. **Number:** No more than one (1) freestanding sign shall be permitted on a lot or parcel.
2. **Area:** The maximum sign area of a freestanding sign shall be eighteen (18) square feet.
3. **Height:** Freestanding signs shall not exceed a height of five (5) feet.

**Section 15.07 Signs Prohibited**

**A.** The following signs are prohibited in all Districts:

1. Any sign not expressly permitted.
2. Signs that incorporate flashing or moving lights, excluding time or temperature signs.
3. Banners, pennants, festoons, spinners and streamers, except where in association with the advertising of the grand opening of a business for a period not to exceed forty-five (45) days, or where specially authorized as part of a temporary zoning permit.
4. Signs affixed to a parked vehicle or truck trailer that is being used principally for advertising purposes, rather than for transportation purposes.
5. Roof, portable, projecting, and off-premises advertising signs.
6. Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement achieved by electrical, electronic or mechanical means, excepting those actions associated with time-temperature signs and barber poles which do not include business messages. Flags, banners or strings of flags, which move due to wind or mechanical devices and which are intended to draw attention to a location are considered moving signs and are prohibited.
7. Any sign that obstructs free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
8. Any sign that includes flashing, blinking or moving illumination.
9. Any sign that projects into any air space so as to interfere with public safety, including vehicular or pedestrian movement.

10. Signs within a public right-of-way except where expressly authorized in writing by the appropriate authority for signs of right-of-ways. (Amended 12/15/09, Ord #09-12-15-1)

**Section 15.08 Off-Premises Signs**

**A.** Off-premises signs are permitted provided such signs comply with all provisions of the Highway Advertising Act, P.A. 106 of 1972, as amended, and all rules promulgated pursuant to such Act, and the following provisions:

1. Outdoor advertising signs shall be permitted on a parcel in a Commercial or Industrial District where such parcel abuts the M-52 right-of-way.
2. The following setbacks shall apply:
  - a. Except where otherwise required by this Section, outdoor advertising signs are required to have the same setback as other principal buildings in the District in which they are located, and shall be set back a minimum of one hundred (100) feet from all right-of-ways.
  - b. No off-premises sign shall be located within three hundred (300) feet of a park, school, church, hospital, cemetery, or government building, or within two hundred (200) feet of a Conservation or Residential District.
  - c. No off-premises sign shall be located within five hundred (500) feet of a federal highway interchange or at-grade intersection.
3. There shall be a minimum of one-thousand five-hundred (1,500) feet between any two off-premise advertising signs along the same side of the interstate.
4. An outdoor advertising sign's total surface area shall not exceed three hundred (300) square feet, nor exceed a height of twenty (20) feet.
5. No outdoor advertising sign shall be erected on or over the roof of any building, nor have a sign above another sign.
6. No outdoor advertising sign shall be illuminated internally, but shall be illuminated by reflected light only.

**Section 15.09 Nonconforming Signs**

It is the intent of this Section to permit the continuance of a lawful use of any sign or outdoor advertising structure existing at the effective date of adoption of this Section, although such sign or outdoor advertising structure may not conform with the provisions of this Section. It is also the intent that nonconforming signs and outdoor advertising structures shall not be enlarged upon, expanded or extended. Further, it is the intent that nonconforming signs and outdoor advertising structures shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs and outdoor advertising structures within the Township shall be subject to the conditions and requirements set forth herein.

**A. Structural Changes:** The faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provisions of this Article for the use it is intended, except as otherwise provided for.

**B. Damages:** Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its appraised replacement cost, it shall not be reconstructed except in conformity with the provisions of this Ordinance

**Section 15.10 Signs Requiring Permits**

All signs larger in area than twenty (20) square feet, including wall signs, shall require a zoning permit prior to erection and/or placement. If site plan review is required for a proposed project which a proposed sign shall be part of, the Planning Commission shall review the proposed signage as part of the site plan review procedure for the entire project. If the proposed sign is to be part of an existing development for which site plan approval has already been granted or was not necessary, the Zoning Administrator shall review the application to assure all applicable ordinance standards have been met prior to issuing a sign permit. The Zoning Administrator may defer action on proposed signage to the Planning Commission.

***End of Article 15***

## Article 16 OFF-STREET PARKING and LOADING

### **Section 16.01 Purpose**

It is the purpose of this Article to establish standards and requirements to assure that parking spaces shall be adequately provided and maintained by each property owner in every zoning district for the off-street storage of motor vehicles as may be necessary, including in association with the receiving and distribution of goods by motor vehicle, to prevent undue interference and hazards with the public use of such parking areas, receiving and distribution areas, roads, and other vehicle access areas.

### **Section 16.02 General Requirements**

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

**B. Requirements for a Use Not Mentioned:** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Planning Commission shall make this determination and a record of the rationale applied shall be documented in a file established for that purpose.

**C. Use of Off-Street Parking Areas:** Off-street parking areas shall be reserved for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No commercial repair work, servicing or selling of any kind shall be conducted in an off-street parking area necessary to meet the minimum required number of parking spaces for the site unless specifically permitted through the issuance of a temporary zoning permit.

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

**E. Location and Joint Use of Parking Areas:** All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve. The joint use of parking facilities by two or more uses may be granted by the Township Board whenever such use is practical and satisfactory to each of the uses intended to be served, and when all site development requirements of Section 16.04 are met.

1. **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. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
2. **Record of Agreement:** A copy of a proposed agreement between joint users shall be filed with the application for a zoning permit and a copy shall be recorded with the Register of Deeds of the County upon approval of the application. The agreement shall include a guarantee for continued use of the parking facility by each party and a provision requiring written approval by all joint users and the Township Board for termination of such agreement.

**F. Queued Vehicles:** There must be a minimum of fifty (50) linear feet of on-site storage to accommodate queued vehicles waiting to park or exit the site without using any portion of a public street right-of-way or in any other way interfering with road traffic. The Township Board may increase this length to no more than one hundred fifty (150) feet where it feels the minimum required fifty (50) foot distance will not adequately address public safety issues due to anticipated traffic patterns and/or types of vehicles. This subsection shall not apply to single family and two family dwellings.

**G. Decrease in Parking Areas:** No off-street parking area which exists at the time this Ordinance becomes effective, or which subsequent thereto is provided for the purpose of complying with this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient to meet the requirements of this Article and Section 4.07.

**H. Barrier-Free Parking Spaces:** Barrier-free parking spaces, measuring a minimum of twelve (12) feet in width, and associated signage and ramps, shall be provided in accordance with the most current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division. Such spaces shall be placed in the most convenient locations to facilitate access into a building and shall be adjacent to a smooth sloping aisle surface of a minimum five (5) feet in width and not exceeding a slope of 1:20 (one foot vertical rise for each 20 feet of horizontal distance) to facilitate access from the vehicle to a building. Such spaces shall be clearly identified by both adequate paint striping and wall or post signs.

**Section 16.03 Parking Space Requirements**

**A. Compliance with Required Number of Parking Spaces:**

1. This Section identifies the number of required off-street parking spaces in all districts, by land use type. Such parking spaces shall be located on the lot or parcel upon which the land use is located unless joint use of parking areas is permitted according to Section 16.02(E). The Township Board may waive a portion or all of the parking space requirements provided, upon review, it makes a finding that all of the following conditions are true:
  - a. There are adequate public parking facilities nearby to accommodate the increased parking demand.
  - b. The waiving of the additional parking spaces will not result in a visible increase in the use of nearby residential neighborhoods for off-street parking purposes.
  - c. The waiving of the additional parking spaces will not result in a visible increase in traffic congestion or traffic hazards.
  - d. Significant practical limitations exist which effectively prohibit providing the required parking spaces.
2. In recognition that certain commercial uses generate significantly heightened demands for parking spaces during seasonal or holiday shopping periods, the Township Board may, upon request by the applicant, waive up to twenty-five percent (25%) of the required number of parking spaces as a reserved parking area for possible future use. However, the Township Board may subsequently require the applicant to construct such parking spaces upon a determination by the Township Board that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public safety and welfare is at risk. Upon such a determination by the Township Board, the applicant shall convert the reserve parking area into available parking spaces, meeting all requirements of this Article, within 6 months of such determination. The approved site plan shall clearly identify the location of this reserve parking area including parking spaces and aisles, and no buildings, structures, or similar improvements shall be established in the reserve parking area. This subsection shall apply only to commercial uses that are required to provide more than thirty (30) parking spaces.

**B. Residential Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. **One and Two Family Dwellings:** Two (2) spaces for each single family dwelling unit.
2. **Multiple Dwellings:** Two (2) spaces for each multiple family dwelling unit plus one space per five (5) units for guest parking.
3. **Mobile Home Park:** Two (2) spaces for each mobile home site plus one (1) space per three (3) units for guest parking.
4. **Group Homes (adult foster care):** One (1) space for every three (3) residents of the home.

**C. Commercial Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. **Athletic Clubs, Physical Exercise Establishments, Health Studios, Sauna Baths, Judo Clubs:** One (1) parking space per three (3) patrons based on the occupancy load established by the State Fire Marshall.
2. **Automobile or Machinery Sales and Service Garages:** One (1) space for each 200 square feet of showroom floor area plus two (2) spaces for each service bay, provided at least ten (10) spaces are provided. Spaces used for storage of vehicles for sale shall not be used to meet parking requirements.
3. **Banks and Financial Institutions:** One (1) parking space for every 250 square feet of usable floor area plus sufficient area for eight (8) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
4. **Barber Shops and Beauty Parlors:** Two (2) spaces for each beauty and/or barber chair.
5. **Bowling Alleys:** Three (3) spaces for each alley.
6. **Car Wash, Automatic:** For those systems which do not operate as a continuous conveyor system accommodating multiple vehicles at a single time, reserve parking or storage for eighty (80) percent of the manufacture's hourly rated capacity for the system in use shall be required.

7. **Car Wash, Self-Service:** Reserve parking required to accommodate up to five (5) times the maximum number of vehicles able to be undergoing some phase of washing at the same time, determined by dividing the awaiting wash line(s) by twenty (20) feet.
8. **Clinics:** Two (2) spaces for each examination or treatment room.
9. **Clothing, Furniture, Appliance, Hardware, Automobile, Machinery Sales, Shoe Repair, Personal Services (other than beauty and barber shops):** One (1) space per four hundred (400) feet of gross floor area.
10. **Commercial and Institutional Recreational Facilities:** One (1) space per two (2) patrons based on the maximum capacity of the facility as determined by the State Fire Marshall.
11. **Convalescent Homes, Convents or Similar Uses:** One (1) space for each three (3) beds.
12. **Service Stations:** Two (2) spaces for each repair and service stall (a service stall is not considered a parking space).
13. **Dance Halls, Roller Skating Rinks, Pool and Billiard Rooms:** One (1) space for every three (3) persons allowed based on the maximum capacity of the facility as determined by the State Fire Marshall.
14. **Day Care Centers, Child Care Center, Nursery School, School of Special Education:** One (1) parking space for each 350 square feet of usable floor space or one (1) space for each seven children, whichever is greater.
15. **Funeral Homes and Mortuaries:** One (1) space for every fifty (50) square feet of floor area of chapels and assembly rooms.
16. **Kennels:** One (1) space for each five (5) animals of the facility's capacity.
17. **Laundromat:** One (1) space for every three (3) washing or drying machines.
18. **Miniature or Par 3 Golf Courses:** Three (3) spaces for each hole.
19. **Motels, Hotels, Auto Courts, Tourist Homes:** One (1) space for each sleeping unit, plus spaces for bars, restaurants, banquet rooms, and other associated facilities as determined by the Planning Commission.
20. **Offices, Business and Professional:** One (1) space for every two hundred (200) square feet of gross floor area.
21. **Private Recreational Facilities:** One (1) space for every six (6) potential members based on the capacity of the facility as determined by the State Fire Marshall.
22. **Retail Stores, (except as otherwise specified herein):** One (1) space for every three hundred (300) square feet of gross floor area.
23. **Restaurant, Standard:** One (1) space for every four (4) seats, plus an additional one (1) space for each 75 square feet of usable floor area.
24. **Restaurant, Drive-Through:** One (1) space for every four (4) seats, plus sufficient area for eight (8) stacking spaces for drive-in windows.
25. **Restaurant, Drive Through (no indoor eating facilities):** One (1) space for every 15 square feet of usable floor area except that a minimum of ten (10) spaces is provided.
26. **Restaurant, Carry-Out (no indoor eating facilities):** One (1) space for every fifteen (15) square feet of usable floor area, provided a minimum of five (5) spaces are provided.
27. **Supermarket, Self-Service Food Store:** One (1) space for every one-hundred (100) square feet of gross floor area, excluding walk-in refrigeration units.

**D. Industrial Uses:**

1. **Industrial or Manufacturing Establishments:** One (1) space for every employee of industry's largest working shift.
2. **Warehouses, Wholesale Stores:** One (1) space for every eight-hundred (800) square feet of floor area.

**E. Other Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. **Church, Synagogue, Chapel, Temple:** One (1) space for each three (3) seats or five (5) linear feet of pew or bench seating in the main unit of worship.
2. **Auditorium, Theater, Assembly Hall:** One (1) space for each three (3) seats or five (5) linear feet of bench seating, or one (1) space for each three (3) persons based on the occupancy load as established by the State Fire Marshall, which ever is greater. in the main unit of worship, which ever is greater.
3. **Private Civic, Fraternal Club or Lodge:** One (1) space for each three (3) members, based upon the load capacity as determined by the State Fire Marshall.
4. **Elementary and Middle Schools:** See requirements for auditoriums.
5. **Public Golf Course:** Four (4) spaces for each golf hole.



6. **High Schools:** One (1) space for each five (5) students (based on the capacity of the facility as determined by the Fire Marshall), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
7. **Hospital, Sanitarium, Nursing Facility, Home for the Aged:** One (1) space for each two (2) beds.
8. **Libraries, Museums, Post Offices:** One (1) space for every five hundred (500) square feet of floor area.
9. **Outdoor Theaters and Other Outdoor Entertainment Facilities:** One (1) space for every four fixed seats and one (1) additional space for every five hundred (500) square feet available to accommodate additional attendees not otherwise restricted to a fixed seating area.

**Section 16.04 Site Development Requirements**

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

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

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

**C. Surface:** All required off-street parking areas shall be paved with concrete, bituminous asphalt or similar material, approved by the site plan approval body. The site plan approval body may waive this requirement upon its determination that such paving is not in character with the surrounding and intended land use pattern, and the lack of paving will not cause a nuisance to current and future residents. The waiving of this requirement shall be in writing, such as the recording of such action in meeting minutes. All required off-street parking areas shall provide adequate surface drainage facilities to collect and properly dispose of storm water runoff.

**D. Location/Setback:** No off-street parking area shall be located in a required front, side or rear yard setback. Additionally, no off-street parking area shall be located in a front yard in a C-2 or Industrial District. This requirement shall not prohibit the placement of a driveway crossing such setback areas in a generally perpendicular manner. The site plan approval body may waive these requirements upon its determination that such waiving shall not undermine the compatibility of the proposed development with surrounding conditions or otherwise undermine the intended character of such development and the surrounding area, according to this Ordinance and the planning policies of the Township. The waiving of any requirement shall be in writing, such as the recording of such action in meeting minutes.

**E. Lighting:** All parking lot lighting shall comply with the applicable provisions of Section 18.04, but in no case shall parking lot light fixtures exceed sixteen (16) feet in height above the parking lot surface.

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

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0° (Parallel)	12 ft.; 20 feet if two-way.	9 ft.	23 ft.
30° to 53°	13 ft.	9 ft.	20 ft.
54° to 74°	18 ft.	9 ft.	20 ft.
75° to 90°	22 ft.	9 ft.	18 ft.

1. All maneuvering lane widths shall permit one-way traffic movement only, except for ninety (90) degree and parallel parking patterns which may provide for two-way traffic movement.
2. Where a parking space is curbed, the vehicle overhang off the curb may be credited as two (2) feet if adjacent to landscaping, or adjoining a sidewalk at least seven (7) feet wide.

**Section 16.05 Loading and Unloading Space Requirements**

**A. Additional Parking Space:** Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 16.03 and shall not be considered as supplying off-street parking space.

**B. Space Requirements:** There shall be provided an adequate space for standing, loading, and unloading service adjacent to the building opening for loading and unloading of not less than ten (10) feet in width, sixty-five (65) feet in length, and fifteen (15) feet in height, open or enclosed, and shall be provided according to the following:

<u>Institutional, Commercial, and Office Uses</u>	<u>Spaces Required</u>
Up to 5,000 square feet of gross floor area:	1 space, if determined necessary during site plan review.
5,001 to 60,000 square feet of gross floor area:	1 space, plus 1 space per each 20,000 sq. ft.
60,001 square feet of gross floor area and over:	4 spaces, plus 1 space per each additional 20,000 square feet.
<u>Industrial Uses</u>	<u>Spaces Required</u>
Up to 1,400 square feet of gross floor area:	0 spaces.
1,401 to 20,000 square feet of gross floor area:	1 space.
20,001 to 100,000 square feet of gross floor area:	1 space, plus 1 space per each 20,000 sq. ft. of gross floor area in excess of 20,000 sq. ft.

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

**D. Screening:** All loading and unloading areas which are adjacent to another District or residential property, or face or are visible from residential properties or public thoroughfares, shall be screened.

**E. Location:** A loading-unloading area shall not be located within any front yard. A loading-unloading area may be located within a required side or rear yard setback where such yard adjoins a Commercial or Industrial District. However, in no case shall the loading-unloading area be located closer than fifty (50) feet to a residential lot line.

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***End of Article 16***

## Article 17 LANDSCAPING and SCREENING

### **Section 17.01 Purpose**

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

### **Section 17.02 Application**

The requirements of this Article shall apply to only those uses for which site plan approval is required under Article 4, Procedures for Site Plan & Plot Plan Review, and any other use so specified in this Ordinance. No site plan shall be approved unless said site plan shall show landscaping, buffer areas, and screening consistent with the requirements set forth in this Article. This Article shall not apply to single family and two-family dwellings.

### **Section 17.03 Landscape Plan Required**

**A.** A separate detailed landscape plan is required to be submitted as part of a site plan (see Article 4). The landscape plan shall be prepared at a minimum scale of 1" = 100' and shall identify all buffer areas (see Section 17.04) and parking lot landscaping (see Section 17.05). The landscape plan shall include, but not necessarily be limited to, the following items:

1. Proposed plant location, spacing, and size and descriptions for each plant type proposed for use to meet the requirements of this Article.
2. Identification of grass and other proposed ground cover and method of planting.
3. Existing and proposed contours on-site and 150 feet beyond the site at intervals not to exceed two (2) feet.
4. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
5. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
6. Identification of existing trees and vegetative cover to be preserved and those trees six (6) inches or larger in diameter, measured five (5) feet from ground surface, to be removed.

### **Section 17.04 Buffer Areas**

**A. Side and Rear Yard Buffer Areas:** All uses for which a site plan is required shall be screened by a buffer area along all adjoining side and rear yard boundaries where such yards are required by the respective District (see Table 10-3). The buffer area shall not be used for storage purposes or used in any other manner except for the purposes of a buffer.

1. The buffer area shall be equal to the minimum required setback for the District, but in no case shall such buffer yard be less than ten (10) feet in width. The buffer yard shall include a berm or solid wall or fence or a combination thereof, and be of at least (5) feet in height. The buffer area shall be planted and maintained with evergreens such as spruce, pines, or firs, and deciduous trees, at a rate of at least one (1) evergreen tree per fifty (50) linear feet and one (1) deciduous tree per one hundred (100) linear feet. Heights of walls shall be measured on the side of the proposed wall/fence having the higher grade. At the time of their planting, evergreen trees shall be a minimum of five (5) feet in height and deciduous trees shall have a caliper of at least two and a half (2 1/2) inches, measured five (5) feet above the ground surface, and be a minimum of twelve (12) feet in height.
  - a. A buffer area need not include a berm, wall or fence where the abutting parcel is in the same District as the buffer yard. However, all plant material required by (1) above shall be provided.
  - b. Subsection (A)(1) above is not intended to require a side or rear yard buffer area separate from the minimum required setback but rather to require that the buffer area be, at a minimum, as wide as the minimum required setback.

**B. Front Yard Buffer Areas:** A buffer area with a minimum width equal to the front yard setback of its zoning classification shall be located adjoining the right-of-way of a public road, and shall be landscaped with a minimum of one (1) tree meeting the minimum size requirements specified in Section 17.04(A) above for each seventy-five (75) lineal feet, or portion thereof, of frontage adjoining said right-of-way. The remainder of the front yard buffer area shall be landscaped in grass, shrubs, trees and/or other ground cover. Access ways from public rights-of-way through required buffer areas shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required trees.

1. This subsection is not intended to require a front yard buffer area separate from the minimum required setback but rather to require that the buffer area be, at a minimum, as wide as the minimum required setback.

#### **Section 17.05 Parking Lot Landscaping and Screening**

**A.** Parking lots shall be landscaped and screened as follows:

1. There shall be provided a minimum of one (1) deciduous tree of at least two and a half (2 1/2) inch caliper for every eight (8) parking spaces. Such trees shall be located within parking islands or within fifteen (15) feet of the edge of the parking lot. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the edge of curbing and pavement.
2. Where a parking lot contains six (6) or more parking spaces and is within two hundred (200) feet of a Conservation or Residential district, or is within view from a public road, a berm and vegetative screen shall be installed to fully screen views to the parking area from such neighboring Districts and roads. The berm shall be a minimum four (4) feet in height and all shrub materials shall be a height of at least three (3) feet at the time of their planting.
  - a. The establishment of a berm is not required in the case of a parcel in a C-1 District.

#### **Section 17.06 Minimum Standards of Landscape Elements**

**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. Plant species which are generally considered undesirable due to limited disease tolerance, low wood strength, and/or high tendencies toward splitting of wood, such as boxelder, mulberry, and willows, are not permitted unless specifically authorized otherwise by the site plan approving body.

**B. Composition:** A mixture of plant material, such as evergreen, deciduous trees and shrubs, shall be required as a protective measure against insect and disease infestation. A limited mixture of native hardy species shall be required 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 site plan approval body, 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 dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the site plan approving body.
2. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the Planning Commission, the applicant shall replace them with trees which meet Ordinance requirements.

#### **Section 17.07 Installation, Maintenance And Completion**

**A.** All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or, where the applicant can demonstrate to the Township Board that seasonal conditions prohibit the installation of the plant material prior to desired occupancy, the plant material shall be installed within six months of receipt of such Certificate.

**B.** All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures.

**C.** The owner of property required to be landscaped by this Ordinance shall maintain such required landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

**Section 17.08 Fencing and Walls Construction**

- A. Fencing:** Required fencing shall consist of solid board fences with wood posts not less than three and one half inches (3 1/2" x 3 1/2") and solid board cover not less than three quarters (3/4) inch thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8) feet on center. The finished side of fencing shall face adjacent properties. Fencing consisting of tree trunks and/or limbs anchored into the ground is not permitted.
- B. Walls:** Required walls shall be of masonry design and constructed to facilitate maintenance and not modify natural drainage in such a way as to endanger adjacent property. The faces of such walls are to be of face brick, poured-in-place simulated face brick, precast brick panels having simulated face brick, stone, embossed or pierced concrete block, or other decorative masonry material.

**Section 17.09 Waivers and Modifications**

- A.** Any of the requirements of this Article may be modified through site plan review proceedings, provided the approving body first makes a written finding that specifically identifies characteristics of the site or site vicinity that would make required buffer areas, fencing, or screening unnecessary, inappropriate, or ineffective, or where it would impair vision at a driveway or street intersection.
- B.** The Zoning 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 Zoning Board of Appeals shall record the reason for the condition and clearly specify what is required in any approval granted.

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***End of Article 17***

## Article 18 ENVIRONMENTAL PROTECTION

### **Section 18.01 Purpose**

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

### **Section 18.02 Natural Resources**

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

1. Applicable fire safety and emergency vehicle access requirements of the State Building Code and State Fire Marshall.
2. Soil erosion and sedimentation requirements of the Jackson County Drain Commissioner.
3. Requirements of the Michigan Department of Consumer and Industry Services and the Jackson County Health Department.
4. Requirements of the Michigan Department of Environmental Quality including those applying to air and water quality protection, wetlands, stream crossings, fills in or near water bodies or in flood plains, and waste disposal.
5. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.
6. Applicable rules and regulations of the Federal Communications Commission.

#### **B. Discharges**

1. No dust, fumes, or noxious, odorous matter shall be discernible at or beyond the property line. Any atmospheric discharge requiring a permit from the Michigan Department of Environmental Quality or federal government shall have said permit(s) as a condition of approval for any use in this district. The escape of or emission of any gas which is injurious or destructive or explosive is prohibited. This subsection shall not apply to farm operations in compliance with the most current published Generally Accepted Agricultural Management Practices of the Michigan Commission of Agriculture.
2. It shall be unlawful to discharge at any point any materials in such a way or of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the Michigan Department of Environmental Quality.

#### **C. Sensitive Lands:**

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

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

1. **Removal of Topsoil:** Stripping and removal of topsoil from a site is prohibited prior to the completion of all approved site improvements and the seeding, sodding, and landscaping of all disturbed areas except where expressly authorized pursuant to an approved site plan. "Disturbed areas" shall be interpreted to mean any area of a lot which is altered by grading or other construction activities and which area is not proposed to be paved or otherwise built upon.



2. **Flow Restrictions:** The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface waters flow away from the building or structure and are managed in a manner which avoids increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse, or the creation of standing water over a private sewage disposal drainage field.
3. **Drainage:** All lots shall retain storm water runoff on-site, or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies above the existing pre-development runoff impact. No land uses shall be permitted which will increase the rate of runoff discharge from a lot or parcel or otherwise cause erosion or direct sedimentation upon adjacent properties including an adjacent street. No land uses shall be permitted which will reduce the level of service currently being provided by existing storm water management infrastructure or existing drainage patterns unless necessary improvements to such infrastructure or natural drainage pattern are first made.

#### **Section 18.03 Potable Water and Sewage Disposal**

Any structure intended for human occupancy and used for dwelling, businesses, industrial, recreational, institutional, or mercantile purposes shall not be erected, altered, used or moved upon any premises after the effective date of this Ordinance unless said structure shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of generated wastes. All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Jackson County Public Health Department as well as those of other applicable local, county, state, or federal agencies.

#### **Section 18.04 Lighting**

- A. No lighting shall in any way impair the safe movement of traffic on any road or highway.
- B. Lighting associated with a commercial, industrial, or other non-residential uses shall comply with the following:
  1. A wall or fence at least five (5) feet in height shall be erected to prevent headlight glare from commercial or industrial land uses from shining onto adjacent residential property. No wall/fence shall in any way impair safe vertical or horizontal sight distance for any moving vehicles.
  2. Lighting shall be designed and constructed to insure that direct and reflected light is confined to the lot or parcel upon which the light source is located.
  3. Exterior lighting shall be so installed that the surface of the source of light shall be hooded or louvered to the greatest extent practical so that:
    - a. the light source shall not be visible and shall be so arranged to reflect light away from adjacent properties.
    - b. in no case shall more than one foot candle power of light cross a lot line five (5) feet above the ground in a residential district.
  4. No light source shall exceed the height of the tallest structure on the lot or parcel, and in no case shall a light source exceed a height of twenty-five feet, measured from the ground or pavement closest to the light source.
- C. Outdoor lighting which need not comply with the standards of (B) above shall be limited to:
  1. Outdoor recreation and amusement areas provided the lighting is designed with baffling and glare guards to assure that no more than one foot candle power of light shall cross a lot line five (5) feet above the ground in a residential district, and such lighting is turned off during hours the facility is closed to the public.
  2. Neon lighting and other bare-bulb lighting associated with an approved sign.
  3. Communication towers, provided tower lighting is the minimum required by the Federal Aviation Administration.

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**Section 18.05 Noise**

A. A person, industry, corporation, firm or business shall not emit, cause or allow to be emitted, sound from any source or combination of sources other than a motor vehicle registered for use on public highways, which when measured in accordance with the procedure described herein exceeds the sound level limits in Table 18-1 below. Measurement of sound level shall be made using a microphone set at a height of approximately four and one half (4 1/2) feet and at a horizontal distance of at least five (5) feet from a lot line or right-of-way line on any lot or right-of-way other than that on which the sound sources being measured is located. A violation shall not be deemed to exist unless the sound level measured with the sound source or sources of interest in operation is at least six (6) decibels higher than the sound level measured with the sound source or sources not in operation. Duration of sound shall be measured by observing the sound level meter and recording the sound level measured at intervals of time not to exceed five (5) minutes.

B. All measurements shall be made using a sound level meter which meets the current American National Standard S1.41984, "Type 2 or Type Sound Level Meters," and which has been set for fast meter response and the A-weighting network.

C. This Section shall not apply to agricultural operations utilizing equipment with normal silencing devices, home lawn maintenance machines and snow blowers that meet their respective product requirements, the emission of sound for the purposes of alerting persons of an emergency or emergency vehicle, and the emission of sound in the performance of emergency work.

**Table 18.05**  
A-Weighted Sound Level Limits (Decibels)

Duration, as a percentage of any one hour period.	Districts		Districts	
	Conservation and Residential		Commercial and Industrial	
	6:00 pm - 6:00 am	6:00 am - 6:00 pm	6:00 pm - 6:00 am	6:00 am - 6:00 pm
50% or greater:	55	55	55	65
More than 10% but less than 50%:	55	55	60	70
10% or less:	55	65	70	75
Maximum, any duration:	65	75	80	80

(Amended 12/7/09 Ord # 09-12-07-1)

**Section 18.06 Vibration**

Operating any devices that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation or moving objects.

**Section 18.07 Glare and Heat**

Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an operation, it shall be so insulated as to not raise the temperature at any property line at any time.

**End of Article 18**

## Article 19

# ACCESS CONTROLS, SHARED DRIVEWAYS and PRIVATE ROADS

### **Section 19.01 Purpose**

The purpose of this Article is to provide standards which will facilitate safe and efficient traffic movement and vehicular access in the Township. The standards contained herein are intended to protect the public health, safety, and welfare, including minimizing congestion and potential for accidents, and better assuring accessibility to property under emergency conditions. The regulations and standards of this Article apply to all properties in the Township. The requirements and standards of this Article shall be applied in addition to the requirements of the Michigan Department of Transportation, Jackson County Road Commission, and other provisions of this Ordinance.

### **Section 19.02 Curb Cuts and Driveways**

**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 which shall be part of the plot plan or site plan pursuant to Section 4.02. Said plan shall be approved prior to the issuance of a zoning permit. No such plan shall be approved unless such driveway access is onto a public street or approved private road. Driveways and curb cuts shall, at a minimum, meet the requirements of the County Road Commission and Michigan Department of Transportation, and the following standards:

1. Driveways shall generally enter perpendicular to the existing street or road.
2. No driveway shall serve more than one (1) single family dwelling or more than one (1) dwelling unit in a two family dwelling unless specifically approved by the Township Board.
3. Residential driveways shall be a minimum of twelve (12) feet in clear unobstructed width, be clear and obstructed to a minimum height of fifteen (15) feet, and have a surface designed and maintained to permit emergency access.
4. Non-residential driveway ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) public streets, or closer than one hundred (100) feet to an adjacent driveway within a Commercial or Industrial district.

### **Section 19.03 Lots to Have Access**

All parcels or lots that are improved with a building, pursuant to a valid zoning permit, shall have frontage on a public road, or an approved private road, or be served by an access easement or shared driveway to such public or private road, and take their access from such frontage or easement so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking.

### **Section 19.04 Clear Vision Zone**

No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall impede vision between a height of three (3) feet and eight (8) feet above the centerline grades along a road on any corner lot or parcel within the triangular area formed by the intersection of any road right-of-way lines and a diagonal line connecting them at points thirty (30) feet from their intersection. No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be higher than three (3) feet above road grade on a any lot or parcel within the triangular area formed by the intersecting lines of a driveway edge and road right-of-way line and a diagonal line connecting them at points twenty (20) feet from their intersection.

### **Section 19.05 Shared Driveways and Private Roads**

**A. Shared Driveways and Private Roads Permitted:** Shared driveways and private roads, as defined in Article 21, are permitted provided they conform to the requirements of this Section.

#### **B. Shared Driveways**

1. **Application:** Shared driveways require approval, subject to an application. An application for a shared driveway shall include the following:
  - a. A plot plan drawn to a scale of not less than one inch equals 100 feet (1" = 100') delineating the proposed alignment of the driveway and the lots it is to serve. The Zoning Administrator or Township Engineer may require additional data to be submitted, such as existing topography, proposed grades, and soil conditions, where the driveway is to serve more than two (2) lots and such data is needed to determine the adequacy of the proposed driveway.
  - b. Maintenance agreement signed by applicant/owner(s) and approved by the Township Attorney, to be recorded with the Township Clerk and County Register of Deeds providing for:

- 1) A method of initiating and financing such shared driveway in order to keep the shared driveway up to the specifications of this Section.
- 2) A workable method of apportioning the costs of maintenance and improvements to current and future lots along such shared driveway.
- c. Easement agreement signed by the applicant/owner(s) and approved by the Township Attorney, to be recorded with the Township Clerk and 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 shared driveway shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress, egress, public utilities, and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitee, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the driveway.
- d. A Jackson County Road Commission correspondence signifying approval or preliminary approval of the location of the shared driveway's intersection with a public road.
2. **Review:** The approving body for an application for shared driveways shall be the Planning Commission except that the approving body for an application for a shared driveway serving only two (2) lots shall be the Zoning Administrator. The respective approving body shall forward all relevant application materials for review and comment to the Fire Chief, Township Attorney, and Township Engineer. Upon a finding that the application materials conform to the requirements and standards of this Section and Ordinance, the approving body shall approve, or approve with conditions, the application. Decisions by the approving body shall be made within sixty (60) days of the receipt of the completed application unless, in the opinion of the approving body, an extension of time is necessary to adequately collect and review information pertinent to a decision.
3. **Standards:** Shared driveways shall comply with the following standards in addition to all other applicable standards of this Ordinance:
  - a. The driveway surface shall be a uniform minimum twelve (12) feet wide, measured edge to edge, with eighteen (18) feet wide passing flares provided at least every three hundred (300) feet.
  - b. The shared driveway surface shall be maintained clear of vegetation and any other obstructions, including a minimum fifteen (15) foot vertical clearance above the shared driveway, for the full width and length of the surface.
  - c. The shared driveway shall not exceed one thousand five hundred feet (1,500') in length.
  - d. The shared driveway shall not serve more than four (4) dwelling units.
  - e. All addresses served by the shared driveway shall be clearly marked at its point of intersection with a road, and such addresses shall also be clearly marked at any location a private driveway splits from the shared driveway.
  - f. A shared driveway shall be accessible to emergency vehicles. The plot plan shall clearly document a feasible and practical manner by which emergency vehicles are capable of turning around.
  - g. No shared driveway shall be posted with a name.
  - h. There shall be no parking on or along a shared driveway. "No parking" signs shall be posted at distances of no greater than two hundred fifty (250) feet on both sides of the driveway.

### C. Private Roads

1. **Application:**
  - a. Approval authority for a private road is vested in the Township Board solely. An applicant requesting approval to construct a private road shall pay the required application fee to the Township Clerk and submit ten (10) copies of the completed application. The application shall include drawings prepared and sealed by a Michigan-registered civil engineer identifying the following:
    - 1) Parcel numbers and names of owners for all properties having legal interest in the road.
    - 2) Proposed land divisions to be made from the entire area including a boundary and parcel division plan showing areas of the proposed lots or parcels and their respective legal descriptions.
    - 3) A survey drawing showing: the proposed right-of-way and the dimensions and bearings thereof, existing topographic contours, at two (2) foot intervals, of the proposed right-of-way and adjacent land within one-hundred (100) feet thereof, or within such greater area as may be necessary to determine whether drainage methods will be adequate; soil characteristics; trees; streams and all bodies of water within ten (10) feet from the right-of-way area, or within such greater area as may be necessary to determine whether drainage methods will be adequate; existing buildings within fifty (50) feet of the proposed right-of-way; the proposed right-of-way in relation to the nearest property lines; and the location of all proposed improvements in the

- right-of-way area. The plans shall identify existing and proposed elevation contours within all areas to be disturbed or altered by construction of the private road.
- 4) Plan and profile drawings, and cross sections, of the proposed road and right-of-way, clearly identifying all materials, grades, and dimensions.
  - 5) Proposed road maintenance agreement signed by applicant/owner(s) to be recorded with the County Register of Deeds.
  - 6) Proposed road easement agreement signed by the applicant/owner(s) to be recorded with the County Register of Deeds.
  - 7) A signed statement by the engineer who prepared the road plans, certifying that the plans and drawings for the private road, submitted for review, meet or exceed the provisions of this Section.
- b. The Township Clerk shall forward copies of the application materials to the Supervisor, and Jackson County Road Commission for review and comment.
  - c. The Township Board shall consider said application and approve, deny, or approve with conditions said application. In rendering a decision, the Township Board shall consider the comments of the Supervisor and Jackson County Road Commission, and the approval standards of subsection (2) below.
    - 1) Any conditions attached to an approval shall be given in writing to the applicant.
    - 2) If the application is rejected, the reasons for the rejection shall be given in writing to the applicant.
    - 3) At the discretion of the Township Board, a proposed private road may be denied unless it connects to another private road or public road when necessary to provide safe traffic flow and emergency vehicle access .
2. Standards: An application for a private road shall comply with the following standards and requirements:
- a. Alignment: The roadway surface and turn-around area shall be centered in the right-of-way.
  - b. Public Utilities: The right-of-way shall provide for installation and maintenance of public and private utilities.
  - c. Drainage: Underground crossroad drainage shall be provided where the proposed private road crosses a stream or other drainage course. Necessary culverts and erosion treatments shall be provided in accordance with the specifications of the Jackson County Road Commission and/or County Drain Commissioner. The private road easement and road shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the private road easement. Road drainage shall be constructed so that the runoff water shall not be discharged upon the land of another property owner unless the water is following an established watercourse. The discharged water onto adjoining properties shall also not exceed the discharge rate existing prior to the construction of the private road. Connection to county drains shall be approved by the County Road Commission prior to the issuance of a permit. Connection to roadside ditches within public road rights-of-way shall be approved by the County Road Commission prior to the issuance of a permit.
  - d. Intersections:
    - 1) Construction authorization from the County Road Commission is required for connection to a public road.
    - 2) Private roads shall meet perpendicular to a public street right-of-way or private road except where the Township Board permits an angle of no less than seventy (70) degrees due to environmental or other substantial constraints.
    - 3) Proposed private roads or entrances to a development shall align directly across from, or be offset at least two-hundred fifty (250) feet from public and private roads, measured from centerline to centerline.
  - e. Ingress and Egress Grades: Private roads shall be designed and so constructed to provide safe ingress, egress, and vehicular movement.
  - f. Vertical Clearance: A minimum of fifteen (15) feet of overhead clearance shall be maintained across the width of a private road to provide emergency access.
  - g. Street Names: Road names shall not duplicate existing public or private road names within Jackson County. The applicant shall submit evidence of this condition.
  - h. Signs: Regulatory signs (stop, yield, etc.) shall be positioned and installed in accordance with the Michigan Manual Traffic Control Devices on all private roads where such roads intersect public streets. All other signs within the private road or access easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Street signs shall be provided at all intersections.

- i. **Maintenance Agreement:** A road maintenance agreement signed by applicant/owner(s) and to be recorded with the Township Clerk and County Register of Deeds, providing 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 uses.
    - 3) A notice that if repairs and maintenance are not made, the Township Board 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 the amount of twenty-five (25) percent of total costs.
    - 4) A notice that no public funds of the Township are to be used to build, repair, or maintain the private road.
  - j. A 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, invitee, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.
  - k. Road design shall comply with the most current standards of the Jackson County Road Commission, including surface, base, and sub-base materials, thicknesses, and slopes, except where expressly authorized otherwise by the Township Board upon a finding by the Township Board that compliance with such standard(s) is not necessary to insure the public health, safety and welfare due to specific site conditions. However, a private road serving four (4) dwellings or less need only consist of eight inches (8") of the most current standard of the Road Commission for compacted gravel.
3. **Authorized Use of a Private Road**
- a. No private road shall be used to provide access to dwellings or other buildings until the Township Board has granted a zoning permit for use of such road. Upon completion of the construction of a private road authorized by a zoning permit and upon submittal of an application by the applicant to use such road, the Township Board shall grant approval to use the private road through the issuance of a zoning permit specifically authorizing such use when the following conditions have been met:
    - 1) The applicant's engineer shall certify to the Township Board, in writing, that the required improvements were made in accordance with this Section and Ordinance and approved plans.
    - 2) The Jackson County Road Commission has certified that all private road intersections with public roads are approved as constructed.
    - 3) The Township Board has received copies of the approved street easement agreement and street maintenance agreement recorded with the Jackson County Register of Deeds.
4. **Failure to Perform:** Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made herein or subject to any changes made by the County Road Commission or the Township in its standards and specifications for road construction and development.
5. **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. Neither the County nor Township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Michigan P.A. 134 of 1972, as amended.)"

**End of Article 19**

## **Article 20**

# **GENERAL PROVISIONS**

### **Section 20.01 Purpose**

The purpose of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the zoning district which they are permitted to be located. The following general provisions establish regulations which are applicable to all zoning districts unless otherwise indicated.

### **Section 20.02 Essential Services**

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

### **Section 20.03 Permitted Yard Encroachments**

**A.** Certain architectural features such as cornices, eaves, gutters, chimneys, pilasters and similar features may project three (3) feet into the required front setback areas, five (5) feet into required rear yard setback areas, and two (2) feet into the required side yard setback areas. Fire escapes and outside stairways, if of open construction, may project into a required yard to a maximum of three (3) feet.

**B.** An unenclosed porch, deck, balcony or awning may project from a principal building into the required rear yard setback area for a distance not to exceed fifteen (15) feet; into a required front yard setback area for a distance not to exceed eight (8) feet; and into a required side setback area for a distance not to exceed three (3) feet, but in no case shall a deck, balcony, porch, or awning be placed closer than five (5) feet to any lot line. Physical structures relating to barrier free access, such as ramps, shall not be required to comply with setback requirements.

### **Section 20.04 One Single-Family Dwelling to a Lot**

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

### **Section 20.05 Moving Buildings**

No existing building or other structure within or outside of the Township shall be relocated upon any parcel or lot within the Township unless the building or structure meets all applicable provisions of this Ordinance, including but not limited to required setbacks, and the building and all materials therein are approved by the Building Inspector.

### **Section 20.06 Exception to Frontage Requirements**

The lot frontage of a lot may be reduced below the minimum lot frontage requirement of the District in which it is located where the front lot line of such lot abuts a curvilinear segment of a road, including a cul-de-sac, where without such reduction, such lots would be unnecessarily excessive in lot width or lot area. However, such frontage reduction shall result in a lot with a minimum of sixty-six (66) feet of frontage and such lot shall comply with the minimum lot width requirement of the District over at least seventy percent (70%) of the lot area.

### **Section 20.07 Height Requirement Exceptions**

**A.** The following are exempted from height limit requirements, provided that no portion of the exempted structure may be used for human occupancy:

1. Those features that are purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and the resulting structure does not exceed a total height of seventy-five (75) feet.
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, wire transmission structures, cooling towers, or other structures where the manufacturing process requires a greater height but do not exceed seventy-five (75) feet in height.
3. Public utility structures and communication towers, where so approved pursuant to Article 5, Procedures for Special Land Uses.

**Section 20.08 Home Occupation, Class 1**

A. The regulation of home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities. Class 1 Home Occupations, as defined in Article 21 of this Ordinance, shall comply with the following conditions:

1. The home occupation shall be conducted entirely within the dwelling and shall not occupy more than twenty (20) percent of the total first floor area of the dwelling, but in no case shall such occupation exceed five hundred (500) square feet in area.
2. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
3. The home occupation shall not employ more than one (1) person not residing in the home.
4. All activities shall be carried on indoors. No outdoor storage or display shall be permitted.
5. There shall be no change in the exterior appearance of the dwelling, or other visible evidence of the conduct of such home occupation other than a permitted sign.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard, although motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created.
7. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling, or is provided as an incidental activity associated with the principal service offered by the home occupation.
8. The home occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous waste in quantities in excess of those maintained in a typical household.
9. A zoning permit is required. It shall be issued by the Zoning Administrator upon a finding that the proposed home occupation shall conform to the above requirements and the required fee has been paid. Conformance to the above standards shall be maintained throughout the duration of the home occupation.

**Section 20.09 Unsafe Buildings and Structural Damage**

A. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy. Any structure or building which may be in whole or in part destroyed by fire, windstorm, or other such cause shall be rebuilt in accordance with this Ordinance and other pertinent codes and ordinances or shall be restored to a safe and healthy condition with all debris removed from the site within ninety (90) days from the occurrence of such damage.

**Section 20.10 Screening of Trash Receptacles**

Any use requiring the outdoor storage of trash in a trash dumpster or similar large trash receptacle shall screen such receptacle with an opaque fence or wall at least as high as the receptacle. Such fence or wall shall be constructed of material that is compatible with the architectural materials used in the site's development. Gates that provide access to the container for maintenance shall be made of an opaque material that is also compatible with the site's architectural materials.

**Section 20.11 Garage Sales, Rummage Sales, and Similar Activities**

A. Garage sales, rummage sales, yard sales, moving sales and similar activities shall be considered a permitted accessory use in any Residential District subject to the following conditions:

1. Any single 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 in operation for a period in excess of four (4) days shall require a temporary zoning permit from the Zoning Administrator. However, in no case shall more than two (2) such activities be held in any one (1) location within any twelve (12) month period. In considering such a permit, the Zoning Administrator shall issue the permit only upon finding that the activity will have a minimal impact on surrounding properties.
2. All such activities shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.



3. All such activities shall be conducted a minimum of twenty (20) feet from the front lot line of the parcel on which the activity is located.
4. Overnight outside storage of goods or merchandise offered at a sale is prohibited.
5. No signs advertising a garage sale or similar activity shall be placed upon public property. No more than two (2) signs shall be posted upon private property, and such signs shall be removed within twenty-four (24) hours of the conclusion of said sale or similar activity.

**Section 20.12 Seasonal Sales**

**A.** The sale of Christmas trees and other seasonal items shall be considered temporary accessory uses within any zoning district, subject to the following conditions:

1. A temporary zoning permit renewable on an annual basis shall be secured from the Zoning Administrator.
2. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.
3. Adequate parking and means of ingress to and egress from the premises shall be provided.
4. Any temporary structure shall be removed upon discontinuation of the seasonal use.
5. Signs shall conform to the provisions of the District in which the activity is located.
6. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.

**Section 20.13 Compliance with Generally Accepted Agricultural Management Practices**

All farm operations, including the keeping of animals and the storage and spreading of manure, shall comply with the Michigan Commission of Agriculture's most recently published Generally Accepted Agricultural Management Practices.

**Section 20.14 Key Holing and Funneling**

The use of any lot for access to a lake, stream or other water body shall comply with all requirements of Waterloo Township Ordinance #1.21.92.1, and any subsequent amendments thereto.

**Section 20.15 Storage of Recreational Vehicles**

Recreational vehicles, travel trailers, motor homes, boats, snow mobiles and similar items may be stored outdoors on a lot used for residential purposes provided such items are registered to an occupant of the dwelling on the lot on which such storage is occurring. Storage of said items by a person visiting an occupant of the dwelling on the lot on which such storage is occurring is permitted provided such storage does not exceed thirty (30) days during any twelve (12) month period.

**Section 20.16 Vicious Animals Prohibited**

**A.** No vicious animal shall be kept permanently or temporarily in any District in the Township. For the purposes of this Section, a "vicious animal" shall be defined as any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

**Section 20.17 Earth Sheltered Homes**

The bottom edge of an earth berm abutting a wall or roof of a dwelling shall meet the height and setback requirements for the District in which it is located.

**Section 20.18 Fences**

**A.** Except as otherwise provided in this Ordinance or during site plan review and approval proceedings, fences in all District shall be subject to the following provisions:

1. Fences within or along any rear or side yard shall not exceed six (6) feet in height as measured from the surface of the ground.
2. Fences located within or along a front yard shall not exceed three (3) feet in height as measured from the surface of the ground, nor have greater than a fifty percent (50%) opacity.
3. The finished side of a fence shall face the adjoining lot.
4. No fence with barbs, spikes, nails, or other sharp or electrified devices shall be permitted in any District except for the purpose of confining farm animals, or otherwise approved during site plan review proceedings.

**Section 20.19 Temporary Dwellings**

- A. Temporary dwellings are prohibited except as may be authorized according to this Section.
- B. The Zoning Administrator shall have the authority to approve a temporary zoning permit to use a mobile home or recreational vehicle as a temporary dwelling. Said permit shall be in effect for one (1) year and the Zoning Administrator may grant a single six (6) month extension upon a finding that, in the case of (1) and (2) below, the applicant has made a good faith effort to initiate and complete construction. Such permit shall be issued only on the following basis:
1. **Emergency Housing:** When a dwelling is destroyed by fire, collapse, explosion, Acts of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined by the Building Inspector, a temporary zoning permit may be issued to allow a mobile home or recreational vehicle to be placed on the property upon the request of the owner.
  2. **New Home Under Construction:** When a new dwelling is being constructed on a vacant lot, a temporary zoning permit may be issued to allow a mobile home or recreational vehicle on the same lot.
- C. A temporary dwelling shall comply with the following conditions:
1. The mobile home or recreational vehicle complies with all setback requirements of the District for a principal building and does not interfere with emergency access to the principal dwelling.
  2. The proposed location of the temporary dwelling will not be detrimental to property within three-hundred (300) feet of the parcel intended to be the location of the temporary dwelling.
  3. Adequate measures are available for potable water and sewage disposal.
  4. A performance guarantee in the amount of five thousand dollars (\$5,000) is made available from the property owner prior to placing the temporary dwelling, to ensure removal of the temporary dwelling at termination of the permit.
- D. A temporary zoning permit shall not be granted unless the Zoning Administrator finds the conditions in (C) have been met.

**Section 20.20 Accessory Uses, Buildings, and Structures**

Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.

- A. Attached:** An accessory building, including carports which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.
- B. Separation Distance:** An accessory building or structure, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.
- C. Placement:**
1. Accessory buildings and structures are subject to all side, front and rear yard setbacks applicable to principle buildings in the same District.
  2. No unattached accessory buildings and structures shall be placed less than five (5) feet from any rear or side lot line. In those cases where the rear lot line is coterminous with an alley right-of-way, the accessory building shall be no closer than one (1) foot to such rear lot line.
  3. No accessory building shall be located in or on any utility or private road easement. (Amended 12-15-09 Ord # 09-12-15-2)
- D. Height:** No detached accessory buildings or structures shall exceed the permitted maximum height of principal structures in said District, except as may be authorized by Section 20.10.
- E. Lot Coverage:** The total area of all accessory residential buildings and structures in a rear yard shall not occupy more than twenty-five percent (25%) of the required rear yard. The total area of all accessory residential buildings and structures in a side yard shall not occupy more than twenty percent (20%) of the-required rear yard.
- F. Habitation of Accessory Structures:** No accessory building or structure shall be used or occupied as a dwelling.
- G. Prior to a Principal Structure:** The use of a mobile home, trailer, truck or vehicle for storage is not permitted as an accessory use, nor shall such mobile home, trailer, truck or vehicle be considered a permitted accessory structure or building, except where expressly authorized pursuant to Article 4. These provisions shall not apply in the case of storage of materials for construction activities on the same parcel and for which a zoning permit has been issued.

**H. Private Pools:**

1. Placement: No swimming pool shall be located in an easement or right-of-way granted for public use or under any overhead wiring.
2. Setbacks:
  - a. No pool shall be located within a required front yard.
  - b. A pool shall comply with the side yard setback requirement for the District in which it is located, but in no case shall it be within ten (10) feet of a property line.
  - c. A minimum distance of ten (10) feet shall be maintained between the pool wall and the rear property line.
3. Fencing: Pool areas shall be completely enclosed by a chain-link fence or fence of comparable safety to discourage unsupervised access. Such fencing is to be a minimum height of four (4) feet but not greater than six (6) feet, and equipped with a self-closing and child proof self-latching gate. Latching devices are to be located at a minimum height of four (4) feet above the ground. Such fencing may be omitted where building walls abut the pool area, provided that the entire remaining perimeter of the pool area is fenced. Such fencing or building wall shall be set a minimum distance of four (4) feet from the outside perimeter of the pool wall.

**Section 20.21 Condominium Subdivisions**

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

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

**B. Utilities:** 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.

**C. Roads:** All roads within a condominium subdivision shall be designed and constructed in conformance with adopted standards of the Jackson County Road Commission or, in the case of a private road, shall conform to the provisions and standards of the Waterloo Township Private Road Ordinance.

**D. Review and Approval Procedures:**

1. Zoning Permit Required: Construction of a condominium subdivision shall not be initiated prior to the issuance of a zoning permit.
2. Site Plan Approval Required: The issuance of a zoning permit shall require the submittal and approval of a preliminary and final site plan pursuant to Article 4, Procedures for Plot Plan and Site Plan Review, and master deed and bylaw documents. The Township Board shall be the approving body. The site plan shall include:
  - a. all information required by Section 4.04.
  - b. information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
3. Master Deed/Bylaws Approval Required: The applicant shall furnish the Planning Commission with fifteen (15) copies of the proposed master deed and bylaws and shall be reviewed for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform with Township, County, and state laws and regulations. The Master Deed shall also

include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.

4. **Issuance of Zoning Permit:** Upon approval of the final site plan, by-laws and master deed, the applicant shall furnish the Township Clerk a copy of the final bylaws and master deed, and a copy of the approved site plan on a mylar sheet of at least twenty-four inches by thirty-six inches (24" x 36"). Upon the satisfactory submittal of these documents, the Clerk shall direct the Zoning Administrator to issue a zoning permit.

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

**F. As-Built Plan and Occupancy:** Submission of an as-built plan of a condominium subdivision is required. The Zoning Administrator may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee in the form of a cash deposit or letter of credit is submitted to the Township Clerk, sufficient in amount and type to provide for the installation of improvements. The amount of the financial guarantee shall be determined by the Township Board based on an estimate by the Township Engineer.

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

#### **Section 20.22 Single Family Dwelling Standards**

All single family dwellings shall comply with the following standards, provided that the foregoing standards shall not apply to temporary dwellings, or mobile homes located in a licensed mobile home park, except to the extent required by State and Federal law.

**A.** Single family dwellings shall include a minimum of one thousand (1,000) square feet of floor area, be a minimum of twenty-two (22) feet in width and length, exclusive of open porches, garages, or steps; and have a minimum 4:12 roof pitch over seventy-five percent (75%) of the roof area. In the case of a dwelling with two (2) or more stories, the first story shall include a minimum of eight-hundred (800) square feet of floor area. Single family dwellings shall comply in all respects with the Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with a federal or state standards or regulations for construction (as in the case of mobile homes) and where such standards or regulations for construction are different than those imposed by the Building Code, then and in that event such federal or state standard or regulation shall apply.

**B.** All dwellings shall comply with all pertinent building and fire codes, and shall be firmly attached to a permanent foundation constructed on the site in accordance with the Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable Building Code for such dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from the perimeter wall of the dwelling to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards".

**C.** In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

**D.** All dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the County Health Department.

**E.** All dwellings shall be properly maintained against deterioration and/or damage from the elements or otherwise by prompt and approximate repairs, surface coating, and other appropriate protective measures.

**F.** No dwelling shall contain additions or rooms or other areas that are not of similar or better construction materials, visual appearance, and quality of workmanship as the original structure, including construction of a foundation as required herein and permanent attachment to the principal structure.

**Section 20.23 Permit Required for Large Gatherings**

**A. Definition of Large Gatherings:** For the purposes of this Section, a large gathering shall be defined as a gathering of more than one hundred (100) persons for the purposes of entertainment of an outdoor nature such as, but not limited to circuses, carnivals, theatrical exhibitions, public shows, displays, festivals, and concerts. A large gathering shall not be interpreted to include family gatherings or reunions.

**B. Permit Required:** No large gathering shall occur prior to the issuance of a temporary zoning permit after the approving body has determined that the large gathering will be adequately served by potable water, sewage disposal, and emergency services, and that such large gathering shall not threaten the public health, safety, and welfare.

**C. Application, Permit, and Conditions**

1. **Application:** The applicant may obtain an temporary zoning permit application for a large gathering from the Zoning Administrator, for action by the Township Board. The temporary zoning permit may be approved, modified, conditioned, or denied by the Township Board, and the Township Board may seek the comments of local fire and police protection services and other agencies providing public health, safety and welfare services.
2. **Basis for Decision:** In arriving at a decision regarding an application, the Township Board shall be guided by the following:
  - a. That the nature and intensity of the proposed large gathering and placement of any temporary structure will be compatible with existing development.
  - b. That the parcel shall be of sufficient size to adequately accommodate the proposed large gathering.
  - c. That the large gathering will be adequately served by potable water, sewage disposal, and emergency services.
  - d. That the location of the large gathering shall be such that adverse effects on surrounding properties will be minimal, particular regarding the traffic generated by the large gathering.
  - e. The off-street parking areas are of adequate size for the large gathering and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
  - f. The impact of any outdoor lighting on neighboring properties.
3. **Conditions:** The Township Board may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this Ordinance. The Township Board may revoke a permit at any time for nonconformance with the requirements of this section and a permit issued thereunder.
4. **Performance Guarantee:** The Township Board may require a performance guarantee in the form of cash, check or savings certificate be deposited with the Township Clerk in an amount equal to the estimated cost of removing any temporary structure 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.

**Section 20.24 Conditional Approvals**

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

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

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

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

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

**D. Performance Guarantees:** Performance guarantees may be required to insure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.07.

**Section 20.25 Onsite Solar Energy Systems**

Onsite solar energy systems shall be permitted as an Accessory Use to an existing principle structure, or planned in conjunction with a proposed Principal Use and located on a lot or parcel of land in any Zoning District.

These Onsite Solar Energy Systems are designed and constructed to provide and are limited to the primary or supplemental energy needs of a home, farm, commercial or industrial business and public or semi-public use located on a lot or parcel of land.

**A. Applications, Permit, and Conditions**

1. Township Zoning Compliance Permit and Building Permit are not required for the installation of any On Site solar energy system less than 200 square feet in area.
2. For solar panels exceeding 200 square feet, the property owner shall submit a site plan to the Zoning Administrator. The site plan shall include setbacks, panel size and the location of property lines, buildings, fences and road right of ways. The site plan must be drawn to scale.
3. Construction plans for the installation of roof and wall mounted solar panels occupying more than 200 square feet shall be presented as an amendment to an existing site development or as part of a proposed site plan development.
4. Solar panels installed on ground level shall not exceed twenty (20) feet above ground when oriented to maximum tilt.
5. Solar panels may be attached to the roof or walls of a building provided they are attached directly to the contour of the roof or wall of the building. Solar Panels shall not extend more than three (3) feet above the roof line of the building upon which they are located. If the solar panel is mounted on a building in an area other than the roof, no part shall extend beyond the area of the wall on which it is mounted.
6. All solar panels shall be located on the ground or on a building, so that the reflection/glare from any solar panel will be directed away from or is properly buffered from adjoining property.
7. All structural elements of the Onsite Solar Energy System shall meet all of the applicable requirements of the Zoning District in which they are located.
8. Ground or roof mounted solar energy systems shall conform to applicable County, State and Federal Regulations and safety requirements including Michigan Building Code.
9. All power transmission lines, wires or conduits from a ground mounted solar system to any building or other structure shall be located underground. If batteries are used as part of the ground mounted system, they must be placed in a secured container or enclosure. Signage will be provided with disconnection procedures for emergency first responders in case of fire or other emergency.
10. The Applicant shall inform the Utility Company supplying electric power to the site upon which the Solar Energy System is to be located and furnish the Township with written evidence of the Applicant's submittal to the Utility Company of this information and the Utility Company's written response to the Applicant's proposed Solar Energy System.
11. Should the Applicant be a non-owner of the property, an agreement between the owner and non-owner to permit the installation of the Onsite Solar Energy System shall be submitted as a part of the Applicant's requested installation of a Solar Energy System on the site.
12. Net metering or its successors: All energy generated by an Onsite Solar Energy System on the lot or parcel upon which it is located shall be utilized only by the developments located on the lot or parcel, and shall not be extended to adjacent lot and parcel uses and developments, except that any surplus electric power energy produced on a lot or parcel may, by mutual written agreement between the owner of the lot or parcel producing the surplus electric power energy and the public utility company providing

electric power to the area in which their lot or parcel is located may be transferred and/ or sold only to that public utility company.

13. The manufacturer or installer's identification and appropriate warning signage shall be posted on or near the solar panels in a clearly visible manner.

***End of Article 20***

## Article 21 DEFINITIONS

### Section 21.01 Construction of Language

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

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

### Section 21.02 Definitions

**Abutting (lot or parcel):** A lot or parcel which shares a common border with the subject lot or parcel.

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

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

**Adult Entertainment Business:** Refer to Section 11.22 for definitions pertaining to adult entertainment businesses.

**Agricultural Service Establishments:** Establishments which engage in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; veterinary services; and facilities used in the research and testing of farm products and techniques.

**Agriculture:** The act or business of cultivating land or using land, including associated buildings and machinery, for the commercial production of farm products as defined in the Michigan Right to Farm Act, P.A. 93 of 1981, as amended; including but not limited to pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry, but not including concentrated livestock operations as defined in this Ordinance.



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

**Arcade:** Any business where more than fifty percent (50%) of the floor area is devoted to the use of machines which may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music or establishments otherwise defined as adult entertainment businesses (see Section 11.22).

**Bed and Breakfast:** A structure which was constructed for single family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, including the provision of bathing and lavatory facilities and a breakfast meal for overnight guests only.

**Berm:** A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

**Building:** Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes but is not limited to: mobile homes, tents, sheds, garages, greenhouses, and other principal or accessory structures.

**Building Height:** The vertical distance measured from the finished grade where the building abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs. In the case of a lakefront lot, the building height shall be measured from the finished grade where the building abuts the rear yard (*see Figure 21-3 at end of this Section*).

**Building Inspector:** An individual hired by the Township to administer the State Building Code.

**Cemetery:** Property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

**Certificate of Occupancy:** A document signed by the Building Inspector as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the County building code.

**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 State Building Code, as amended.

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

**Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit nor open to the general public.

**Commercial/Utility Photovoltaic Solar Energy Systems:** A solar energy system where the principle design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of electricity to a person or entity, by the conversion of solar energy through photovoltaic technology to electricity.

**Communication Tower:** A relay structure, including both antenna and structural supports, attached directly to the ground or to another structure, used for the transmission or reception of radio, television, telephone, microwave, or any other form of telecommunications signals. Not included within this definition are: citizen band radio facilities; radio and television citizen band radio facilities; short wave receiving facilities;; federally licensed amateur (ham) radio facilities; satellite dishes used for television or internet service, computer modems or routers; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

1. Class 1: A communication tower proposed to be newly established and not otherwise meeting the definition of a Class 2 communication tower.
2. Class 2: A communication tower meeting either of the following requirements:
  - a. A communication tower to be affixed to an existing structure, such as existing building, tower, water tank, utility pole, and the like, where the proposed combined existing structure and communication tower is either less than a total height of twenty (20) feet or does not extend the height of the existing structure by more than twenty percent (20%).
  - b. A proposed collocation upon an existing communication tower which had been pre-approved for such collocation as part of an earlier approval by the Township.
3. Class 3: A communication tower proposed to be newly established, not meeting the criteria of a Class 2 communication tower, and have a height of no more than 75 feet.

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

- Condominium Subdivision:** A division of land on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act of 1996, Public Act 591 of 1996, as amended.
- 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:** 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. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.
- Day Care Center:** A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Day care center does not include any of the following:
- A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
  - A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.
- Day Care, Family Home:** A private home in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
- Day Care, Group Home:** A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to more than six unrelated minor children for more than 4 weeks during a calendar year.
- District:** An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations. A "district" is also known as a "zone" or "zoning district".
- Drive-In / Drive-Through Establishment:** A business establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.
- Driveway:** A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the Jackson County Road Commission or State of Michigan.
- Driveway, Shared:** A driveway described by a recorded easement providing access to more than one (1) lot, and complies with the provisions of this Ordinance.
- Dwelling:** Any building, or portion thereof, which is designed or used exclusively for residential purposes. In no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a dwelling except where expressly authorized in this Ordinance for temporary dwelling purposes.
- Dwelling, Multiple Family:** A building containing three (3) or more dwelling units designed for residential use for three or more families living independently of each other.
- Dwelling, Single Family:** A detached building or portion thereof designed and used exclusively as the home, residence or sleeping place of one family.
- Dwelling, Two Family (Duplex):** A building containing not more than two separate dwelling units designed for residential use.
- Dwelling Unit:** One or more rooms with bathroom and principal kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking and sleeping purposes.

- Erected:** The word "erected" means built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.
- Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers, or office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots. Communication towers shall not be interpreted as essential services.
- Excavation:** Any breaking of ground, except common household gardening, farming and ground care.
- Extractive Operation:** The removal of any earthen material, including top soil, sand, gravel stone or any other earthen material for the purpose of disposition away from the premises. Excavation in excess of five hundred (500) cubic yards incidental to the construction of a building when the excavated material is to be deposited away from the premises is also an extractive operation. Mining, moving, crushing, sorting, washing, and other activities directly relating to the extraction and moving off premises are included in the extraction operation.
- Family:**
- a. An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or
  - b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.
- Farm:** Land and associated buildings and machinery used for agriculture comprising at least ten (10) contiguous acres, and which may contain other non-contiguous acreage, all of which is operated by a sole proprietorship, partnership, or corporation.
- Fence:** An accessory structure artificially constructed to serve as an obscuring screen, physical barrier, and/or decorative landscape element.
- Filling:** The depositing or dumping of any matter into or onto the ground.
- Floor Area, Gross:** The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, court yards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.
- Floor Area, Usable:** For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.
- Foster Care Facility:** An establishment which provides supervision, assistance, protection, or personal care, in addition to room and board, to persons. A foster care facility does not include a home for the aged or nursing home, licensed under PA 139 of 1956, as amended, or a mental hospital for mental patients licensed under PA 151 of 1923.
- a. **Family Home:** A facility which provides foster care to six (6) or fewer persons.
  - b. **Group Home:** A facility which provides foster care to seven (7) or more persons.
- Frontage:** The total continuous length of the front lot line. In the case of waterfront lots, the term frontage shall also apply to the total continuous length of the rear lot line.
- Garage:** An accessory building or an accessory portion of a principal building designed or used primarily for the storage of non-commercial motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.
- Golf Course/Country Club:** A golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as a principal use.

- Grade, Finished:** The elevation of the ground surface upon the completion, or intended completion, of construction and improvements.
- Grade, Natural:** The elevation of the ground surface in its natural state, before man-made alterations.
- Habitable Structure:** Any existing structure useable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by these definitions, the Office of Zoning Administration shall make a determination of any structure regarding whether or not it is habitable.
- Home Occupation:** An occupation or profession conducted entirely within a dwelling or accessory structure which is clearly incidental and secondary to the residential use of the lot, does not change the character of the dwelling, and meets all applicable provisions of this Ordinance.
- Class 1 Home Occupation:** An occupation or profession conducted entirely within a dwelling, excluding an attached garage.
- Class 2 Home Occupation:** An occupation or profession conducted within an accessory building on the same lot as the dwelling in which the owner of such business resides, including an attached or detached garage.
- Hospital:** An institution which is licensed by the Michigan Department of Public Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, and staff offices.
- Hotel:** See "motel."
- Hunt Club:** An area where wildlife are maintained for hunting by club members.
- Junkyard:** Any land or building used for: 1) the abandonment, storage, keeping, collecting, selling, exchanged or baling of junk including paper, rags, scrap metals, or other scrap or discarded materials; and/or 2) the abandonment, demolition, dismantling, storage, keeping, collecting, selling, exchanging or salvaging of machinery, automobiles or other vehicles not in normal running condition, or parts thereof. A junk yard shall be considered a special land use requiring special approval. A junkyard may also be referred to as a salvage yard.
- Kennel:** A lot or premises on which three (3) or more dogs, or three (3) or more cats, or three (3) or more similar animals, six (6) months of age or older, are kept either permanently or temporarily for the purposes of breeding, boarding, leasing, training, sale, or transfer.
- Lakefront Lot:** A lot in a platted subdivision or condominium subdivision that abuts an official state-named lake in excess of forty (40) acres in surface area, according to the ordinary high water mark.
- Livestock:** Cattle, sheep, goats, swine, poultry, and other similar domestic animals or fowl normally kept or raised on a farm.
- Loading Space:** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
- Lot:** A tract of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. (see *Figure 21-1 at end of this Section*).
- Lot Area:** The area of the horizontal plane within the lot lines of a lot, exclusive of any public or private road right-of-way or easement abutting any side of the lot, except that such right-of-way or easement may be included within the calculation of the area of a lot in the case where such lot is not part of a platted or condominium subdivision.
- Lot, Corner:** Any lot having at least two (2) contiguous sides abutting upon one or more streets or approved private roads, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. (see *Figure 21-1 at end of this Section*).
- 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 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:** The distance from the front lot line of the lot to its opposite rear line, measured midway between the side lot lines.
- Lot Lines:** The lines bounding a lot or parcel (see *Figure 21-2 at end of this Section*).

- a. **Lot Line, Front:** In the case of a lot not located on a corner, the line separating said lot from the public or private right-of-way. In the case of a corner lot or through lot, the Planning Commission shall determine the location of the front lot line based upon minimizing negative impacts to surrounding properties, and said line shall be designated as such on the plot plan or site plan. On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained (*see Figure 21-2 at end of this Section*). In the case of a lakefront lot, the front lot line shall be the ordinary high water mark.
- b. **Lot Line, Rear:** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line (*see Figure 21-2*).
- c. **Lot Line, Side:** Any lot line other than a front or rear lot line (*see Figure 21-2 at end of this Section*).

**Lot of Record:** A lot which is part of a subdivision, the map of which has been recorded in the Office of the Jackson County Register of Deeds prior to the adoption or amendment of this Ordinance, or a tract, parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Jackson County Register of Deeds prior to the adoption or amendment of this Ordinance.

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

**Lot Width:** The straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines (*see Figure 21-2 at end of this Section*).

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

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

**Master Deed:** The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

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

**Mini Storage (warehouse) Facilities:** A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are generally not used on a daily basis, including recreational vehicles and watercraft.

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

**Motel:** A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.

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

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

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

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

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

**Nursing Home:** An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

**Open Space Community (OSC):** A tract of land, developed under single ownership or management as a separate neighborhood or community unit, that accommodates flexibility of design not available under normal zoning district requirements, to more effectively encourage and accommodate the preservation of open space and natural resources in association with the residential development process.

**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.

**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, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

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

**Parcel Tract:** More than one parcel that are adjoining and have identical ownership. The parcels are considered adjoining even if they are located on opposite sides of a road or Section Line.

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

**Participating Site:** A property within a parcel or tract that participates in a lease or easement agreement or other contractual agreement, with an entity submitting a Special Lane Use Permit application for the purpose of developing a Commercial/Utility Photovoltaic Solar Energy System.

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

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

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

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

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

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

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

**Restaurant, Drive-through:** A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.

**Restaurant, Standard:** An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

- a. customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
- b. a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

The term "standard restaurant" shall not be interpreted to mean or include a drive-through restaurant.

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

**Right-of-Way:** A public or private road, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

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

- Road:** A state highway, county road, dedicated public thoroughfare or approved private road which affords the principal means of access to abutting property and if newly constructed, or reconstructed, meets construction standards promulgated by this Ordinance. The term "road" also includes the term "street."
- Road, Private:** A private way or means of approach, not dedicated for general public use, and meets the design and construction standards of this Ordinance.
- Road, Public:** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Jackson County Road Commission, State of Michigan, or federal government.
- Service Station, Standard:** A place used primarily for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Such places may also perform minor automobile repair, limited to engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight. Standard service stations may also include up to four hundred (400) square feet of floor area used for the sale of convenience items such as food products, magazines, and similar convenience items.
- Service Station, Multiple Use:** A place used for more than one (1) principal use, one (1) of which is the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Other principal uses may include, but need not be limited to, a restaurant, convenience store, and car wash. Such places may also perform minor automobile repair, limited to engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.
- Setback:** The minimum distance by which any building or structure must be separated from a lot line.
- Shooting Range:** Any facility, whether operated for profit or not, and whether public or private, which is designed primarily for the use of bow and arrow or firearms which are aimed at targets, skeet or trap, or where a fee is paid in order to hunt animals within a confined area.
- Sign:** Refer to Article 15: Signs, for definitions pertaining to signs.
- Site Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A site plan contains more comprehensive and detailed information about improvements proposed on the site than does a plot plan because of the more complex nature of land uses required to receive site plan approval, such as business, industrial, and multiple family developments. Site plan approval is generally delegated to the Planning Commission.
- Solar Array:** Includes the aggregate solar panels and their structural supports.
- Solar Facility:** The legally defined property including the solar array, accessory structures and ancillary equipment, buffers and access drives. The solar facility will be identified on the approved site plan. The solar facility could be an entire parcel, more than one adjoining parcel, or portions of a parcel or adjoining parcels. If the legally defined property is located within a larger parcel, it is not required that the leased property obtain an approved land division under the Waterloo Township's Land Division, Combination, and Parcel/Lot Boundary Adjustment Ordinance.
- Special Land Use:** Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing. Refer to Article 5: Procedures for Special Land Uses.
- Stable, Commercial:** A structure and/or land use where horses are bred, reared, trained, cared for, and/or boarded and does not meet all of the definition requirements of a private stable, as defined in this Ordinance.
- Stable, Private:** An accessory structure and/or land use where horses are bred, reared, trained, cared for, and/or boarded, irrespective of remuneration, and where the horse density does not exceed one (1) horse for the first three (3) acres, and one (1) additional horse for each additional one-half (1/2) acre, up to seven (7) horses, and one (1) additional horse for each additional acre thereafter. A private stable may provide horse care and/or riding lessons but a private stable shall not be interpreted to include a facility providing horse shows, training exhibitions, or any other activity typically characterized by the gathering of spectators or observers.
- Stop Work Order:** An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.
- Street:** See "Road."
- Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings,

independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services. Fences shall not be considered as "structures," but must comply with all applicable standards of this Ordinance.

**Township Engineer:** The licensed staff engineer of the Township, or a licensed engineer the Township may hire from time to time as needed.

**Truck Terminal:** A parcel to which goods, except raw or unprocessed agricultural products, natural mineral or other resources, are delivered for immediate distribution or to be or divided for delivery in larger or smaller units to other points or for distribution or division involving transfer to other modes of transportation, including the temporary storage or parking of vehicles for subsequent distribution service and accessory repair and maintenance services to such vehicles.

**Use:** The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied.

**Variance:** A variance is a modification of the literal provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and will mitigate an otherwise practical difficulty, and the issuance of which is based upon standards in this Ordinance (See Article 6). or unnecessary hardship.

**Veterinary Clinic:** An establishment which is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include fully enclosed pens or cages for the overnight boarding of animals receiving medical treatment and such related facilities as laboratories and offices.

**Vehicle Repair Shop:** Buildings and premises for the purpose of engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender repair, and painting.

**Yard:** An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein (see Figure 21-2 at end of this Section):

- a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building. There shall be maintained a front yard on each street side of a corner lot. In the case of a lakefront lot, the front yard shall be the yard abutting the water body. See definition for "Lot line, front."
- b. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the principal building. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner.
- c. **Side Yard:** An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest line of the principal building.

**Zoning Administrator:** The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Township Board of Trustees.

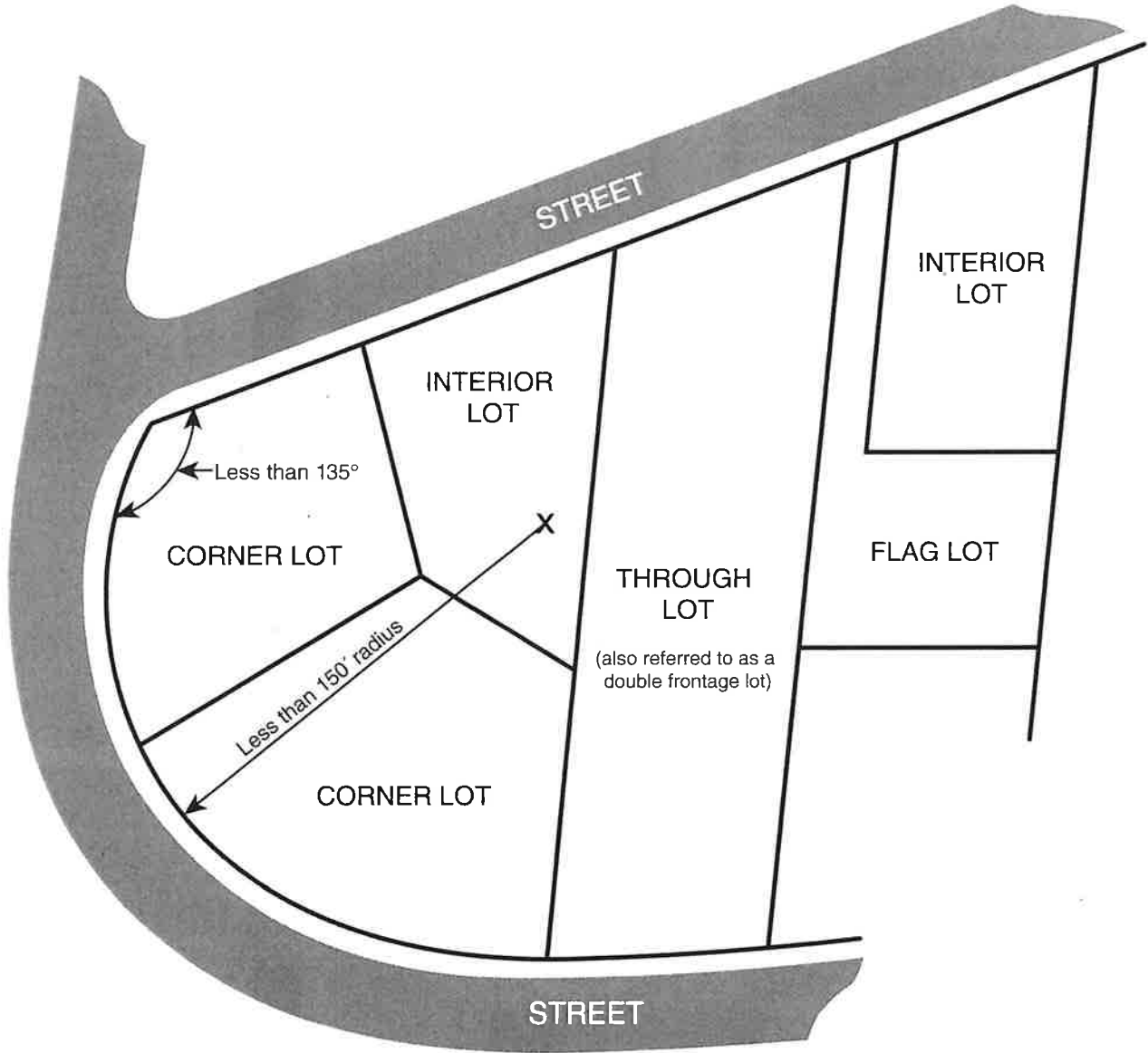
**Zoning District or Zone:** A portion of the Township within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.

**Zoning Permit:** A permit signifying compliance with the provisions of this Ordinance and issued by the Zoning Administrator upon approval of the proposed land use or development plan by the designated approving body.

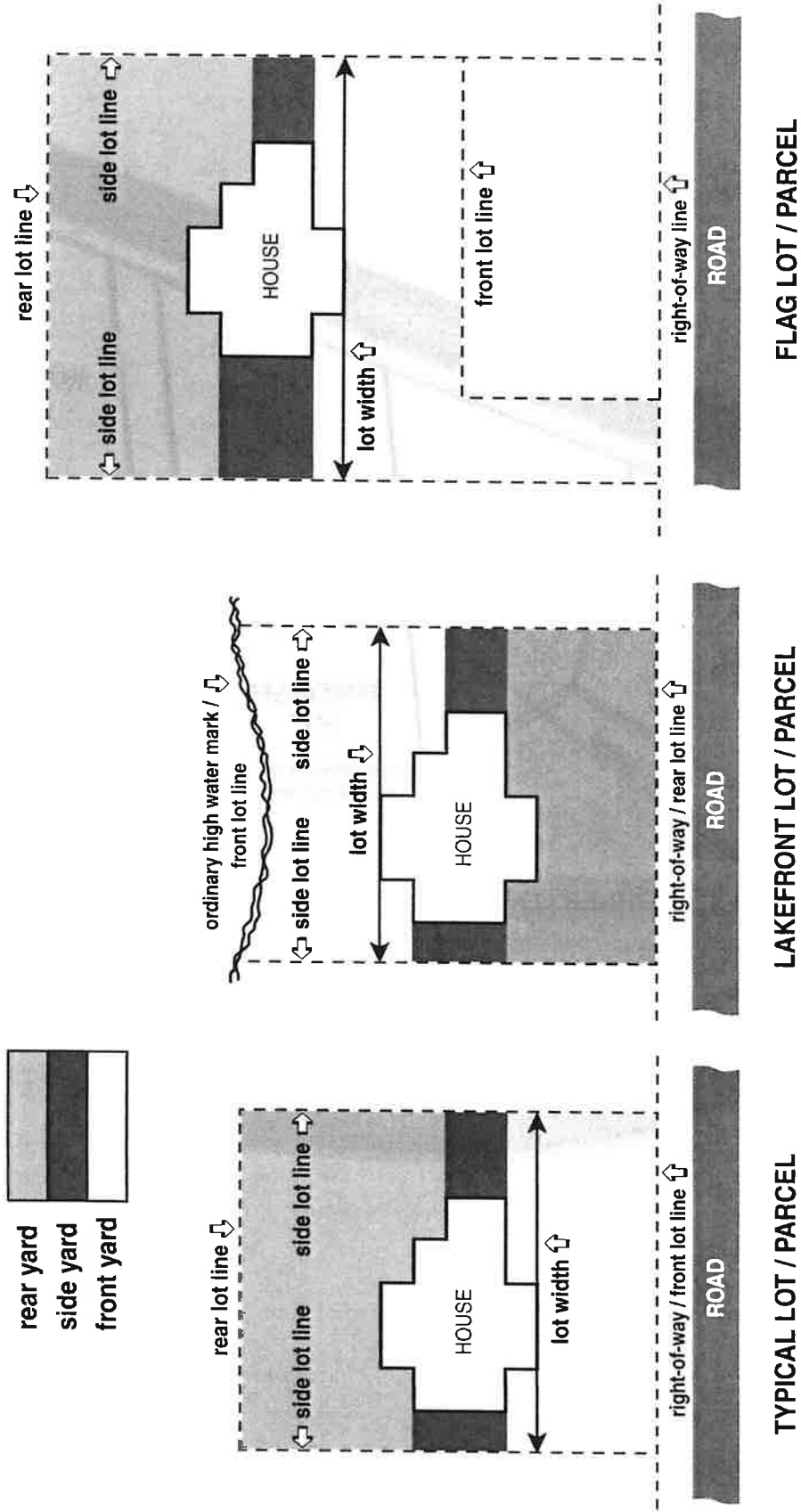
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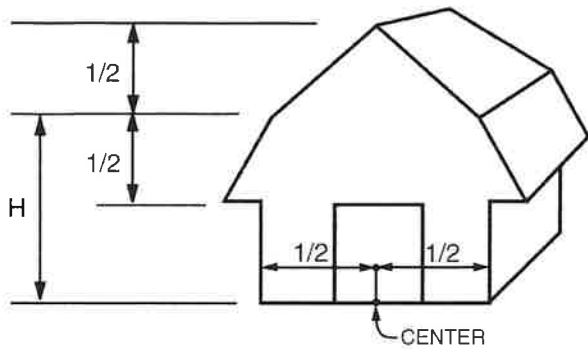
**Figure 21-1  
LOT TYPES**



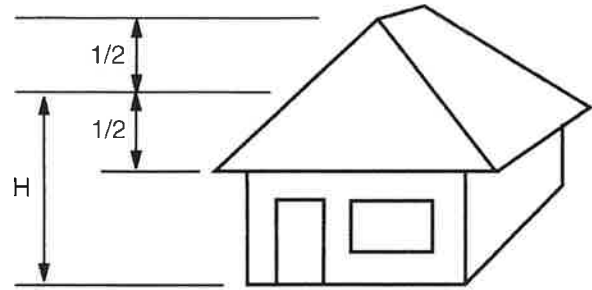
**Figure 21-2  
LOT LINES and YARDS**



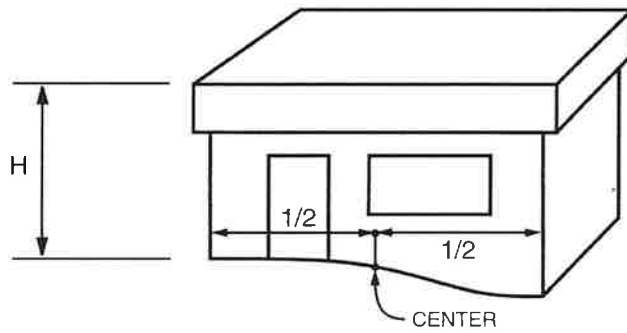
**Figure 21-3  
BUILDING HEIGHTS**



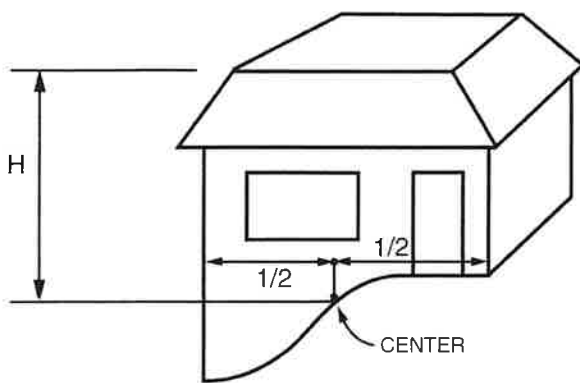
**GAMBEL ROOF**



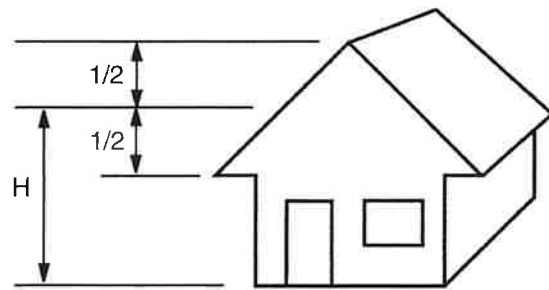
**HIP ROOF**



**FLAT ROOF**



**MANSARD ROOF**



**GABLE ROOF**

**End of Article 21**

