



ZONING ORDINANCE

DRAFT

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ARTICLE 1. TITLE, PURPOSE, AND LEGAL CLAUSES

SECTION 1.01 TITLE

This Ordinance shall be known and may be cited as the "Berlin Charter Township Zoning Ordinance."

SECTION 1.02 AUTHORITY, FINDINGS, AND PURPOSES

- A. **Michigan Zoning Enabling Act.** The Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) establishes the authority to adopt comprehensive zoning regulations and empowers the Township to enact a Zoning Ordinance and provide for its administration, enforcement, and amendment.
- B. **Necessity.** The Township deems it necessary to enact said regulations for the purpose of promoting and protecting the health, safety, comfort, convenience, and general welfare of its residents.
- C. **Master Plan Compliance.** The Township has prepared and adopted a Master Plan designed to guide growth in a logical fashion; to provide for the establishment of districts in the Township which regulate the use of land and structures; to protect and preserve its natural resources; and to ensure a well-balanced community considering its present and potential physical, economic, cultural, and environmental assts.
- D. **Purposes.** The Township has identified on a Zoning map and prepared regulations in this Zoning Ordinance pertaining to such districts, in coordination with the Berlin Charter Township Master Plan for the specific purposes of:
 - 1. Promoting and protecting the public health, safety and general welfare.
 - 2. Providing for and protecting the character and the stability of all land uses within the unincorporated portions of the township and promoting the orderly and beneficial development of such.
 - 3. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, privacy and convenience of access to property and to protect the public health.
 - 4. Lessening and avoiding congestion in the public highways and streets.
 - 5. Promoting adequate and efficient provisions for transportation systems, sewage disposal, water, energy, recreation, and other public service and facility requirements.

6. Encouraging the use of lands and natural resources in the Township in accordance with their character and adaptability.
7. Fixing reasonable standards to which buildings and structures shall conform.
8. Prohibiting uses, buildings or structures which are incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts.
9. Protecting against fire, explosion, noxious fumes and odors, heat, dust smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the public health, safety, and general welfare.
10. Preventing the overcrowding of the land and the undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them.
11. Otherwise reduce hazards to life and property.
12. Providing for the completion, restoration, reconstruction, extension or substitution of non-conforming uses and structures.
13. Creating a Zoning Board of Appeals and defining the powers and duties thereof.
14. Designating and defining the powers and duties of the official in charge of the administration and enforcement of this Ordinance.
15. Providing for the payment of fees for zoning permits.
16. Providing penalties for violations of this chapter.

SECTION 1.03 SCOPE AND CONSTRUCTION OF REGULATIONS

- A. **Scope.** This Ordinance shall be liberally construed in such manner as to best effectuate its purposes. In interpreting and applying the provisions of this Ordinance, the requirements shall be held to the minimum for promotion and protection of the public health, safety, convenience, comfort, prosperity, and general welfare.
- B. **Construction of Regulations.** No building or structure, or part thereof, shall be erected, constructed, reconstructed, or altered and maintained, and no new use or change of use shall be made or maintained to any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

SECTION 1.04 VALIDITY AND SEVERABILITY

- A. **Validity.** If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

- B. **Severability.** If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building or structure such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

SECTION 1.05 CONFLICT WITH OTHER LAWS.

- A. **More Restrictive.** Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any Ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
- B. **Abrogate or Annul.** This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

SECTION 1.06 SAVINGS

The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be constituted as abandoning any action now pending under or by virtue of such Ordinance or as continuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the Township under such pending action. All proceeds pending when this Ordinance takes effect are saved and preserved, and shall continue all according to the terms, provisions, penalties of the Ordinance in effect at the time they were commenced.

SECTION 1.07 EFFECTIVE DATE

This Ordinance shall become effective seven (7) days from the date of final publication.

SECTION 1.08 REPEAL OF PRIOR ORDINANCE

All previous township zoning ordinances and amendments thereto and Chapter 14, Article IV, Condominium Developments of the Township Codified Ordinances are hereby repealed effective on **INSERT DATE.**

ARTICLE 2. DEFINITIONS

SECTION 2.01 RULES OF CONSTRUCTION

The following rules of construction shall apply:

- A. The particular shall control the general.
- B. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
- C. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.
- D. A “building” or “structure” includes any part thereof.
- E. Unless the context clearly indicates to the contrary, where a regulation involves two (2) 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.
- F. Words used in the present tense shall include the future tense; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- G. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- H. Illustrations, diagrams, and schedules herein shall have the same force and effect as written text.
- I. Terms not herein defined shall have the meaning customarily assigned to them.
- J. Days mean calendar days unless otherwise stated.
- K. A reference to a public official of the Township is to that person who performs the function referred to and may include a designee of the public official.

SECTION 2.02 GENERAL DEFINITIONS

For the purpose of this Ordinance, certain words and terms are defined as follows:

Abut: To touch, to lie immediately next to, to share a common wall or lot line.

Access: A way or means of approach to provide vehicle or pedestrian entrance to a property.

Accessory Dwelling Unit: An accessory habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

Accessory Use, Building or Structure: A use, building, or structure, whether attached or detached, which is clearly incidental to, customarily found in connection with, devoted exclusively to, subordinate to, and located on the same lot as the principal use to which it is related.

Adjoining: Touching or contiguous, as distinguished from lying near or adjacent.

Adult Day Care Facilities:

1. **Adult Day Care Family Home:** A private home in which six (6) or fewer adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours per day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an on-going basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care facility.
2. **Adult Group Day Care Home:** A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years or older, receive care for periods of less than twenty-four (24) hours per day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an on-going basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care home.
3. **Adult Day Care Center:** A facility, other than a private residence, receiving one (1) or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours per day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an on-going basis. An adult day care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

Adult Foster Care Facility: A state licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an on-going basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers,

residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et seq.; MSA 16.610(61), et seq., as amended. The following additional definitions shall apply in the application of this Ordinance:

1. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days per week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
2. **Adult Foster Care Small Group Home:** A private residence with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours per day, five (5) or more days a week, and for two (2) or more consecutive weeks.
3. **Adult Foster Care Large Group Home:** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care and protection in addition to room and board, twenty-four (24) hours per day, five (5) or more days per week, and for two (2) or more consecutive weeks.
4. **Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than twenty (20) adult to be provided with foster care.

Adult Use Business: Includes all of the following:

1. **Adult arcade** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing or specified sexual activities or specified anatomical areas.
2. **Adult bookstore or adult video store** means a commercial establishment that, as one (1) of its principal business purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:
 - a. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe specified sexual activities or specified anatomical areas; or
 - b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of the material identified in paragraphs a. and b., above, and still be categorized as an adult bookstore or adult video store. The sale of such material shall be deemed to constitute a principal business purpose of an

establishment if it comprises thirty-five percent (35%) or more of sales volume or occupies thirty-five percent (35%) or more of the floor area or visible inventory within the establishment.

3. **Adult cabaret** means a nightclub, bar restaurant, or similar commercial establishment that regularly features:
 - a. Persons, (including dancers, strippers, male or female impersonators or similar entertainers, performers, or wait staff), who appear in a state of nudity;
 - b. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
 - c. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - d. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
4. **Adult entertainment business** means adult bookstores, adult cabarets, adult novelty businesses, adult motion picture theaters, adult personal service businesses, and restricted adult businesses. See also *sexually oriented business*.
5. **Adult motel** means a hotel, motel or similar commercial establishment that:
 - a. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way that advertises the availability of any of the above;
 - b. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
6. **Adult motion picture theater** means a commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
7. **Adult novelty business** means an establishment which offers for sale devices which simulate human genitals or devices designed for sexual stimulation.
8. **Adult personal services business** means an establishment having a person or persons, while nude or while displaying specific anatomical areas, providing personal services for another person or persons, which include, but is not limited to, the following activities and services, if the person or persons providing the personal service are nude or display

specific anatomical areas: massage parlors, exotic rubs, modeling studios, tattoo parlors, body painting studios, wrestling studios, and theatrical performances.

9. **Adult theater** means a theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of specified anatomical areas or by specified sexual activities.
10. **Escort** means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
11. **Escort agency** means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one (1) of its primary business purposes for a fee, tip, or other consideration.
12. **Establishment** means a business or enterprise which utilizes any building, structure, premises, parcel, place or area.
13. **Massage parlor** means any establishment where private massage is practiced, used, or made available as a principal use of the premises.
14. **Nude model studio** means any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
15. **Nudity or a state of nudity** means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
 - a. A woman's breast feeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
 - b. Material as defined in Section 2 of Act No. 343 of the Public Acts of 1984, being MCL § 752.362.
 - c. Sexually explicit visual material as defined in Section 3 of Act No. 33 of the Public Acts of 1978, being MCL § 722.673.
16. **Public place** means any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element. A public place shall also mean an establishment, a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

17. **Restricted adult business** means any of the above defined uses, which are not customarily open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.
18. **Sexual encounter center** means a business or commercial enterprise that, as one (1) of its principal business purposes, offers for any form of consideration:
 - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - b. Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity.
19. **Sexually oriented business** means a business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; (8) nude model studio; and (9) sexual encounter center.
20. **Specified anatomical areas** are defined as:
 - a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; and
 - b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
21. **Specified sexual activities** means and includes any of the following:
 - a. The fondling or other erotic touching of human genitals, pubic region, buttocks anus, or female breasts;
 - b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - c. Masturbation, actual or simulated; or
 - d. Excretory functions as part of or in connection with any of the activities set forth in a. through c. above.

Agricultural / Commercial Tourism: A business venture on a working farm, ranch, or agricultural enterprise that offers educational and/or recreational experiences for visitors while generating supplemental income for the owner. Examples include but are not limited to u-pick operations, corn mazes, farm stands, or cider mills.

Agricultural Lands; Substantially undeveloped land devoted to the production of plants and animals useful to humans, including forage and sod crops; grains, feed crops, and field crops; dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.

Alley: Any dedicated public way affording a secondary means of access to an abutting property, and not intended for general traffic circulation.

Alteration: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building whether by increasing the height or extension or diminution; or the moving of a building from one location to another.

Ambient Noise: Regularly occurring background noise not produced by the object or device in question.

Antenna: Any device or array that transmits and/or receives electromagnetic signals for voice data or video communications purposes including, but not limited to television, AM/FM radio, microwave, cellular telephone, and similar forms of communication.

Apartment: A residential structure containing three (3) or more attached one-family dwellings.

Awning: A fixed or retractable shelter constructed of non-rigid materials on a supporting framework which projects from the exterior wall of a building.

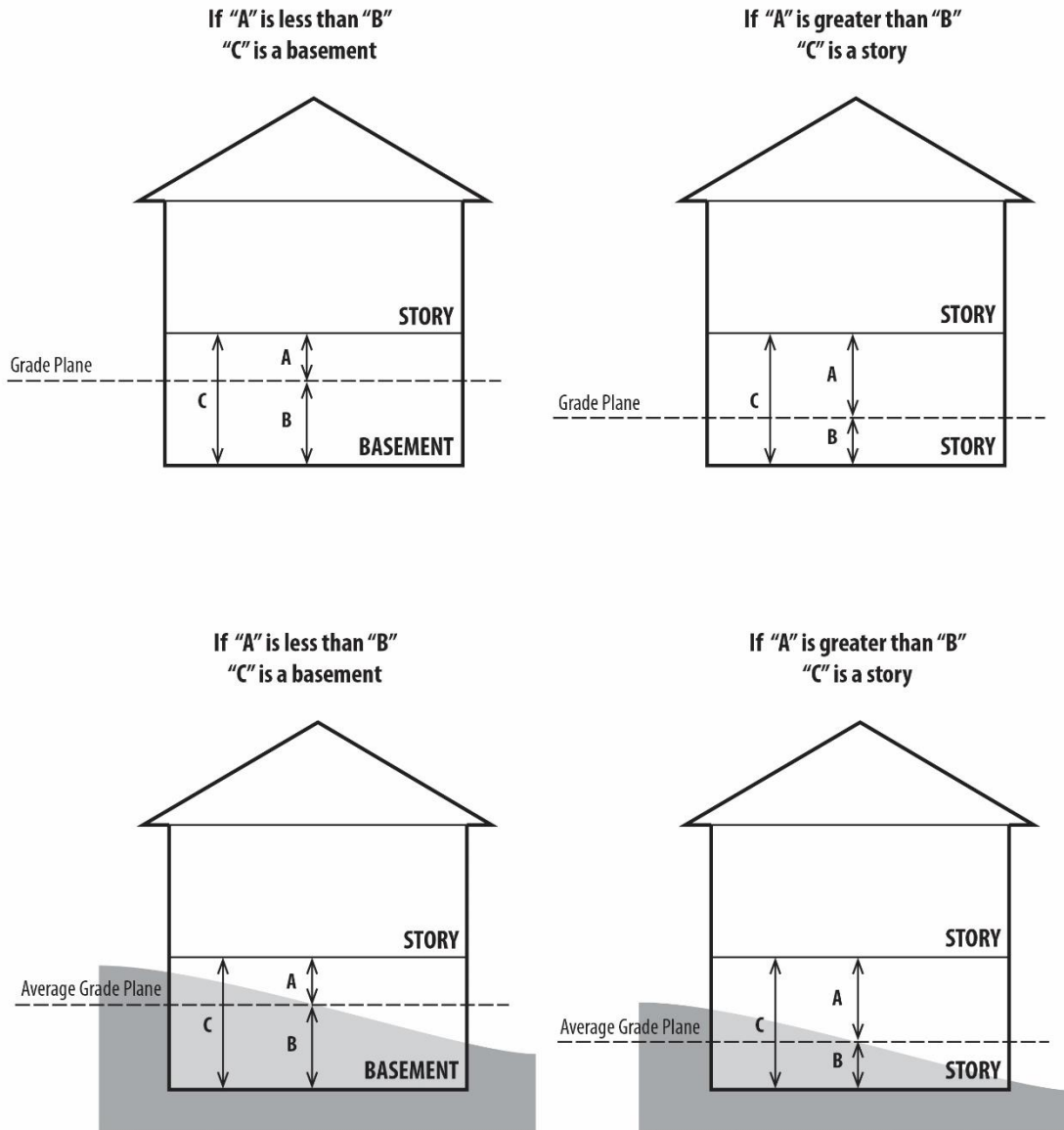
Base Density Calculation: The base density calculation is an estimated number of housing units that could reasonably be expected on a parcel or parcels if developed in a conventional manner.

Base Flood: A flood having a one percent (1%) chance of being equaled or exceeded in any given year. This type of flood is also referred to as the 100-year flood.

Basement: That portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the average grade to the ceiling is over five (5) feet, such basement shall be rated as a first story.

FIGURE 2.02 A. BASEMENT AND STORY

BASEMENT AND STORY



Basin:

1. **Detention:** A basin wherein water is stored for a relatively brief period of time, part of it being retained until the outlet can safely carry the ordinary flow plus the released water. Some basins have outlets usually without control gates and are used for flood regulation.

2. **Retention:** A basin wherein water is stored for a period of time until the outlet can safely carry the released water. Such basins have control gates which can be released at a given time. This type of basin is used for flood regulation.

Bed and Breakfast Establishment: A private, owner-occupied business in a single-family residence where overnight accommodations and a morning meal are provided to transients for compensation.

Berm: See “Landscaping”.

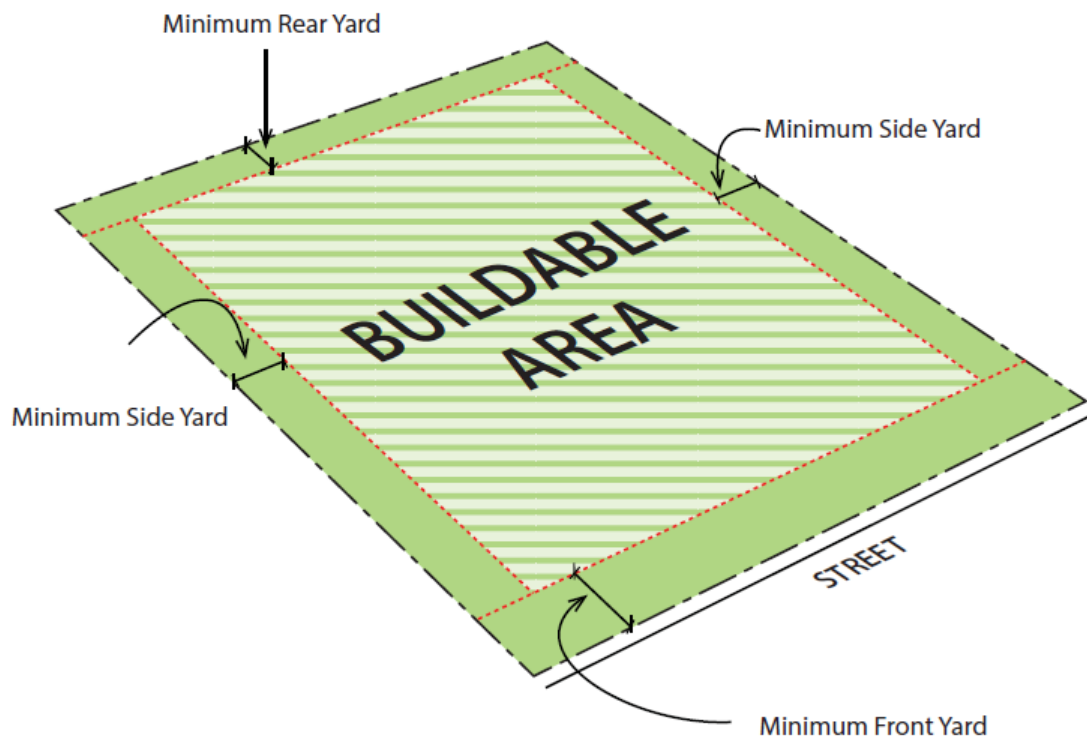
Best Management Practices: Structural and non-structural practices and techniques that mitigate the adverse impacts caused by land development on water quality and quantity.

Billboard: See Outdoor Advertising Sign.

Buffer: See “Landscaping”.

Buildable area: The buildable area of a lot or parcel is the space remaining after setback requirements of this Ordinance are complied with.

FIGURE 2.02 B. BUILDABLE AREA



Building: A structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels or property of any

kind. This shall include tents, excluding those used for personal recreational users, awnings or vehicles situated on private property and used for such purposes.

Building, Accessory: See Accessory Use, Building, or Structure.

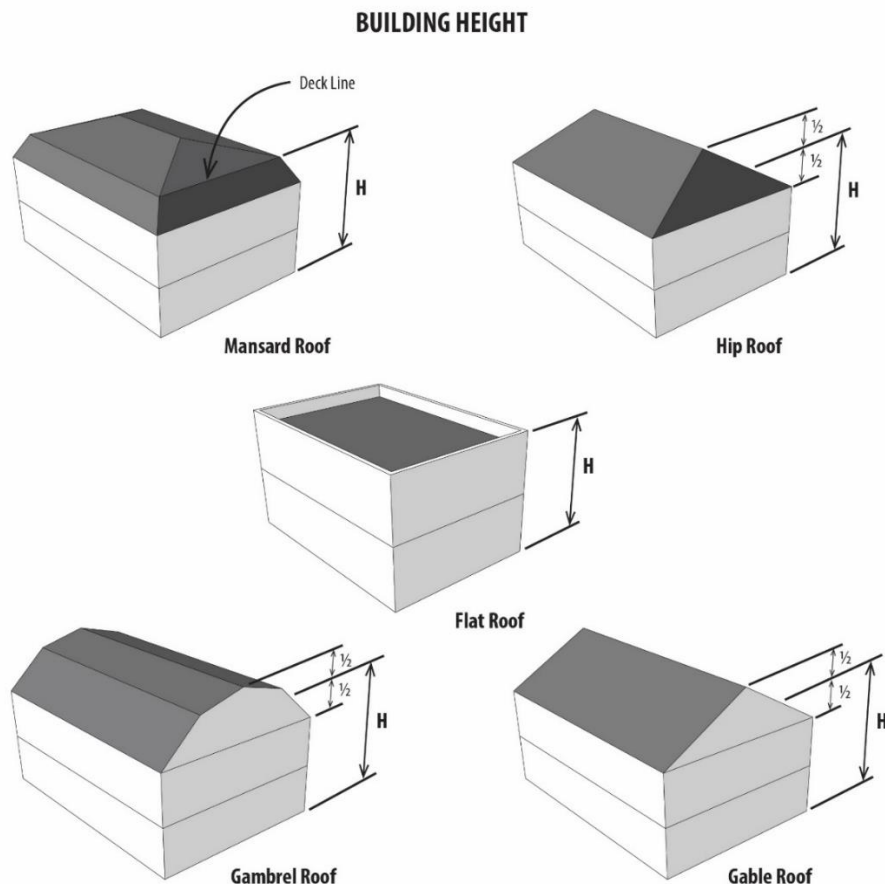
Building, Principal: A building or structure in which the primary use of the property on which the building is located is conducted.

Building, Temporary: Any structure erected on a property which is intended for limited duration.

Building Code: The currently adopted code or codes regulating building construction in Berlin Charter Township.

Building Height: The vertical distance measured from the established grade of the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

FIGURE 2.02 C. BUILDING HEIGHT



Building Official: The Township official or officials principally responsible for the review and enforcement of construction regulations.

Building Permit: A building permit is written permission issued by the Building Official for the construction, alteration, or expansion of buildings or improvements on the land in conformance with this Ordinance.

Building Setback Line: A line which defines the minimum distance (as determined by the minimum front, side, or rear yard setback) which any building shall be located from a property line, existing street right-of-way, easement line of an approved private street, proposed right-of-way line as indicated in the Township's Master Plan, or ordinary high water mark. See Figure 2.02 H, Lot Lines.

Caliper: The method by which nursery tree stock is measured. Caliper is the diameter of the trunk of a tree measured in inches at a point six (6)-inches above the ground line if caliper measurement is four (4)-inches or less; if caliper measurement is larger, the measurement is taken twelve (12)-inches above the ground.

Campgrounds: An area or an establishment intended to contain temporary or permanent buildings, tents, recreation vehicles such as motor homes or travel trailers, or other structures established or maintained as temporary living quarters usually operated during the summer for recreation purposes. The term "campground" shall not include a "seasonal mobile home park" licensed under Public Act 96 of 1987 (MCL 25.2301 et seq.).

Cellar: See Basement.

Cemetery: Property used for the interring of the dead. This may include structures and/or facilities for storing ashes of remains that have been cremated such as a mausoleum. It also may include structures for the internment of the dead in sealed crypts or compartments.

Certificate of Zoning Compliance: A document signed by the Zoning Official 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 the Zoning Ordinance.

Child Day Care Facilities: The following definitions shall apply in the construction and application of this Ordinance:

1. **Child Family Day Care Home:** A private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours per day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
2. **Child Group Day Care Home:** A private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours per day unattended by a parent or legal guardian, excepting children

related to an adult member of the family by blood, marriage, or adoptions. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.

3. **Child Care Center:** A facility, other than a private residence, receiving more than one (1) or more children for care and supervision of periods less than twenty-four (24) hours per day, and where the parents or guardians are not immediately available to the child.

Child Foster Care Facilities: Means the following:

1. **Child Foster Care Family Home:** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act No. 288 of the Public Acts of 1939, being section 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours per day, for four (4) or more days per week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
2. **Child Foster Care Group Home:** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to Chapter X of Act No. 288 of Public Acts of 1939, are provided care for twenty-four (24) hours per day, for four (4) or more days per week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Club or Lodge: An organization and its premises catering to members and their guests for social, intellectual, recreational, cultural, or athletic purposes not operated for profit.

Colocation: The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building.

Commercial Recreation Facility: A privately owned facility designed and equipped for the conduct of sports, amusement, or leisure activities, and other customary recreational activities either indoors (within an enclosed building) or outdoors (outside of an enclosed building) operated as a business and open for use by the public for a fee.

Community Supported Agriculture (CSA): A market strategy in which a farm produces farm products for the group of farm members or subscribers who pay in advance for their share of the harvest. Typically, the farm members receive their share once per week, sometimes coming to the farm to pick up their share, or farms deliver to a central point.

Condominium: A building or lot governed under Act 59, Public Acts of 1978, as amended. The following condominium terms shall apply in the application of this Ordinance.

1. **Condominium Documents:** The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

2. **Condominium Subdivision Plan:** The drawings and information prepared in accordance with Section 66 of the Condominium Act.
3. **Condominium Unit:** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
4. **Consolidating Master Deed:** The final amended master deed for a contractible or expandable condominium project or a condominium project containing convertible land or convertible space, which the final amended master deed fully describes the condominium project as completed.
5. **Contractible Condominium:** A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 7 of the Condominium Act.
6. **Expandable Condominium:** A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.
7. **General Common Elements:** A portion of the common elements reserved in the master deed for the use of all co-owners.
8. **Limited Common Elements:** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
9. **Master Deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project, the condominium subdivision plan for the project and all other information required by Section 8 of the Condominium Act.
10. **Notice of Proposed Action:** The notice required by Section 71 of the Condominium Act, to be filed with Berlin Charter Township and other agencies.
11. **Site Condominium:** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which the condominium development is located, in which each co-owner owns the exclusive right to a volume of space within which each co-owner may construct a structure or structures.

Conservation Easement: A legal agreement in which the landowner retains ownership of private property but conveys certain specifically identified rights to a land conservation organization or public body.

Construction: Any assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-ways, structures, utilities, or similar property.

dB(A): A-weighted decibels; the standards used to measure environmental noise.

D.B.H. (Diameter at Breast Height): A measurement of the diameter of a tree trunk taken on the outside bark at breast height. Breast height is defined as four and one-half (4.5) feet from the uphill side of the tree.

Deck: A structure without a roof having a foundation to hold it erect and attached to or abutting one (1) or more walls of a building or constructed separately from a building, with or without direct access to the ground. The floor of which is above finished grade and intended for use as an outdoor living area.

Dedicated Open Space: Open land that is permanently set aside by the owner for retention in a generally undeveloped state which preserves natural features, scenic or wooded conditions, agricultural uses, open space, or similar conditions.

Density: The number of dwelling units situated on or to be developed per net or gross acre of land.

Drainage:

1. Surface water run-off.
2. The removal of surface water or groundwater from land by drains, grading, or other means which include run-off controls to minimize erosion and sedimentation during construction or development. The means for preserving the water supply and the prevention or alleviation of flooding.

Drive-In: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Drive-Through: A business establishment or portion thereof where the design, method of operation, or any portion of whose business use eliminates the requirement that the customer leave the motor vehicle in which the customer is riding in order to obtain the delivery of the goods or services being offered.

Dwelling Area: The area of a dwelling unit composed of sleeping rooms, kitchen, dining room, den, studio, bathrooms, family room and living room.

Dwelling, Multiple-Family: A building, structure, or portion thereof, designed exclusively for three (3) or more families living independently of each other.

Dwelling, Single-Family: A detached building or structure designed and occupied by one (1) family.

Dwelling, Single-Family Attached: A building containing not less than three (3) nor more than six (6) single-family dwelling units erected side by side as a single building, each being separated from the adjoining unit or units by an uninterrupted wall extending from the basement floor to the roof. No more than one (1) dwelling unit may be served by a single stairway or by a single exterior door.

Dwelling, Two-Family: A building or structure designed for, or occupied by two (2) families only, with separate entrances, housekeeping, and cooking facilities.

Dwelling Unit: One (1) or more rooms with principal kitchen facilities designed as a unit for residence by only one (1) family for living and sleeping purposes.

Easement: The granting of one (1) or more property rights by a property owner to and/or for use by the public, or another person or entity.

Erect: Build, construct, alter, reconstruct, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, installation of utilities included.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings, which are necessary for the furnishing of adequate services by such utilities or municipal departments for the general health, safety, or welfare.

Excavation: Any breaking of the ground to hollow out by cutting, digging or removing soil or rock matter, except for common household gardening and general farm care.

Family: One (1) or two (2) persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two (2) persons not so related, living together in the whole or part of the dwelling unit comprising a single housekeeping unit.

Farm Market: A place or an area where transactions between a farm market operator and customers takes place. This includes roadside stands. It does not include a physical structure such as a building and is considered part of a farm operation. The products marketed for sale at a farm market must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales.

Farm Operation: The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the production, harvesting, and storage of farm products, and includes, but is not limited to:

1. Market produce at roadside stands or farm markets.
2. The generation of noise, odors, dust, fumes, and other associated conditions.
3. The operation of machinery and equipment necessary for a farm including, but not limited to: irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products, and associated inputs necessary for farm operation on the roadway as authorized by the Michigan Vehicle Code,

Act No. 300 of the Public Acts of 1949, being Section 257.1 to 257.923 of the Michigan Compiled Laws.

4. Field preparation and ground and aerial seeding and spraying.
5. The application of chemical fertilizers or organic materials, conditioners, liming, materials, or pesticides.
6. Use of alternative pest management techniques.
7. The fencing, feeding, watering, sheltering, transportation, treatment, use handling, and care of livestock.
8. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
9. The conversion from a farm operation activity to other farm operation activities.
10. The employment and use of labor.

Farm Pond: See "Pond, Farm".

Fence: An accessory structure intended for use as a barrier to property ingress or egress, a screen from an objectionable vista, noise, and/or for decorative use.

Filing Date: The date upon which any application and all required supporting documentation pursuant to this Ordinance is submitted and the required filing fee is paid.

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

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters.
2. The unusual and rapid accumulation of runoff or surface water from any source.

Flood Hazard Area: Land which, on the basis of available floodplain information, is subject to a one percent (1%) or greater chance of flooding in any given year.

Flood Insurance Rate Map (FIRM): A map of the Township prepared by the Federal Emergency Management Agency, which identifies the 100- and 500-year floodplain and other related flood information; and which is used as the official floodplain map for flood insurance purposes.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency containing flood profiles, as well as the Flood Hazard Boundary-Floodway Map and other water surface elevations of the base flood.

Floodplain: That portion of land adjacent to or connected to a water body or water course which is subject to periodic inundation in accordance with the one hundred (100)-year flood cycle as determined by the U.S. Army Corps of Engineers or other applicable federal agency.

Floodway: The channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study which shall be reserved in order to discharge the base flood. Floodway is also the same as the regulatory floodway.

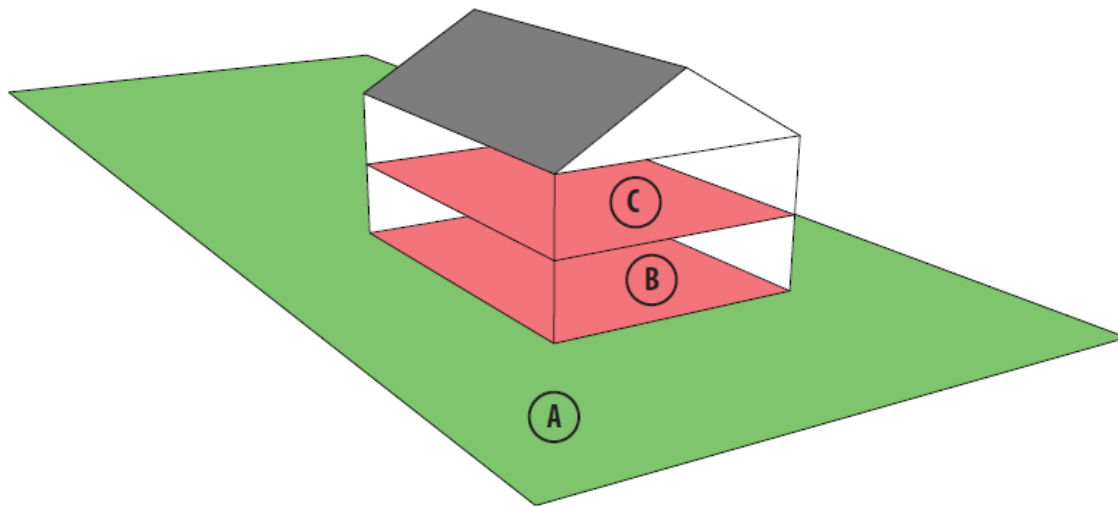
Floor Area: The sum of the gross horizontal areas of each story of the building as measured from the exterior walls; exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

Floor Area Ratio (FAR): The ratio of the floor area of a building to the area of the lot on which it is located calculated by dividing the floor area by the lot area and expressing it as a percentage. In calculating the floor area, the floor area of accessory buildings shall be included.

FIGURE 2.02 D. FLOOR AREA RATIO

FLOOR AREA RATIO

$$\text{Floor Area Ratio} = \frac{\text{Total Floor Area (B + C)}}{\text{Total Lot Area (A)}}$$

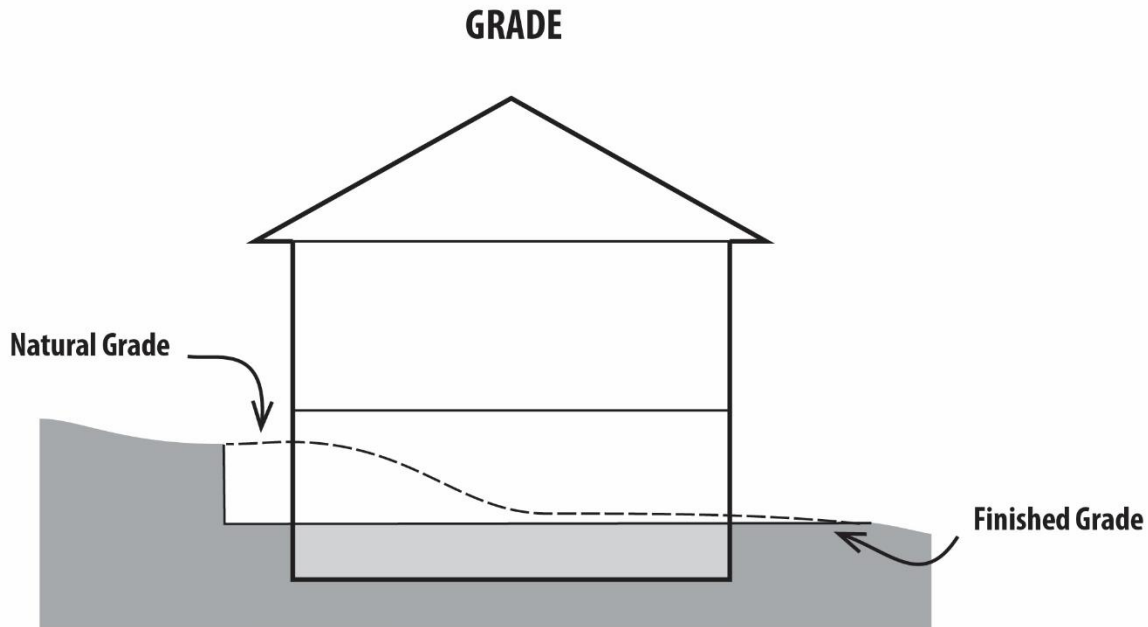


Floor Area, Usable: For the purposes of computing parking requirements, all ground and non-ground floor area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from

this computation of "usable floor area." Useable 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.

Grade: The degree of rise or descent of a sloping surface.

FIGURE 2.02 E. GRADE



Grade, Average: The arithmetic average of the lowest and highest-grade elevations in an area within five (5) feet of the foundation line of a building or structure.

Grade, Finished: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

Grade, Natural: The elevation of the ground surface in its natural state, before man-made alterations.

Greenbelt: A landscaped area which is intended to provide a transition between a public road right-of-way and an existing or proposed use.

Greenway: A contiguous or linear open space, including habitats, wildlife corridors, and trails, which link parks, nature reserves, cultural features, or historic sites with each other, for recreation and/or conservation purposes.

High Water Mark: The common, recurrent recorded highest level of a body of water including but not limited to a lake, river, stream or pond.

Home occupation: An occupation carried on by resident members of the family (no outside employees) being clearly incidental and secondary to the principal residential use provided:

1. That such home occupation shall be carried on within the dwelling or within a building accessory thereto;
2. That no article shall be sold or offered for sale on the premises, except such as produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building;
3. That there shall be no exterior storage of materials or equipment;
4. That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matter at any time; and
5. That no hazard of fire, explosion, or radioactivity shall exist at any time.

Hospital: A state licensed medical establishment whose facilities provide in-patient accommodation; a wide range of medical and surgical care; and other in-patient health services for sick, ailing or injured persons, rather than a limited scope of services provided for through special purpose hospitals; and including such related facilities as laboratories, out-patient departments, training facilities, central service, and staff offices and residences which are integral with and accessory to the principal use of the establishment.

Impervious Surface: Any surface which does not allow water to be absorbed so it may percolate into deeper ground. Such surfaces are those constructed of cement, bituminous asphalt, paving brick, composed stone or gravel, or any other surface that allows no water penetration.

Impervious Surface Ratio: The percentage covered by all building, pavement, driveways, parking lots, and all other structures (area of all structures, pavement, and parking lots divided by the gross lot area).

Industrial Park: A group of two (2) or more lots or parcels devoted to industrial, research, warehousing, or business park uses, developed according to an overall plan for the park, sharing a common public or private street system, and usually identified by a name for the park.

Kennel, Commercial: Any building, structure, enclosure, or premises where five (5) or more dogs or cats, six (6) months old or over are kept for commercial purposes, including: for sale, breeding, boarding or rendering of services for profit. For the purposes hereof, five (5) animals or more over six (6) months in age kept and maintained as a hobby kennel or for any other purpose, shall be deemed and considered a commercial kennel.

Kennel, Hobby: Any building, structure, enclosure, or other premises where four (4) or fewer dogs or cats, six (6) months in age or older, are kept, harbored or maintained, without remuneration:

1. For showing in recognized dog shows, obedience trails, or field trials.

2. For working or hunting.
3. For improving the variety or breed with a view to exhibition in shows and trials.
4. For household pets.

Laboratory: A place devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

Landscaping: The following definitions shall apply in the application of this Ordinance:

1. **Berm:** An erection of earthen material appropriately capped and planted to prevent erosion which is acceptable to the Township Engineer and Planning Commission.
2. **Buffer:** A landscaped area composed of living materials, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.
3. **Conflicting Non-Residential Land Use:** Any non-residential use, including, but not limited to office, commercial, industrial, research, parking, or public road right-of-way land use which abuts a residential land use.
4. **Conflicting Residential Land Use:** Any residential land use developed at a higher density which abuts a residential land use developed at a lower density.
5. **Opacity:** The state of being impervious to sight.
6. **Plant Material:** A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines, and ground cover.
7. **Screen:** A structure providing enclosure, including, but not limited to, a fence, and/or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials including but limited to trees and shrubs.

Livestock: Animals including, but not limited to, horses, cattle, sheep, goats, swine, poultry, and rabbits.

Livestock Production Facility: All facilities where livestock are kept with a capacity of fifty (50) animal units or greater and/or the associated manure facilities. Sites such as loafing areas, confinement areas, or feed-lots which have livestock densities that preclude prominence of desirable forage species are considered part of a livestock production facility. This does not include pastureland.

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

Lodging Facility: A facility such as a motel or hotel, which provides living and sleeping accommodations for transient occupancy for a fee. The following additional definitions shall apply:

1. **Hotel:** A series of attached, semi-detached, or detached rental units which provide lodging on a temporary basis and are offered to the public for compensation.
2. **Motel:** An establishment providing sleeping accommodations for compensation with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Lot: A parcel of land, excluding the portion in a street or other right-of-way, of at least sufficient size to meet minimum requirements for lot area, and to provide such yards and other open spaces as herein required. In no case of division or combination shall any lot or parcel created, including residuals, be less than that required by this Ordinance. Such lots shall have frontage on a public street, or on an approved private road

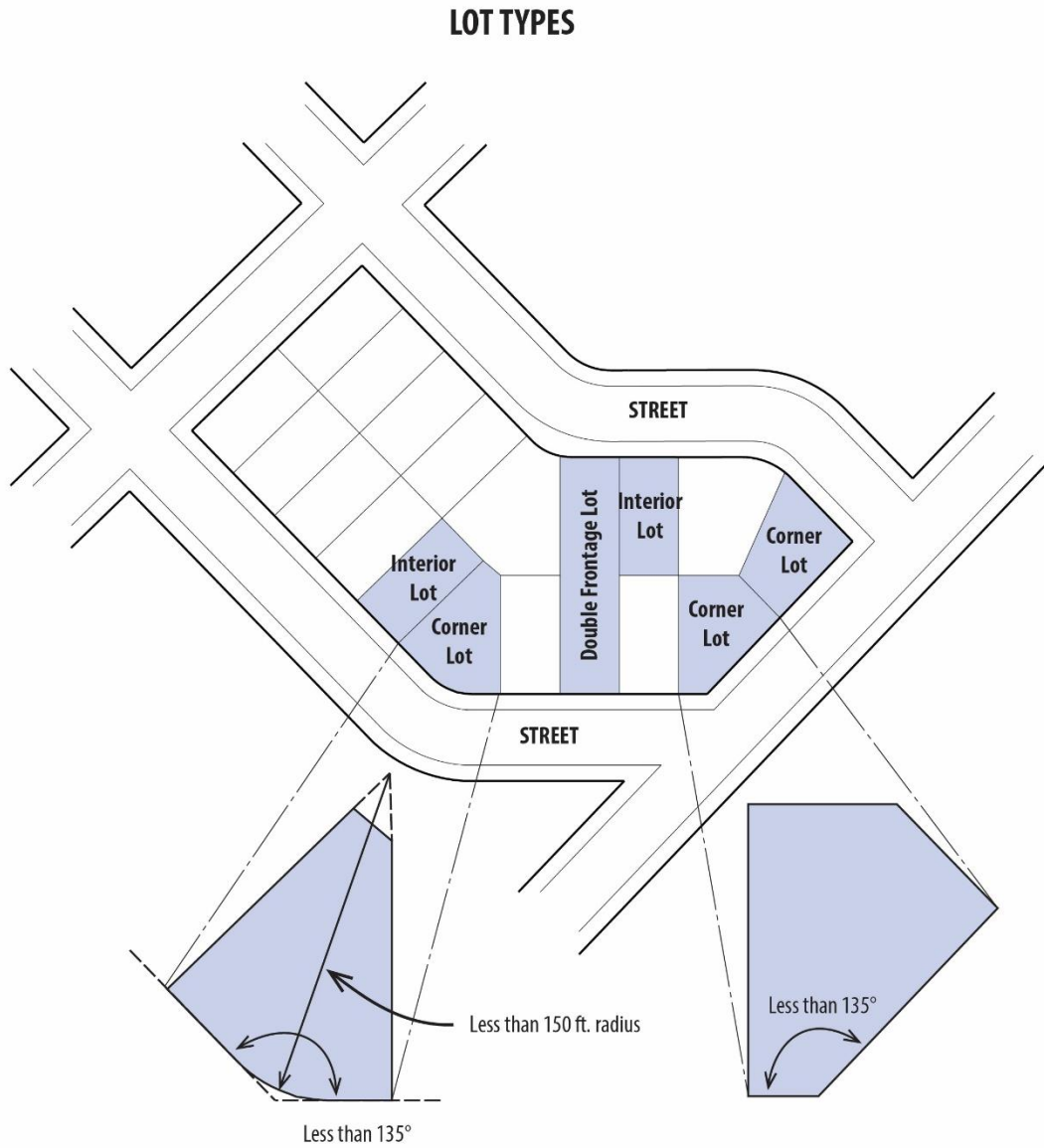
Lot Area: The total area within the lot lines of a lot, excluding any road right-of-way, a street drive or easement shall not be included in measuring minimum lot area necessary to meet district regulations.

Lot, Corner: A lot located at the intersection of two (2) or more streets.

Lot, Double Frontage (also called Through): An interior lot having frontage on two (2) more or less parallel streets. All sides of such lot adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Lot, Interior: Any lot other than a corner lot with only one (1) lot line fronting on a street.

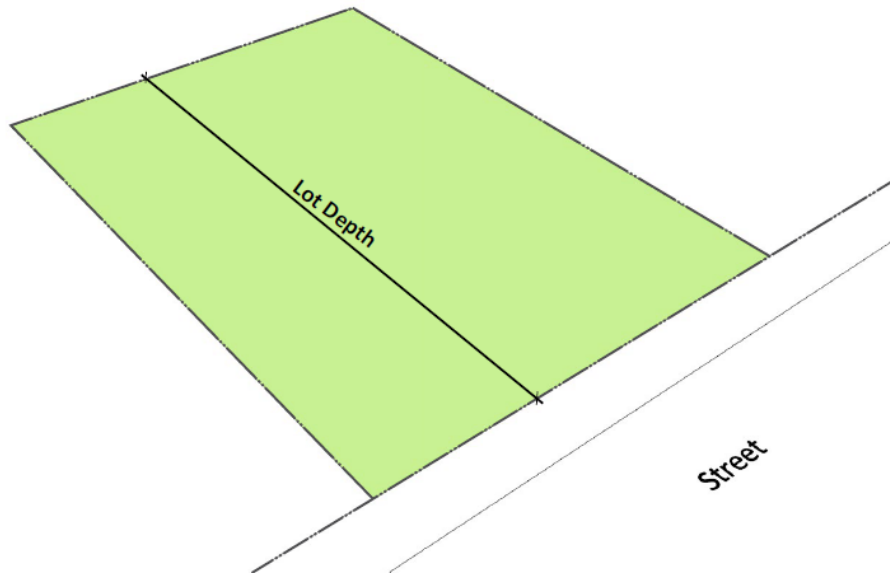
FIGURE 2.02 F. LOT TYPES



Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings.

Lot Depth: The horizontal distance between the front street line to the rear lot lines.

FIGURE 2.02 G. LOT DEPTH

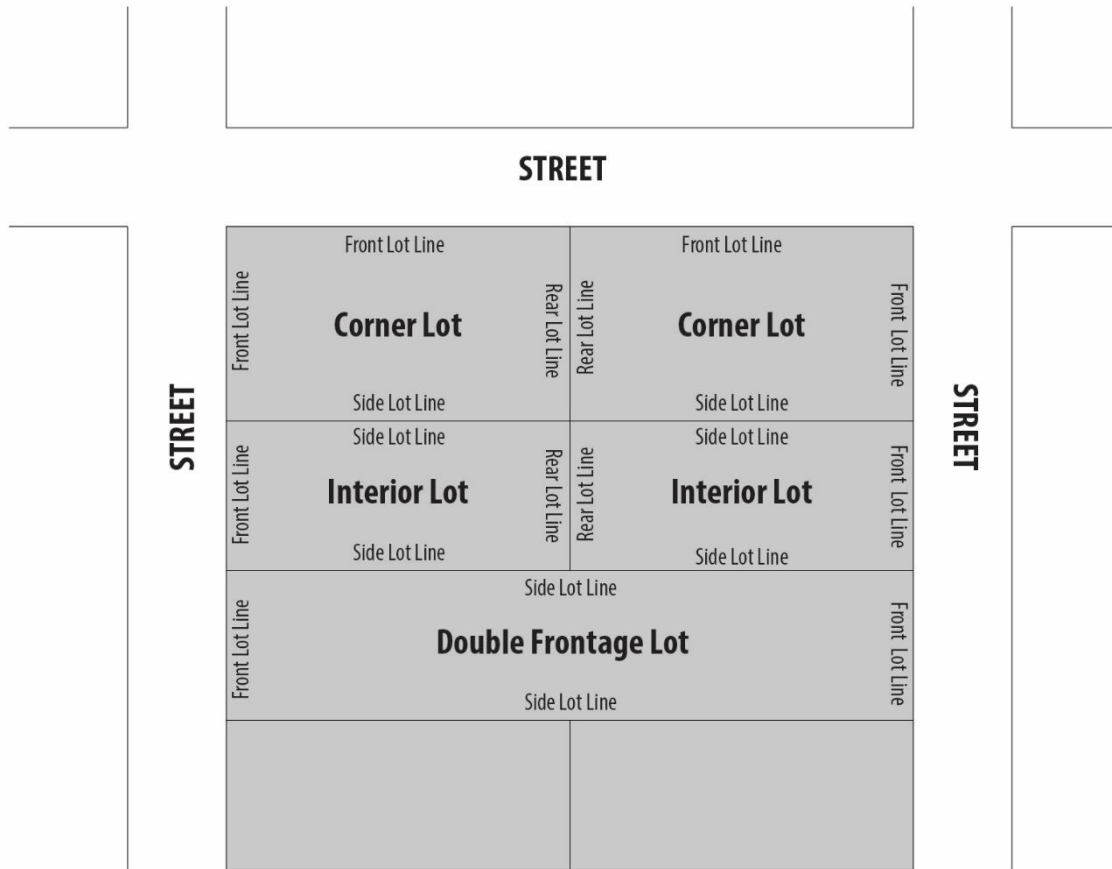


Lot Frontage: The length of the front lot line.

Lot Lines: The lines bounding a lot or parcel as defined herein:

1. **Front lot line:** The line(s) separating the lot from any street right-of-way, private road, or other access easement.
2. **Rear lot line:** Ordinarily, the lot line opposite and most distant from the front lot line. In the case of an irregular, triangular or gore-shaped lot, a line ten (10) feet within the lot parallel to the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of the rear yard.
3. **Side lot line:** Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a front lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

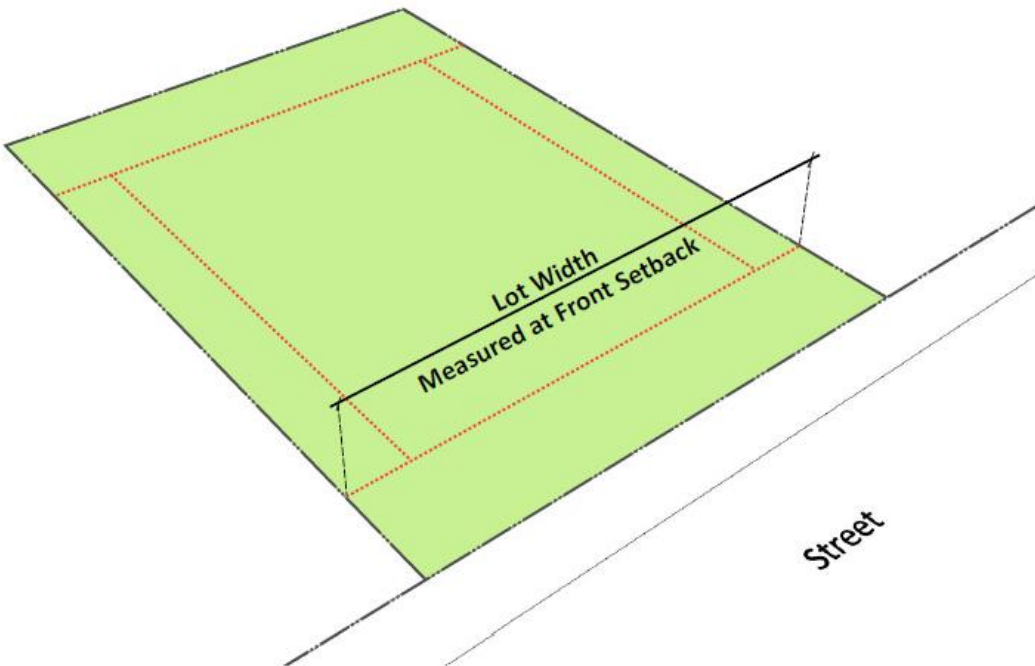
FIGURE 2.02 H. LOT LINES



Lot of Record: A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the Office of the Register of Deeds of Monroe County, or a tract of land described by metes and bounds which is subject of a deed or land contract which has been recorded in said office which existed prior to the effective date of this Ordinance or amendments thereto.

Lot Width: The horizontal, straight line distance between the side lot lines. measured at the required front setback.

FIGURE 2.02 I. LOT WIDTH



Low Water Mark: The minimum recorded level of water for a body of water including but not limited to a lake, river, stream or pond.

Manufactured Home: A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a single-family 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. A manufactured home does not include a recreational vehicle.

Manufactured Housing Community: Any parcel or tract of land under the control of any person or entity, upon which three (3) or more manufactured homes are located on a continual or non-recreational basis, or 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 manufactured home and which is not intended for use as a temporary trailer park.

Manufactured Home Site: Means a parcel of ground within a manufactured housing community designed for accommodating one (1) manufactured home single dwelling unit and meeting the requirements of this chapter for a manufactured home site.

Manufacturing: The process of making products by hand, by machinery, or by other agency, often with the provision of labor and the use of machinery.

Master Plan: A document containing the future development policies and map for Berlin Charter Township, together with supporting documentation, as most recently adopted or amended by the

Berlin Charter Township Planning Commission pursuant to the Michigan Planning Enabling Act, 2008 PA 33 (MCL125.3801 et seq.), as amended.

Medical Clinic: Facilities for medical, dental, or psychiatric diagnosis and treatment, exclusive of major surgical procedures, for sick, ailing, and injured persons who are not kept overnight on the premises.

Mezzanine: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

Mixed Use Development: Development of a tract of land, building, or structure with a variety of complementary and integrated uses as permitted by the applicable zoning district.

Mobile Home Commission Act: Refers to Act No. 419 of the Public Acts of Michigan of 1976 (MCL 125.2301 et seq.), and subsequent revisions.

Non-Conforming Building or Structure: A building, structure or portion thereof, lawfully constructed that no longer conforms to the requirements of the district in which it is located.

Non-Conforming Lot: A lot existing at the effective date of this Ordinance of record which does not meet the minimum dimensional requirements of the district in which the lot is located.

Non-Conforming Use: A use, which lawfully existed prior to the effective date of this Ordinance or amendments thereto, that does not conform to the use regulations of the district in which it is located.

Occupied: The use of any structure, parcel, or property for human endeavor, but not including the preparation of any structure of land for occupancy.

Off-Street Parking Area: A land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of three (3) or more automobiles.

Opacity: See "Landscaping".

Open Air Business: Sales and/or display of retail merchandise or services outside of a permanent structure.

Open Space: Any parcel or area of land including wetland that is unimproved and set aside, dedicated, designated, or reserved for preservation purposes, and/or public or private use or enjoyment. Such land does not include a golf course or required setbacks for individual parcels, but may include recreational trails, picnic areas, children's play areas, greenways, buffer and greenbelt areas, linear parks. Stormwater detention or retention ponds and facilities meeting low impact design criteria of the Monroe County Drain Commissioner's Office and constructed using native vegetation may be considered as open space. Land may be, but is not required to be, dedicated to the public.

Outdoor Storage: A land area occupied and used for outdoor storage of building materials, sand, gravel, stone, lumber, equipment, and other supplies.

Parallel plan: See Base Density Calculation.

Parcel: A piece or tract of land.

Parks: An area reserved for, and designed principally to offer recreation, passive or active, which may be open to the public or privately owned. This area may include, but shall not be limited to, open fields, accessory buildings, walkways, benches, multi-use courts, swimming and wading pools, amphitheaters, etc.

Parking Space: One (1) unit of a parking area provided for the parking of one (1) vehicle.

Performance Standards: Criteria established to control smoke and particulate matter, noise, odor, toxic or noxious matter, vibration, fire and explosion hazards, glare or heat, or radiation hazards generated by or inherent in uses of land or buildings.

Permitted Use: A use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

Personal Service Establishment: A business where personal services are provided for profit and where the sale of goods is only accessory to the provisions of such services, including, but not limited to the following: barber shops, beauty shops, tailor shops, laundry or dry cleaning shops, and shoe repair shops.

Photovoltaic Device: A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.

Places of Assembly: Unless otherwise identified and defined by this Ordinance, “places of assembly” means any building, structure and/or grounds where groups meet or assemble. Places of assembly shall include, but are not limited to: auditoriums, stadiums, sports, arenas, fine and performing art venues, and other similar facilities.

Places of Worship: A structure used for or intended for the regular assembly of persons for the conducting of religious services and accessory uses therewith.

Planned Unit Development (PUD): A form of land development comprehensively planned as an entity via a unitary site plan which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such a development may contain a mix of housing types and non-residential uses.

Planning Commission: The Berlin Charter Township Planning Commission as created under Public Act 33 of 2008, as amended.

Plant Material: See “Landscaping”.

Plat: A map of a subdivision of land showing location, boundaries, and ownership of individual properties as required by the State of Michigan Land Division Act and the Township Subdivision Control Ordinance.

Pond: Any excavation, the altering of a watercourse by damming or excavation, or combination thereof, for the purpose of creating thereby a body of water greater than fifty (50) square feet in area or greater than twenty-four (24) inches in depth, except for detention or retention basins.

Pond, Farm: A pond designed to provide water to an established irrigation system with associated pumps, pipes, and sprinklers, including a design (i.e. well or aquifer) for replenishing the pond water pursuant to an established bona fide farm operation as a permitted use in an agricultural district. A farm pond is considered an accessory use to the growing of farm crops and produce or for the watering of livestock.

Pond, Landscape: Landscape ponds or water gardens are a type of man-made water feature two hundred (200) square feet or less in area and twenty-four (24) inches deep or less.

Portable Storage Units: A portable, weather-resistant receptacle designed and used for the temporary storage or shipment of household goods, wares, building materials, or merchandise.

Practical Difficulties: See "variance".

Premises: All portions of contiguous land in the same ownership that are not divided by any public highway, street, or alley, and upon which is located a residence or place of business.

Principal Building or Structure: The main building or structure in which the primary use is conducted.

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

Private Road: An area of land which is privately owned and which provides vehicular access, has not been dedicated to public use other than access by emergency and public safety vehicles, is maintained by its private owners, and vehicular access to more than one (1) lot, unless otherwise specified herein.

Public Service: Facilities including such uses and services as: voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses including essential services.

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

Recreational Vehicle: A vehicle or boat originally designed for living quarters, recreation, or human habitation, and not used as a commercial vehicle, including, but not limited to, the following:

1. **Boat:** Any vessel used for water travel. A boat mounted on a trailer shall be considered one (1) vehicle.
2. **Camper Trailer:** A vehicle without its own motor power, designed as temporary living quarters for travel, camping, recreation, or vacation use.
3. **Motorhome:** A motor vehicle designed and constructed to provide living quarters for travel, camping, recreational, or vacation uses.
4. **Off-Road Vehicle:** A vehicle intended primarily for recreational use off road on which state vehicle licenses are required, including dune buggies, go-carts, or snowmobiles.
5. **Racing Car or Cycle:** A vehicle such as a race car, stock car, or racing cycle that is intended to be used in racing competition.
6. **Vehicle Trailer:** A vehicle without its own motor power that is designed to transport another vehicle, such as a boat, motorcycle, or snowmobile for recreation or vacation use and that is eligible to be licensed or registered and insured for highway use. A vehicle trailer with another vehicle mounted on it shall be considered one (1) vehicle.

Restaurant: An establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, sit-down restaurant, or bar/lounge, or combination thereof, as defined below:

1. **Restaurant, Carry-Out:** A carry-out restaurant is a restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off of the premises.
2. **Restaurant, Drive-In / Drive-Through:** A drive-in/drive-through restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside of the main building.
3. **Restaurant, Fast Food:** A fast food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside or outside of the structure, or for consumption off the premises, but not in a motor vehicle at the site.
4. **Restaurant, Sit Down:** A standard restaurant whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or the prepared food is acquired by customers at a cafeteria line, and is subsequently consumed by the customers at tables within a completely enclosed building.

5. **Bar / Lounge:** A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Research and Development Facilities: A structure or group of structures used primarily for applied and developmental research, where product testing is an integral part of the operation and goods or products may be manufactured as necessary for testing, evaluation, and test marketing.

Retail, General: Any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

Right-of-Way: A street, alley, or other thoroughfare, or an easement permanently established or dedicated for passage of persons or vehicles.

Roadside Stands or Markets: A temporary structure which is used seasonally for the sale of produce which is grown on the premises. See Farm Operation.

Salvage Operation: A place, structure, parcel or use of land where junk, waste, discard, salvage, or similar materials such as metals, wood lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking, and structural steel materials and equipment and including establishments for the sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) day period.

School: A building operated and maintained for educational purposes and such other community uses as deemed necessary and desirable. The term "school" shall include all educational functions, the building or structure required to house them, and all accessory uses normally incidental to a school, including, but not restricted to, athletic fields, field houses, gymnasiums, parking lots, greenhouses, playgrounds, stadiums, and open space.

Screening: See "Landscaping".

Self-Storage Facility: A building or group of buildings, each of which consists of several individual storage units, each with a separate door and lock, and which can be leased on an individual basis. Such facilities are typically, but not necessarily, contained within a fenced, controlled access compound.

Senior Housing: A building or group of buildings containing dwellings intended to be occupied by older persons as defined by the Fair Housing Act. Senior housing may include independent and/or assisted living arrangement but shall not include convalescent homes or homes for the aged regulated by the State. The following additional definitions shall apply in the application of this Ordinance:

1. **Assisted Living for the Elderly:** Housing that provides twenty-four (24) hour supervision and is designed and operated for elderly people who require some level of support for daily living. Residents may receive support services for daily living based on individual needs. Such support shall include daily personal care, meals, transportation, security, and housekeeping. Individual dwellings may contain kitchen units.
2. **Independent Living for the Elderly:** Housing that is designed and operated for elderly people in good health who desire and are capable of maintaining independent households, and do not require assistance to meet daily needs. Such housing may provide certain services such as meals, linkage to health care, transportation, security, housekeeping, and recreational and social activities. Project sites shall be designed to accommodate an active and mobile resident population. Individual dwellings are designed to promote independent living and shall contain kitchen facilities.

Setback: The distance between front, side or rear lot lines and the principal and accessory buildings, as required herein.

Sign: Any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, work, model, banner, emblem, insignia, device, code, mark or other representation used as or in the nature of, an announcement, advertisement, direction, or designation, of any person, firm, organizations, place, commodity service, business, profession, or industry, or any backlit building area, which is located upon any land or in or on any building in such a manner as to attract attention from outside the premises.

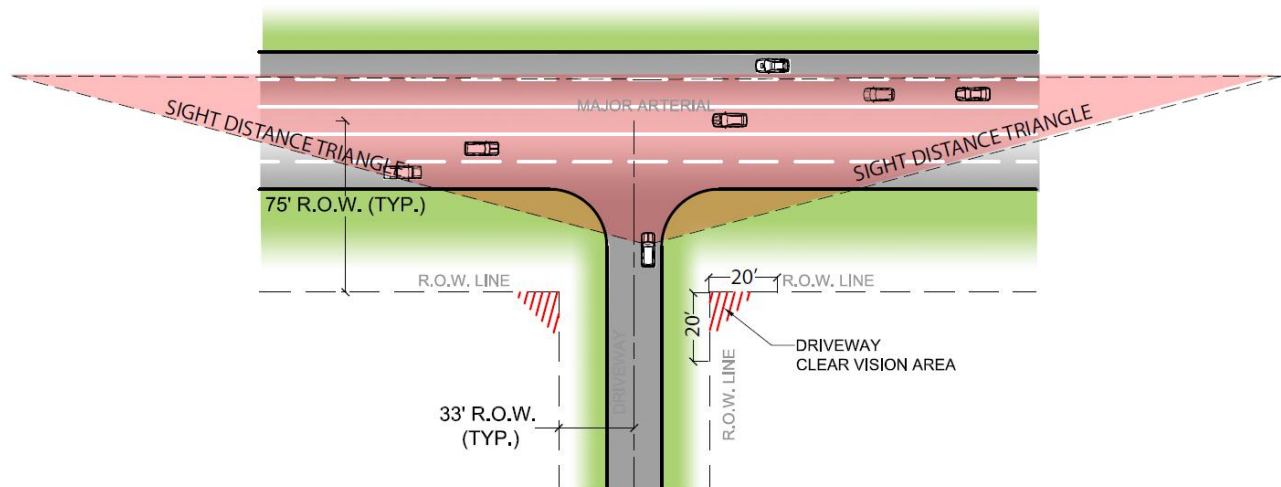
1. **Abandoned Sign:** Any sign which no longer advertises or identifies a business, lessor, owner, or activity conducted upon, or product available on, the premises where such sign is displayed for a period of six (6) months.
2. **Awning Sign:** A sign affixed flat against the surface of an awning or inscribed on an awning.
3. **Billboard:** See Outdoor Advertising Sign.
4. **Business Flag:** A flag displaying a corporate emblem or seal.
5. **Canopy or Marquee Sign:** Any sign attached to, or constructed within or on, a canopy or marquee.
6. **Changeable Message Board:** The portion of a sign on which copy is changed manually.
7. **Conforming Sign:** Any sign at that is allowed under Article 13.
8. **Drive-Through Board:** A sign located within ten (10) feet of either side of a drive-through lane.

9. **Electronic Message Sign (LED):** A sign with a fixed or changing message composed of a series of lights or light-emitting diodes (LED) that may be changed through electronic means.
10. **Flags:** Fabric, canvas or other similar material that is mounted to a pole or a building at one or more edges.
11. **Freestanding Sign:** A sign supported by a structure independent of any other structure.
12. **Gas Station Canopy Sign:** A sign located at a gas station attached directly to the elevated canopy that covers pump islands.
13. **Height of Sign:** The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.
14. **Identification Sign:** A sign which carries only the name of the firm, the major enterprise, or principal product or service offered for sale on the premises or a combination of these things only to identify location of said premises and not to advertise.
15. **Incidental Sign.** A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of operation, no smoking signs, signs used to designate restroom facilities, and barrier-free accessibility.
16. **Non-Conforming Sign:** Any sign that was lawfully permitted at the time it was erected but is not permitted under current ordinance.
17. **Off-Site Sign (Off-Premises Sign):** A sign other than an on-site sign.
18. **On-Site Sign (On-Premises Sign):** A sign which advertises or identifies only goods, services, facilities, events, or attractions on the premises where located.
19. **Outdoor Advertising Sign:** A sign, including billboards, on which the written or pictorial information is intended to advertise a use, product, service, goods, event, or facility located on other premises, and which is intended primarily for advertising purposes.
20. **Portable Sign:** Any sign not permanently attached to the ground or a building.
21. **Roof Sign:** Any sign that extends above the top of the façade or eave line and is exclusively mounted to the roof of the building or is incorporated into the material which attached to a building's roof.
22. **Temporary Banner:** A sign of lightweight fabric or similar material that is temporarily mounted or attached to pole or a building.
23. **Temporary Event Sign:** A temporary or portable sign concerning a special event.
24. **Temporary Sign:** A sign that is intended to be displayed for a limited period of time.

25. **Wall Sign.** A sign attached to or erected against the wall of the building with the face in a plane parallel to the plane of the building wall.
26. **Window Sign:** A sign installed on, or in, a window for the purpose of viewing from outside the premises. This term does not include merchandise located in a window.

Sight Distance: The length of roadway visible to the driver. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway.

FIGURE 2.02 J. SIGHT DISTANCE



Solar Array: Any number of photovoltaic devices connected together to provide a single output of electric energy or other energy.

Solar Energy Collector: A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal or chemical energy for the purpose of generating electric power or other form of generated energy for use in or associated with the principal land use on the parcel of the land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.

1. **Building-Mounted Solar Energy Collector:** A solar energy collector attached to the roof or wall of a building or which serves as the roof, wall, or window or other element, in whole or in part, of a building.
2. **Ground-Mounted Solar Energy Collector:** A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.
3. **Commercial Solar Energy System:** A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight,

whether by photovoltaic devices or other conversion technology, for the sale, delivery or consumption of the generated energy with a capacity greater than one megawatt (MW).

Special Land Use: A use of land which is permitted within a particular zoning district only if the applicable standards have been met. A special land use requires that a special land use permit be obtained by the Planning Commission.

Storage Container: A steel enclosure without wheels that is greater than two hundred (200) square feet in area designed for shipment, storage and handling. The container is typically used for the storage of, but not limited to, merchandise, fixtures, building materials, lay-away, and used articles.

Story: That part of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above, the open space between the floor and the ceiling next above it. (See Figure 2.02 A. Basement and Story).

Street: A public or private thoroughfare which affords the principal means of access to an abutting property.

Structure: Anything constructed, erected, or placed with a permanent location on the ground or affixed to something having a permanent location on the surface of the ground.

Substantial Construction: Work of a substantial character done by way of preparing the site for actual use, which includes obtaining all necessary approvals and building permits, and actual physical placement of building materials in their permanent position. Clearing trees, ground, and other preparatory work does not constitute substantial construction.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or, if the structure has been damaged or is being restored, before the damage occurred. For the purpose of this definition, such term does not include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are necessary solely for the reason of assuring safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Temporary Building or Use: A use of a structure or premises permitted to exist for a specific and limited time during construction or reconstruction of another building or use or for special events.

Township Board: The Charter Township of Berlin Board.

Trade Contractor: A building or portions thereof where building and construction trade services are provided to the public. "Trade Contractor" shall include, but will not be limited to: contractor offices, including landscaper's showrooms, construction supplies and storage, including: plumbing, heating, air conditioning, and building equipment and materials, and other uses similar in nature and impact.

Truck Terminal: A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or resources, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.

Undeveloped State: The 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 public.

Use: The lawful purpose for which land, premises, a structure, or a building thereon is designed, arranged, intended, or for which is occupied, maintained, let, or leased for a use or activity.

Variance: A relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in a practical difficulty. Variances are authorized by the Zoning Board of Appeals under the provisions of this Ordinance and the Michigan Zoning Enabling Act.

Vehicle: Unless specifically stated otherwise, a motorized vehicle intended to be driven on roads or trails, such as cars, pickup trucks, vans, and motorcycles, and other vehicles defined as motor vehicles by the Michigan Vehicle Code.

Vehicle Equipment / Storage Yards: Any operation or business activity in which the principal use of the storage of inoperative, wrecked, unlicensed, and/or repossessed vehicles, abandoned vehicles, and/or vehicles to be sold. Such operation or business shall not include salvage activities.

Vehicle Filling / Multi-Use Station: A building or premises used primarily for the dispensing, sale, or offering for sale of fuels directly to users of motor vehicles; together with the sale of minor accessories and services for motor vehicles such as filling tires with air, checking fluid levels, adding water to radiators, and similar activities; as well as selling convenience foods and other such items through a convenience store.

Vehicle Repair Facility, Major: A facility which offers engine overhauling or rebuilding, valve and piston repair, transmission repair, axle and universal joint repair, body repair, painting, refinishing, and exterior detailing.

Vehicle Repair Facility, Minor: A facility which offers oil change, engine tune-ups, electrical systems, suspension systems, brakes, exhaust systems, cooling systems, and heating and air conditioning systems repair, rust-proofing, tire replacement, wheel balancing and alignment and diagnostic services.

Vehicle Wash: A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means or detailing of interior.

Warehouse: A building or structure used principally for the storage of goods and merchandise.

Wind Energy conversion System (WECS): Any device such as a turbine, windmill, or charger that converts wind energy to a usable form of energy.

1. **On-Site Wind Energy Conversion System:** A WECS which is used only by the primary residence or residences in a cooperative effort, business or agricultural operation and not sold or transferred to the electrical grid for commercial profit.
2. **Commercial Wind Energy Conversion System:** Any WECS that is designed and built to provide electricity to the electric utility's power grid as an on-going commercial enterprise or for commercial profit.

Wireless Communications Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone exchanges, microwave relay facilities, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities; short wave receiving facilities; amateur (ham) radio facilities; satellite dishes; and, governmental facilities for which state or federal law or regulations preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

1. **Attached Wireless Communications Facilities:** Any wireless communication facility affixed to an existing structure, including, but not limited to a building, tower, water tank, utility pole, or other feature utilized to receive and transmit federally or state licensed communication services via duly licensed segments of the radio frequency spectrum. The definition shall not include support structures.
2. **Colocation:** The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.
3. **Wireless Communication Support Structures:** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles, and guyed towers, or other structures which appear to be something other than a mere support structure.

Yard: The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance, and as defined herein:

1. **Yard, Front:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the foundation or building wall of the main building, whichever is closest. There shall be maintained a front yard on each street side of a corner lot or through lot.

2. **Yard, Rear:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the foundation or building wall of the main building, whichever is closest. In the case of a corner lot, there shall only be one (1) rear yard which shall be determined by the Zoning Official.

3. **Yard, Side:** An open space between a main 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 to the side lot line to the nearest point of the foundation or building wall of the main building, whichever is closest.

FIGURE 2.02 K. YARDS, CORNER LOT LAYOUT

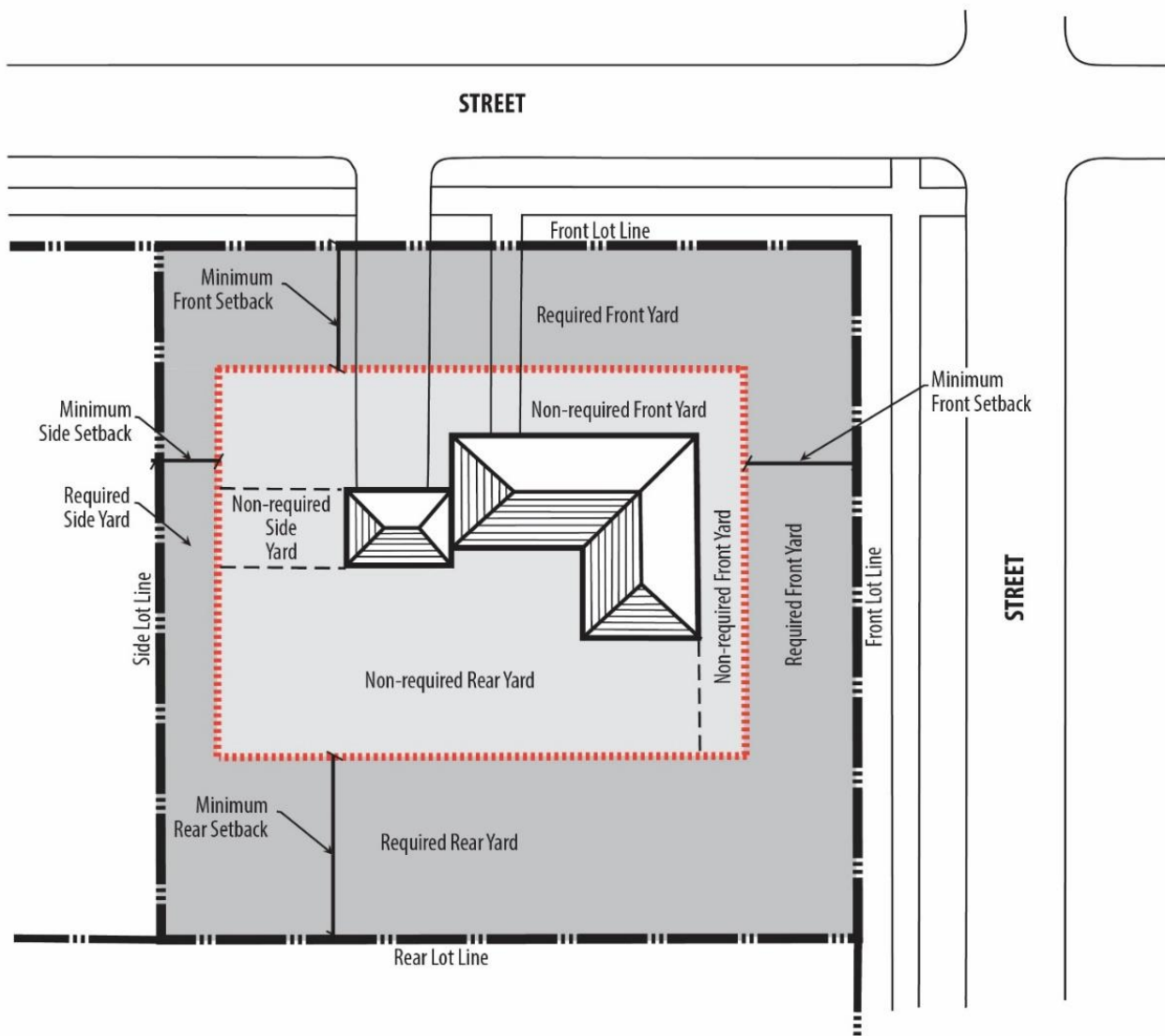
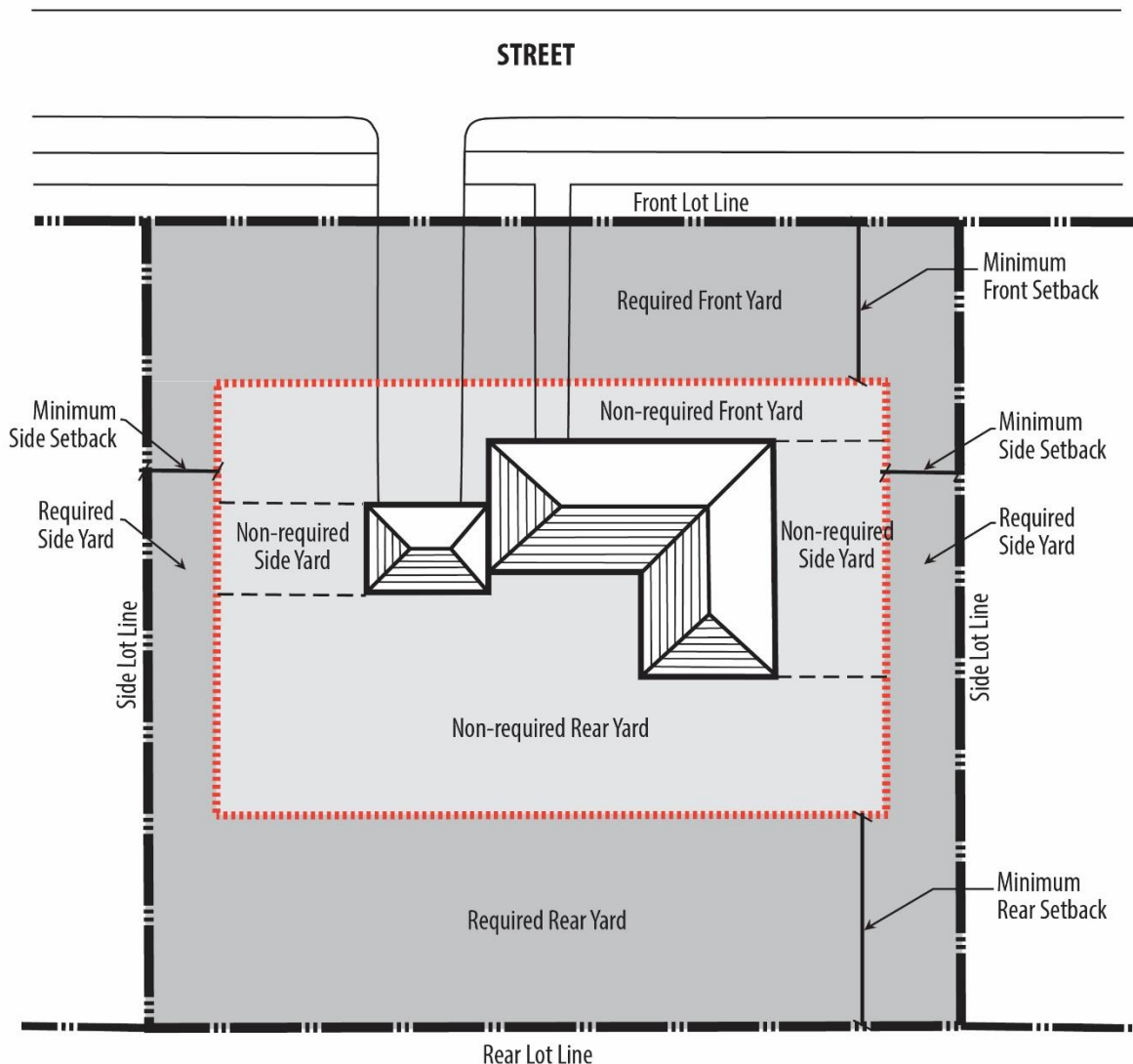


FIGURE 2.02 L. YARDS, INTERIOR LOT LAYOUT



Zoning Board of Appeals: The Zoning Board of Appeals of Berlin Charter Township.

Zoning 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.

Zoning Enabling Act: The Michigan Zoning Enabling Act, Act 110 of the Public Acts of Michigan of 2006, as amended.

SECTION 2.03 UNDEFINED TERMS

Any term not defined herein shall have the meaning of common or standard use.

ARTICLE 3. ADMINISTRATION AND ENFORCEMENT

SECTION 3.01 PURPOSE

It is the purpose of this Article to provide the procedures for the administration of the Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators, and enforcement of the provisions of this Ordinance and amendments thereto.

SECTION 3.02 ZONING OFFICIAL/BUILDING OFFICIAL

The Zoning Ordinance shall be administered and enforced by the Zoning Official who shall be appointed by the Township Board. The Township Board shall also appoint a Building Official who shall be authorized to review and approve building permits and certificates of occupancy. The terms "Building Official" and "Zoning Official" shall not be interchangeable for the purposes of this Ordinance. However, the Township Board may appoint a single person or multiple people to fill both roles.

SECTION 3.03 DUTIES

- A. **Zoning Official.** The Zoning Official, or authorized designees, shall have the following duties and powers:
1. Interpret, administer, and enforce all provisions of this Ordinance and shall issue all necessary notices or orders to ensure compliance with said provisions, except as otherwise provided elsewhere in this Ordinance.
 2. Review for completeness all applications for site plan review and special land uses which the Planning Commission is required to decide under this Ordinance and refer such applications to the Planning Commission for determination.
 3. Review for completeness all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
 4. Review for completeness all applications for amendments to this Ordinance and refer such applications to the Planning Commission and Township Board for determination.
 5. Receive applications for and issue certificates of zoning compliance in accordance with this Ordinance and shall authorize issuance of certificates of occupancy by the Building Official as required herein.
 6. Make periodic site inspections to determine Ordinance compliance, and answer complaints on Zoning Ordinance violations. The Zoning Official may engage other expert opinion to assist in making such inspections, subject to approval of the Township Board.

7. Identify and process violations of this Ordinance. The Zoning Official shall be responsible for making inspections of the Township, or parts thereof, for the purpose of identifying violations of this Ordinance.
8. Keep official records of applications received, certificates issued, fees collected, reports of inspections, and notices and orders issued.

Under no circumstances is the Zoning Official permitted to grant exceptions to the meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter, or use any building, structure or land within the Township.

B. Building Official. The Building Official, or authorized designees, shall have the following duties and powers:

1. Review for completeness all applications for building permits.
2. Monitor and inspect projects in accordance with the Building Code adopted by Berlin Charter Township.
3. Make periodic site inspections to determine compliance with Building Code.
4. Maintain communication and coordination with the Township Supervisor, Township Board, applicable commissions, other agencies, and the public.
5. Prepare written reports and recommendations; communicates related information orally or in writing to the Township Supervisor.
6. Coordinate department activities with other Township departments, Monroe County, state agencies, and other entities as required.

SECTION 3.04 BUILDING PERMITS

A. Permits Required. It shall be unlawful for any person to commence excavation, construct any building or structure, incorporate structural changes, or structural repairs in any existing building, without first applying for and obtaining a building permit from the Building Official. No permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Article showing that the construction proposed is in compliance with the provisions of this Ordinance, with the building codes, and with other applicable ordinances.

"Alteration" or "repair" of an existing building or structure shall include any changes in structural members, stairways, basic construction type, kind of class occupancy, light or ventilation, means of egress or ingress, or any other changes affected or regulated by the Building Codes, the housing law of the state, or this Ordinance, except for minor repairs or changes not involving any structural, mechanical, or electrical modifications .

- B. **Permits for New Use of Land.** A building permit shall be obtained for the new use of land, whether the land is presently vacant or a change in land use is proposed.
- C. **Permits for New Use of Buildings or Structures.** A building permit shall be obtained for any change in use of an existing building or structure to a different class or type.
- D. **Accessory Buildings.** Accessory buildings, when erected at the same time as the principal building on a lot and shown on the application thereof, shall not require a separate building permit.
- E. **Documents Required.** Prior to the issuance of a building permit, the applicant shall present the following documents, where applicable, to the Building Official:
1. **Plan Requirements.** An application for a building permit shall be accompanied either by a plot plan as required in this section, or by a site plan as required under Article 6, Site Plan Review, whichever applies. If a site plan is not required under Article 6, a plot plan shall be submitted, with the following information:
 - a. Scale, date and north point directional arrow.
 - b. Location map showing major intersections, and dimensioned diagram of the parcel.
 - c. The dimensioned location, outline, and dimensions of all existing and proposed buildings or other structures, and the location and extent of all uses not involving structures, including all setbacks and lot coverage area.
 - d. A clear description of existing and intended uses of the lot and of all such structures upon it, including documentation of any legal non-conforming uses and structures. In residential areas, the number of dwelling units the building is intended to accommodate.
 - e. Additional information as required by the Building Official for the purposes of determining compliance with the provisions of this Article.
 2. Permits for an on-site wastewater treatment system and/or water supply system issued under the provisions of the County Sanitary Code by the County Health Department (soil analysis is part of the above permit process).
 3. A culvert permit issued by the County Road Commission.
- F. **Permits not to be Issued.** No building permit shall be issued for the erection, alteration, or use of any building or structure, and/or premises, or both, or part thereof, which is not in accordance with all provisions of this Ordinance and other ordinances except in those cases where variances have been granted by the Zoning Board of Appeals.

- G. **Effectiveness.** All building permits, when issued, shall be valid for a period of one (1) year, but may be extended for a period of not to exceed one (1) year, if the Building Official and/or Zoning Official find good cause for failure to complete work for which such permit was issued; provided that the exterior of any such structure must be completed within one (1) year from the date of the original issuance of a building permit. Should the holder of a building permit fail to complete the work for which said permit was issued within the time limit as set forth above, any unfinished structure is hereby declared a nuisance, per se, and the same may be abated by appropriate action before the circuit court of the county.

SECTION 3.05 CERTIFICATE OF OCCUPANCY

It shall be unlawful to use or permit the use of any building, structure, and/or premises, or both, or part thereof, created, erected, changed, converted, or enlarged until a certificate of occupancy has been issued by the Building Official. The following shall apply in the issuance of any certificate:

- A. **Certificate of Occupancy for New Use of Land.** A certificate of occupancy shall be obtained for the new use of land, whether the land is presently vacant or a change in land use is proposed.
- B. **Certificate of Occupancy for New Use of Buildings.** No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained.
- C. **Certificate of Occupancy not to be Issued.** No certificate of occupancy shall be issued for any building, structure, and/or premises, or both, or part thereof, which is not in accordance with all the provisions of this Ordinance.
- D. **Certificate of Occupancy Required.** No building or structure, or parts thereof, which is erected or altered, shall be occupied, or used, unless and until a certificate of occupancy has been issued for such building or structure.
- E. **Certificate of Occupancy Including Zoning.** Certificates of occupancy as required by the Township Building Codes for new buildings, structures, or premises, or both, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of zoning compliance.
- F. **Certificate of Occupancy for Existing Buildings.** Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, and/or their premises, or both, if, after inspections, it is found that such buildings, structures, or parts thereof, and/or such use of premises, are in conformity with the provisions of this chapter.
- G. **Records of Certificates of Occupancy.** A record of all certificates of occupancy issued shall be kept on file in the office of the Building Official, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

- H. **Certificates of Occupancy for Accessory Buildings to Dwellings.** Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot or site plan when completed at the same time as such dwelling.
- I. **Application for Certificate of Occupancy.** Application for certificates of occupancy shall be made in writing to the Building Official on forms furnished by the Township. Certificates of Occupancy shall be issued within ten (10) days after receipt of such application if it is found that the building or structure, and/or premises, or both, or part thereof, is in accordance with the provisions of this Ordinance. If such certificate of occupancy is refused for cause, the Building Official shall promptly notify the applicant of such refusal and cause thereof.
- J. **Temporary Certificates of Occupancy.** Certificates of occupancy may be issued for a part of a building or structure prior to the occupancy of the entire building or structure, provided that such certificate of temporary occupancy shall not remain in force for more than six (6) months, nor more than five (5) days after the building or structure is fully completed and ready for occupancy and provided further that such portions of the building or structure are in conformity with the provisions of this Ordinance.

SECTION 3.06 FINAL INSPECTION

The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof, shall notify the Building Official immediately upon the completion of the work authorized by such permit, for final inspection.

SECTION 3.07 FEES

The Township Board shall establish a schedule of fees by resolution from time to time for administering this Ordinance. The schedule of fees shall be on public display in the office and may be changed only by the Township Board. No certificate or permit shall be issued unless required fees have been paid in full.

SECTION 3.08 NOTICE

Except as otherwise provided in this Ordinance, notices of hearings regarding zoning amendments, special land uses, and matters before the Zoning Board of Appeals shall be provided as required by the Zoning Enabling Act, as amended, as follows:

- A. **Newspaper Notice.** A notice shall be published in a newspaper of general circulation in the Township not less than fifteen (15) days before the hearing date.
- B. **Notice Requirements.** At least fifteen (15) days before the hearing, notices shall be mailed or hand-delivered to the following:
 - 1. The applicant and the owner(s) of the property, if the applicant is not the owner.

2. All persons to whom real property is assessed within three hundred (300) feet of the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within the Township.
 3. The occupants of any structures within three hundred (300) feet of the boundary for the property for which approval has been requested, regardless of whether the owner and property is located within the Township except as set forth in Section 3.08.B.4.
 4. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
 5. Notice under this section is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service, or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
- C. **Exemptions.** Requirements for individual notice, as set forth in Section 3.08.B. do not apply to the following:
1. Ordinance text amendments
 2. Any group of adjacent properties numbering eleven (11) or more that is proposed for rezoning.
- D. **Content of Notice.** The notice shall do all of the following:
1. Describe the nature of the request.;
 2. Identify the property that is the subject of the request. The notice shall include a listing of all existing street addresses and/or parcel identification numbers within the property(ies). If there are no street addresses, other means of identification (including illustrations) may be used.
 3. State when and where the request will be considered.
 4. Indicate when and where written comments will be received concerning the request.

SECTION 3.09 PERFORMANCE GUARANTEES

- A. **Purpose and Intent.** In the interest of ensuring compliance with the Zoning Ordinance provisions; protecting the natural resources; and the health, safety, and welfare of the residents of the Township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Township may require the applicant to deposit a performance guarantee for any or all site improvements required by this Ordinance. The purpose of the performance guarantee is to ensure completion of improvement connected with the proposed use as required by this Ordinance, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, walls, screens, and landscaping.

A performance guarantee shall be in conformance with the requirements of Section 3.09.B. The Township may employ the Township Engineer and/or other Township staff/consultants to review cost estimates and conduct periodic inspections of the progress of improvements.

B. **Procedure.**

1. When a performance guarantee is required, said performance guarantee shall be deposited with the Township prior to the issuance of a building permit for the development and use of the land. Upon the deposit of the performance guarantee, in the form of a cash deposit, certified check, or surety bond, the Township shall issue the appropriate building permit.
2. At the time of the performance guarantee is deposited with the Township and prior to the issuance of a building permit, the applicant shall enter into an agreement with the Township incorporating the performance guarantee provisions.
3. The agreement shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of issuance of the building or other permit.
4. In the event the performance guarantee deposited is a cash deposit or a certified check, the Township shall rebate to the applicant, upon request from the applicant, fifty percent (50%) of the deposited funds when the applicant has completed seventy-five percent (75%) of the required improvements as confirmed by the Township. The remaining fifty percent (50%) of the deposited funds shall be returned when the applicant has completed one hundred percent (100%) of the required improvements and compliance with the Ordinance is confirmed by the Township.
5. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee

deposited, and any interest earned thereon, to complete the improvements through contract or otherwise, specifically the right to enter upon the subject property to make the improvements.

6. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which such guarantee was posted, the applicant shall be required to pay the Township the amount necessary to complete the improvement. Any amounts remaining after said completion shall be applied first to the Township's administrative costs including, without limitation, attorney fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant.

C. **Guarantees with Other Agencies.** If the applicant has been required to post a performance guarantee or bond with another agency to ensure completion of an improvement associated with the site, the applicant shall not be required to deposit with the Township a performance guarantee for that same improvement.

SECTION 3.10 VIOLATIONS AND PENALTIES

A. **Violations.** A violation of this Ordinance shall be a Municipal Civil Infraction and shall be subject to the penalties established under the Municipal civil Infraction Ordinance of Berlin Charter Township. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance nor prevent the Township from seeking injunctive relief or any other remedy available under the law.

B. **Compliance Required.** The imposition of any fine or jail sentence, or both, shall not exempt the violator from compliance with the provisions of this Ordinance.

C. **Public nuisance per se.** Any structure which is erected, altered or converted, or any use of any structure or lot which is commenced or changed after the effective date of this Ordinance, in violation of any of the provisions herein is hereby declared to be a public nuisance, per se, and may be abated by order of any court of competent jurisdiction.

ARTICLE 4. DISTRICT REGULATIONS

SECTION 4.01 ESTABLISHMENT OF DISTRICTS

Berlin Charter Township is hereby divided into districts having the following name and symbols:

RC	Recreation Conservation District
AG	Agricultural District
R-1	Single-Family Rural Non-Farm Residential District
R-2	Single-Family Suburban Residential District
RM	Multiple-Family Residential District
MH	Manufactured Housing Community
C	Commercial District
MU	Mixed Use District
WM	Waterfront Marina District
I	Industrial District

SECTION 4.01 OFFICIAL ZONING MAP

- A. **Official Zoning Map of Berlin Charter Township.** The zoning districts are bounded and defined as shown on a map entitled “Official Zoning Map of Berlin Charter Township” and said map, with all explanatory matter thereon, is hereby made a part of this Ordinance.
- B. **Signature and Seal.** The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk and bear the seal of the Township under the following words: “This is to certify that this is the Official Zoning Map referred to in the Berlin Charter Township Zoning Ordinance” together with the effective date of this Ordinance.
- C. **Changes due to the Zoning Enabling Act.** If, in accordance with the procedures of this Ordinance and the Michigan Zoning Enabling Act, as amended, a change is made in a zoning district boundary, such change shall be entered on the Official Zoning Map by the Township Zoning Official promptly after the Ordinance authorizing such change shall have been adopted and published. A date shall be affixed to the Official Zoning Map noting

revisions to the Map. No change in the Official Zoning Map of any other nature shall be made unless authorized by the Zoning Board of Appeals, and then only by the Township's Zoning Official. Any change in corporate boundaries within the Township shall be recorded on the Official Zoning Map in conformity with procedures set forth herein.

- D. **Damaged, Destroyed, Lost, or Difficult to Interpret.** In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such corrections shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Berlin Charter Township, adopted on "date" which replaces and supersedes the Official Zoning Map which as adopted on (date)".

Unless the prior Official Zoning Map has been lost or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

- E. **Location.** Regardless of the existence of reported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Township's Zoning Official and open to public inspection, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the Township.

SECTION 4.03 RULES FOR INTERPRETATION OF OFFICIAL ZONING MAP

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall govern:

- A. **Centerline.** A boundary indicated as approximately following the centerline of a highway, street, alley, or easement shall be construed as following such centerline.
- B. **Recorded Lot Line.** A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
- C. **Corporate Boundary.** A boundary indicated as approximately following the municipal boundary line of a city, village, or township shall be construed as following such line.
- D. **Railroad.** A boundary indicated as following a railroad line shall be construed as following the right-of-way line.
- E. **Shoreline.** A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of a change in a shoreline, shall be construed as following the actual shoreline.

- F. **Body of Water.** A boundary indicated as following the centerline of a stream, river, canal, lake, or other body of water shall be construed as following such centerline.
- G. **Parallel or Extension.** A boundary indicated as parallel to, or an extension of, a feature indicated in this Section shall be so construed.
- H. **Inconsistent.** Where a natural or manmade feature existing on the ground is inconsistent with that shown on the Official Zoning map, or in any other circumstances not covered by this Section, the Zoning Board of Appeals shall interpret the location of the zoning district boundary.
- I. **Distance.** A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map to the nearest foot.
- J. **Division through a Lot.** Where a district boundary line divides a lot which is in single ownership at the time of adoption of the Zoning Ordinance the regulations for the more restrictive district shall apply for the entire lot or parcel.

SECTION 4.04 APPLICATION OF REGULATIONS

No structure shall be constructed, erected, placed or maintained and no use shall be commenced or continued within Berlin Charter Township except as specifically, or by necessary implication, authorized by this Ordinance, in the zoning district in which said structure or use is to be located. Special land uses shall be allowed only if listed as a special use specifically, or by necessary implication, in the zoning district in which the use is to be located, and only after a special land use has been approved. Where a lot is devoted to a principal use, either permitted by right or as a special land use, accessory uses and structures are authorized except as prohibited specifically or by necessary implication, provided such use or structure meets the definition of accessory use, building, or structure in this Ordinance.

SECTION 4.05 SCOPE OF PROVISIONS

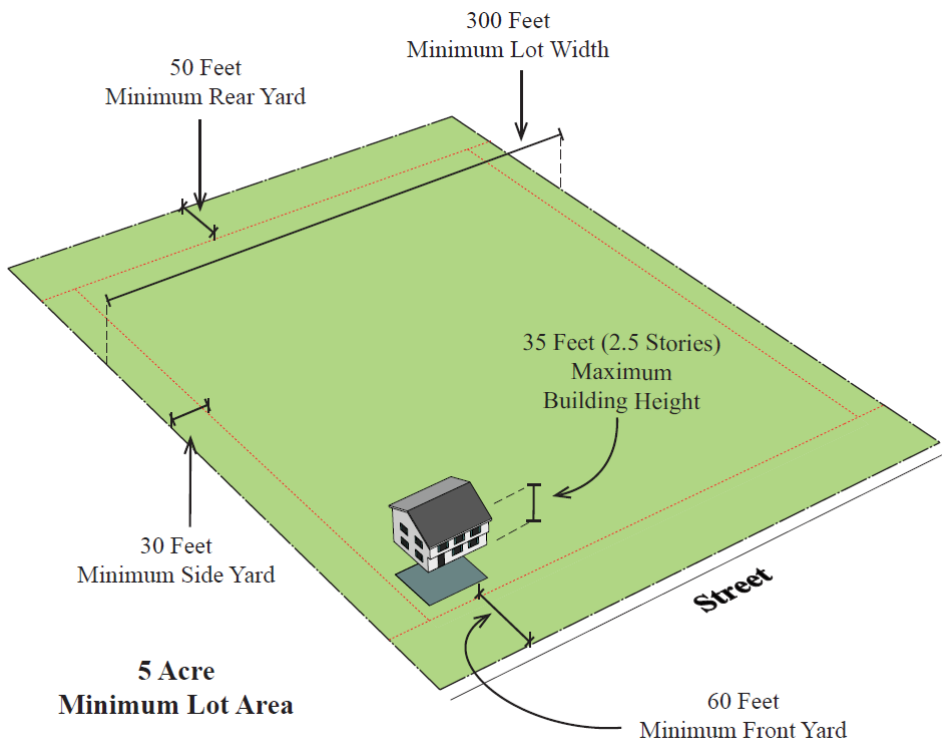
- A. **Effective Date.** Where a building permit for a building or structure, use of a building or structure, or use of a lot or parcel, has been issued in accordance with the law prior to effective date of this Ordinance and provided that construction is begun within three hundred sixty-five (365) days of such effective date and diligently pursued to completion, and said building or structure, use of building or structure, or use of lot or parcel, may be completed in accordance with the approved plans on the basis of which the building permit has been used, and may, upon completion, be occupied by the use for which originally designated, subject thereafter to the provisions of Article 15, Non-Conformities.
- B. **Minimum Requirements.** No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimension 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 by this Ordinance.

SECTION 4.06 RC RECREATION CONSERVATION DISTRICT

- A. **Intent.** The Recreation Conservation district is intended to create, preserve, and enhance parkland, open space, and undeveloped natural amenities to meet the active and passive recreation needs of Township residents, encourage and protect the conservation of undeveloped areas, promote recreation uses that are compatible with surrounding land uses, and prevent the encroachment of incompatible land uses on undeveloped areas. This district is designed to protect and enhance the natural resources, natural amenities, natural habitats of wildlife, and protect public recreation areas.
- B. **Use Regulations.** Section 4.18 sets forth permitted, accessory, and special land uses allowed in the RC District.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the RC District:

Table 4.06-C. RC Recreation Conservation District Dimensional Requirements								
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks			Maximum Building Height	
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Each Side Yard in Feet	Rear Yard in Feet	in Feet	in Stories
5	300	N/A	10%	60	30	50	35	2.5

Figure 4.06-C. RC Recreation Conservation District Dimensional Requirements



D. Supplemental District Standards.

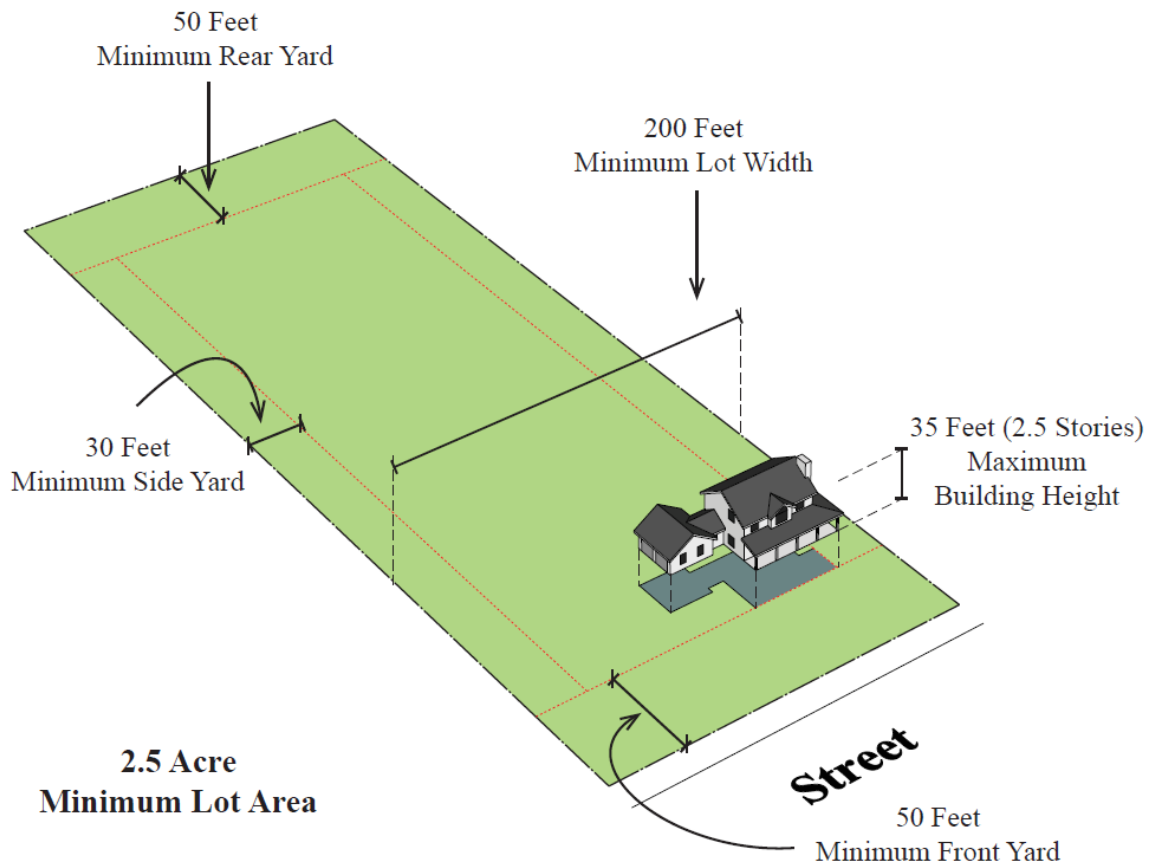
1. In addition to those bulk regulations listed in Section 4.06.C., all development shall conform to supplemental bulk regulations as listed in Section 4.17.
2. Where livestock is raised or kept, no structure, or storage of hay, feed, or manure, shall be located less than fifty (50) feet from a property line.

SECTION 4.07 AG AGRICULTURAL DISTRICT

- A. **Intent.** The Agricultural district is intended to protect and preserve agricultural land uses, maintain rural character, minimize population density, and minimize the burden on public facilities and services. It is also the intent of this district to allow only low-density residential use which promotes open space preservation and is compatible with and maintains existing agricultural operations. Accordingly, the AG district allows both agricultural uses and single-family dwellings.
- B. **Use Regulations.** Section 4.18 sets forth permitted, accessory, and special land uses allowed in the AG district.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the AG District:

Table 4.07-C. AG Agricultural District Dimensional Requirements								
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks			Maximum Building Height	
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Each Side Yard in Feet	Rear Yard in Feet	in Feet	in Stories
2.5	200	N/A	10%	50	30	50	35	2.5

Figure 4.07-C. AG Agricultural District Dimensional Requirements



D. Supplemental District Standards.

1. In addition to those bulk regulations listed in Section 4.07.C., all development shall conform to supplemental bulk regulations as listed in Section 4.17.
2. Where livestock are raised or kept, no structure, or storage of hay, feed, or manure, shall be located less than fifty (50) feet from a property line.

SECTION 4.08 R-1 SINGLE FAMILY RURAL NON-FARM RESIDENTIAL DISTRICT

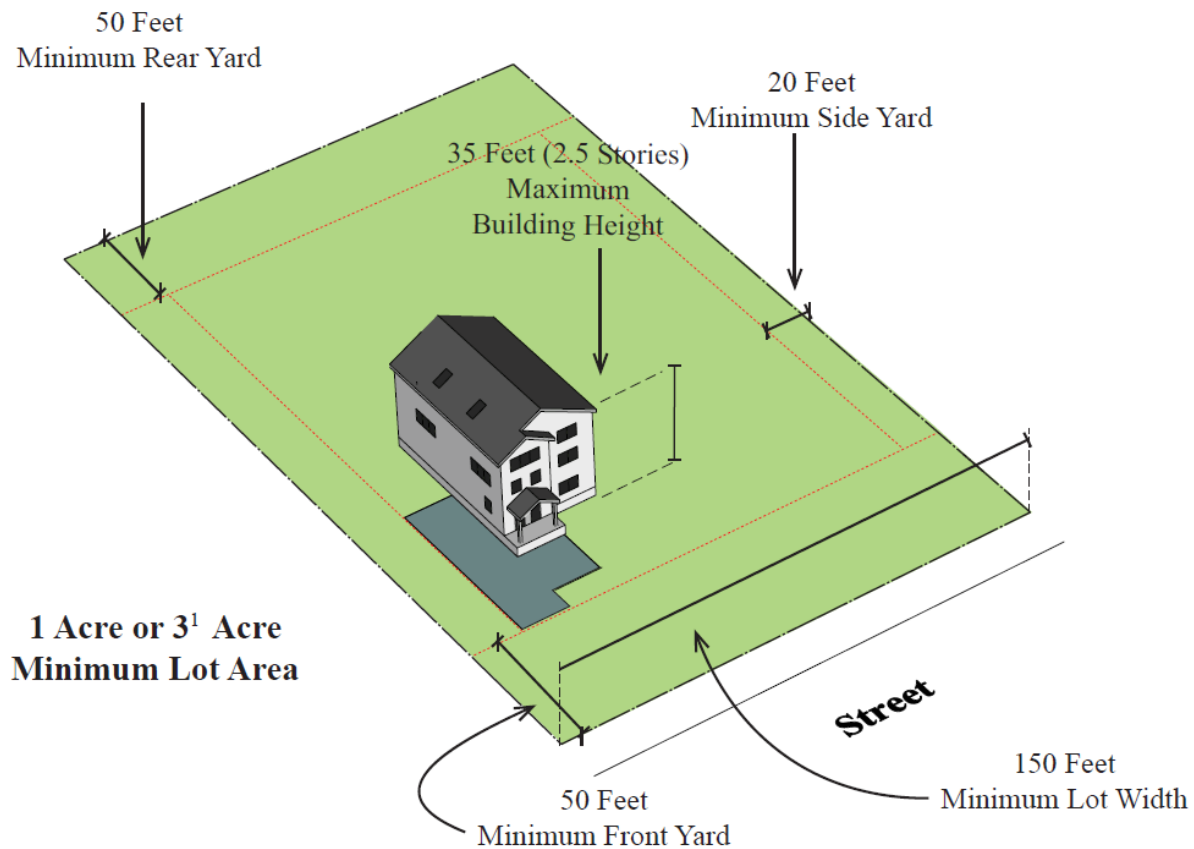
- A. **Intent.** The R-1 Single Family Rural Non-Farm Residential district is intended to accommodate low-density residential development and designed to preserve a predominantly rural character. In addition to the dwellings permitted in this zoning district, certain recreational, institutional, and public uses which have been strictly regulated to make them compatible with the principal use of this district are permitted. These lots are intended to be served by well and septic facilities, in areas where public water and sanitary sewer is not available.
- B. **Use Regulations.** Section 4.18 sets forth permitted, accessory, and special land uses allowed in the R-1 District.

C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the R-1 District:

Table 4.08-C. R-1 Single Family Rural Non-Farm Residential District Dimensional Requirements								
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks			Maximum Building Height	
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Each Side Yard in Feet	Rear Yard in Feet	in Feet	in Stories
1 or 3 ¹	150	20%	25%	50	20	50	35	2.5

¹ Minimum lot area of 1 acre for single family use and 3 acres for other principal uses.

Figure 4.08-C. R-1 Single-Family Rural Non-Farm Residential District Dimensional Requirements



D. **Supplemental District Standards.**

1. In addition to those bulk regulations listed in Section 4.08.C., all development shall conform to supplemental bulk regulations as listed in Section 4.17.

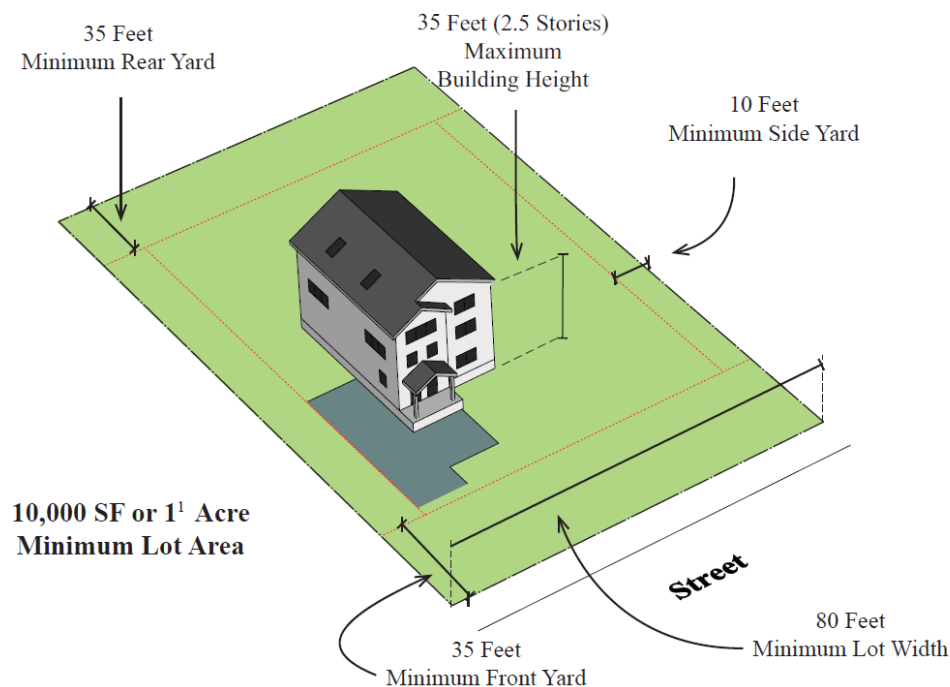
SECTION 4.09 R-2 SINGLE FAMILY SUBURBAN RESIDENTIAL DISTRICT

- A. **Intent.** R-2 Single-Family Suburban Residential district is intended for moderate density areas that consist primarily of detached single-family units. The regulations of this district are designed to create predominantly suburban character in those areas which are served by public water supply and sanitary sewage systems. In addition to the dwelling permitted in this zoning district, certain civic and public land uses such as municipal buildings, schools, places of worship, and parks which have been strictly regulated to make them compatible with the principal use of this district are permitted.
- B. **Use Regulations.** Section 4.18 sets forth permitted, accessory, and special land uses allowed in the R-2 District.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the R-2 District:

Table 4.09-C. R-2 Single Family Suburban Residential District Dimensional Requirements								
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks			Maximum Building Height	
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Each Side Yard in Feet	Rear Yard in Feet	in Feet	in Stories
7,200SF or 1 acre ¹	60	30%	40%	35	10	35	35	2.5

¹ Minimum lot area of 10,000 square feet for single-family use and 1 acre for other principal uses.

Figure 4.09-C. R-2 Single-Family Suburban Residential District Dimensional Requirements



D. Supplemental District Standards.

- a. In addition to those bulk regulations listed in Section 4.09.C., all development shall conform to supplemental bulk regulations as listed in Section 4.17.

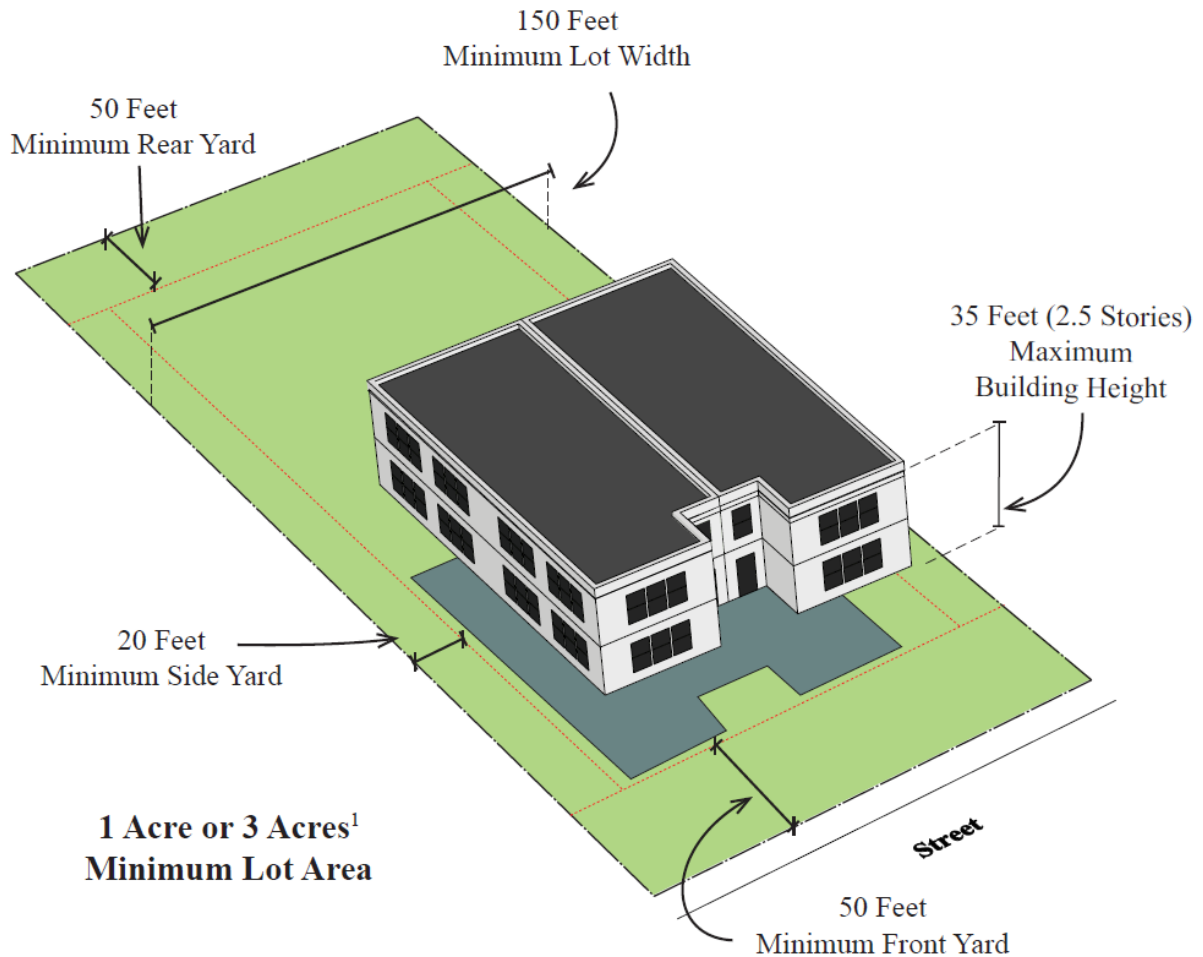
SECTION 4.10 RM MULTIPLE-FAMILY RESIDENTIAL DISTRICT

- A. **Intent.** This district is intended for multiple-family units including attached and apartment-style dwelling units including townhouses, duplexes, row houses, terrace and garden-style apartments, and condominiums. This district is intended for locations that have substantial infrastructure including public utilities and should be in close proximity to mixed-use areas or local commercial areas that provide retail, personal service, entertainment, and employment opportunities. In addition to the dwellings permitted in this zoning district, certain recreational, institutional, and public uses which have been strictly regulated to make them compatible with the principal uses of this district are permitted.
- B. **Use Regulations.** Section 4.18 sets forth permitted, accessory, and special land uses allowed in the RM District.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the RM District:

Table 4.10-C. RM Multiple-Family Residential District Dimensional Requirements								
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks			Maximum Building Height	
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Each Side Yard in Feet	Rear Yard in Feet	in Feet	in Stories
1 acre or 3 acres ¹	150	20%	25%	50	20	50	35	2.5

¹ Minimum lot area of 1 acre for single-family use and 3 acres for other principal uses.

Figure 4.10-C. RM Multiple-Family Residential District Dimensional Requirements



D. Supplemental District Standards.

1. In addition to those bulk regulations listed in Section 4.10.C., all development shall conform to supplemental bulk regulations as listed in Section 4.17.
2. Site plan review is required in accordance with Article 6.
3. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 9.04.

SECTION 4.11 MH MANUFACTURED HOUSING DISTRICT

A. **Intent.** The purpose of this district is to provide for the development of manufactured housing developments (mobile home parks) and to promote manufactured housing communities with the character of residential neighborhoods. It is the intent of this Ordinance that manufactured housing communities be located in areas which are served adequately by essential public facilities and services such as access streets, police and fire protection, and public water, sanitary sewer, and storm drainage facilities.

- B. **Use Regulations.** Section 4.18 sets forth permitted, accessory, and special land uses within the MH district.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to the MH district:

Minimum Lot Area	Total Lot Area Required	20 acres
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D. **Supplemental District Regulations.**

- 1. Refer to Section 8.25.

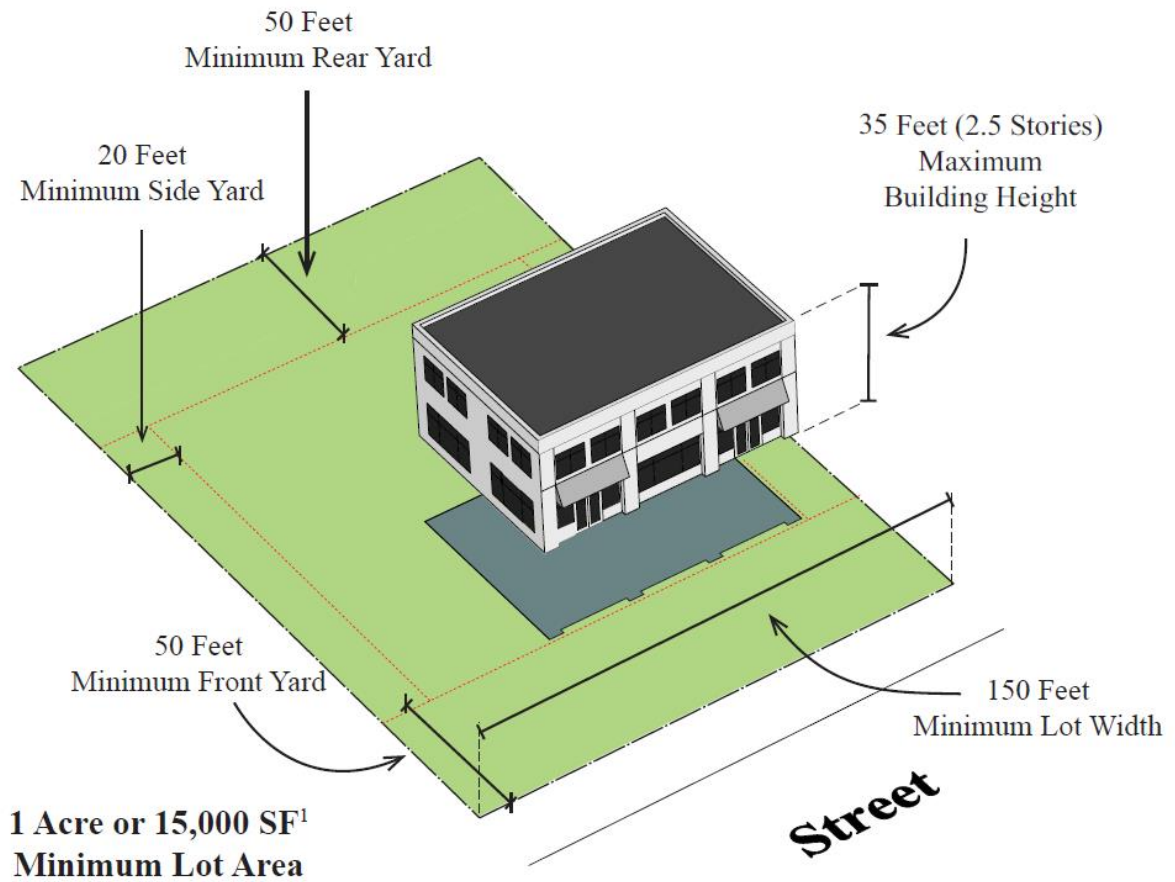
SECTION 4.12 C COMMERCIAL DISTRICT

- A. **Intent.** It is the intent of the C Commercial district to allow commercial enterprises which provide convenient shopping and services addressing daily needs, as well as, serving the community-wide needs. The regulations are designed to provide compatibility with surrounding land uses and ensure the provision of adequate infrastructure.
- B. **Use Regulations.** Section 4.18 sets forth permitted, accessory, and special land uses within the C district.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the C District:

Table 4.12-C. C Commercial District Dimensional Requirements								
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks			Maximum Building Height	
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Each Side Yard in Feet	Rear Yard in Feet	in Feet	in Stories
15,000 SF ¹ or 1 acre	150	30%	n/a	50	20	50	35	2.5

¹ Minimum lot area of 15,000 square feet where municipal water and sanitary sewer facilities are available and 1 acre for all other sites.

Figure 4.12-C. C Commercial District Dimensional Requirements



D. Supplemental District Standards.

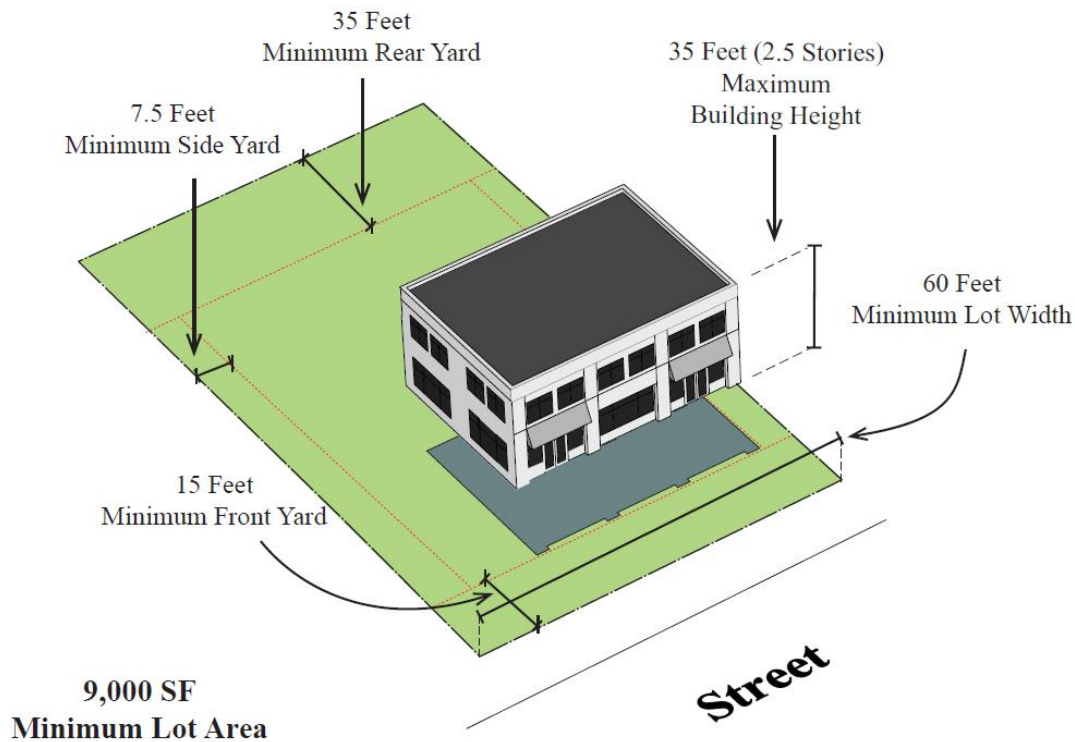
1. In addition to those bulk regulations listed in Section 4.12.C., all development shall conform to supplemental bulk regulations as listed in Section 4.17.
2. Minimum interior side yards may not be required when two (2) or more buildings are part of a local shopping center or other combined development of local retail and/or service facilities. Side yard requirements shall apply to the perimeter of such developments.
3. Site plan review is required in accordance with Article 6.
4. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 8.04.

SECTION 4.13 MU MIXED-USE DISTRICT

- A. **Intent.** It is the intent of the MU Mixed Use district to promote development of the Township’s existing unincorporated village areas with a density and combination of land uses (both residential and non-residential) similar to that found in a traditional village settlement. Such districts are intended to be established as close as reasonably possible to the intended core of such village areas, with access to municipal water and sanitary sewer facilities.
- B. **Use Regulations.** Section 4.18 sets forth permitted, accessory, and special land uses within the MU district.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the MU District:

Table 4.13-C. MU Mixed Use District Dimensional Requirements								
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks			Maximum Building Height	
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Each Side Yard in Feet	Rear Yard in Feet	in Feet	in Stories
9,000 SF	60	50%	n/a	15	7.5	35	35	2.5

Figure 4.13-C. MU Mixed Use District Dimensional Requirements



D. Supplemental District Standards.

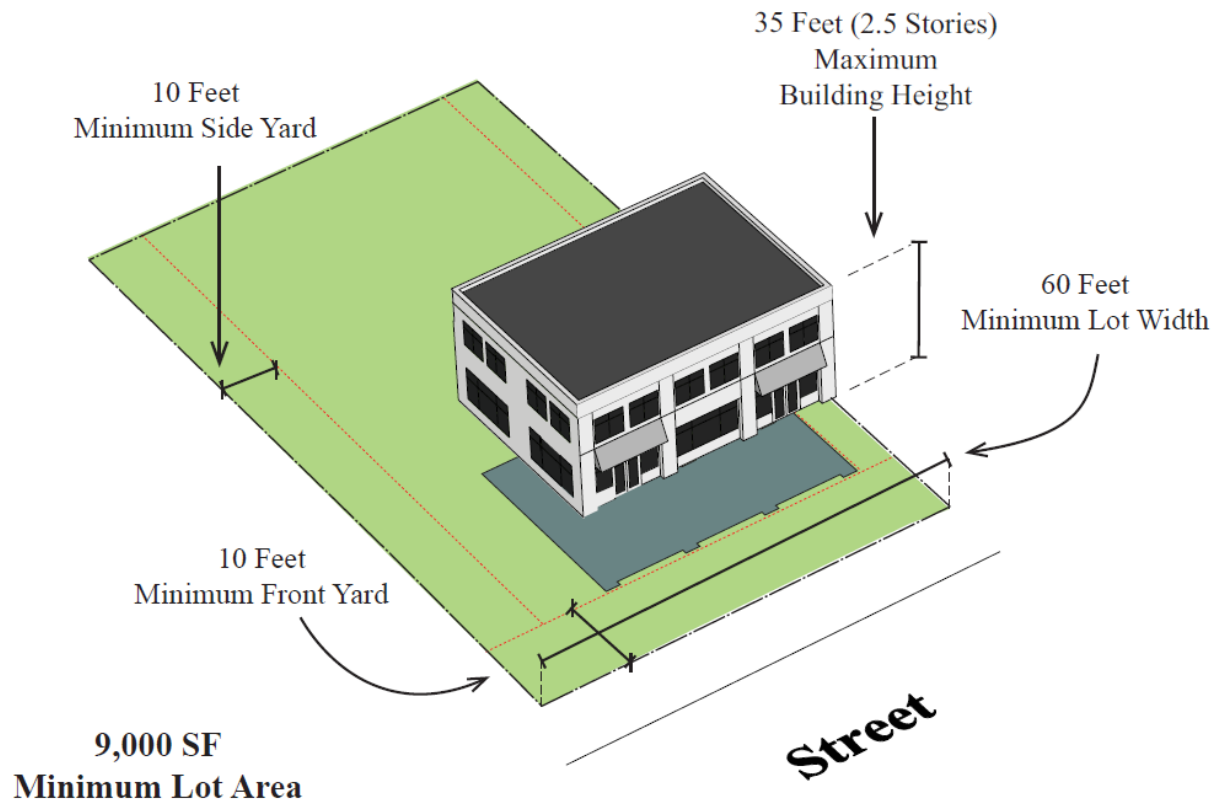
1. In addition to those bulk regulations listed in Section 4.13.C., all development shall conform to supplemental bulk regulations as listed in Section 4.17.
2. Site plan review is required in accordance with Article 6.
3. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 8.04.

SECTION 4.14 WM WATERFRONT MARINA DISTRICT

- A. **Intent.** It is the intent of the WM Waterfront Marina district is to provide areas along Lake Erie, Huron River, and Swan Creek specifically for those uses and services which are marine-oriented and for related recreational, entertainment, and retail establishments.
- B. **Use Regulations.** Section 4.18 sets forth permitted, accessory, and special land uses within the WM district.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the WM District:

Table 4.14-C. WM Waterfront Marina District Dimensional Requirements								
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks			Maximum Building Height	
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Each Side Yard in Feet	Rear Yard in Feet	in Feet	in Stories
9,000 SF	60	50%	n/a	10	10	n/a	35	2.5

Figure 4.14-C. WM Waterfront Marina District Dimensional Requirements



D. Supplemental District Standards.

1. In addition to those bulk regulations listed in Section 4.14.C., all development shall conform to supplemental bulk regulations as listed in Section 4.17.
2. Site Plan Review is required in accordance with Article 6.
3. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 9.04.

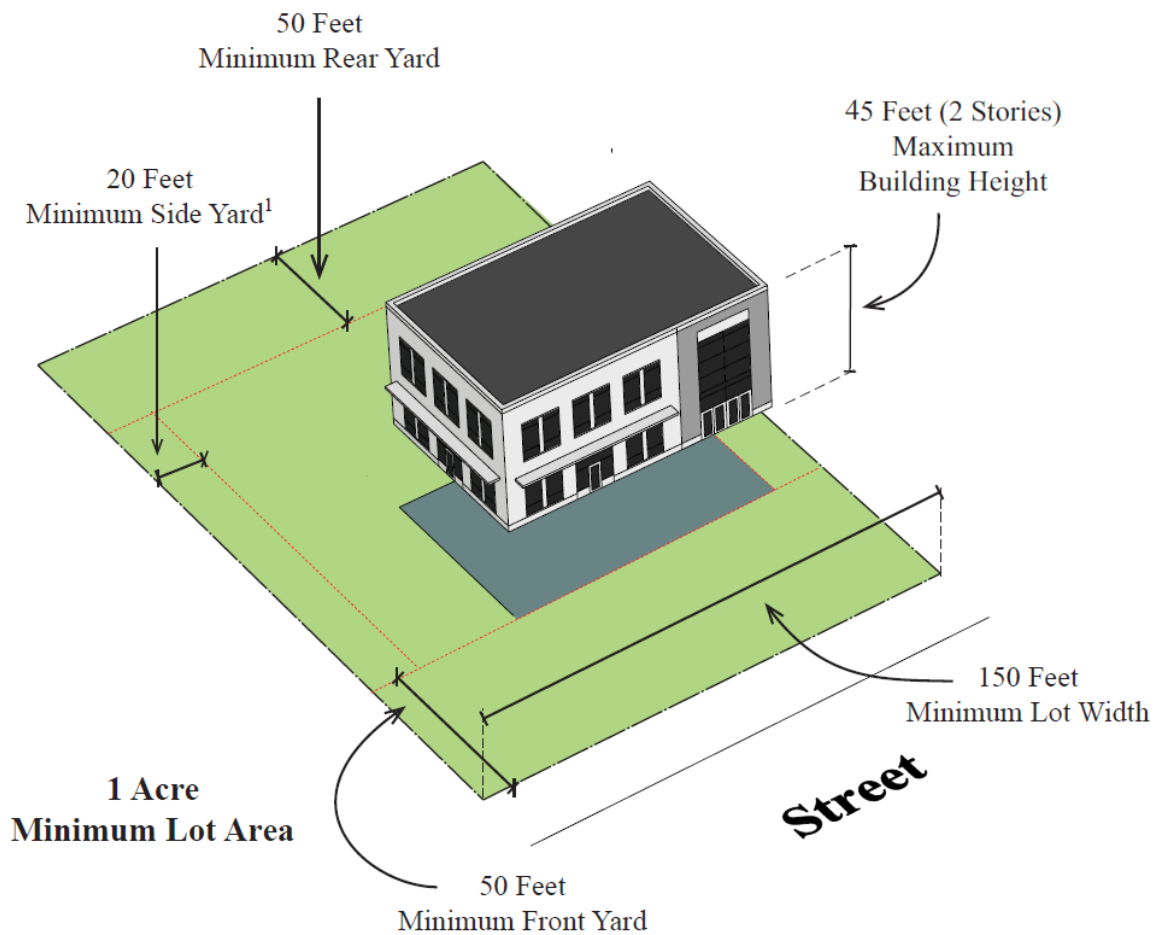
SECTION 4.15 I INDUSTRIAL DISTRICT

- A. **Intent.** It is the intent of the I Industrial District to provide areas suitable for a variety of warehousing, industrial, and manufacturing uses. The regulations for this district are designed to result in industrial areas which will be compatible with one another as well as adjacent land uses.
- B. **Use Regulations.** Section 4.18 sets forth permitted, accessory, and special land uses within the I district.

C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the I District:

Table 4.15-C. I Industrial District Dimensional Requirements								
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks			Maximum Building Height	
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Each Side Yard in Feet	Rear Yard in Feet	in Feet	in Stories
1 acre	150	30%	60%	50	20	50	45	2

Figure 4.15-C. I Industrial District Dimensional Requirements



D. **Supplemental District Standards.**

1. In addition to those bulk regulations listed in Section 4.15.C., all development shall conform to supplemental bulk regulations as listed in Section 4.17.
2. Site plan review is required in accordance with Article 6.

3. Accessory buildings and structures shall be regulated in accordance with the requirements of Section 9.04.
4. All goods or materials stored outside which are visible from a public road shall be screened by a fully-opaque fence or wall a minimum of six (6) feet in height.

SECTION 4.16 PLANNED UNIT DEVELOPMENT DISTRICTS

For intent, location, standards, and submittal requirements for PUD Planned Unit Development District refer to Article 5.

SECTION 4.17 SUPPLEMENTAL DIMENSIONAL REGULATIONS APPLICABLE TO ALL DISTRICTS

- A. **Continued Conformity with Bulk Regulations.** The maintenance of setback, height, floor area ratio, coverage, open space, manufactured home site, buffer areas, lot area and lot area per dwelling unit required for one (1) use, lot, building, or structure shall be a continuing obligation of the owner of such building, structure, or lot on which such use, building or structure exists. No setback, height, floor area ratio, coverage, open space, manufactured home site, buffer areas, lot area, and lot area per dwelling unit allocated to, or required, or in connection with one (1) lot, use, building or structure may be allocated to any other lot, use, building, or structure.
- B. **Division of a Lot or Parcel.** No one (1) lot or parcel, once designated and improved with a building or structure, shall be reduced in area, or divided into two (2) or more lots, and no portion of one (1) lot, once designated and improved with a building or structure, shall be sold unless each lot resulting from each such reduction, division, or sale, and designated and improved with a building or structure, will conform with all of the bulk and yard regulations of the zoning district in which it is located.
- C. **Setbacks and Yard Requirements.** The setback and yard requirements established by this Ordinance shall apply to every lot, building, or structure, except for the following structures, so long as they are located as specified below:
 1. Unroofed masonry or concrete terraces and patios at the same level as the adjacent grade and may not be located closer than three (3) feet from a side or rear property line.
 2. Unroofed porches and decks may not occupy a required front setback, nor be located closer than three (3) feet from a side or rear property line.
- D. **Height.** The height requirements established by this Ordinance shall apply to every building and structure with the following exceptions provided their location shall conform to the requirements of Berlin Charter Township, the Federal Communications Commission, the Federal Aviation Administration, and other public authorities having jurisdiction:

1. Public utility towers, structures, transmission and distribution lines and related structures; radio and television broadcasting and receiving antennae; and water towers where the aforementioned structures are permitted in the district therein located or are a special land use in said district subject to the provisions of Article 7.
 2. Spires, belfries, and silos provided that the overall height does not exceed one hundred fifty percent (150%) of the maximum permitted building height in the district therein located.
 3. Chimneys, ventilators, skylights, and other necessary mechanical appurtenances provided that no mechanical enclosure or penthouse shall exceed twelve (12) feet in height above the roof deck.
 4. Parapets not exceeding three (3) feet in height above the roof deck.
- E. **Lot Area / Width.** Buildings and structures designed to house essential services shall not be required to meet the requirements of this Ordinance regarding lot area or width provided, however, that such a building or structure shall meet all other regulations for the district in which it is located.
- F. **Dwelling Unit Minimum Floor Area.** The minimum floor area of any single-family dwelling shall be no less than nine hundred fifty (950) square feet. Where a single-family home is constructed without a basement, an additional one hundred (100) square feet shall be added to the minimum required first floor area requirement to provide space for utilities, such as, but not limited to, furnace, hot water, laundry tubs, incinerator and the like.
- G. **Mixed Use District Standards.** Development within the Mixed Use (MU) district shall conform to the following:
1. **Residential Density.**
 - a. The maximum permitted density of multiple-family dwellings in the MU district shall be based on the total number of bedrooms. The maximum number of bedrooms permitted shall be equal to the area of the subject parcel dedicated to multiple-family use (in square feet) divided by 1,800. For the purposes of this calculation, efficiency units shall be considered to have one (1) bedroom.
 - b. Land area to be shared between multiple-family dwellings and other uses (e.g. apartments over storefronts), shall be permitted one-half (0.5) the number of bedrooms described above under item a.
 - c. Detached single-family dwellings shall occupy individual lots meeting the minimum lot size for the MU district.
 2. **Parking.**

- a. Parking shall not be permitted in a required front yard.
- b. Parking areas shall be screened from view from the road through the use of a masonry screen wall at least forty-two (42) inches in height, or a continuous evergreen landscape screen of at least six (6) feet in height.
- c. Parking areas shall be setback at least ten (10) feet from all property that is zoned or used for single-family residential purposes.
- d. Shared or collective parking arrangements, in conformance with Section 11.06.B.7. are encouraged.

3. Building Design and Orientation.

- a. The maximum linear length of an uninterrupted building façade facing public streets shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.
- b. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty percent (50%) of their horizontal length. Real windows allowing daylight in the building are encouraged.
- c. Roofs.
 - i. Flat Roofs. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view are required.
 - ii. Pitched Roofs.
 - (1) Overhanging eaves on pitched roofs shall be a minimum of twelve (12)-inches including gutter, with a minimum one (1)-inch rake.
 - (2) An average slope greater than 4:12 is required.
 - iii. Building Materials and Colors. Predominant exterior building materials shall be high quality materials, including, but not limited to: brick, stone, architectural steel, glass, stone, fiber cement, and split-faced block. Vinyl or aluminum siding shall only be used for accents. Exterior Insulation Finishing Systems (E.I.F.S.) or similar material is not permitted as a primary building material.
 - iv. Façade colors and systems shall be reviewed and approved by the Planning Commission as part of final site plan review.

4. **Road / Pedestrian Orientation.** Buildings in the MU district shall have at least one (1) entrance facing the road upon which said building fronts. Said entrance shall be connected by a concrete sidewalk of at least five (5) feet in width to any sidewalks located within the adjacent road rights-of-ways.

SECTION 4.18 DISTRICT USE TABLE

- A. **Specified Uses.** In all Districts, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Article.
- B. **Schedule of Uses.** The Schedule of Use Regulations identifies uses as follows:
1. "P" indicates uses permitted as of right.
 2. "S" indicates uses requiring Special Land Use approval as outlined in Article 7.
 3. No marking identifies uses not permitted in that particular zoning district.

DISTRICT USE TABLE											
Use Category	Districts										Specific Use Standard (Chapter Section)
	Agricultural / Recreation Conservation		Residential				Office / Commercial / Industrial				
	RC	AG	R-1	R-2	RM	MH	C	MU	WM	I	
Agricultural											
Agricultural Processing and Food Storage		P									8.05
Agricultural Commercial/ Tourism		S									8.06
Community Supported Agriculture		P									8.13
Equestrian Facilities	P	P									
Farm Operations	P	P									
Tree Nurseries	P	P									
Residential											
Accessory Dwelling Units		S	S	S							8.02
Bed and breakfast		S	S	S	S						8.07
Dwellings, Multiple-family					P			S			

DISTRICT USE TABLE

Use Category	Districts										Specific Use Standard (Chapter Section)
	Agricultural / Recreation Conservation		Residential				Office / Commercial / Industrial				
	RC	AG	R-1	R-2	RM	MH	C	MU	WM	I	
Dwellings, Multiple-family (on upper floors only in a mixed-use building)								P			
Dwellings, One-family detached	P	P	P	P				P			
Dwellings, One-family attached				P	P			S			
Dwellings, Two-family			S	S	P			S			
Home occupations	S	S	S	S		S					9.13
Housing for Seasonal Agricultural Workers	S	S									8.20
Manufactured Housing Communities						P					8.24
Senior Assisted Living					P						8.32
Senior Independent Living					P						8.32
Recreation											
Conservation area / Game Refuge / Forest Preserve	P	P									
Country Clubs, including accessory uses and buildings including club house, swimming pool, and sale of food.	S	S	S	S							8.15
Golf Courses	S	S	S	S							8.18
Golf Driving Range		S									8.19
Noncommercial parks, and recreational facilities	P	S	S	S							
Commercial Recreational Facility							S	S	S	S	8.12

DISTRICT USE TABLE

Use Category	Districts										Specific Use Standard (Chapter Section)
	Agricultural / Recreation Conservation		Residential				Office / Commercial / Industrial				
	RC	AG	R-1	R-2	RM	MH	C	MU	WM	I	
Commercial marinas, boat launching facilities, and similar water related uses									P		8.11
Playground	P	P	P	P	P	P					
Public and Private Campground	S										8.09
Gun clubs, firing and archery ranges		S					S			S	8.20
Institutional / Cultural											
Adult day care center					S		S				
Adult day care home	P	P	P	P	P						
Adult foster care, Congregate Facility					S		S				8.03
Adult foster care, Family Home	P	P	P	P	P						8.03
Adult foster care, Large Group Home	S	S	S	S	S						8.03
Adult foster care, Small Group Home	P	P	P	P	P						
Convalescent Centers/ Congregate Care					S		S				8.14
Cemeteries	S	S	S	S	S						8.10
Day Care Center/Preschools			S	S	S		P				
Family day care homes	P	P	P	P	P						
Group day care homes	S	S	S	S	S						
Essential Services	P	P	P	P	P	P	P	P	P	P	
Hospitals							S			S	8.21
Places of worship		S	S	S	S		S	S		S	8.27

DISTRICT USE TABLE

Use Category	Districts										Specific Use Standard (Chapter Section)	
	Agricultural / Recreation Conservation		Residential				Office / Commercial / Industrial					
	RC	AG	R-1	R-2	RM	MH	C	MU	WM	I		
Post-secondary schools (technical, colleges, business schools)							P				P	8.28
Primary / secondary schools		P	P	P								8.29
Solar Energy Collectors	See Specific Use Section										8.33	
Wind Energy Conversion System	See Specific Use Section										8.39	
Retail, Entertainment, and Service												
Adult Use Business											S	8.04
Bar / Lounge							S	S	S			
Building Materials, Garden Centers, Nurseries and Similar Uses							S				S	8.08
Business service and repair							P	P				
Commercial Kennels/pet day care/animal shelter		S					S				S	9.17
Conference, meeting and banquet facilities							P	P	P			
Dance, martial arts, music, and art studios							P	P				
Drive-up/ Drive-through facilities							S	S	S			8.16
Dry cleaners and laundry							P	P				
Durable Medical Supplies												
Financial institutions							P	P				
Firearm Sales							P	S				
Funeral Home							P	P				
Lodging							S	S	S			8.23

DISTRICT USE TABLE

Use Category	Districts										Specific Use Standard (Chapter Section)
	Agricultural / Recreation Conservation		Residential				Office / Commercial / Industrial				
	RC	AG	R-1	R-2	RM	MH	C	MU	WM	I	
Open air business, as a principal use							S	S	S		8.25
Outdoor seating and service							P	P	P		
Personal services							P	P	P		
Pharmacies							P	P			
Private Clubs, Fraternal Organizations or Lodges							S				
Restaurants, Drive-in/Drive-through							S	S	S		
Restaurants, sit-down							P	P	P		
Retail, general							P	P	P		
Retail, large-scale							S				8.22
Retail, wholesale							S				8.22
Shopping Centers							P	P			
Office											
Business services							P	P			
Data processing and computing centers							P	P			
Medical Clinics							P	P			
Medical Laboratories										P	
Offices, general							P	P			
Professional and medical offices							P	P			
Veterinary clinics or hospitals		S					S				
Industrial											
Basic research, design, and pilot or experimental development										P	

DISTRICT USE TABLE

Use Category	Districts										Specific Use Standard (Chapter Section)	
	Agricultural / Recreation Conservation		Residential				Office / Commercial / Industrial					
	RC	AG	R-1	R-2	RM	MH	C	MU	WM	I		
Central dry cleaning / laundry plants											P	
Contractor's / Landscaper's Yard											S	8.26
Extractive uses		S									S	
Food Processing											S	8.05
Light Manufacturing											P	
Manufacturing and assembly											S	
Material distribution facilities											S	
Outdoor Displays and Sales							S	S				8.25
Outdoor storage							S				S	8.26
Printing and publishing							S				S	
Salvage Operations											S	8.30
Self-storage facilities							S				P	8.31
Storage of flammable liquids or gases, above or below ground											S	
Tool and die / plating shops											S	
Trade contractors / Home service repair											P	
Truck terminal facilities											S	
Warehouse establishments											P	
Wireless Communication Facilities		S					S				S	8.40
Automotive / Transportation												
Farm Equipment Sales and Repair		S					S				S	8.17

DISTRICT USE TABLE

Use Category	Districts										Specific Use Standard (Chapter Section)
	Agricultural / Recreation Conservation		Residential				Office / Commercial / Industrial				
	RC	AG	R-1	R-2	RM	MH	C	MU	WM	I	
Vehicle Sales/Leasing and Service Facility							S	S			8.36
Vehicle fueling stations							S				8.34
Vehicle repair stations (minor & major)							S			S	8.35
Vehicle towing/ Impoundment Lot										S	8.37
Vehicle washes							S	S			8.38

ARTICLE 5. PLANNED UNIT DEVELOPMENTS

SECTION 5.01 INTENT

The Planned Unit Development (PUD) district is intended to permit flexibility in the regulation of land development, encourage innovation in land use and variety in design, layout and type of structures constructed, achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities, encourage useful open space, and provide better housing, employment and shopping opportunities particularly suited to the needs of residents.

SECTION 5.02 GENERAL PROVISIONS

- A. **Where Permitted.** A PUD which includes only residential and accessory recreational uses may be applied for in any zoning district. A PUD which is either exclusively non-residential or includes a mix of residential and non-residential uses may be applied for in any zoning district which is located in areas served by municipal water and sewer facilities.
- B. **Uses Permitted.** Any land use authorized in this Ordinance may be included in a PUD, subject to:
1. The restriction of non-residential and mixed-use development areas of the Township served by water and sewer facilities.
 2. The adequate protection of public health, safety, and welfare.
 3. The compatibility of varied land uses both within and outside the development.
- C. **Qualifications of the Subject Parcel.** The applicant must demonstrate through the submission of both written documentation and site development plans that all of the following criteria are met:
1. The intent of Section 5.01.
 2. Approval of a PUD will result in one (1) or more of the following:
 - a. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations.
 - b. Protection and preservation of natural resources and natural features of a quantity and/or quality that can be clearly demonstrated, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations.
 - c. A non-conforming use shall, to a material extent, be rendered more conforming to, and compatible with, the zoning district in which it is situated.

3. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads, and utilities.
4. The proposed development shall be consistent with the interest of public health, safety, and welfare of the Township.
5. The proposed development shall minimize any negative environmental impact of the subject site or surrounding land.
6. The proposed development shall minimize any negative impact upon surrounding properties.
7. The proposed development shall be consistent with the goals and policies of the Township Master Plan.

SECTION 5.03 DESIGN CONSIDERATIONS

- A. **Design Considerations.** A proposed PUD shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located.
1. Perimeter setbacks.
 2. Street drainage and utility design with respect to location, availability, ownership, and compatibility.
 3. Underground installation of utilities.
 4. Installation of separate pedestrian ways apart from vehicular streets and ways.
 5. Achievement of integrated and harmonious development with respect to signs, lighting, landscaping, and construction materials.
 6. Noise reduction and visual screening features for protection of adjoining residential uses.
 7. Ingress and egress to the property with respect to vehicular and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.
 8. Off-street parking, loading, refuse and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties or uses.
 9. Screening and buffering with respect to dimensions and character.
 10. Yard areas and other open space.

11. Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre and the height of buildings and other structures.
12. The preservation of natural resources and natural features.

SECTION 5.04 PROJECT DENSITIES

A. Residential Density.

1. The total number of dwelling units in a PUD project shall not exceed the number of dwelling units permitted in the underlying zoning districts of the density as proposed in the Township Master Plan. However, a density bonus of up to fifteen percent (15%) may be granted if both of these elements are included:
 - a. A high level of clustered development, where at least sixty percent (60%) of the PUD is left in open space as defined.
 - b. Perimeter transition areas of greenbelts around all sides of the development at least one hundred (100) feet in depth are provided.
2. For the calculation of density on the site, including the possible density bonus, the applicant shall be required to submit a conventional (non-open space) layout using the underlying zoning classification and applicable Township regulations demonstrating a practical project for the subject parcel.
3. In the case where the applicant proceeds in phases and develops only a portion of the total proposed development at one time, each phase shall consist of land use(s) planned and developed in such a way so that the average density of all completed phases shall not exceed on a cumulative basis, the maximum average density allowed for the entire development. This may be accomplished through the utilization of conservation easements, or other lawful means, which would allow more dense development in an earlier phase, while ensuring appropriate overall density.

B. Mixed Use Project Density. For projects which contain a residential component, appropriate residential density shall be based upon the current Township Master Plan, existing and planned residential densities in the surrounding area the availability of utilities and service, and the natural features and resource of the subject parcel.

C. Non-Residential Component. A PUD may incorporate a non-residential component into an exclusively residential development, provided that all of the following are met:

1. The non-residential component shall be located on a lot of sufficient size to contain all such structures, parking, and landscape buffering. The total area occupied by the non-residential land uses may not exceed ten percent (10%) of the gross area of the development.

2. All non-residential uses shall be compatible with the residential area of the PUD.
3. The architectural design of the structure(s) is compatible with the balance of the development.
4. All non-residential structures are connected to a pedestrian access system servicing the project.
5. All parking and loading areas serving the non-residential uses shall be to the rear or side of the structure and fully screened from view of any approved public or private roadway, except that up to twenty-five percent (25%) of the minimum number of required parking spaces may be located in the front yard. Where the parking lot is visible from residential units or open space, it shall be planted in accordance with Section 12.02, Landscaping.

SECTION 5.05 DESIGN STANDARDS

A. Open Space Preservation.

1. When completed, the PUD shall have significant areas, but not less than thirty percent (30%) of total land area, devoted to open space, which shall remain in a natural state and/or be restricted for use or active and/or passive outdoor recreational purposes. Priority shall be on preserving the most important natural features on the site, as identified by a site analysis. The amount of open space, including the area and percentage of the site, shall be specified on the site plan. While it is the intention that the required open space be included in a project area, up to fifty percent (50%) of the required open space may be non-contiguous to the project area if approved by the Township Board after recommendation of the Planning Commission. Non-contiguous open space must be within Berlin Township and must contain important natural features as determined by the Planning Commission and Township Board to be considered.
2. In addition to preservation of the most important natural features, additional open space shall be, where possible, located and designed to achieve the following:
 - a. Provide areas for active recreation.
 - b. Provide areas for informal recreation and pathways that connect into adjacent open space, parks, sidewalks, bike paths, or pedestrian paths.
 - c. Provide natural greenbelts along roadways to preserve the rural character as viewed from roads.
 - d. Preserve an existing natural buffer from adjacent land uses where appropriate.
3. To ensure open space is maintained in perpetuity, the following shall apply:

- a. No PUD shall be approved by the Township Board until documents pertaining to maintenance and preservation of common natural open space areas, common landscaped areas, and common recreation facilities located within the development plan have been reviewed by the Township Attorney.
 - b. The Township shall be identified as having the right to enforce the conditions, covenants, and restrictions placed on the open space, unless otherwise directed by the Township Board and the Township Attorney, with the documentation utilized for such purpose to be in a form approved by the Township Attorney. Any costs associated with enforcement may be assessed the property owner and/or homeowners association.
- B. **Setbacks.** All regulations applicable to front, side, and rear yard setbacks shall be met in relation to each respective land use in the development based upon zoning district regulations in which the proposed use is listed as a permitted principal or conditional use.
- C. **Buffering from Adjacent Property.** There shall be a perimeter setback and buffering of a minimum of fifty (50) feet, taking into consideration the use or uses in and adjacent to the development. The Township Board may reduce the perimeter setback and buffering in cases where the density of the proposed development is compatible with the adjacent uses and/or natural features including, but not limited to woodlands and topographical features that provide adequate buffering to protect adjacent uses. If natural features, including, but not limited to woodlands and topographical features do not provide adequate buffering from adjacent property, the perimeter setback shall include noise reduction and visual screening features including, but not limited to landscaping, berms, and/or decorative walls.
- D. **Vehicular and Pedestrian Circulation.**
 1. Vehicular circulation shall be designed in a manner which provides safe and convenient access to all portions of the site, promotes safety, contributes to coherence of site design, and adapts to site topography.
 2. Physical design techniques, known as traffic calming, are encouraged. These techniques are intended to alter driver behavior to reduce speed and cut-through traffic, improve vehicular safety, and improve conditions for non-motorized traffic.
 3. The plan shall provide pedestrian/bicycle access to, between or through all open space areas, and to appropriate off-site amenities, and located in accordance with the natural feature information of the site. Informal trails may be constructed of gravel, wood chips, or other similar material.
 4. Locations for school bus stops shall also be provided on the site plan.
- E. **Utilities.** There shall be underground installation of utilities, including electricity and telephone, as found necessary by the Township.

- F. **Stormwater Drainage / Erosion Control.** All stormwater drainage and erosion control plans shall meet the Engineering Standards adopted by the Township and Monroe County.

SECTION 5.06 APPLICATION AND PROCESSING PROCEDURES

- A. **Effects.** The approval of a PUD application shall require an amendment to the zoning ordinance to revise the zoning map and designate the subject property as PUD. Approval granted under this Section, including all aspects of the final PUD plan and conditions imposed, shall constitute an inseparable part of the Zoning Ordinance.

B. **Review Procedures.**

1. **Concept Review Meeting.** Prior to the submission of an application for PUD, the applicant shall meet with the Zoning Official, a member of the Planning Commission, and such consultants or staff as deemed appropriate. Additional concept review meetings may be requested by the applicant or Township. The applicant shall present at such meeting, or meetings, a sketch plan of the PUD, and the following information:
 - a. The legal description of the property in question.
 - b. The total number of acres to be included in the project.
 - c. A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units.
 - d. Departures from the regulations of the ordinance which may be requested.
 - e. The number of acres to be preserved as open space or recreation space.
 - f. All known natural resources and natural features.
 - g. The location of all existing and proposed water and sewage treatment systems serving the property.
2. **Preliminary PUD Plan Application.** Following the above meeting or meetings, the application and all required materials for preliminary PUD plan review shall be submitted. The submission shall be made to the Township Building Department for distribution to applicable reviewing parties and agencies. The plan shall be accompanied by an application form and fee as determined by the Township Board. The preliminary PUD plan shall contain the following information:
 - a. Date, north arrow, and scale which shall not be more than 1 inch = 100 feet.
 - b. Location sketch of site in relation to surrounding area.
 - c. Legal description of property including common street address and tax identification number.
 - d. Size of parcel.

- e. All lot or property lines with dimensions.
- f. General location of all buildings within 200 feet of the property lines.
- g. General location and size of all existing structures on the site.
- h. General location and size of all proposed structures on the site. The general size of all buildings shall be within 5,000 square feet or five percent (5%), whatever is smaller of whatever is constructed.
- i. General location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces and typical dimensions.
- j. General size and location of all areas devoted to open space.
- k. Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
- l. All areas within the 100-year floodplain, wetland areas, or bodies of water.
- m. Generalized topographical information including contours and/or spot elevations which illustrate drainage patterns.
- n. Preliminary phasing lines of PUD development, if applicable.
- o. A narrative describing:
 - i. The nature of the project, projected phases, and timetable.
 - ii. The proposed density, number, and types of dwelling units if a residential PUD.
 - iii. A statement describing how the proposed project meets the objectives of the PUD district pursuant to Section 5.02 C.
 - iv. A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
 - v. Proof of ownership or legal interest in property.

3. **Planning Commission Review and Recommendation – Preliminary PUD Plan.** The Planning Commission shall review the preliminary PUD plan according to the provisions of Sections 5.02 through 5.05 herein. Following the public hearing, the Planning Commission shall recommend to the Township Board either approval, denial, or approval with conditions. In making its recommendation, the Planning Commission shall find that the preliminary PUD plan meets the intent of the PUD district and the following standards:

- a. In relation to the underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the

subject or surrounding land or property owners and occupants or the natural environment.

- b. The proposed development shall be compatible with the Township Master Plan and shall be consistent with the intent and spirit of this Article.
 - c. The PUD shall not change the essential character of the surrounding area.
 - d. The proposed PUD shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Article. This provision shall not prohibit a transfer of ownership or control upon due notice to the Zoning Official.
4. **Public Hearing - Planning Commission.** The Planning Commission shall hold a public hearing and give notice in accordance with Section 3.08, Notices.
 5. **County Planning Commission Review.** Following recommendation by the Planning Commission, all pertinent materials shall be submitted to the County Planning Commission for its review and recommendation to the Township Board.
 6. **Township Board Review and Determination – Preliminary PUD Plan.** After receiving the recommendation of the Township and County Planning Commissions, the Township Board shall approve, deny, or approve with conditions the preliminary PUD plan in accordance with the standards for approval and conditions for a PUD as contained herein.
 7. **Effect of Preliminary PUD Site Plan Approval.** Approval of the preliminary PUD site plan that is required to accompany a PUD application does not constitute final PUD plan or rezoning approval, but only bestows the right on the applicant to proceed to the final site plan stage. The application for final PUD site plan consideration shall be submitted within twelve (12) months of receiving preliminary PUD approval or the application shall be considered null and void. However, an extension for a specified period may be granted by the Township Board upon good cause shown if such request is made to the Township Board prior to the expiration of the initial period.
 8. **Final PUD Plan Application.** Following preliminary PUD plan approval, copies of the application for final PUD plan shall be submitted. The submission shall be made to the Township Building Department. The plan shall be accompanied by an application form and fee as determined by the Township Board. The final PUD plan shall contain the same information required for the preliminary PUD plan pursuant to Section 5.06.B.2. along with the following information and any information specifically requested by the Planning Commission in its review of the preliminary PUD plan.
 1. A map and written explanation of the relationship of the proposed planned development to the Township's Master Plan.
 2. Information concerning traffic generated by the proposed planned development. Sufficient information shall be provided to allow the Township

to evaluate the impact of the proposed development on adjoining roads. The following traffic-related information shall be provided:

- i. Estimates of the volume of traffic generated by each use, and the peak hour volume of traffic expected to be generated by the proposed development.
 - ii. A schematic drawing indicating vehicular movement through the site including anticipated turning movements, and measures being proposed to alleviate the impact of the development on the circulation system.
3. Analysis of the fiscal impact of the proposed development on the Township and the school district.
4. Evidence of market need for the proposed use(s) and the feasibility of completing the project in its entirety. This requirement may be waived by the Planning Commission upon making the determination, based on existing evidence and knowledge about the local economy, that market support does exist for the proposed uses.
5. Legal documentation of single ownership or control. The documentation shall be in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development are not to be maintained at public expense, and will continue to be operated and maintained by the developers or their successors.
6. A specific schedule of the intended development and construction details, including the phasing or timing of all proposed improvements.
7. A draft of ownership and governance documents. These documents shall include the following:
 - i. Deeds of ownership (Master Deed).
 - ii. Warranties guaranteeing ownership conveyed and described in the deeds.
 - iii. A list of covenants, conditions, and restrictions that are conditions of ownership upon the purchasers and owners in the planned development.
 - iv. Association bylaws (for example, condominium association bylaws) which describe how the association is organized; the duties of the association to operate, manage, and maintain common elements of the planned development; and, the duties of individual shareholders to manage and maintain their own units.
10. **Planning Commission Review and Recommendation – Final PUD Plan and Rezoning.** After receiving approval of the preliminary PUD plan from the

Township, the Planning Commission shall review the final PUD plan, and rezoning application and shall recommend to the Township Board either approval, denial, or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed final PUD plan is in substantial compliance with the approved preliminary PUD and still meets the intent of the PUD district along with all development standards outlined in Sections 5.02 through 5.05.

11. **Township Board Review and Determination – Final PUD Plan.** After receiving the recommendation of the Planning Commission and considering the comments of the public, the Township Board shall approve, deny, or approve with conditions the final PUD plan. The Township Board’s decision, the basis for its decision, and any conditions imposed on an affirmative decision shall be recorded in the official meeting minutes.
12. **Effect of Approval – Final PUD Plan and Rezoning.** The final PUD plan, the narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specifically specified in the final PUD plan are disallowed and not permitted on the property notwithstanding that the property is zoned PUD. All improvements and uses shall be in conformity with this zoning amendment to PUD. The applicant shall record a PUD Agreement with the Monroe County Registrar of Deeds, which shall contain the following:
 1. Date of approval of the final PUD site plan by the Township Board.
 2. Legal description of the property.
 3. Legal description of the required open space along with a plan stating how the open space is to be maintained.
 4. A statement that the property will be developed in accordance with the final PUD site plan and any conditions imposed by the Township Board and/or Planning Commission unless an amendment thereto is duly approved by the Township upon the request and/or approval of the applicant or applicant’s transferee’s and/or assigns. This statement shall also include the duration of approval and action for non-compliance.

SECTION 5.07 RESOLUTION OF AMBIGUITIES AND CHAPTER DEVIATIONS

- A. The Township Board, based upon the recommendation of the Planning Commission, shall resolve all ambiguities as to the applicable regulations using this Zoning Ordinance, the Master Plan, and other Township standards or policies as a guide.
- B. Notwithstanding the immediately preceding standards, deviations with respect to such regulations may be granted as part of the overall approval of the PUD provided there are features or elements demonstrated by the applicant and deemed adequate by the Township Board upon the recommendation of the Planning Commission designed into the project plan for the purpose of achieving the objectives of this Article.

SECTION 5.08 PERFORMANCE GUARANTEE

The Township Board may require a performance bond or similar guarantee as outlined in Section 3.09 in order to ensure completion of the required improvements.

SECTION 5.09 CONDITIONS

- A. Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law. Conditions may be included which are deemed necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and/or to promote the use of land in a socially and economically desirable manner.
- B. All conditions imposed shall be made a part of the record of the approved PUD.
- C. Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the Township Board and the landowner. The Township shall maintain a record of conditions which are changed.

SECTION 5.10 PHASING AND COMMENCEMENT OF CONSTRUCTION

- A. **Phasing.** Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. In addition, in developments which include construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Township Board after recommendation from the Planning Commission.
- B. **Commencement and Completion of Construction.** Construction shall be commenced within two (2) years following final PUD site plan approval and shall proceed substantially in conformance with the schedule set forth by the applicant, as approved by the Township. If construction is not commenced within such time, any approval of a final PUD site plan shall expire and be null and void, provided, an extension for a specified period may be granted by the Township Board upon good cause shown if such request is made to the Township Board prior to the expiration of the initial period. Moreover, in the event a final PUD site plan has expired, the Township Board, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and , if the property remains classified as PUD, a new PUD or zoning application shall be required, and shall be reviewed in light of the existing and applicable law and ordinance provisions prior to any construction.

- C. **Application for a Building Permit.** Prior to issuance of a building permit, the applicant shall submit proof of the following:
1. Final approval of the engineering plans.
 2. Acquisition of all other applicable township, county, or state permits.

SECTION 5.11 MODIFICATIONS TO AN APPROVED PUD PLAN

A developer may request a change to an approved preliminary PUD plan, or an approved final PUD plan. A change in an approved preliminary PUD plan or an approved final PUD plan which results in a major change, as defined in this Section, shall require an amendment to the preliminary PUD plan and/or final PUD plan. All amendments shall follow the procedures and conditions herein required for original submittal and review. A change which results in a minor change as defined in this Section shall require a revision to the approved final PUD plans and approval by the Township Board following review by the Planning Commission.

- A. **Major Amendments.** The following changes shall be considered major:
1. Change to the concept of the development;
 2. Change in use or character of the development;
 3. Change in the type of dwelling unit;
 4. Change in the number of dwelling units (density);
 5. Change in non-residential floor area;
 6. Change in lot coverage or floor area ratio of the entire PUD;
 7. Change in the character or function of any street;
 8. Change in land area set aside for common space or the relocation of such areas;
 9. Change in building height.
- B. **Minor Amendments.** The following changes shall be considered minor:
1. A change in residential floor space;
 2. Minor variation in the layout which taken together do not constitute major changes.
- C. **Planning Commission Determination.** The Planning Commission shall have the authority to determine whether a requested change is major or minor, in accordance with this Section. The burden shall be on the applicant to show good cause as to any requested change.

ARTICLE 6. SITE PLAN REVIEW

SECTION 6.01 PURPOSE

The site plan review requirements in this Article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this Ordinance, other applicable ordinances, and state and federal laws. The intent is to encourage a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses, achieve efficient use of the land, encourage innovative design solutions, protect natural resources, ensure safety for both internal and external vehicular and pedestrian users, achieve innovative storm water management solutions, and prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the Township and the applicant to facilitate development in accordance with the Township's land use objectives.

SECTION 6.02 RELATIONSHIP TO PLATTING, LAND DIVISIONS, COMBINATIONS

The Township Board shall require the platting of parcels of property and/or the tentative approval of land divisions or land combinations prior to the consideration of site plans where the Township Board determines a site plan is needed to ensure capability to comply with the standards of the zoning ordinance or other ordinances.

SECTION 6.03 BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN APPROVAL

- A. **Site Plan Review Requirement.** The following buildings, structures, and uses require site plan review:
1. All proposed permitted uses and related buildings, except single-family dwellings.
 2. All proposed special land uses and related buildings.
 3. All additions, alterations, or expansion of an existing permitted or special land use and/or related building.
 4. Any building or use for which site plan review is required by this Ordinance.
 5. Any parking lot or addition thereto.
 6. Any residential development, except construction or expansion of one (1) single-family or two-family dwelling unit on an individual lot or parcel in the residential zoning districts, or placement of dwelling units in an approved manufactured housing park.

B. Status of Site Improvements.

1. No building permits or certificates of occupancy shall be issued until all required site plans and engineering plans have been approved and all applicable construction permits are in effect.
2. No grading, removal of trees or other vegetation, landfilling, or construction of improvements shall commence for any development which requires site plan approval until a final site plan is approved and is in effect, and construction permits are issued, except as otherwise provided in this Ordinance.

SECTION 6.04 SITE PLAN REVIEW PROCESS

A. Site Plan Review Process. Before issuance of a building permit for construction, the Township Clerk shall refer a site plan to the Planning Commission for processing. Such site plan shall be submitted to the Planning Commission in a two-stage review process:

1. Preliminary site plan approval.
2. Final site plan approval.

B. Information Required for Site Plan Submittal. The information required and specified in each stage of the site plan review process as set forth in Section 6.06, shall be presented to the Township Clerk by the property owner or petitioner at least thirty (30) days prior to the date of the Planning Commission's regular meeting or special meeting.

The applicant shall be responsible for the cost of preparing all site plan submittal information and for the evaluation of the site plan and related documents by consultants selected by the township.

C. Meeting Representation: The applicant or the applicant's representative must be present at the scheduled reviews or the matter may be tabled.

D. Preliminary Site Plan Review. The Township Zoning Official shall determine if the preliminary site plan includes the required information set forth in this Ordinance and the Engineering Standards. The Township Zoning Official shall transmit complete submittals of the application and preliminary site plan drawing(s) to the Township Planning Commission prior to its next available regularly scheduled meeting. The Township Planning Commission shall undertake a study of the same and shall give its approval, approval with conditions, or disapproval of the preliminary site plan, advising the applicant, in writing, of recommended changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance.

E. Variance Requests. When the applicant intends to seek a variance from the Zoning Board of Appeals for the subject request, the applicant shall first receive tentative approval of the preliminary site plan from the Planning Commission. Tentative approval of the preliminary site plan by the Planning Commission shall be conditioned upon the granting of any necessary variances by the Zoning Board of Appeals.

F. **Final Site Plan Review.** The Township Zoning Official shall determine if the final site plan includes the required information set forth in this Ordinance, the Engineering Standards, and other information requested by the Township Planning Commission during preliminary site plan review. The Township Zoning Official shall transmit complete submittals to the Township Planning Commission prior to its next available regularly scheduled meeting. The Township Planning Commission shall undertake a study of the same and shall give its approval, disapproval, or approval with conditions.

The Planning Commission, as a condition of its final approval of a site plan, may require reasonable modifications relating to: the location, height, number of stories, and size of dwellings, buildings, and other structures; the area of the yards, courts, and other open spaces; and the sanitary, safety, and protective measures which shall be required for such dwellings, buildings, and structures; and any other changes to meet the standards and intent of this zoning ordinance and other ordinances, laws and regulations.

Prior to the presentation of the final site plan to the Planning Commission, the property owner or petitioner shall have secured approval from the County Road Commission, County Drain Commissioner's office, and the County Health Department for ingress/egress to the site, public utility location and sizing, and wastewater treatment and potable water supply, and any other approvals required, respectively.

G. **Conditions of Approval.** For any approval with condition(s), the applicant shall submit a revised plan within sixty (60) days illustrating compliance with all conditions for approval by the Zoning Official. No permits shall be issued until such revised plan is submitted and approved.

H. **Effect of Approval.** Upon approval of a final site plan by the Planning Commission, construction consistent with said site plan shall be commenced within one (1) year of the date said site plan was approved. In the event construction is not so commenced said site plan approval shall become void and of no force and effect.

Upon a site plan approval becoming void pursuant to the provisions hereof, no construction may commence upon said site unless and until the site plan approval process has been re-instituted and completed. In such event, all applicable fees shall be paid.

SECTION 6.05 ADMINISTRATIVE APPROVAL / ADMINISTRATIVE SITE PLAN REVIEW

A. **Intent.** The intent of this section is to permit submittal of a sketch plan in certain specific instances where a complete site plan is not considered essential to ensure compliance with the intent and standards of this zoning ordinance.

B. **Authority.** The Zoning Official shall have the authority to conduct an Administrative Review of a site plan, provided all other standards of this Ordinance are met as set forth in Section 6.06. The Zoning Official may seek and review any comments of applicable

Township staff and/or consultants, county, state, or federal agencies; and reserve the right to refer the matter to the Planning Commission, if necessary.

If a full site plan is required, the Zoning Official shall inform the applicant to submit a set of plans in accordance with Section 6.04 within thirty (30) days of receipt of the application.

- C. **Procedure.** The process for administrative approval shall involve submittal of a sketch plan and required application form and fee to the Zoning Official. The Zoning Official shall review the sketch plan to ensure compliance with standards of this ordinance and make a report of administrative approvals, including copies of the sketch plan, to the Planning Commission.
- D. **Eligibility.** A sketch plan, rather than a complete site plan package, may be submitted for minor modifications to a legally existing and conforming use and building which is permitted in the zoning district (i.e. special land uses are not eligible) including alterations to a building or site that do not result in expansion or substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public infrastructure or services, significant environmental impacts or increased potential for hazards; including the following uses and situations:
1. Group day care homes.
 2. Home occupations.
 3. Temporary uses, sales and seasonal events.
 4. An increase in the floor area on the site by up to one thousand (1,000) square feet or ten percent (10%) of the existing floor area, whichever is less, with no required increase in parking area. Administrative approval is not permitted if the cumulative total of the proposed expansion and any expansion within the last five (5) years, as determined by the Zoning Official, exceeds this amount.
 5. An existing building and site are to be re-occupied by a use permitted in the subject zoning district and the new use will not require any significant changes in the existing site facilities such as parking, landscaping, lighting, signs, bike paths or sidewalks.
 6. Improvements to outdoor recreational uses and parks.
 7. Expansion, replanting or alterations of landscaping areas consistent with the other requirements of this Ordinance.
 8. Improvements or installations of walls, fences, lighting or curbing consistent with the other requirements of this Ordinance.
 9. Alterations to the off-street parking layout or installation of pavement or curbing improvements provided the total number of spaces shall remain constant, and

the construction plans and lot construction are approved by the Township Engineer.

10. Relocation of a waste receptacle/dumpster to a more inconspicuous location or installation of screening around the waste receptacle/dumpster.
11. Changes to the facade or architectural features (an elevation plan describing changes and construction materials is required).
12. Approved changes to utility systems.
13. Grading, filling, creation of ponds or clearing of trees.
14. A change in use in a nonconforming use building or site to a more conforming situation.
15. Modifications to upgrade a building to improve barrier-free design, or to comply with the Americans with Disabilities Act (ADA) or other federal, state or county regulations.
16. Accessory structures.

E. **Requirements.** A "sketch plan" (administrative site plan) submittal shall include at least the following:

1. Site plan application form and review fee.
2. Name, address and telephone number of the applicant and the person(s) responsible for preparing the plan.
3. North arrow.
4. Legal description of the property.
5. The plan shall be drawn at an engineer's scale (one (1) inch = ten (10) feet).
6. Any building expansion over five hundred (500) square feet within a five-year period involving public safety issues, as determined by the Zoning Official shall require a professional seal of an architect, landscape architect or engineer.
7. Property lines and dimensions.
8. Existing and proposed buildings and structures with dimensions, setbacks, and details or elevations where appropriate.
9. Existing and proposed parking including number of spaces provided and required according to Table 11.06-C. If changes are made to the parking area, a detail of pavement, storm water runoff calculations and description of detention methods shall be provided.

10. Details on any new driveways or changes to existing driveways (radii, throat width, slope, boulevard design, etc.).
11. Location of existing signs and details on any proposed changes or new signs.
12. General illustrations of existing landscaping; location, size, and species of any new landscaping.
13. Layout of any proposed changes to utilities.
14. Description of any proposed changes to drainage.
15. Floor plan of any new building area or building elevations, if applicable.
16. Any other items requested by Township Staff, consultants, or the Planning Commission.

SECTION 6.06 DATA REQUIRED FOR SITE PLANS

Site plans shall include the information set forth in Table 6.06-A.

Table 6.06-A. Data Required for Site Plans

Plan Data	Required For:	
	Preliminary Site Plan	Final Site Plan
A. Application Form		
Name and address of the applicant and property owner.	X	X
Address and common description of property and complete legal description.	X	X
Dimensions of land and total acreage.	X	X
Zoning on the site and all adjacent properties.	X	X
Description of the proposed project or use, type of building or structures, and name of proposed development, if applicable.	X	X
Name and address of firm or individual who prepared the site plan.	X	X
Proof of property ownership.	X	X
B. Site and Zoning Data		
Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.	X	X
Proposed lot lines, lot dimensions, property lines, setback dimensions, structures, and other improvements to the site and within 100 feet of the site.	X	X
All existing and proposed easements, including type.	X	X
Zoning district of site and all adjacent property.	X	X
Land use of site and all adjacent property.	X	X
Proposed use of the site.	X	X
Gross and net lot area, and areas in proposed rights-of-ways, access easements, wetlands, and bodies of water (including streams, ponds, lakes).	X	X

Plan Data	Required For:	
	Preliminary Site Plan	Final Site Plan
Ground floor and total floor area to be constructed.	X	X
Lot coverage (ground floor area divided by net lot area).	X	X
Impervious surface (total impervious area and percentage of impervious area to total net lot area).	X	X
Floor area ratio (total floor area divided by net lot area).	X	X
Number and type of dwelling units and density, for residential projects.	X	X
Building height, in feet and number of floors.	X	X
Required yards/setbacks.	X	X
C. Natural Features		
General location of existing plant materials, with identification of materials to be removed and materials to be preserved.	X	X
Topography on the site and within 100 feet of the site at 2-foot contour intervals, referenced to a USGS benchmark.	X	X
Location of existing drainage courses, floodplains, lakes and streams, and wetlands.	X	X
Existing wetland areas must be shown for each wetland. All impacted areas and mitigation areas shall be shown with calculations provided.	X	X
General soils information, location, and extent of soils that are unbuildable in their natural state because of organic content or water table level, based on the Monroe County Soil Survey or equivalent information.	X	X
D. Access and Circulation		
Dimensions, curve radii, and centerlines of existing and proposed access points, roads and road rights-of-ways or access easements.		X
Driveways and intersections within 100 feet of the site.	X	X
Location of proposed roads, driveways, parking lots, sidewalks and non-motorized pathways.	X	X
Cross-section details of proposed roads, driveways, parking lots, sidewalks, and non-motorized pathways.		X
Dimensions of acceleration, deceleration, and passing lanes.		X
Calculations for required number of parking spaces and loading areas, including location and layout.	X	X
Dimensions of parking spaces, islands, circulation aisles, and loading zones.	X	X
Designation of fire lanes.	X	X
Traffic regulatory signs and pavement markings.		X
E. Landscape Plans		
General landscape plan, including location and type of all proposed shrubs, trees, and other live plant material.	X	X
Existing live plant materials to remain, and if materials will be applied to landscaping requirements.	X	X
Existing and proposed topography, by contours, correlated with the grading plan.	X	X
Location of all proposed landscape improvements.	X	X

Plan Data	Required For:	
	Preliminary Site Plan	Final Site Plan
Planting list for proposed landscape materials with caliper size or height of material, botanical and common names, quantity, and spacing.		X
Irrigation system plan for watering and draining landscape areas.		X
Cross-sections and details for required landscape improvements including berms, walls, fences, retaining walls, etc.		X
Proposed means of protecting existing plant material during construction.		X
F. Building, Structure, and Miscellaneous Site Information		
Location, height, number of floors, and outside dimensions of all proposed buildings and structures.	X	X
Building floor plans and total floor area.		X
Details on accessory structures and any screening.		X
Location, size, height, and lighting of all proposed signs.		X
Building façade elevations for all sides, drawn at an appropriate scale.		X
Description of exterior building materials and colors.		X
Location of exterior lighting (site and building lighting).		X
Lighting details, including height, initial lumen rating, type of lamp, method of shielding, and depiction of lighting pattern for all site and building lighting.		X
Lighting photometric grid overlaid on proposed site plan showing light intensity (in foot-candles) on the site and 10 feet beyond the property lines of the subject parcel.**		X
Location of trash receptacle(s) and transformer pad(s) and method of screening.		X
Location of any outdoor sales or display area.	X	X
G. Information Concerning Utilities, Drainage, and Related Issues		
Location of existing and proposed sanitary sewers and/or septic systems.	X	X
Size of existing and proposed sanitary sewers and/or septic systems.		X
Location of existing and proposed water mains, well sites, water service and fire hydrants.	X	X
Size of existing and proposed water mains, water service, and fire hydrants.		X
Site grading, drainage patterns, and other stormwater management measures.	X	X
Stormwater drainage and retention/detention calculations	X	X
Stormwater retention and detention ponds, including grading, side slopes, depth, high water elevation, volume and outfalls.		X
Location of storm sewers and drains.	X	X
Size of storm sewers and drains.		X
Location of above and below ground gas, electric and telephone lines, existing and proposed.	X	X
Location of transformers and utility boxes.		X
Assessments of potential impacts from the use, processing, or movement of hazardous materials, or chemicals, if applicable.		X
H. Additional Information Required for Multiple-Family Residential		

Plan Data	Required For:	
	Preliminary Site Plan	Final Site Plan
Development		
The number and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.)	X	X
Density calculations by type of residential unit (dwellings per acre).	X	X
Garage and/or carport locations and details, if proposed.		X
Mailbox clusters		X
Location, dimensions, floor plans, and elevations of common building(s) (e.g. recreation, laundry, etc.), if applicable.		X
Swimming pool fencing detail, including height and type of fence, if applicable.		X
Location and size of recreation and open space areas.		X
Indication of type of recreation facilities proposed for recreation area.		X
I. Additional Study (as required by the Planning Commission)		
Traffic Study		As required
Environmental Assessment		As required
Noise		As required
Additional study as required by the Planning Commission		As required

NOTE: If any of the items listed above are not applicable, a list of each item considered not applicable and the reason(s) why each listed item is not considered applicable should be provided on the site plan.

**The lighting photometric grid requirement may be waived by the Planning Commission for sites with parking lots of twenty (20) spaces or less or for sites that are not adjacent to residentially-zoned property.

SECTION 6.07 CRITERIA FOR SITE PLAN REVIEW.

- A. **Compliance with all Regulations.** In reviewing a site plan, the Planning Commission shall find that the proposed plan complies with all applicable Township Codes and Ordinances.
- B. **Standards.** Further, in consideration of each site plan, the Township Planning Commission shall endeavor to assure the following:
 - 1. The proposed use will not be injurious to the general health, safety, welfare, and character of the Township and surrounding neighborhood.
 - 2. The proposed development is consistent with the Township Master Plan.
 - 3. Building placement and orientation provides a strong visual and functional relationship with its site, adjacent sites, and nearby thoroughfares. Such placement and orientation are consistent within sites and to adjacent sites to

provide distinct building groups which exhibit similar orientation, scale, and proportion.

4. There is a proper relationship between major thoroughfares and proposed service drives, driveways, and parking areas.
5. The proposed development provides for proper development of roads, easements, and public utilities.
6. Site access and circulation shall be designed to ensure the safe and convenient movement of vehicles, bicycles, and pedestrians. Where possible, separation of pedestrian and vehicular traffic shall be provided to avoid conflicts and unsafe conditions.
7. Internal circulation shall be arranged to provide a practical means of emergency personnel and vehicle access to all sides of a building.
8. Site planning and design of specific improvements will accomplish the preservation and protection of existing natural features such as lakes, ponds, streams, wetlands, floodplains, steep slopes, groundwater, trees, and wooded areas.
9. The proposed development will utilize the natural topography to the maximum extent possible, minimizing the amount of cutting, filling, and grading, and preventing soil erosion or sedimentation.
10. The design of storm sewers, stormwater facilities, roads, parking lots, driveways, water mains, sanitary sewers, and other site improvements meet the design and construction standards of the Township and other appropriate agencies.
11. A stormwater management system and facility will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body, or water course, or cause alterations which could increase flooding or water pollution on- or off-site. The Monroe County Drain Commissioner's Office standards will be used for the review and approval of all stormwater management systems.
12. Wastewater treatment systems, including on-site septic systems, shall be located to minimize any potential degradation of surface water or ground water quality, and be designed in accordance with the applicable Township, County, and/or State standards.
13. Sites which include storage of hazardous waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of pollution materials to the surface or the air, or to the ground, groundwater, or nearby water bodies, with a specific plan to achieve such objectives being incorporated as part of the site plan.

14. Landscaping, including grass, trees, shrubs, and other vegetation, is provided to maintain and improve the aesthetic quality of the site and area.

SECTION 6.08 ENGINEERING SITE PLAN APPROVAL

Upon approval of a final site plan by the Planning Commission, the applicant may apply for engineering plan approval which may include but is not limited to soil erosion control permit, utility permits, and all other required county and state permits.

SECTION 6.09 SITE PLAN COMPLETION GUARANTEE

Prior to the issuance of any building permit for any building, or prior to the issuance of any building permit for any building in a site condominium project, or prior to issuance of a certificate of occupancy for any other development which requires site plan review under this Ordinance, the applicant for same shall provide to the Township the completion guarantee, as set forth in Section 3.09.

SECTION 6.10 AMENDMENT, REVISION OF AN APPROVED SITE PLAN

An approved final site plan for which the Building Official has not issued a building permit, or the work authorized under an issued building permit has not been completed may be amended by the Township Planning Commission. Such amendment shall be made upon application and in accordance with the procedure provided under Section 6.04 of this Ordinance. The Township Zoning Official shall have the authority to determine if a proposed change is substantive and therefore requires an amendment to the approved site plan or whether it can be administratively approved.

SECTION 6.11 EXTENSION, REVOCATION, AND ABANDONMENT OF SITE PLAN

- A. **Extension.** Final site plan approval is valid for a period of one (1) year from the date of final action by the Planning Commission within which time all necessary Building or Construction Permits shall be secured, and substantial construction completed. No single extension shall be granted for a period of more than one (1) year, and multiple extensions are allowed. All requests for extensions shall be made in writing and include a statement of why the extension is necessary, and confirmation of the ability to complete construction in conformity with the final site plan as approved.
- B. **Revocation.** The Planning Commission may, upon hearing, revoke approval of a site plan if the Commission determines that any information on the approved site plan is in error. Upon revocation, work on the affected part of the development, or on the entire development, as determined by the Planning Commission, shall cease. The Planning Commission may direct the Zoning Official to issue a stop work order to enforce its determination. Upon revocation, the Planning Commission may require the applicant to amend the site plan in a manner appropriate to reflect the corrected information. Any

work so suspended shall not be resumed until an amended site plan is approved by the Planning Commission.

C. **Abandonment.**

1. **Abandonment of Preliminary Site Plan.** An approved Preliminary Site Plan for which a Final Site Plan has not been submitted as required under Section 6.04 within one (1) year from the date of Preliminary Site Plan approval, shall be considered abandoned.
2. **Abandonment of Final Site Plan.** An approved Final Site Plan, upon which construction does not commence and an extension of approval has not been requested within the one (1) year period from the date of Final Site Plan approval, shall be considered abandoned.

ARTICLE 7. SPECIAL LAND USES

SECTION 7.01 INTENT

The procedures and standards in this Article are intended to provide a consistent and uniform method for review of proposed plans for Special Land Uses. Special Land Uses are uses which possess unique characteristics and therefore cannot be properly classified as a permitted use in a particular zoning district. This Article contains standards for review for each Special land use proposal individually on its own merits to determine if it is an appropriate use for the district and specific location where it is proposed.

SECTION 7.02 PROCEDURE

The procedure for Special Land Use review shall be as follows:

- A. **Application.** An applicant for a Special Land Use shall submit an application for review to the Building Department, together with the required fee and appropriate information, not less than 45 days prior to the date of the regular meeting of the Planning Commission, at which the special use application will be considered. The following information shall also be submitted:
1. A site plan with the required information as set forth in Article 6.
 2. A statement with regard to compliance with the criteria required for approval in Section 7.03, Standards for Special Land Use approval and any specific standards required by the specific use as provided in Article 8, Specific Use Standards.
 3. Failure to provide the required information and materials as part of the application of Special Land Use approval shall render the application deficient and said application shall be held in abeyance until the petitioner submits all required items. The Zoning Administrator may waive the submission of a site plan where such information is not material to Planning Commission action, specifically where no physical changes to the site are proposed.
- B. **Public Hearing.** The Planning Commission shall hold a public hearing, or hearings, upon any application for Special land use. Notice of which shall be in the manner required by Section 3.08, Notices.
- C. **Planning Commission Action.**
1. The Planning Commission shall conduct the required public hearing. At the public hearing, the Planning Commission shall review the application for special land use approval in accordance with Section 7.03 and any specific standards in Article 8, Specific Use Standards.

2. The Planning Commission shall approve, approve with conditions, or deny the special land use based on the findings outlined in Section 7.03.

SECTION 7.03 STANDARDS FOR SPECIAL LAND USES

- A. **Standards.** The Planning Commission shall review the particular circumstances and facts of each proposed use, and shall consider the following general standards, and any specific standards established for a particular use.
1. **Compatibility with the Master Plan.** The proposed special land use shall be consistent with the goals, objectives, and the future land use plan described in the Berlin Charter Township Master Plan.
 2. **Compliance with Zoning Standards.** The proposed special land use shall be designed, constructed, operated, and maintained to meet the stated intent of the zoning districts, and shall comply with all applicable ordinance standards.
 3. **Compatibility with Adjacent Uses.** The proposed special land use shall be designed, constructed, operated, and maintained to be compatible with and not significantly alter the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, or similar impacts. The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
 4. **Impact of the Overall Environment.** The proposed special land use shall not reasonably impact the quality of the natural features and the environment in comparison to the impacts associated with typical permitted uses.
 5. **Impact of Public Facilities.** The proposed special land use shall be served adequately by public facilities and services, such as police and fire protection, schools, drainage systems, water and sewage facilities, streets, pedestrian or bicycle facilities, and refuse disposal. Such services shall be provided and accommodated without an unreasonable public burden.
 6. **Traffic Impact.** The proposed special land use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration: pedestrian access and safety; vehicle trip generation; types of traffic, access location, and design, circulation, and parking design; street and bridge capacity; and traffic operations at nearby intersections and access points.
 7. **Public Safety and Welfare.** The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.

8. **Special Use Approval Specific Requirements.** The general standards and requirements of this Section are basic to all uses authorized by special land use approval. The specific and detailed requirements relating to particular uses and area requirements must also be satisfied for those uses.
- B. **Additional Findings.** The Planning Commission shall also consider the nature and character of the activities, processes, materials, equipment, or conditions of operation, either specifically or typically associated with the use, including but not limited to: hours of operation, outdoor storage, and work areas.

SECTION 7.04 CONDITIONS OF APPROVAL

- A. **Authority.** The Planning Commission may at its discretion impose additional conditions of approval, when it is determined that such increases in standards or additional conditions are required to achieve or assure compatibility with adjacent uses and/or structures.
- B. **Scope.** Conditions that are imposed by the Planning Commission shall:
1. Be related to and ensure the review considerations of Section 7.03 and the applicable specific use regulations are met.
 2. Special land use approval is applicable to a property, not property owners, so long as the use remains in effect under terms set from Section 7.05.
 3. The conditions shall remain unchanged unless an amendment to the special land use is approved by the Planning Commission.
- C. Approval of a special land use, including conditions made part of the approval, is attached to the property described in the application and not to the owner of such property. A record of conditions imposed shall be made a part of the Planning Commission minutes and maintained by the Township Clerk.
- D. A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Planning Commission to revoke such special land use approval in accordance with Section 7.08.

SECTION 7.05 EFFECTIVENESS

- A. **Remain in Force.** Upon receipt of site plan approval, special land use approval shall continue in force so long as the particular use or activity continues to operate as approved on the approved site, unless otherwise specified in the Planning Commission approval.
- B. **Expiration.** Any special land use approval granted by the Planning Commission shall expire unless a final site plan effectuating the special land use is approved within one (1) year of the date of approval.

- C. **Extension.** Upon written application filed prior to the termination of the one (1) year period as provided above, the Planning Commission may authorize a single extension of the time limit, as set forth in Section 7.05 B., for an additional one (1) year period. Such extension shall be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction during the one (1) year extension period.
- D. **Conforming Use Status.** Any approved special land use shall be deemed a use permitted in the district in which it is located and is not to be considered a non-conforming use.
- E. **Abandonment.** When a special land use which has not previously received a special land use approval ceases operations for more than one (1) year, the special land use shall become null and void, and a new special land use approval shall be required to re-open the use. The timeframe shall be extended to two (2) years for a use which was approved as a special land use under this Article.
- F. **Resubmittal.** No application for a special land use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission. A resubmitted application shall be considered a new application.

SECTION 7.06 AMENDMENTS, EXPANSIONS, OR CHANGE IN USE

The following provisions apply when there is an amendment or proposed expansion to approved special land uses or when there is a proposed change from one (1) special land use to another.

- A. **Amendments.** Any person or agency who has been granted a special land use approval shall notify the Planning Commission of any proposed amendment to the approved site plan of the approved Special land use. The Planning Commission shall determine whether the proposed amendment requires new special land use approval. New special land use approval may be required when such application or causes external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.
- B. **Expansions.** The expansion, change in activity, reuse or redevelopment of any use requiring a special land use permit shall require resubmittal in the manner described in this Article. A separate special land use approval shall be required for each use requiring special use review on a lot, or for any expansions of a special land use, which has not previously received a special land use approval.
- C. **Change in Use.** The applicant shall be responsible for informing the Planning Commission of any significant change in an approved use, operations, or activities prior to any such change. The Zoning Administrator shall determine if a new special land use approval is required. A significant change shall mean any departure from the operation

or use described in the approved application or any change that may cause external impacts such as additional traffic, hours of operation, noise, additional outdoor storage or display.

SECTION 7.07 INSPECTIONS

The Building Official or designee may make periodic investigations of developments authorized by special land use approval to determine continued compliance with all requirements imposed by the Planning Commission and this Ordinance. Non-compliance with the requirements and conditions approved for the special land use may constitute grounds to terminate said approval following a public hearing.

SECTION 7.08 REVOCATION

The revocation of a special land use may occur if its recipient fails to continuously abide by its terms and conditions. The revocation procedure is as follows:

- A. The Planning Commission shall notify the recipient, in writing, of any violations of Township Ordinances and provisions of the special land use.
- B. The recipient shall have thirty (30) days to correct any deficiencies to the satisfaction of the Planning Commission.
- C. If after thirty (30) days any deficiencies remain, the Planning Commission may then, after a public hearing, revoke the special land use, or if the conditions warrant, allow additional time for compliance.
- D. A repeat violation may cause immediate revocation of the special use approval.

ARTICLE 8. SPECIFIC USE STANDARDS

SECTION 8.01 PURPOSE

It is the purpose of this Article to provide regulations for miscellaneous and other requirements that may or may not apply in all zoning districts.

SECTION 8.02 ACCESSORY DWELLING UNITS

A. **Intent.** The intent of the accessory dwelling unit regulations is to accomplish the following:

1. Provide older homeowners with an opportunity to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.
2. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households.
3. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle.
4. Provide housing units for persons with disabilities.
5. Protect stability, the residential character of a neighborhood, and property values.

B. **Standards of Approval.**

1. The units shall be a separate housekeeping unit and shall not exceed fifty percent (50%) of the floor area of the principal residence.
2. Only one (1) accessory dwelling unit shall be permitted on each lot or parcel.
3. The owners of the principal residence shall continue to occupy the principal residence.
4. The accessory dwelling unit shall be occupied by not more than three (3) persons. These persons must be related to the owners/occupants of the principal residence by blood, marriage, adoption, or guardianship.
5. All setback and lot coverage requirements of the district shall be met.
6. A minimum of one (1) additional off-street parking space shall be provided for the accessory dwelling unit.

SECTION 8.03 ADULT FOSTER CARE FACILITIES

- A. **Adult Foster Care Family Homes Serving Six (6) Persons or Less.** A state-licensed adult foster care home, foster family home, or foster family group home serving six (6) persons or less shall be considered a residential use of property and a use permitted by-right in all residential districts.

- B. **Adult Foster Care Small Group Homes Serving Seven (7) to Twelve (12) Persons.**
 - 1. A site plan prepared in accordance with Article 6, Site Plan Review shall be submitted with the special land use application.
 - 2. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located.
 - 3. The dwelling unit shall contain a minimum of twelve hundred (1,200) square feet of living space excluding garages, unenclosed porches, and unfinished basements.
 - 4. The subject parcel shall be located a minimum of five hundred (500) feet from another adult foster care small group home or a group child-care home.
 - 5. One (1) off-street parking space shall be provided for each employee/caregiver.
 - 6. Appropriate licenses with the State of Michigan shall be maintained.

- C. **Adult Foster Care Large Group Homes Serving Thirteen (13) to Twenty (20) Persons.**
 - 1. A site plan prepared in accordance with Article 6, Site Plan Review shall be submitted with the Special land use application.
 - 2. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located.
 - 3. One (1) off-street parking space shall be provided for each employee/caregiver.
 - 4. Appropriate licenses with the State of Michigan shall be maintained.

- D. **Adult Foster Care Congregate Facilities Serving More than Twenty (20) Persons.**
 - 1. A site plan prepared in accordance with Article 6, Site Plan Review shall be submitted with the Special land use application.
 - 2. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located.
 - 3. The property is maintained in a manner that is consistent with the character of the neighborhood.

4. One (1) off-street parking space shall be provided for each employee/caregiver and one (1) visitor.
5. Appropriate licenses with the State of Michigan shall be maintained.
6. The maximum length of an uninterrupted building façade facing public streets and residentially zoned or used property shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses), cornices varying building materials, or pilasters shall be used to break up the mass of a single building.
7. Such facilities may include multi-purpose recreational rooms, kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility, such as barber and beauty facilities.

SECTION 8.04 ADULT USE BUSINESS

- A. **Purpose and Intent.** The purpose and intent of this section is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics that cause negative secondary effects upon nearby residential, educational, religious and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of Township residents. The provisions of this section are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adult access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this section to legitimize activities that are prohibited by Township Ordinance, state or federal law. If any portion of this section relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this section relating to regulation of sexually oriented businesses following the removal, reduction or revision of any portion found to be invalid or unconstitutional.
- B. **Location.**
 1. No sexually oriented business shall be permitted within one thousand (1,000) feet of the property line of any other sexually oriented business.

2. No sexually oriented business shall be located in any principal or accessory structure already containing a sexually oriented business.
3. No sexually oriented business shall be permitted within one thousand (1,000) feet of any of the following:
 - a. A state licensed childcare facility.
 - b. A church, place of worship, or other religious facility.
 - c. A day nursery, preschool, primary school, secondary school, college or university.
 - d. A public library, public building, public park, public playground.
 - e. A zoning district (excluding agricultural districts) in which residential uses are permitted.
 - f. A dwelling used or designed for residential purposes, regardless of the zoning district in which it is located.

The distances provided for in subsection b.3.a. through e. inclusive and b.3.f. of this subsection shall be measured by projecting a straight line without regard for intervening buildings or structures between the nearest points of the property lines of the protected use and the proposed regulated adult entertainment business, or between the nearest point of the zoning district boundary from which the regulated adult entertainment business is to be separated to the nearest point of the property line of the proposed regulated adult entertainment business.

For distances provided for in subsection b.3.f. shall be measured by projecting a straight line without regard for intervening buildings or structures between the nearest point of the property line of the adult entertainment business and the residential dwelling.

C. Standards.

1. The proposed use shall conform to all standards of the zoning district in which it is located.
2. The proposed use must meet all applicable written and duly promulgated standards of the Township and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and governmental agencies has been obtained or is reasonably assured.
3. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent public rights-of-way.

4. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that:
 - a. “Persons under the age of 18 are not permitted to enter the premises”, and
 - b. “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission”.
5. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining roadway or a neighboring property.
6. Hours of operation shall be limited to 10:00 a.m. to 11:00 p.m., Monday through Saturday.
7. All parking areas shall comply with Section 11.06 of this Ordinance and shall be additionally illuminated until one (1) hour after the business closes.
8. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of specified anatomical areas or specified sexual activities:
 - a. Is barrier-free to the extent required by the Americans with Disabilities Act, as amended;
 - b. Is unobstructed by any door, lock or other entrance and exit control device;
 - c. As at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - d. Is illuminated such that a person of normal visual activity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within; and
 - e. Has no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

SECTION 8.05 AGRICULTURAL PROCESSING AND FOOD STORAGE

- A. **Administrative Review.** Agricultural processing uses where the use occupies an area five thousand (5,000) square feet or less or agricultural food storage uses where the use occupies an area ten thousand (10,000) square feet or less shall be subject to an administrative review and approval by the Zoning Official. The Zoning Official shall review

a site plan drawn to scale depicting property lines, structures and the location of the proposed processing and storage areas, as well as supporting documents and determine compliance with the standards herein. The Zoning Official shall approve or deny the request within forty-five (45) days from the date of submittal of the application. If the application is denied, the Zoning Official shall notify the applicant in writing of such action and reasons for the denial.

B. Standards.

1. **Setbacks.** Facilities used for agricultural processing and/or food storage shall be setback a minimum of one hundred (100) feet from any adjacent residential structure.
2. **Parking.** Parking areas and surfaces shall be adequate to accommodate anticipated traffic and vehicles on site. No parking or maneuvering lanes shall be permitted within any road right-of-way.

SECTION 8.06 AGRICULTURAL / COMMERCIAL TOURISM

A. Application of Regulations. The following Agricultural / Commercial Tourism Businesses may be permitted after special land use approval:

1. Cider mills or wineries selling product, in a tasting room, containing at least fifty percent (50%) of crops or produce grown on-site.
2. Seasonal outdoor mazes of agricultural origin such as straw bales or corn.
3. The processing, storage, and retail or wholesale marketing of agricultural products into a value-added agricultural product in a farming operation of at least fifty percent (50%) of the stored or processed, or merchandised products are produced by the farm operator.
4. U-pick operations.
5. Uses 1 through 4 listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the business is maintained and the income from these activities represents less than fifty percent (50%) of the gross receipts from the business.
 - a. Value-added agricultural products or activities such as education tours of processing facilities, etc.
 - b. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
 - c. Petting farms, animal display, and pony rides.

- d. Wagon, sleigh, and hayrides.
 - e. Nature trails.
 - f. Open air or covered picnic area with restrooms.
 - g. Educational classes, lectures, seminars.
 - h. Historical agricultural exhibits.
 - i. Kitchen facilities, for the processing, cooking, and/or baking of goods containing at least fifty percent (50%) produce grown on site.
 - j. Gift shops for the sale of agricultural products and agriculturally related products. Gift shops for the sale of non-agriculturally related products such as antiques or crafts, limited to twenty-five percent (25%) gross sales.
6. Other commercial/tourism businesses that are complementary and accessory to the primary agricultural use of the subject property including but not limited to:
- a. Small-scale entertainment (e.g. music concert, car show, art fair);
 - b. Organized meeting space (e.g. for use by weddings, birthday parties, and corporate events);
 - c. Designated, permanent parking for more than twenty (20) vehicles.

B. Standards.

- 1. Minimum lot area of ten (10) acres.
- 2. A two hundred (200) foot open buffer shall be provided on all sides of the property not abutting a roadway. Agricultural / Commercial Tourism business activities shall not be allowed within this buffer area. Where possible, crops shall remain within this buffer area to help maintain the agricultural character of the site.
- 3. Buffer plantings shall be provided along the property line where there is an abutting residence. Greenbelt plantings are intended to screen views of the operation from the adjacent home or property. Buffer plantings shall meet the Standards of Section 12.02.C.
- 4. Must provide off-street parking to accommodate use as outlined in Section 11.06.
 - a. Parking facilities may be located on a grass or gravel area for seasonal uses such as roadside stands, u-pick operations, and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand, or other visible marking.

- b. All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
 - c. Parking shall not be located in required setback or buffer areas. Paved parking areas must meet all design, and landscape screening requirements as set forth in this Zoning Ordinance.
5. The following additional operational information must also be provided as applicable:
- a. Ownership of the property.
 - b. Months (season) of operation.
 - c. Number of evening and daytime events to be held per week.
 - d. Evening hours of operation.
 - e. Event capacity.
 - f. Maintenance plan for disposal, etc.
 - g. Any proposed signs.
 - h. Any proposed lighting.
 - i. Maximum number of employees at events
 - j. Restroom facilities.
 - k. A security plan including traffic control, crowd control, and emergency service.
 - l. Liability insurance shall be provided by the facility naming the Township for each event.
 - m. Amplified music and entertainment related sounds shall be conducted inside a fully enclosed structure. At no time shall should levels exceed 65 decibels at the property line. No subwoofers permitted.
 - n. No candles, smoking or other open fire/flame permitted in barns. No sky lanterns or fireworks permitted.
 - o. All events shall be supervised by a Venue Coordinator. The Venue Coordinator shall be on-site at all times an event is in progress. Contact information for the Venue Coordinator shall be supplied to the Township.
 - p. No remote ownership is permitted. The owners of the event facility must reside on-site.

- q. Verification that all required permits have been granted, i.e. Federal, State, and local permits.
- 6. All areas of the property to be used including all structures on site must be clearly identified.

SECTION 8.07 BED AND BREAKFAST

- A. **Resident Proprietor.** The proprietor shall reside at the bed and breakfast establishment.
- B. **Length of Stay.** Guest stays shall not exceed fourteen (14) consecutive days nor more than thirty (30) days in one (1) year.
- C. **Primary Residential Use.** The rooms utilized for sleeping shall be part of the primary residential use and not specifically constructed for rental purposes. Provided, however, that accessory dwellings in existence as of the effective date of this section and located on the same parcel as a bed and breakfast may be utilized for sleeping rooms, in accordance with this Section.
- D. **Minimum Room Square Footage.** The rental sleeping rooms shall have a minimum area of one hundred (100) square feet for one (1) or two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.

SECTION 8.08 BUILDING MATERIALS SALES, GARDEN CENTERS, AND SIMILAR USES

- A. **Application of Regulations.** Building materials sales, garden centers, plant and tree nurseries, greenhouses, landscaping and landscaping supply businesses, and similar uses which are characterized by outdoor storage and sales, unless otherwise specified herein, shall be subject to the standards set forth in this section.
- B. **Permanent Sales Office.** A permanent sales office building shall be located on the subject parcel. The building(s) may also include activities ancillary to the principal use such as the storage of materials and equipment storage/repair.
- C. **Outdoor Storage.** Outdoor storage of equipment and materials shall be subject to the standards set forth in Section 8.26.

SECTION 8.09 CAMPGROUND / RECREATIONAL VEHICLE PARK

- A. **Campground / Recreational Vehicle Park.** Publicly or privately-owned and operated campgrounds and camp buildings providing temporary living quarters for campers on a daily, weekly, or seasonal basis shall be subject to the following:
 - 1. The minimum site area shall be ten (10) acres.
 - 2. The site shall have direct access to a public road.

3. A minimum one hundred (100)-foot setback shall be established around the perimeter of the property for the purpose of buffering a private campground or recreational vehicle park in relation to adjacent land currently zoned or used for residential purposes. The perimeter buffer shall be kept in its natural state or landscaped to achieve a complete visual screen from abutting properties or the public road right-of-way. Where natural vegetation or land contour are insufficient to buffer a private campground or recreational vehicle park in relation to surrounding properties, the Planning Commission and Township Board may require additional setback, landscaping and/or berms beyond those required elsewhere for screening between land uses.
4. Temporary campgrounds are strictly prohibited.
5. No permanent residential structures shall be constructed. Residency at the campground is to be temporary in nature and for recreational purposes (i.e. no mail to be delivered to occupants, no children enrolled in school from campground address, etc.).
6. Manufactured homes shall not be permitted to be located within a campground.
7. The use and occupancy of a campground shall be in strict compliance with the current laws and requirements of the State of Michigan governing such uses. A State of Michigan Campground License must be obtained and kept in good standing.
8. Each site on a lot designated for camping use may accommodate a travel trailer or tent or recreational vehicle and shall be provided with individual electrical outlets. Animal-proof waste containers shall be provided at each site.
9. Adequate public sanitary facilities housed in all-weather structures shall be provided uniformly throughout the campground at a ratio of not less than one (1) such station per twenty (20) camping sites.
10. Each campground containing more than sixty (60) sites shall provide a masonry building containing machine laundry (wash and dry facilities) and showers.
11. No commercial enterprises shall be permitted to operate on the lot, except that a convenience goods shopping building may be provided on a lot containing more than eighty (80) camping sites. Any convenience store is for use by on-site campers only. Advertisement and signage for the store can only be provided within the interior of the campground and not visible to the public.
12. Each lot shall provide a gravel or hard-surfaced, dust-free vehicle parking area for site occupant and guest parking. Such parking area shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping). Each parking space shall be two hundred (200) square feet in area and guest parking shall be provided at the ratio

of not less than one (1) space per each two (2) camping sites. Occupant parking space for two (2) vehicle shall be provided on each site.

13. Each site shall contain a minimum of one thousand five hundred (1,500) square feet, except that the minimum size for sites specifically designated for tents shall be three thousand (3,000) square feet. Each site shall be set back from any right-of-way or property line at least seventy-five (75) feet, and from any private street at least forty (40) feet.
14. A common use area shall be provided on each lot at a ratio of not less than one thousand (1,000) square feet of such area per each site. This common area shall be developed by seeding, landscaping, and provided with picnic tables, barbecue stands and passive recreation equipment (i.e., swings, horseshow pits, shuffleboard courts, etc.) for the general use of all occupants of the campground.
15. Each travel trailer site shall have direct access to a hard-surfaced, dust-free roadway at least twenty-four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway.
16. Public streets shall be paved with gravel or asphaltic concrete. Sites specifically designated for, and only used for tent camping need not have direct vehicular access to any street or road but shall be provided with adequately cleared and marked pedestrian pathway access which originates at a point on a street or road within two hundred (200) feet of the parking area mentioned in subsection 13.
17. All sanitary facilities shall be designed and construction in strict conformance with all applicable Monroe County Health Department regulations.
18. A minimum distance of fifteen (15) feet shall be provided between all travel trailers or tents or recreational vehicles.
19. Fences and greenbelts may be required by the Planning Commission.

SECTION 8.10 CEMETERIES

- A. **Screening.** Landscape screening adjacent to residentially zoned properties shall be addressed during site plan review.
- B. **Assembly.** The site shall be designed such that adequate assembly area is provided off-street for vehicles associated with funeral processions. This assembly area shall be provided in addition to any required off-street parking area.
- C. **Ingress and Egress.** Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent thoroughfares and funeral processions or visitors entering or existing the site.

- D. **Setbacks.** No building shall be located closer than fifty (50) feet from any residential zoning district.

SECTION 8.11 COMMERCIAL MARINAS, BOAT LAUNCHING FACILITIES, AND SIMILAR WATER RELATED USES

- A. **Setbacks.** Buildings, docks, and parking areas shall be located no closer than thirty-five (35) feet from any residential zoning district.
- B. **Accessory Uses.** Uses accessory to marinas, boat launches, and water-related uses, such as refreshment stands, retail shops, bait shops, marine fuel sales, and similar uses are permitted, provided that such uses occupy no more than four hundred (400) square feet of building area.
- C. **Parking.** Parking spaces shall be provided at a rate of three-fourths (0.75) of a vehicular space for each boat slip.

SECTION 8.12 COMMERCIAL RECREATION FACILITIES

- A. **Indoor Commercial Recreation Facilities.** The following regulations apply to indoor commercial recreation facilities:
 - 1. The site shall be located on, or shall have principal access from, a major thoroughfare or county primary road.
 - 2. Minimum site area shall be one (1) acre.
 - 3. No building shall be located within fifty (50) feet of a lot line of adjoining residentially zoned or used property.
 - 4. Whenever parking areas are adjacent to residentially zoned or used land, a fence or screen wall of at least four (4) feet and no more than six (6) feet in height shall be provided along the side of the parking area adjacent to the residentially zoned or used land.
 - 5. Based on the nature of the use and nuisance potential to adjoining property owners, the Planning Commission may stipulate noise standards beyond those otherwise regulated by Township Ordinances.
 - 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.
- B. **Outdoor Commercial Recreational Facilities.** The following regulations apply to outdoor commercial recreational facilities:

1. The site shall be located on or shall have principal access from a major thoroughfare or county primary road.
2. All points of access shall be no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
3. Minimum site area shall be based on the underlying zoning district. However, the Planning Commission may increase the minimum required site area depending upon the described use and anticipated extraneous impacts on adjacent properties. Such an increase will be for the purposes of buffering, screening, and otherwise negating or limiting the potential nuisance to adjacent properties caused by noise, dust, odor and the like.
4. No building or spectator seating area shall be located within one hundred (100) feet of a property line of an adjoining residentially zoned or used property.
5. A landscape buffer strip of no less than one hundred (100) feet shall be provided along the property lines of all residentially zoned or used property. However, the Planning Commission may reduce such requirement by fifty percent (50%) if it is determined that the potential for off-site nuisance is limited.
6. Whenever parking areas are adjacent to residentially zoned or used land, a fence or screen wall of at least four (4) feet and no more than six (6) feet in height shall be provided along the side of the parking area adjacent to the residentially zoned or used land.
7. Not more than sixty-five percent (65%) of the land area shall be covered by recreation uses.
8. Central loudspeakers/paging systems are prohibited within two hundred (200) feet of residentially zoned or used property. Such systems shall not be directed toward a residential area even if outside the two hundred (200)-foot setback nor shall they create a nuisance to such residential areas.
9. Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility, unless otherwise listed as a permitted use in the district in which the facility is located.
10. 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.

SECTION 8.13 COMMUNITY SUPPORTED AGRICULTURE (CSA) AND FARM MARKETS

A. Application of Regulations.

1. Community supported agriculture or associated distribution/pickup center, u-pick operations, and farm markets occupying less than one thousand five hundred (1,500) square feet shall be reviewed administratively. The administrative review process shall be conducted as follows:
 - a. A property survey drawn to scale with dimensions showing property lines, all structures and other improvements shall be submitted to the Township with an application for Zoning Compliance.
 - b. The Zoning Official shall review the application and supporting materials, using the standards of this section and other applicable provisions of the Zoning Ordinance.
2. Community supported agriculture or associated distribution/pickup center, u-pick operations, and farm markets occupying one thousand five hundred (1,500) square feet or more shall require review and approval from the Planning Commission.

B. Standards.

1. **Locally/Regionally Grown Farm Products.** Agriculture products distributed or sold at such facility shall be locally/regionally grown and obtained from Michigan farms within a radius of no more than one hundred (100) miles from the facility. For value-added products sold at any facility, at least fifty percent (50%) of the products' "namesake" ingredient must be produced by a Michigan farm within one hundred (100) miles of the facility.
2. **Setbacks.** Facilities or areas used for CSA or farm markets shall be setback a minimum of one hundred (100) feet from any adjacent residential structure.
3. **Parking.** Adequate parking for the maximum number of expected patrons must be provided on-site and outside of any road right-of-way. Parking lot and maneuvering lane surfaces shall be adequate for the number and types of vehicles accessing the facility.
4. **Hours of Operation.** The facility shall operate any time between the hours of 7:00 a.m. to 7:00 p.m.
5. **Lighting.** Lighting used in the operation of the CSA and/or farm market shall be downward facing and shielded to minimize light trespass onto adjacent properties. Lights, other than those needed only for security, shall not be turned on when the CSA or farm market facility is not in use.
6. **Nuisances.** The CSA or farm market facility shall not create nuisances for adjacent property owners. Such nuisances include, but are not limited to, amplified music or sounds, excessive dust or odors, and/or traffic that cannot be accommodated on-site.
7. **Other Permits.** All other required permits shall be obtained.

8. **Other Marketing Strategies.** Other marketing strategies, activities, and services designed to attract and entertain customers while they are at the CSA or farm market require additional review by the Planning Commission.

SECTION 8.14 CONVALESCENT CENTER

- A. **Site Area.** All such facilities shall be developed on sites having a minimum of one (1) acre or two thousand (2,000) square feet of site area for each one (1) bed in the facility or for each person cared for in the facility, whichever is greater. Within this area, a minimum of five hundred (500) square feet of contiguous open space shall be provided, apart from areas required for vehicular uses, for each bed or for each person cared for within the capacity of the building.
- B. **Yards.** All yards shall be a minimum of fifty (50) feet in width, shall be kept free of parking, and shall be landscaped.
- C. **Loading and Service Areas.** Delivery, loading, service, and parking areas shall be screened from view of residentially zoned or used property in accordance with the standards set forth in Section 11.08.B.2.
- D. **Façade.** The maximum length of an uninterrupted building façade facing public streets and residentially zoned or used property shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.
- E. **Facilities.** Such facilities may include multi-purpose recreational rooms, kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility, such as barber and beauty facilities.

SECTION 8.15 COUNTRY CLUBS

- A. **Permitted Uses.** Uses which may be permitted in conjunction with a country club include, but shall not be limited to, accessory buildings, a club house, swimming pool, golf course and the sale of food.
- B. **Setbacks.** Buildings associated with country clubs and outdoor facilities such as swimming pools, tennis and basketball courts shall be located a minimum of one hundred (100) feet from a property line.
- C. **Access.** Access to the site shall be on a county primary road or a state trunk line.

SECTION 8.16 DRIVE-THROUGH FACILITIES

- A. **On-Site Stacking.** Adequate on-site stacking space for vehicles shall be provided for each drive-through window so that vehicles will not interfere with vehicular circulation or parking maneuvers on this site. Access to and egress from the site will not interfere with peak hour traffic flow on the street serving the property. On-site vehicle stacking for drive-through windows shall not interfere with access to, or egress from the site or cause standing of vehicles in a public right-of-way.
- B. **Traffic Control.** Project peak hour traffic volumes which will be generated by the proposed drive-through service shall not cause undue congestion during the peak hour of the street serving the site.
- C. **Ingress and Egress.** Ingress and egress to drive-through facilities shall be part of the internal circulation of the site and integrated with the overall site design. Clear identification and delineation between the drive-through facility and the parking lot shall be provided. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular operation and safety.
- D. **Drive-Through Location.** Single-lane drive-throughs may be located at the side of a building. Multiple-lane drive-throughs shall be located in a manner that will be the least visible from a public thoroughfare. Canopy design shall be compatible with the design on the principal building and incorporate similar materials and architectural elements.
- E. **Stacking Space Requirements.** Each drive-through facility shall provide stacking spaces meeting the following standards:
 - 1. Each stacking lane shall be one-way and each stacking lane space shall be a minimum of twelve (12) feet in width and twenty (20) feet in length.
 - 2. If proposed, an escape lane shall be a minimum of twelve (12) feet in width to allow other vehicles to pass those waiting to be served.
 - 3. The number of stacking spaces per service lane shall be provided for the uses as listed in Table 8.16.E-1. When a use is not specifically mentioned, the requirements for off-street stacking space for the use with the similar needs, as determined at the discretion of the Zoning Official, shall apply.

TABLE 8.16.E-1 DRIVE-THROUGH STACKING SPACE REQUIREMENTS

Use	Stacking Spaces per Service Lane
Banks, Pharmacy, Photo Service, Dry Cleaning	4
Restaurants	10
Auto Washes (Self-Service)	
Entry	2
Exit	1
Auto Washes (Automatic)	
Entry	8
Exit	2

SECTION 8.17 FARM EQUIPMENT SALES, LEASING, AND REPAIR

- A. **Uses Permitted.** Farm equipment sales and leasing shall include, but shall not be limited to, the sales and leasing of new and used farm equipment.
- B. **Display of Farm Equipment.** Areas used for the display of farm equipment shall be a minimum of twenty (20) feet from a road right-of-way. The lighting of display areas shall be deflected away from adjacent properties and streets in accordance with Section 12.05.
- C. **Repair and Maintenance Activities.** Repair and maintenance activities, including hydraulic hoists, lubrication pits, and similar activities shall be performed entirely within an enclosed building.
- D. **Outdoor Storage.** Surplus, dismantled, wrecked, or inoperable farm equipment stored outdoors shall be within an area enclosed by an opaque fence or wall a minimum of six (6) feet in height. Wire fences with inserted strips of metal, plastic, and similar materials will not be permitted.

SECTION 8.18 GOLF COURSES / GOLF DRIVING RANGES

- A. **Accessory Uses and Buildings.** Golf courses may also include accessory uses such as, but not limited to, clubhouses, restaurants, driving ranges, pro shops, and maintenance buildings. Any accessory uses and buildings associated with the golf course on the site shall conform to setback and dimensional requirements of the underlying zoning district.
- B. **Layout.** The design and layout of a golf course and /or golf driving range shall be configured to prevent stray golf shots from traveling off of the site and onto rights-of-way, neighboring properties, or lands within the golf course development designed for uses other than the playing of golf.
- C. **Off-Street Parking.** All off-street parking shall be in compliance with the standards set forth in Section 11.06 of this Ordinance to provide for adequate parking for golfers as well as for banquets, weddings, golf tournaments, conferences, and other activities.
- D. **Storage, Service, and Maintenance Areas.** All storage, service, and maintenance areas shall be screened from view of residentially zoned or used property in accordance with the standards set forth in Section 12.02.C.

SECTION 8.19 GUN CLUBS, FIRING AND ARCHERY RANGES

- A. **Indoor.**
 - 1. A minimum lot area of not less than ten (10) acres shall be maintained.
 - 2. The structure for the completely enclosed firing range shall be bulletproof.

3. The structure shall not be less than five hundred (500) feet from any residential use or district or right-of-way.
4. Adequate paved parking shall be maintained.

B. Outdoor.

1. A minimum lot area of not less than forty (40) acres shall be maintained.
2. The gun firing lines of the range shall not be less than five thousand (5,000) feet in length from the firing point and shall be at least one-quarter (1/4) mile from the nearest residential use district in any direction from the firing point.
3. The shooters shall fire in a northerly direction at all times, away from any traveled highways.
4. Shooters shall fire into a thirty (30)-foot high hill or suitable backstop to be approved by the Monroe County Sheriff's Department.
5. A six (6)-foot tall wall or fence shall enclose the range to prevent persons from moving into the area and firing lane.

SECTION 8.20 HOUSING FOR SEASONAL AGRICULTURAL WORKERS

A building may be used for the temporary housing of seasonal agricultural workers provided the farm where located is at least sixty (60) acres. One (1) mobile home may be used for the housing of one (1) agricultural worker and his/her family provided the farm where located is at least sixty (60) acres in size, is being used for agricultural purposes, and that the worker obtains at least thirty percent (30%) of his/her means from that farm where living. The manufactured home shall meet all setbacks of the underlying zoning and be located behind the front face of the principal residential structure.

SECTION 8.21 HOSPITAL

- A. **Ingress and Egress.** The proposed site shall have at least one (1) property line abutting a major arterial of at least one hundred twenty (120) feet of right-of-way width. All vehicular ingress and egress shall be directly from a major thoroughfare.
- B. **Setbacks.** The minimum distance of any main or accessory building or structure from any boundary property line or street shall be two hundred (200) feet. A minimum depth of one hundred (100) feet of such required yards, adjacent to property lines, shall be kept free of off-street parking.
- C. **Accessory Buildings and Uses.** Accessory buildings and uses may be permitted, provided total floor area of such uses does not exceed that of the main hospital complex. Ambulance and delivery areas shall be screened from view of adjacent residentially zoned or used property, in accordance with the standards set forth in Section 8.04.

- D. **Off-Street Parking.** Off-street parking shall be provided for such uses in accordance with the requirements of Section 11.06. Accessory building and uses parking shall be in addition to that required for the main hospital complex.
- E. **Hazardous Materials.** Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant to the Township during the development review process, and all such storage, use, and handling shall be conducted in accordance with the standards set forth in Section 14.02.C and any applicable state or federal requirements.

SECTION 8.22 LARGE-SCALE RETAIL / WHOLESALE ESTABLISHMENTS

A. Building Design and Materials.

- 1. **Facades and Exterior Walls.** The maximum length of an uninterrupted building façade facing public streets, residentially zoned or used property, and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.
- 2. **Roofs.** Roofs shall exhibit one (1) or more of the following features depending upon the nature of the roof and building design:
 - a. **Flat Roof.** Parapets concealing flat roofs and rooftop equipment or screening surrounding rooftop equipment such as HVAC units from public view are required. Parapets shall not exceed one-third (1/3) of the height of the supporting wall at any point.
 - b. **Pitched Roof.**
 - i. Overhanging eaves extending no less than three (3) feet past the supporting walls.
 - ii. An average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run.
 - iii. Three (3) or more roof slope planes.

B. Site Design.

- 1. **Parking Lot Location.** No more than fifty percent (50%) of the off-street parking area devoted to the large-scale retail establishment shall be located within the front yard and between the front façade of the principal building and the abutting streets.

2. **Primary Entrance.** The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.
3. **Pedestrian Connection.** A pedestrian connection shall provide a clear, obvious, publicly accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:
 - a. Fully paved and maintained surface not less than five (5) feet in width.
 - b. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
 - c. Located in a separate sidewalk, within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
4. **Additional Entrances.** In addition to the primary façade facing front façade and/or the right-of-way, if a parking area is located in the rear or side yard, it must also have a direct pedestrian access to the parking area that is of a level of materials, quality, and design emphasis that is at least equal to that of the primary entrance.
5. **Delivery/Loading Operations.** Loading docks, trash collection, outdoor storage, and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscaping is prohibited.

SECTION 8.23 LODGING

Lodging that includes a restaurant, bar/lounge, auditorium, exhibition, or public meeting space shall provide parking to accommodate all uses on the site, in accordance with the standards set forth in Section 11.06.

SECTION 8.24 MANUFACTURED HOUSING COMMUNITIES

- A. **Statement of Purpose.** The district is designed to provide for the location and regulation of mobile home parks thus providing for a variety of housing types and residential living environments in the Township. The community shall strive to achieve one (1) of the primary goals of the master plan a balance and variety of housing types and environments. It is further intended that manufactured housing communities shall provide the necessary community services and setting to avoid overcrowding, assure adequate light and ventilation and limit congestion.
- B. **General Requirements.**

1. Each manufactured home within a manufactured housing community shall contain a complete bathroom, including flush toilet, kitchen facilities, sleeping accommodations and plumbing and electrical connections. Travel trailer, motor homes and other recreational vehicles shall not be occupied in a manufactured housing community.
2. Manufactured home skirting shall be vented. Louvered or similar vent shall be at least a minimum of six hundred (600) square inches per one thousand (1,000) square feet of living space. A minimum of one (1) vent shall be placed at the front and the rear of the manufactured home and to each exposed side. An access panel of sufficient size to allow full access to utility hook-ups located beneath the manufactured home shall be installed. All skirting shall be manufactured of fire-resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions to include, but not limited to, damage caused by freezing and frost, wind, snow and rain.
3. Storage of dangerous or combustible goods and articles underneath any manufactured home or out of doors at any manufactured home site shall be prohibited except in an approved enclosed storage facility.
4. Canopies and awnings may be attached to any manufactured home and may be enclosed, subject to manufactured home site regulations herein. When enclosed, such shall be considered a structure and part of the manufactured home, building and occupancy permits issued by the Building Official shall be required.
5. All garbage and rubbish shall be stored and transferred in accordance with the procedures outlined in Part 5, Garbage and Rubbish Storage and Disposal, of the Michigan Department of Public Health Rules, being sections .325, .3351 - .3354 of the Michigan Administrative Code. Garbage and trash removal shall be made at least once per week, except during the summer when health conditions may warrant additional pickups. Incineration of garbage or rubbish on the site shall be prohibited.
6. A commercial sale lot activity is prohibited within a manufactured housing community except that manufactured homes on manufactured home sites under the "model home" concept may be sold on site by a licensed manufactured home dealer or broker. This subsection does not prohibit the sale of a manufactured home on site by the manufactured homeowner.
7. All structures and utilities to be considered, altered, or repaired in a manufactured housing community shall comply with all applicable codes of the Township, the state, the U.S. Department of Housing and Urban Development and the Manufactured Housing Commission, including building, electrical, plumbing, liquefied petroleum gases and similar codes, and shall require permits issued therefore by the appropriate offices. However, a manufactured home built prior to

June 15, 1976, shall be constructed to the state standards in effect at that time. All structures and improvements to be constructed or made under the Township or State building code and other statutes shall have a building permit issued by the Building Official. Such structure or improvement shall have a minimum of two (2) inspections prior to a final inspection by the Building Official.

8. A manufactured housing community shall have a public water and sewer system and/or on-site water and wastewater treatment system acceptable by the state department of public health and state department of natural resources.
9. The site and surrounding area shall be suitable for residential use. It shall not be subject to hazards such as insect or rodent infestation, objectionable smoke, noxious odors, unusual noise, subsidence or the probability of flooding or erosion. The soil, groundwater level, drainage, rock formation and topography shall not create potential hazards to the property or to the health and safety of the occupants.
10. All land in a manufactured housing community shall comprise a single parcel. Public thoroughfares, except extensions of local and collector streets proposed as part of a manufactured housing community site plan, shall not bisect or divide a manufactured housing community to avoid unwarranted public traffic from traveling through the community.
11. A manufactured housing community shall not be occupied unless at least twenty-five percent (25%) or ten (10) sites of the expected total, whichever is less, manufactured home sites are available for occupancy at the time of opening the community, in accordance with MCL 125.1816, MSA 3.540(216).
12. A manufactured housing community shall not be developed on less than twenty (20) acres. Individual sites within a community shall be developed with sites having five thousand five hundred (5,500) square feet per mobile home unit being served. These five thousand five hundred (5,500) square feet may be reduced by twenty percent (20%) provided the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of the site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space requirements be less than that required under R125.1946, rule 946 of the Michigan Administrative Code.
13. The minimum setback for a manufactured housing community shall be fifty (50) feet from a public right-of-way.
14. The manufactured housing community shall be constructed pursuant to Act No. 419 of the Public Acts of Michigan of 1976 (MCL 125.31101 et seq., MSA 19.855(1) et seq.) and the rules promulgated thereunder.

15. Landscaping and/or greenbelts shall be in conformance with the provisions of Section 12.02. Common laundry, drying yards, trash collection stations, surface mounted transformers and similar equipment and facilities shall be screened from view by plant materials or by manmade screens. Required landscape strips shall not be included in the calculation of required recreational areas. Parking shall not be permitted in any required buffer area.

C. **Manufactured Home Site Regulations.** The manufactured housing code, as established by the Manufactured Housing Commission and the state department of public health rules, under the authority of Act No. 419 of the Public Acts of Michigan of 1976 (MCL 125.1101 et seq., MSA 19.855(1) et seq.), regulates manufactured housing community density, design, construction, licensing, individual manufactured home installation, anchoring, and health aspects. All manufactured housing communities shall be constructed according to the standards of the code and state department of public health rules, which include specifications for internal road widths, length, turning radii, alignment, gradients, construction materials, curbing, parking, utilities, pedestrian circulation, pad size, maintenance, setbacks, screening, and health aspects. Any variance from these established standards granted by the Township must be filed with the State Manufactured Housing Commission, however, the Commission may approve, disapprove, and revoke the variance upon notice and hearing.

D. **Utilities.** Each manufactured home shall be suitably connected to sanitary sewer, water and other available utility lines and such connections shall meet the following regulations.

1. A public water system or water system approved by the state department of public health, and in accordance with Act No. 399 of the Public Acts of Michigan of 1976 (MCL 325.1001 et seq., MSA 14.427(1) et seq.), the Safe Drinking water Act shall be provided within a manufactured housing community. The water supply shall be adequate for firefighting purposes.
2. A public sewer system or wastewater treatment system approved by the state department of public health and the state department of natural resources shall be provided within a manufactured housing community.
3. Each manufactured home space shall be provided with at least a four (4)-inch sanitary sewer connection. The sewer shall be closed when not connected to a manufactured home and shall be capped so as to prevent any escape of odors. The sewer condition shall be water-tight and self-draining.
4. The plumbing connections to each mobile home site shall be constructed so that all lines are protected from freezing, from accidental bumping, or from creating any type of nuisance or health hazard.
5. All electrical lines to each manufactured home site shall be underground. Separate meters shall be installed for each site. All cable television and telephone lines shall

be underground. Aboveground lines are allowed for the connection between the manufactured home unit and the individual site utility pedestals.

6. No individual exterior television antennas shall be permitted within the manufactured housing community. If central television antenna systems, cable television or other such services are provided, the distribution systems shall be underground and shall be constructed and installed pursuant to state and local codes and ordinances.
7. An electrical service adequate for single-family residence needs shall be provided for each mobile home space. The installation shall comply with all state electrical regulations.
8. All fuel oil and liquefied gas supplies shall be installed in a manner consistent with the requirements contained in the general rules of the state manufactured home commission as provided for in Act No. 419 of the Public Acts of Michigan of 1976 (MCL 125.1101 et seq., MSA 19.855(1) et seq.).

E. Access and Parking.

1. All internal streets, driveways, motor vehicle parking spaces and walkways within the park shall be hard surfaced and shall further comply with the general rules of the state manufactured housing commission as provided for in Act No. 419 of the public Acts of Michigan of 1976 (MCL 125.1101 et seq., MSA 19.855(1) et seq.), and revisions.
2. All entrances and exits from a manufactured housing community shall abut a hard-surfaced public road (cement and/or bituminous construction). Improvements to hard-surfaced roads, such as acceleration/deceleration lanes, shall be made in accordance with County Road Commission Standards.
3. Cul-de-sac streets, where proposed, shall have a turnaround with a minimum outside radius of forty-five (45) feet, in accordance with adopted County Road commission standards, and shall have a maximum length of three hundred (300) feet.
4. Entrances and exits for a manufactured housing community from county or state highways shall have written approval of the highway authority having jurisdiction before the final site plan for all or any phase of the manufactured housing community shall be approved by the manufactured housing commission.
5. Where a proposed manufactured housing community is adjacent to properties that have existing public sidewalks on them and the sidewalk abuts the manufactured housing community parcel, the developer shall also construct a sidewalk of equal width to act as a connection between, or any extension of the existing public sidewalk. Such sidewalk shall be necessary for only those portions of a manufactured housing community fronting upon a public thoroughfare.

- F. **Storage Areas.** The on-site outdoor storage of boat trailers, boats, camping units, horse trailers and similar equipment shall be prohibited. The manufactured housing community may provide, within the confines of the community, a common outdoor storage area for the storage of the above-mentioned equipment. Such storage area shall be surfaced with gravel, asphalt or similar substances and shall be screened from view with plant materials or manmade screening devices.
- G. **Procedures and Permits.** Application for a permit to construct a manufactured housing community shall be submitted to the state department of commerce. The department of commerce is the agency charged with licensing of manufactured housing communities. Preparation of the application, support data and local agency review of the above-mentioned materials shall conform to the requirements of Act No. 419 of the Public Acts of Michigan of 1976 (MCL 125.1101 et seq., MSA 19.855(1) et seq.).
- H. **Area and Bulk Requirements; General Provisions.** See general provisions of this chapter for conditions and regulations applicable to uses in the MH district.
- I. **Principal Permitted Uses.** In all MH districts no building or land except as otherwise specifically provided for this this Section shall be erected or used for other than the following specified uses:
1. Manufactured housing communities subject to the following:
 - a. Application. Preliminary or tentative site plan approval shall be required for all manufactured housing communities and shall be subject to the following procedures:
 - i. The application for approval of a manufactured housing community shall be accompanied by a preliminary or tentative site plan. The application shall be filed with the clerk's office for submission to the Planning Commission for their review, approval or denial.
 - ii. Date of Receipt. The date of receipt of the preliminary or tentative site plan shall be fifteen (15) days prior to the date of the next regular Planning Commission meeting.
 - iii. Preliminary or tentative site plans and specifications shall be submitted. All information as required by the site plan check list for tentative site plan approval shall be required.
 - iv. The preliminary site plan shall be submitted to the Monroe County Road Commission, Monroe County Health Department and the Monroe County Drain Commission in accordance with Public Act No. 96 of 1987, State of Michigan, as amended.
 - v. The Planning Commission shall either approve, approve with modifications or disapprove the preliminary or tentative site plan within

sixty (60) days of the date of receipt of the preliminary plan; provided, however, this requirement may be waived by the applicant.

- vi. The applicant shall be responsible for submitting to the Township Building Official, four (4) complete sets of the final drawings approved by the state for construction. All manufactured housing communities shall be approved by the manufactured housing commission of the state and shall comply with all “rules” as adopted by the commission as provided for by Public Act No. 96 of 1987, State of Michigan, as amended.

- b. Minimum Lot area. A manufactured housing community shall not be permitted on parcels of less than fifteen (15) acres in net area. In determining net area all dedicated interior and exterior right-of-way equal to or greater than eighty-six (86) feet in width shall be excluded. This shall not prohibit adding parcels of more or less than fifteen (15) acres to an existing manufactured housing community, provided that the total community area (existing development plus the added parcel) shall be fifteen (15) acres or greater in net area.

- c. Overall Density, Yard, and Area Requirements.
 - i. Overall density for the manufactured housing community shall not exceed six and one-half (6.5) dwelling units per acre.

 - ii. The manufactured housing community shall be developed with sites averaging five thousand five hundred (5,500) square feet per manufactured home unit. This five thousand five hundred (5,500) square feet requirement for any one (1) site may be reduced by twenty percent (20%) provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of the site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under Rule 125.1946, rule 946 and Rule 125.944, Rules 941 and 944 of the Michigan Administrative Code.

- d. Compliance with State and Local Requirements. Manufactured housing communities shall comply with all requirements of Act No. 96 of the Public Acts of 1987, State of Michigan, as amended. Further, all manufactured housing communities shall comply with this Section, and all rules and regulations as established by the Michigan Manufactured Housing Commission.

- e. Commercial Sales Lots. The business of selling new and/or used manufactured homes as a commercial operation in connection with the

operation of a manufactured housing community is prohibited. New or used manufactured homes located on lots within the manufactured housing community to be used and occupied within the manufactured housing community may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a new or mused manufactured home by a resident of the manufactured housing community provided the community permits the sale.

- f. Manufactured Home Standards. Each manufactured home shall contain sanitary waste disposal facilities, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external systems as commonly found in modern manufactured homes. Each manufactured home shall comply with the regulations of the U.S. Department of Housing and Urban Development as adopted on June 15, 1976, and all subsequent amendments to such standards and regulations. Manufactured homes constructed prior to June 15, 1976 shall be in full compliance with NFPA 501B-1974/ANSI 119.1-1975 standards.
- g. Permit. It shall be unlawful for any person to operate a manufactured housing community unless a license for such operation, in compliance with the requirements of the Michigan Public Act 96 of 1987, as amended has been obtained. The Building Official shall communicate his recommendations regarding the issuance of such licenses to the Director of Manufactured Housing Division, Corporation and Securities Bureau, Michigan Department of Commerce. A certificate of occupancy shall be required for each manufactured home.
- h. Inspections. The Building Official shall conduct periodic inspections. Whenever the Building Official finds that conditions or practices exist which violate the provisions of this Section or other regulations referenced herein, the Building Official shall give notice in writing by certified mail to the Director of the Michigan Manufactured Housing Commission. A copy of such notification shall be sent by certified mail to the community owner or agent. The Building Official or other agents authorized by the Township are granted the power and authority to enter upon the premises of any manufactured housing community as specified by Michigan Public Act 96 of 1987, as amended, at any time for the purpose of determining and/or enforcing any provision of this Section.
- i. Roadway Standards. All roadways and driveways shall be hard surfaced and so constructed as to handle anticipated peak roads and drainage and shall be lighted for safety and ease of movement of vehicles. All roads shall meet or exceed the engineering standards as established by the manufactured housing commission. The interior road system shall be

developed to service the residents of the manufactured housing community and shall therefore remain private.

- j. Access Drives. A manufactured housing community creating a total of fifty (50) or more manufactured home lots or sites shall have at least one (1) access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement which shall be recorded before approval by the Department of Commerce. This access shall be a boulevard access road with at least one (1) lane for ingress and at least one (1) lane for egress if it is the only access to the manufactured housing community.
- k. Width of Access Drives. Two-way streets within a manufactured housing community shall have a minimum width of twenty-one (21) feet where no parallel parking is permitted, thirty-one (31) feet where parallel parking is permitted along one (1) side of the street, and forty-one (41) feet where parallel parking is permitted along both sides of the street. The minimum width of a one-way street shall be thirteen (13) feet where no parallel parking is permitted, twenty-three (23) where parallel parking is permitted along one (1) side, and thirty-three feet where parallel parking is permitted along both sides.
- l. Utilities and Other Similar or Related Services.
 - i. The plumbing connections to each manufactured home site shall be constructed so that all lines are protected from freezing, from accidental bumping or from creating any type of nuisance or health hazard.
 - ii. An adequate amount of running water to individual manufactured home sites shall be piped to and meet the requirements of the County and State Health Departments and shall be adequately protected from frost.
 - iii. Storm drainage facilities shall be so constructed as to protect the health, safety, and welfare of those that will reside in the manufactured housing community, as well as the property owners adjacent to the development. Such community facilities shall be of such capacity to ensure rapid drainage and prevent accumulation of stagnant pools of water in or adjacent to the community consistent with part 4 of the MDPH drainage standards.
 - iv. All electric, telephone, and other utility lines intended to serve any use in a MH district, whether designed for primary service from main lines or for distribution of services throughout the site shall be placed and maintained underground at all points within the boundaries of the manufactured housing community. When separate meters are installed, they shall be uniformly located. Wiring shall comply with the

recommended Detroit Edison standards for manufactured housing communities.

- v. Any community fuel oil and gas storage shall be developed consistent with “Manufactured Housing Commission Rules”.
- vi. Any proposed street and yard lights shall be consistent with “Manufactured Home Commission Rules”.
- vii. All plumbing fixtures shall be connected to a public sanitary sewer or approved facilities and shall meet the requirements of the Monroe County Health Department and Michigan State Health Department.
- viii. Television service if provided shall be from a master antenna, satellite dish, etc., installed with underground connections to each mobile home site.
- m. Fire Extinguishing Equipment. Every manufactured housing community shall be equipped at all times with fire extinguishing equipment in good working order consistent with “Manufactured Housing Commission Rules”. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.
- n. Trees. There shall be provided at least one (1) deciduous tree (minimum caliper of two (2) to two and one-half (2.5) inches) in the front yard of every other mobile home site. All dead trees shall be removed immediately and replaced.
- o. Yard Grading and Drainage. All yards and open space areas in MH districts shall be graded in manner which shall avoid the ponding of stormwater unless such conditions have been designed to occur as part of a stormwater management facility which has been approved by the Planning Commission as part of the preliminary or tentative site plan approval. All yards in a MH zoning district shall comply with MDPH specifications.
- p. Pads, Mats or Platforms. Pads, mats or platforms shall be installed in compliance with “Manufactured Housing Commission Rules”.
- q. Anchoring. Installation and anchoring systems shall comply with all requirements as established in the “Manufactured Housing Commission Rules”.
- r. Skirting. A uniform skirting shall be required to surround the base of a manufactured home and installed within sixty (60) days after placement of said manufactured home. Skirting shall comply with requirements as found in the “Manufactured Housing Commission Rules”.

- s. Storage Areas. No personal property shall be stored outside or under any manufactured home. Storage sheds may be used to store property but need not be supplied by the owner of the manufactured housing community. Sheds shall require a building permit for construction or alteration. All sheds shall be located not closer than ten (10) feet to any adjacent structure or adjacent manufactured home or site boundary line, maintained in good condition, kept clean and well painted. Further, sheds must comply with Manufactured Housing commission Rule 941(1)(f).
 - t. Open Space between Manufactured Homes. The areas between manufactured homes and other open areas located on each manufactured home lot/site shall be seeded or sodded with grass or lawn and landscaped with trees and shrubs and thereafter shall be maintained so as to provide a utilitarian and healthful area free from debris or other outdoor storage.
 - u. Lot Line Fences. Lot line fences if permitted in the individual manufactured housing community shall be uniform in height and shall not exceed thirty-six (36) inches in height and shall be constructed in such a manner as to provide firemen access to all sides of each manufactured home and shall be in accordance with the "Manufactured Housing Commission Rules". Further, fences shall not be constructed of old or used material unless such material shall be reasonably sound in the judgement of the Building Official. Fences shall not be made of or contain barbed wire, electric current or charges of electricity or sharp or pointed projections of any kind; provided, if such fence is constructed of pickets, the pickets shall be made of not less than one (1) inch by three (3) inch material and shall have an angle at the top of not less than ninety degrees (90°). The fence shall comply with the requirements of the building code. Plastic or other types of stripes intertwined in cyclone fencing shall be prohibited.
 - v. Certificate of Occupancy Required. No manufactured home may be occupied until a certificate of occupancy has been issued by the Building Official.
 - w. Septic and Water. All manufactured housing communities shall be served by an approved septic and well water system which shall meet the requirements of the State Department of Health.
 - x. Buffer. A buffer or screen, including fencing, berms, or landscape shall be required if a manufactured housing development abuts an existing residential development.
2. Accessory buildings, structures, and uses customarily incidental to the above permitted use.

J. **Development Requirements.** The following requirements shall be complied with in a MH district:

1. In the case of a manufactured housing community, site plan approval shall be required for the preliminary plan only. All information as required by the site plan checklist for tentative site plan approval shall be required.
2. Only one (1) sign per main entry shall be permitted in a manufactured housing community. Said sign shall not exceed thirty-two (32) feet in area (typically eight (8) by four (4) feet). Said sign may be double -sided.
3. Yard Use. Except for private roads, the area lying between the front property line and the back of curb or edge of the roadway is street right-of-way and as such is under the jurisdiction on the Monroe County Road Commission or Michigan Department of Transportation. A permit from the Monroe County Road Commission or Michigan Department of Transportation shall be required for all work performed in this area. Parking of vehicles shall be restricted to driveways or approved designated parking areas. Parking or storage of vehicles on lawn or landscape area shall be prohibited.

SECTION 8.25 OPEN AIR BUSINESS

A. **Outdoor Display and Sales.** Outdoor display and sales are subject to the following standards and conditions:

1. Outdoor display and sales that is the principal use of the property is permitted as a Special land use in the B-1, MU, and I-1 zoning districts subject to the approval of the Planning Commission in accordance with Article 7.
2. An outdoor display and sales that is as an accessory use to the principal use conducted on the premises is permitted within the B-1, MU, WM, and I-1 zoning districts after obtaining a Zoning Compliance Permit from the Zoning Official. In the administration of these provisions, the Zoning Official may refer a request to the Planning Commission for review and approval where site conditions may create difficulty in adherence to the standards contained herein.
3. The exterior of the premises shall be kept clean, orderly, and maintained.
4. The township shall not be held liable or responsible for any type of damage, theft, or personal injury that may occur as a result of an outdoor display.
5. The location of the outdoor display shall meet all required setback and shall be approved by the Zoning Official.
6. An outdoor display shall not occupy or obstruct the use of any fire lane, roadway, drive-aisle, drive entrance, storage area, off-street parking, or landscaped area required to meet the standards of this Ordinance.

7. Outdoor sale and display areas that abut residentially zoned or used property shall be screened in accordance with Section 12.02.C.
8. Only those products that are sold or are similar to the products sold within the principal building on the same lot may be permitted to be sold or displayed outdoors.

B. **Seasonal Sales.** The outside sale of seasonal items such as Christmas trees, flowers and plants, pumpkins, and other such seasonal items that are grown shall require a permit from the Zoning Official subject to the following standards and conditions:

1. Seasonal sales may be located within any required side or rear yard and shall be no closer to a public road right-of-way than the required front yard setback or existing building, whichever is less. Where outdoor displays abut residentially zoned property, landscape screening in accordance with Section 12.02 shall also be provided.
2. Seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street parking, or landscaped area required to meet the requirements of this Ordinance.
3. Ingress and egress shall be provided in a manner so as not to create a traffic hazard or nuisance.
4. Such sales shall be permitted for a period not to exceed ninety (90) days.
5. Upon discontinuance of the seasonal use, any temporary structure shall be removed.

SECTION 8.26 OUTDOOR STORAGE AND CONTRACTORS/LANDSCAPERS YARD

Outdoor storage of goods, materials, and equipment shall be prohibited unless otherwise specifically permitted in this Section. For those uses where the outdoor storage of goods, materials, and equipment is permitted either by right or through a special land use, the following conditions apply:

A. **General Regulations.**

1. Such storage shall be strictly and clearly incidental to the principal use and only products and materials owned or produced by the principal business, and equipment owned and operated by the principal use shall be permitted for storage under this Section.
2. Location and Size.
 - a. The location and size of areas for such storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure shall be provided as part of

the special use permit application and indicated on a site plan, as set forth in Article 6.

- b. Such storage shall not be located within the area between the front face of the building, as extended across the entire width of the lot, and to the right-of-way; in any required side or rear yard; or in any required transition strip.
 - c. Such storage shall not be located in any required parking or loading space.
3. Screening. The area for such storage shall be screened from view on all sides. Screening shall be constructed of wood or masonry materials. Wire fences with inserted strips of metal, plastic and similar materials shall not be substituted for the required screening. The screen shall not be less than the maximum height of the product being stored.

B. Contractor's/Landscaper's Yard.

1. The contractor's office building shall be of permanent construction.
2. Outdoor storage shall be accessory to the contractor's principal office use of the property. Such outdoor storage shall not be located within the front yard and shall be enclosed by an opaque fence up to eight (8) feet in height and/or landscape screening meeting the standards set forth in Section 12.02.
3. All travel surfaces shall be paved as a condition of approval.
4. Cranes, booms or other extensions on equipment, trucks or other vehicles parked on site shall be stored in the lowest possible configuration.

SECTION 8.27 PLACES OF WORSHIP

- A. **Fully Enclosed Building.** All religious activities shall take place in a fully enclosed building except as may be approved by the Township.
- B. **Incidental Facilities.** Facilities incidental to the main religious sanctuary must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property. Associated uses on the site such as recreation centers, retreat facilities, conference centers, schools, convents, and others shall meet all requirement of this Ordinance for such uses.
- C. **Frontage and Access.** The site shall have frontage on and primary access to a major or minor arterial.
- D. **Maximum Height.** Buildings of greater than the maximum height allowed in the district in which a place of worship is located, may be allowed provided that the front, side, and rear yards are increased one (1) foot for each one (1) foot of building height which exceeds the maximum height allowed.

- E. **Setbacks.** Front, side, and rear yard setbacks shall be a minimum of fifty (50) feet.
- F. **Parking location.** Parking shall not be permitted in the required yards adjacent to any public street or adjacent to any land zoned for residential purposes, other than that which is developed or committed for uses other than the construction of residential dwellings. Such yards shall be maintained as landscaped open space.
- G. **Traffic Control.** Traffic from events, including church worship services and other large assemblies shall be controlled so as not to create congestion or unreasonable delays on the public street.

SECTION 8.28 POST-SECONDARY SCHOOLS (COLLEGES AND UNIVERSITIES)

- A. **Ingress and Egress.** All ingress and egress from said site shall be directly on a major arterial.
- B. **Setbacks.** No building shall be closer than eighty (80) feet to any property line that is residentially zoned or used. In all other cases, front, side, and rear setbacks shall be a minimum of forty (40) feet.
- C. **Off-Street Parking.** Off-street parking areas shall be located at least fifty (50) feet from any residential property line.
- D. **Service and Maintenance Buildings.** Those buildings to be used for service or maintenance, such as heating plants, garages, and storage structures shall be screened from view of residentially zoned or used property, in accordance with the standards set forth in Section 12.02.

SECTION 8.29 PRIMARY/SECONDARY SCHOOLS

- A. **Yards.** All outdoor play areas shall be located in the rear or side yards only and shall be enclosed with a durable fence six (6) feet in height, or four (4) feet in height if adjoining a right-of-way.
- B. **Approvals.** All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.
- C. **Off-Street Parking.** Off-street parking shall be arranged so the area for bus loading and unloading of students will not be in the path of vehicular traffic.
- D. **Service and Maintenance Buildings.** Those buildings to be used for servicing or maintenance, such as heating plants, garages, and storage structures shall be screened from view of residentially zoned or used property, in accordance with the standards set forth in Section 12.02.

SECTION 8.30 SALVAGE OPERATIONS

A. **Intent.** In addition to other regulations set forth in this ordinance, all vehicle junk yards, wrecking yards, salvage operations and similar facilities shall conform to the following requirements:

1. Minimum lot size shall be five (5) acres.
2. Direct ingress and egress shall be from a paved road.
3. A salvage operation license from the State of Michigan shall be obtained and maintained.
4. Travel routes for trucks entering and leaving the yard shall be shown on a map of the Township at the time of application for the special land use permit. Such routes except arterial streets or their equivalent shall not pass through residential areas.
5. The required site plan shall also contain a description for the location and nature of any materials processing operations to be conducted within the yard, and the location and nature of equipment for operations.
6. Yard materials shall be stored in organized rows with open intervals at least twenty (20) feet wide between rows for purposes of fire protection, emergency access, and visitor safety.
7. Yard materials shall not be stored in piles higher than the top of the fence surrounding the yard. Automobiles, trucks, and other vehicles shall not be stacked to a height or in a manner that prohibits fire protection, emergency access or does not protect the safety of visitors.
8. The yard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin.
9. The yard when established and located within one thousand (1,000) feet of any existing residential district or land being used for residential purposes, as measured on a straight-line distance, shall not be open for business and shall not operate at any time other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays; between 7:00 a.m. and 12:00 p.m. on Saturdays.
10. All flammable liquids contained in vehicles shall be drained from the same immediately after such vehicles are brought to the yard. Such liquids shall be temporarily stored in containers approved by the local fire authority until properly disposed of according to law. The applicant shall provide a written procedure for draining, storage, and disposal.
11. All drives, parking areas, and loading/unloading areas shall be paved, watered, or treated so as to limit nuisances caused by dust on neighboring properties and public roads.

12. No portion of the building, yard, or other site elements shall project into the required front yard setback.
13. There shall not be more than one (1) entranceway from each public street that adjoins the yard.
14. Fencing shall be required as follows:
 1. Such facilities shall be completely enclosed by a solid, screen-type fence or wall, seven (7) feet high as measured from grade at each post in the case of a fence, or at ten (10)-foot intervals in the case of a wall. The fence or wall shall be located no closer to the road right-of-way line than the required front yard setback. Gates shall also be made of solid, opaque material. The front yard shall be landscaped and continuously maintained as a lawn.
 2. Strips of metal, plastic or other materials inserted into wire fences shall not be permitted in any fence enclosing a yard.
 3. All gates, doors, and access ways through said fence or wall shall be solid, unpierced materials matching the required fencing.
15. Wrecking and processing operation are permitted in a yard but shall be described in the application for the site plan approval or special use permit so that the Planning Commission and Township Board can implement standards and conditions to protect the health, safety and welfare of the community.

SECTION 8.31 SELF-STORAGE FACILITIES

- A. **Incidental Uses.** Incidental accessory uses such as the sale of boxes, locks, and other supplies shall be permitted.
- B. **Standards.**
 1. The storage of any toxic, corrosive, flammable, or hazardous materials is prohibited.
 2. Other than the storage of recreation vehicles, all storage and accessory uses shall be contained within a building. All recreational vehicle storage shall be screened from the view of residentially zoned or used property and public roads in accordance with the standards set forth in Section 12.02.
 3. Exterior walls of all storage units shall be of masonry construction.

SECTION 8.32 SENIOR ASSISTED AND INDEPENDENT LIVING

A. **Maximum Density.** The maximum allowable density varies by housing type, but shall not exceed the following:

1. Dwellings may be provided for as single-family detached, two-family or multiple-family units. When such dwellings containing kitchens, the minimum site area requirements for purposes of calculating density shall be as follows:

Table 8.32.A-1

Dwelling Unit Size	Site Area Required Per Unit
Efficiency / One (1) bedroom	2,000 square feet
Two (2) bedroom	2,500 square feet
Each additional bedroom	500 additional square feet per bedroom

2. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be one thousand five hundred (1,500) square feet.

B. **Height, Lot Coverage, and Setbacks.** Height, lot coverage and setback requirements of the RM district as set forth in Article 4, Multiple Family Residential Requirements shall apply.

C. **Parking.** Parking is not allowed in any required front yard. Parking is permitted in side and rear yards provided a minimum twenty (20) foot setback is observed.

D. **Façade.** The maximum length of an uninterrupted building façade facing public streets and residentially zoned or used property shall be thirty (30) feet. Façade articulation or architectural design variation for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.

E. **Drop-Off and Pickup Area.** A separate drop-off and pickup area shall be required adjacent to the main building entrance, located in a manner that will not create congestion on the site or within a public roadway.

SECTION 8.33 SOLAR ENERGY COLLECTORS.

A. **Purpose.** It is the intent of the Township to permit these systems by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy collectors. Building-mounted and ground-mounted solar energy collectors, as defined in this Ordinance, shall comply with the provisions of this Section.

B. **Building-Mounted Solar Energy Collector Requirements.** A building-mounted solar energy collector shall be a permitted accessory use in all zoning districts, subject to the following requirements:

1. Solar energy collectors that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
2. Solar energy collectors mounted on the roof of a building shall be only of such weight as can safely be supported by the roof, and weight of snow and/or ice which they collect. Proof thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Township Building Official prior to installation; such certification shall be subject to the Building Official's approval.
3. Solar energy collectors that are roof-mounted, wall-mounted or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Building Official prior to installation; such proof shall be subject to the Building Official's approval.
4. Solar energy collectors that are wall-mounted shall not exceed the height of the building wall to which they are attached.
5. Solar energy collectors shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.
6. The exterior surfaces of solar energy collectors that are mounted on the roof or on a wall of a building, or are otherwise attached to a building or structure, shall be generally neutral in color and substantially non-reflective of light.
7. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township Building Official prior to installation. The Building Official may inspect the completed installation to verify compliance with the manufacturer's directions.
8. Solar energy collectors, and the installation and use thereof, shall comply with the Township construction code, the electrical code, and other applicable Township construction codes.

C. **Ground-Mounted Solar Energy Collector Requirements.** A single, ground-mounted solar energy collector may be permitted as an accessory use in the AG or I-1 zoning districts only, and subject to the following requirements:

1. Single ground-mounted solar energy collectors may be located in the rear yard and the side yard but must meet the required side and rear yard setbacks of the district in which they are located.
2. Ground-mounted solar energy collectors shall not exceed fifteen (15) feet in height, measured from the ground at the base of such equipment.
3. Ground-mounted solar energy collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted to the Township and shall be subject to the Building Official's approval.
4. Ground-mounted solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the building permit application.
5. The exterior surfaces of ground-mounted solar energy collectors shall be neutral in color and substantially non-reflective of light.
6. Ground-mounted solar energy collectors, and the installation and use thereof, shall comply with the Township construction code, the electrical code and other applicable Township construction codes.

D. **Commercial Solar Energy Systems.** The following requirements shall apply to all Commercial Solar Energy Systems:

1. **Purpose and Intent:** The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning, and removal of Commercial Solar Energy Systems within the Industrial district as a Special land use.
2. **Site Plan Drawing and Supporting Materials:** All applications for a Commercial Solar Energy System use must be accompanied by detailed site plans, drawing to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
 - (a) All requirements for a site plan contained in Article 6 herein.
 - (b) All lot lines and dimensions, including a legal description of each lot or parcel comprising the Commercial Solar Energy System.
 - (c) Names of owners of each lot or parcel within Berlin Charter Township that is proposed to be within the Commercial Solar Energy System.
 - (d) Vicinity map showing the location of all surrounding land uses.
 - (e) Location and height of all proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-

ground structures, and utilities associated with the Commercial Solar Energy System.

- (f) Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above ground structures and utilities on the property.
- (g) Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Commercial Solar Energy System and within one hundred (100) feet of all property lines of the Commercial Solar Energy System.
- (h) Proposed setbacks from the solar array(s) to all existing and proposed structures within the Commercial Solar Energy System.
- (i) Land elevations for the solar array(s) location and the relationship to the land elevations of all existing and proposed structures within the Commercial Solar Energy System at a minimum of five (5)-foot contours.
- (j) Access driveways within and to the Commercial Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access driveways shall be subject to Monroe County Road Commission approval and shall be planned so as to minimize the use of lands for that purpose. Site grading and driveways shall not block the flow of water from adjacent parcels.
- (k) Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Commercial Solar Energy System.
- (l) A written description of the maintenance program to be used for the solar array(s) and other components of the Commercial Solar Energy System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Commercial Solar Energy System is decommissioned.
- (m) Planned lightening protection measures.
- (n) Additional detail(s) and information as required by the special land use requirements of the Berlin Charter Township Zoning Ordinance, or as required by the Planning Commission.

3. **Application Escrow Account:** An escrow account shall be deposited with the Township by the applicant when the applicant applies for a special land use permit for a Commercial Solar Energy System. The monetary amount deposited by the

applicant in escrow with the Township shall be the amount estimated by the Township, to cover all costs and expenses associated with the special land use permit review and approval process, which costs shall include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as costs for any reports or studies that are related to the zoning review process for the application. The applicant shall have thirty (30) days to refuse or approve of the amount estimated by the Township. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the special land use permit review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposit by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so within thirty (30) days, the special land use permit process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow Resolutions or other Ordinances adopted by the Township must also be complied with by the applicant. The Township shall provide a summary of all account activity to the applicant within a timely manner upon request.

4. **Compliance with the Township Building Code and National Electric Safety Code:** Construction of a Commercial Solar Energy System shall comply with the National Electric Safety Code and the Township Building Code as a condition of any Special land use Permit under this section. In the event of a conflict between the Township Building Code and the National Electric Safety Code (NESC), the NESC shall prevail.
5. **Certified Solar Array Components:** Components of a solar array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“ETL”), or other similar certification organization if the similar certification organization is approved by the Township, which approval shall not be unreasonably withheld.
6. **Height:** Maximum height of a Solar Array, other collection device, components or buildings of the Commercial Solar Energy System, excluding substation and electrical transmission equipment, shall not exceed fifteen (15) feet (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed one hundred (100) feet.
7. **Lot Size:** A Commercial Solar Energy System shall be located on one (1) or more parcels with an aggregate area of ten (10) acres or greater.
8. **Setbacks:** A minimum setback distance of fifty (50) feet from all exterior property lines of the Commercial Solar Energy System and existing public roads and railroad rights-of-way shall be required for all buildings and solar arrays, provided

that a setback of seventy-five (75) feet shall be required adjacent to any residential structure.

9. **Lot Coverage:** A Commercial Solar Energy System is exempt from maximum lot coverage limitations.
10. **Screening/Security:** A Commercial Solar Energy System shall be completely enclosed by perimeter chain-link fencing to restrict unauthorized access. Such fencing shall be secured to the ground to prevent underground access, as well as, six (6) feet in height with a one (1)-foot extension arm consisting of a minimum of three (3) strands of barbed-wire placed above the fencing and slanting outward as measured from the natural grade of the fencing perimeter. Failure to install or continuously maintain the required perimeter fencing shall constitute a violation of this Ordinance and any special land use permit may be subject to revocation.
11. Electric fencing is not permitted. The perimeter of Commercial Solar Energy Systems shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Commercial Solar Energy System from adjacent residential structures, subject to the following requirements:
 1. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty percent (60%) dead or greater) and dead material shall be replaced by the applicant within one (1) year, or the next appropriate planting period, whichever occurs first.
 2. All plant materials shall be installed between March 15 and November 15. If the applicant requests a Final Certificate of Occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
 3. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any special land use permit may be subject to revocation.
12. **Signage:** No advertising or non-project related graphics shall be on any part of the solar arrays or other components of the Commercial Solar Energy System. This

exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information or warnings that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.

13. **Noise:** No component of any Commercial Solar Energy System shall emit noise exceeding sixty-five (65) dBA as measured at the exterior property boundary or the existing ROW line.
14. **Lighting:** All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads in accordance with Section 12.05.
15. **Distribution, Transmission and Interconnection:** All collection lines and interconnections from the solar array(s) to any electrical substations shall be located and maintained underground inside the Commercial Solar Energy System, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.
16. **Abandonment and Decommissioning:** Following the operational life of the project, the applicant shall perform decommissioning and removal of the Commercial Solar Energy System and all its components. The applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the special land use Permit. Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to three (3) feet below-grade shall be removed offsite for disposal. Any solar array or combination of photovoltaic devices that are not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning.
17. **General Standards:** The Planning Commission shall not approve any Commercial Solar Energy System special land use Permit unless it finds that all of the general standards for special land uses contained in Article 7 of this Ordinance are met.
18. **Approval Time Limit and Extension:** Special land use and site plan approvals or permits shall be valid for one (1) year but, if requested by the applicant prior to that expiration date, shall automatically be extended for an additional one (1) year period.
19. **Conditions and Modifications:** Any conditions and modifications approved by

the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission and authorized representative of the applicant. One (1) copy shall be kept on file by the Township Clerk, and one (1) copy shall be returned to the Applicant's authorized representative.

20. **Inspection:** The Township shall have the right at any reasonable time, to provide same-day notice to the applicant to inspect the premises on which any Commercial Solar Energy System is located. The Township may hire one (1) or more consultants, with approval from the applicant (which shall not be unreasonably withheld), to assist with inspections at the Applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the Applicant's operations staff at the Commercial Solar Energy Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.
21. **Maintenance and Repair:** Each Commercial Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Official determines that a Commercial Solar Energy System fails to meet the requirements of this Ordinance and the special land use permit, or that it poses a safety hazard, the Zoning Official, or his or her designee, shall provide notice to the applicant of the safety hazard. If, after a reasonable cure period (not to exceed 7 days), the safety hazards are not corrected, the applicant is entitled to a hearing before the Township Board. If the Township Board determines that the safety hazard requires that the Commercial Solar Energy System must be shut down, the applicant shall immediately shut down the Commercial Solar Energy System and not operate, start or restart the Commercial Solar Energy System until the issues have been resolved. The applicant shall keep a maintenance log on the solar array(s), which shall be available for the Township's review within 48 hours of such request. The applicant shall keep all sites within the Commercial Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions, and noxious weeds.
22. **Roads:** Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Commercial Solar Energy System shall be repaired at the applicant's expense. In addition, the Applicant shall submit to Monroe County Road Commission a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The applicant shall abide by all County requirements regarding the use and/or repair of County roads.

23. **Continuing Security:** If any Commercial Solar Energy System is approved for construction under this Section, Applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and Applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Commercial Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Commercial Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable.
- (a) **Continuing Obligations:** Failure to keep any required financial security in full force and effect at all times while a Commercial Solar Energy System exists or is in place shall constitute a material and significant violation of the special land use permit and this Ordinance, and will subject the Commercial Solar Energy System Applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the special land use permit.
24. **Other Requirements:** Each Commercial Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township Ordinances.

SECTION 8.34 VEHICLE FUELING STATIONS

- A. **Setbacks.** The following minimum setbacks shall apply to canopies and pump facilities constructed in conjunction with vehicle fueling stations:

Table 8.34.A-1 Canopy and Fuel Pump Setbacks

Setback	Canopy Support	Pump Islands	Canopy Edge
Front	35 feet	30 feet	25 feet
Side	20 feet	20 feet	10 feet
Rear	30 feet	20 feet	20 feet

- B. **Fueling Areas Site Arrangement.** All fueling areas shall be arranged so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served.
- C. **Canopy Structures.** Canopy structures shall be designed and constructed in a manner which is architecturally compatible with the principal building. The canopy structure shall be attached to and made an integral part of the principal building unless it can be demonstrated that the design of the building and canopy in combination would be more

functional and aesthetically pleasing if the canopy was not physically attached to the principal building.

- D. **Fire Protection.** Required fire protection devices under the canopy shall be architecturally screened so that the tanks are not directly visible from the street. The screens shall be compatible with the design and color of the canopy.
- E. **Canopy Lighting.** Canopy lighting shall be recessed so that the light source is not visible from off-site.
- F. **Pedestrian and Vehicular Safety.** Vehicle fueling / multi-use stations shall be designed in a manner which promotes pedestrian and vehicular safety. The parking and circulation system within each development shall accommodate the safe movement of vehicles, bicycles, pedestrians, and refueling activities throughout the proposed development and to and from surrounding areas in a safe and convenient manner.
- G. **Repair and Services.** All repair and maintenance activities shall conform with the standards set forth in Section 8.35. Dismantled, wrecked, or immobile vehicles shall not be permitted to be stored on-site.
- H. **Accessory Vehicle Wash.** If a vehicle wash is proposed, it must comply with the standards set forth in Section 8.38.

SECTION 8.35 VEHICLE REPAIR

- A. **Disposal Containers.** Suitable containers shall be provided and used for disposal of used parts, and such containers shall be screened from view.
- B. **Enclosed Buildings.** All repair and maintenance activities, including hydraulic hoists, lubrication pits, and similar activities, shall be performed entirely within an enclosed building.
- C. **Retail Sales Limitations.** Retail sales shall be limited to those items necessary to carry out the vehicle repair occurring on the subject site.

SECTION 8.36 VEHICLE SALES/LEASING AND SERVICE FACILITY

- A. **Setbacks.** No vehicle shall be parked or displayed within twenty (20) feet of any street right-of-way.
- B. **Noise.** Loud speakers broadcasting voice or music outside of a building shall not be permitted within five hundred (500) feet of any residentially zoned or used property.
- C. **Repair and Maintenance.** All repair and maintenance activities shall conform with the standards set forth in Section 8.35.

- D. **Vehicle Delivery.** Vehicle delivery shall be conducted on the premises and shall not interfere with vehicular traffic on a public road.

SECTION 8.37 VEHICLE TOWING/IMPOUNDMENT LOT

A vehicle impoundment lot shall have a permanent office located on site. The building or buildings may also include activities which are ancillary to the vehicle towing/impoundment business, such as indoor storage of equipment and equipment repair. The impoundment lot shall be located behind the front face of the building and shall meet the standards set forth in Section 8.26, Outdoor Storage.

SECTION 8.38 VEHICLE WASHES

- A. **Use in Building and Setbacks.** All washing activities shall be carried on within a building. Vacuuming activities shall be located at least fifty (50) feet from adjacent residentially zoned or used property.
- B. **Mechanical Dryer.** Automatic vehicle wash facilities shall have a mechanical dryer operation at the end of the wash cycle.
- C. **Exit Ramp.** All automatic vehicle wash facilities must provide a demonstrated means at the exit ramp for each wash bay to prevent pooling of water or freezing.

SECTION 8.39 WIND ENERGY CONVERSION SYSTEMS

- A. **Purpose.** It is the intent of the Township to permit these systems by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of WECS.
- B. **Approval Required.** It shall be unlawful to construct, erect, install, alter, or locate any WECS within the Township except in compliance with this Section.
- C. **Accessory Use.** On-Site WECS are allowed as an accessory use in the AG, Agriculture zoning district and shall meet the following standards and requirements:
1. **Minimum Lot Area.** The minimum lot area shall be ten (10) acres.
 2. **Limitations.** One (1) on-site WECS shall be allowed as an accessory use per property.
 3. **Property Setbacks.** The distance between a WECS and the nearest property line shall be at least one and one-half (1.5) times the height of the WECS. No part of the WECS structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property line.
 4. **Other Required Setbacks.** The distance between a WECS and a road or a public right-of-way shall be at least one and one-half (1.5) times the height of the WECS.

5. **Site Grading / Driveways.** All access driveways shall be subject to Monroe County Road Commission approval. Site grading and driveways shall not block the flow of water from adjacent parcels.
6. **Height.** The height of an on-site WECS shall be less than one hundred fifty (150) feet in height. Height shall be measured from the existing grade to the tip of the turbine blade at its highest point.
7. **Noise.** Audible noise or the sound pressure level of an On-Site WECS shall not exceed fifty-five (55) dB(A) at the property line closest to the WECS. This sound pressure level may be exceeded during short-term event such as utility outages and/or severe windstorms.
8. **Shadow Flicker.** The applicant shall conduct an analysis of potential shadow flicker. The analysis shall identify the locations of shadow flicker that may be caused by the WECS and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify impacted areas where shadow flicker may affect occupants or users of the structures or properties in the impacted area. The analysis shall describe measures that will be taken to eliminate or mitigate negative impacts.
9. **Construction Codes, Towers, and Interconnections Standards.**
 - (a) Every WECS shall comply with all applicable state construction codes and local building permit requirements.
 - (b) Every WECS shall comply with Federal Aviation Administration requirements, the Airport Zoning Act, the Tall Structure Act (PA 259 of 1959), and any other applicable state or federal laws or regulations.
 - (c) An On-Site WECS that is tied to the electrical grid shall comply with Michigan Public Service Commission and utility interconnection requirements. Off-grid WECS are exempt from this requirement.
10. **Safety.**
 - (a) **Design Safety Certification.** The safety of the design of every WECS shall be certified by the applicant's professional engineer registered in the State of Michigan and reviewed by the Township. If WECS construction is approved, the professional engineer shall certify that the construction and installation of the WECS meets or exceeds the manufacturer's construction and installation standards, and any applicable state and federal laws and regulations prior to operation.
 - (b) **Controls and Brakes.** Every WECS shall be equipped with manual and automatic controls to limit rotation of blades to a speed not to exceed the design limits of the WECS. The applicant's professional engineer must

certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a professional engineer's statement of certification approved by the Township.

- (c) **Lightning Protection.** Every WECS shall have lightning protection.
- (d) **Guy Wires.** If an On-Site WECS is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors.
- (e) **Grade Clearance.** The minimum vertical blade tip clearance from grade shall be twenty-five (25) feet from any WECS employing a horizontal axis rotor.
- (f) **Interference.** Every WECS shall be designed and operated to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave, or television signals.
- (g) **Color.** Towers and blades shall be painted a non-reflective neutral color designed on the application and approved by the Township or as otherwise required by law.
- (h) **Climb Prevention.** Every WECS must be protected by anti-climbing devices such as:
 - 1 A perimeter chain-link fence to restrict unauthorized access. Such fencing shall be secured to the ground to prevent underground access, as well as six (6) feet in height with a one (1) foot extension arm consisting of a minimum of three (3) strands of barbed-wire placed above the fencing and slanting outward as measured from the natural grade of the fencing perimeter; or
 - 2 Anti-climbing devices twelve (12) feet from the base of pole including anti-climb panels, anti-climb brackets, and other similar devices.
- (i) **Removal of Abandoned On-Site WECS.** In the event an On-Site WECS is abandoned or unused for a period of one hundred and eighty (180) days, or if an On-Site WECS is damaged, the owner of the tower or the land shall promptly remove the tower and all related equipment. Failure to remove the tower and related equipment in accordance with the foregoing shall subject the owner to fines established by the Township Board. In addition, by accepting a permit for the On-Site WECS, the applicant agrees that in the event the tower and equipment is not removed as required, after thirty (30) days' notice from the Township, the Township may undertake such removal and bill the costs to the applicant plus an administrative fee of fifteen percent (15%) which, if not paid within thirty (30) days, shall be

assessed against the land on which the tower and equipment is located and collected in the same manner as delinquent taxes.

D. **Application Required.** An application for On-Site WECS shall be submitted to the Township for review and approval by the Township Building Official, and shall include the following information:

1. Name, address, and contact information.
2. A general, written description of the proposed project as well as a legal description (property identification number) of the property on which the WECS would be located.
3. A plan showing a map with the physical features and land uses of the project area, both before and after construction of the proposed WECS. The plan shall include:
 - (a) The project area boundaries.
 - (b) The location, height, and dimensions of all existing and proposed structures, and fencing.
 - (c) Distance of proposed WECS from all property lines and permanent structures.
 - (d) The location, grades, and dimensions of all temporary and permanent On-Site WECS access roads.
 - (e) Existing topography.
 - (f) Water bodies, waterways, wetlands, and drainage ditches (county drains).
 - (g) All new infrastructure related to the project.
 - (h) The location of all overhead utility wires.
4. Proof of the applicant's liability insurance covering the WECS.
5. Documentation of the manufacturer's designed sound pressure levels (decibels) for the unit to be installed).
6. The applicant shall provide evidence of ownership of the land which the WECS is to be located.

SECTION 8.40 WIRELESS COMMUNICATION FACILITIES

A. **Intent and Purpose.** It is the intent of this section to provide standards for the location, construction, and maintenance of wireless communication facilities in a way which will retain the integrity, character, property values, and aesthetic quality of neighborhoods and the Township, and minimize the negative visual impact of wireless communication facilities

on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-ways. The priority of the Township is to minimize the overall number of newly established locations for wireless communication support facilities within the community by encouraging the colocation of existing wireless communication support facilities where possible. It is required that all new and modified wireless communication support facilities shall be designed and constructed so as to accommodate colocation. This section also requires that wireless communication antennas, wireless communication facilities and wireless communication support facilities shall adhere to all applicable local, state, federal laws and regulations and the standards of this section.

B. Authorization.

1. Subject to the standards and conditions set forth in this Section, wireless communication facilities shall be permitted uses in the following circumstances, and in any districts:
 - a. An existing structure which will serve as an attached wireless communication facility where the existing structure is not, in the discretion of the Township, proposed to be either materially altered or materially changed in appearance.
 - b. A proposed colocation upon an attached wireless communication facility which has been approved earlier by the Township.
 - c. An existing structure which will serve as an attached wireless communication facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
 - d. An existing wireless communication support structure established within a right-of-way having an existing width of more than two hundred four (204) feet.
2. If it is demonstrated by an applicant that a wireless communication facility is required to be established outside an area identified in Section 8.40.B.1., then wireless communication facilities may be applied for elsewhere in the Township and must follow the district specific criteria and is subject to the criteria and standards set forth in this ordinance.

C. General Regulations.

1. **Standards and Conditions Applicable to All Facilities.** All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the

facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Township.

- a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
- b. Facilities shall be located and designed to be harmonious with the surrounding areas.
- c. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- d. The maximum height of the new or modified support structures and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structures. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
- e. The setback of the support structure shall be equal to the height of the structure.
- f. There shall be unobstructed access to the support structure for operation, maintenance, repair, and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will be needed to access the site.
- g. The division or property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
- h. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed, and maintained to be architecturally compatible with the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
- i. The design and appearance of the support structure and all accessory buildings, shall be reviewed and approved so as to minimize distraction,

reduce visibility, maximize aesthetic appearance and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.

- j. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
- k. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

D. Standards and Conditions. Applications for wireless communication facilities, which may be approved as special land uses, and in addition to review requirements as set forth in Article 7, shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions set forth herein.

- 1. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one (1) or more of the following factors:
 - a. Proximity to an interstate or major thoroughfare.
 - b. Areas of population concentration.
 - c. Concentration of commercial, industrial, and/or other business centers.
 - d. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - e. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - f. Other specifically identified reason creating need for the facility.
- 2. The proposal shall be reviewed in conformity with the colocation requirements of this section.

E. Application Requirements.

- 1. A site plan prepared in accordance with Article 6, Site Plan Review shall be submitted showing the location, size, screening, and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- 2. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as

applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.

3. The application shall include a description of surety to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Section 8.40.G, Removal. In this regard, the surety shall be in a form approved by the Township Attorney.
4. The applicant shall include a map showing existing and known proposed wireless communication facilities within the Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. Any proprietary information may be submitted with a request for confidentiality in connection with the development pursuant to MCL 15.243(1)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.

F. Colocation.

1. **Feasibility of Colocation.** Colocation shall be deemed to be “feasible” for purposes of this section where all of the following are met:
 - a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
 - b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - c. 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.
 - d. 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 several standards set forth herein.
2. **Requirements for Colocation.**
 - a. An approval for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that

a feasible colocation is not available for the coverage area and capacity needs.

- b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation.

G. Removal.

1. A condition to every approval of wireless communication facility shall be adequate provision for removal of all or part of the facility by users and the owners when the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. The applicant shall notify the Township upon cessation of operations or removal of antenna.
2. The situations in which removal of a facility is required, as set forth in paragraph G.1. above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Township.
3. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn on collected for the security posted at the time application was made of establishing the facility.

ARTICLE 9. GENERAL PROVISIONS

SECTION 9.01 PURPOSE

It is the purpose of this Article to provide regulations that are generally applicable to all uses regardless of zoning district.

SECTION 9.02 NUMBER OF BUILDINGS ON A LOT

Not more than one (1) principal detached single-family dwelling unit shall be located on a lot, nor shall a principal detached single-family dwelling unit be located on the same lot with any other principal building or structure, except as otherwise permitted herein.

SECTION 9.03 VOTING PLACE

The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a township or other public election.

SECTION 9.04 ACCESSORY BUILDINGS

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to the main building.
- B. Buildings accessory to residential buildings shall not be erected in any required front yard.
- C. Buildings accessory to residential buildings may not exceed one (1) story or fourteen (14) feet in height or occupy more than twenty-five percent (25%) of a required yard, plus forty percent (40%) of any non-required yard. In no instance shall the accessory building exceed the floor area of the main building in R and RM districts.
- D. No detached building accessory to a residential building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line.
- E. When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of a front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in the rear of such corner lot. A building accessory to a residential building shall in no case be located nearer than ten (10) feet to a street right-of-way line.
- F. An accessory building in any residential or business district larger than ten (10) feet by twelve (12) feet intended for use other than the storage of private motor vehicles shall be subject to approval of the Township Planning Commission.

SECTION 9.05 TEMPORARY BUILDINGS

No temporary buildings shall be erected in the Township except in compliance with the following:

- A. **Temporary Dwellings.** No temporary structure whether of a fixed or moveable nature, may be erected, altered or moved upon in whole or in part for any dwelling purpose for any length of time except as provided in this Section. If a dwelling is destroyed or damaged by a natural or manmade event, such as fire, flood, windstorm or tornado, to an extent that is uninhabitable for a period of time, a temporary dwelling, including a mobile home, approved by the Township Board, may be moved on to the lot, after obtaining a permit from the Building Official for use as a temporary dwelling during replacement or repair of the permanent dwelling. The temporary dwelling shall be placed so as to conform to all yard requirements of the zoning district in which it is located, and shall be connected to a private water supply and sewage disposal systems approved by the County Health Department or to public water supply and sewage disposal systems.
 - 1. The Building Official shall establish a reasonable date for removal of the temporary dwelling; such date shall not exceed one hundred eighty (180) days from the date of issuance of such permit which shall be subject to renewal for a specific length of time approved by the Building Official for demonstrated cause. In unique circumstances or cases of extreme hardships, relief may be sought under the provisions of Section 16.03. The temporary dwelling shall be removed from the lot within two (2) weeks of the date of occupancy of the replaced or repaired dwelling with the date of occupancy to be as listed on the certificate of occupancy. A performance bond in an amount established by the Township Board shall be provided to ensure removal of the temporary building.
 - 2. The Building Official shall provide a written statement setting forth the conditions and permissions granted under this section to the residents so dislodged and shall retain a copy in his files. The Building Official shall notify the Township Board and Planning Commission in writing of each such permission granted under this section.

- B. **Temporary Construction Structures.** Temporary buildings and/or structures may be used as construction facilities provided that a permit is obtained for such use from the Building Official.

SECTION 9.06 ESSENTIAL SERVICES AND OTHER PUBLIC PROPERTY

It is the intent of this Article to place essential services and property owned, leased, or operated by public agencies, including local, state, federal, or any other public or governmental body or agency, under the provisions of this Article as follows:

- A. Essential services shall be permitted in any district.

- B. Buildings constructed in conjunction with an essential service, shall constitute and be treated as special land uses in any zoning district pursuant to the requirements of Article 7.
- C. Property owned, leased, or operated by the state or the federal government shall be exempted from the provisions of this Section only to the extent that said property may not be constitutionally regulated by the Township.
- D. Wireless communication facilities shall not be regulated as an essential service and are subject to the provisions of Section 8.42. Wireless Communication facilities owned by a governmental agency shall be regulated as a special land use in all districts.

SECTION 9.07 UTILITY ENGINEERING AND CONSTRUCTION

All proposed design and construction of utilities, pavement, drives sidewalks, and stormwater management facilities shall comply with Township Engineering and Construction Standards.

SECTION 9.08 DWELLING UNIT STANDARDS

- A. Each dwelling unit and any addition thereto shall be firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction 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 single-family dwellings. If the dwelling is a manufactured home, as defined herein, such dwelling and any addition shall be installed pursuant to the manufacturer's instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulation of the State Manufactured Housing Commission, and shall have a perimeter wall as required above. If the dwelling unit is a manufactured home, as defined herein, each unit shall be installed with the towing system, axles, wheels, and undercarriage or chassis removed.
- B. The minimum floor area per dwelling unit shall be in accordance with the schedule set forth in Section 4.17.F.
- C. The minimum width of any side of a single-family dwelling shall be at least twenty (20) feet. The side of a single-family dwelling shall be considered to be the face along the narrowest dimension of the building.
- D. Each dwelling unit shall be connected to public water and sanitary sewer mains, if available, or to on-site water and sanitary sewage facilities approved by the County Health Department.

- E. All construction shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.
- F. Not more than one (1) single-family dwelling shall be permitted on a lot, except in a Planned Unit Development, a manufactured housing park, or as a temporary dwelling as provided in Section 9.05, or unless otherwise permitted in this Ordinance.
- G. No dwelling unit shall be removed from a foundation until a permit therefore has been issued by the Building Official, in accordance with the Michigan State Construction Code.
- H. The foregoing standards shall not apply to a manufactured home located in a licensed manufacturing housing community, except to the extent required by state or federal law, or otherwise specifically required in the Ordinance of the Township pertaining to such developments.

SECTION 9.09 ACCESS DRIVES

Access drives may be placed in required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Any walk, terrace or other pavement, serving the like function, and not in excess of nine (9) inches above grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yards.

SECTION 9.10 ENTRANCE STRUCTURES

- A. **Location.** Entrance structures may be provided for residential areas, shopping centers, industrial parks, and similar developments. The structure(s) may consist of walls, columns or gates, and may be located within required yards. The location and design of an entrance structure shall not interfere with pedestrian, bicycle, or vehicular traffic movement; and shall conform to the requirements of Section 9.11 and shall not create a safety hazard.
- B. **Building Permit.** An entrance structure shall not be constructed until a building permit has been issued. The Planning Commission shall have approved the location, design, and maintenance provisions for an entrance structure before the building permit may be issued.
- C. **Maintenance.** All entrance structures shall be regularly maintained in good and safe condition. A mechanism shall be established for assuring the required maintenance.

- D. **Application Requirements.** Entrance structures should be approved with a development's site plan. However, if an entrance structure is considered to an existing development the following information should be provided for consideration:
1. Precise location of the structure.
 2. Plan and elevation drawings of the structure, including dimensions.
 3. Location of electrical wiring and fixtures, if applicable.
 4. Provisions regarding the maintenance of the structure.
- E. **Identification Sign.** An identification sign permitted in the district in which the entrance structure is to be located may be mounted on an entrance structure or made a structural part thereof. Such signs shall conform to all sign regulations as set forth in Article 13, except setback requirements. No sign containing advertising material shall be mounted on, or made a structural part of, an entrance structure.
- F. **Security Columns and Gates for Single-Family Residential Properties.**
1. Location. Security columns and gates must be setback at least ten (10) feet from the road right-of-way or five (5) feet from any public sidewalk, whichever is greater.
 2. Dimensions.
 - a. Columns may not exceed four (4) feet by four (4) feet in width.
 - b. Columns, including decorative features, cannot exceed a height of eight (8) feet above grade.
 - c. Gates cannot exceed a height of six (6) feet above grade.
 - d. Fencing or a wing wall on either side of gate may reach a height of six (6) feet above grade with a maximum length of eight (8) feet from each side of a column.
 - e. Any portion of the entrance structure that extends more than eight (8) feet from any side of the column must comply with the provisions as set forth in Section 12.06, Fences.
 3. Other.
 - a. Gates must swing inward to site.
 - b. Gates may not have spikes.
 - c. Fence and/or gate shall be of uniform design and well-maintained.

SECTION 9.11 SITE GRADING

- A. **Intent.** Site grading regulations are established to ensure adequate drainage away from structures and to a natural or established drainage course and to ensure protection of trees and vegetation on sites where grading is to take place.
- B. **Scope of Application.** A grading permit shall be required, subject to review by the Building Official, in all instances where grading, excavating, filling, stockpiling, balancing or other alterations to the land are proposed. 'Filling' includes the dumping of soil, sand, clay, gravel, or other material on a site.
1. Exemptions. Where minor alterations to the land that do not affect the stormwater drainage pattern are proposed, a grading permit shall not be required. Minor alterations are defined as one hundred (100) cubic yards of fill, twenty (20) cubic yards of excavation, or fifty (50) cubic yards of balancing per half-acre, not to exceed one hundred (100) cubic yards. If the stormwater drainage pattern of the land will be altered, a grading permit shall be required regardless of the scope of the alterations.
 2. Fee. The grading permit fee shall be established by resolution of the Township Board.
 3. Extraction. The requirements of this section shall not apply to any extraction operation governed by the regulations of the Township Extractive Operations Ordinance or by the Section of Article XVI of the Township Codified Ordinances governing extractive operations.
 4. County Drain Commissioner. Activities of the Monroe County Drain Commissioner's office, including clearing and dredging of regulated drains and ditches, shall be exempt from the requirements of this Section.
- C. **Grading Plan.** In the event that a grading permit is required, the applicant shall first submit three (3) copies of the grading plan for review and approval by the Building Official or designee (e.g. Township Engineer), and other authorities having jurisdiction, such as the Michigan Department of Environmental Quality. A licensed professional engineer or licensed professional surveyor shall prepare such plans. Two signed, approved copies of the grading plan shall be retained by the Township and one copy returned to the applicant.
- D. **Grading Plan Standards.** At a minimum, grading plans shall show existing and proposed grade elevations adjacent to existing and proposed structures on the subject property and at the structures within one hundred (100) feet of the lot line on adjacent properties. In addition, sufficient existing and proposed elevations shall be shown for the site and for as much of the adjacent property as is necessary to establish the proposed surface drainage pattern.

1. Amount of Material. If excavation or filling is proposed, the amount of material to be excavated or filled shall be indicated on the grading plan.
 2. Basis for Elevations. All elevations shall be based on U.S.G.S. datum. Elevations and location of benchmarks used for determining elevations shall be shown on the plan.
 3. Slope Away from Building and Finished Floor Elevations. All buildings and structures shall be constructed at an elevation that provides a sloping grade away from the building or structure, thereby causing surface water to drain away from the walls of the building to a natural or established drainage course. The grade shall not exceed five percent (5%) slope away from the building or structure for a minimum distance of ten (10) feet. The slope shall be measured from the highest point along the side lot line to the building line.
 4. Runoff onto Adjacent Properties. New grades shall not be established that would permit an increase in the runoff of surface water onto adjacent properties, except directly through an established drainage course, swale, ditch, or easement.
 5. Stockpiling. The open storage of undistributed soil, sand, clay, gravel, and similar material for a period of more than thirty (30) days shall be prohibited, except where permitted as part of an approved construction project, approved excavation operation, or approved use in an industrial district.
 6. Suitable Fill Material. Fill material brought into the township shall consist of clean, compactable, natural earth materials free of contamination from hazardous substances. Fill material shall contain no more than five percent (5%) broken concrete and shall not contain any other foreign matter, including brick, crockery, or other debris or waste. The Building Official or Township Engineer may require verification from a qualified soil-testing laboratory that the fill is free of all contamination.
- E. **Review, Inspection, and Approval Procedures.** The Township Engineer and other authorities having jurisdiction shall review grading plans. The Building Official may issue a grading permit after the determination has been made that the requirements set forth herein and in other applicable ordinances have been complied with.
- F. **Final Grading Plan.** An as-built plan, prepared by a licensed professional engineer or licensed professional surveyor and clearly indicating compliance with the approved grading plan, shall be submitted prior to the issuance of an occupancy permit.

SECTION 9.12 PONDS

A. Size and Location Requirements.

1. No pond construction will be permitted on a parcel of land containing less than five (5) acres. Such pond shall not exceed twenty percent (20%) of the total parcel area. No soil, sand, earthen rock, gravel or other materials shall be removed from the parcel. One (1) pond shall be permitted per parcel.
2. A pond shall be permitted as an accessory use in the AG, R-1 and R-2 districts on a parcel of land with a principal residence. No pond permit shall be issued until a principal residence "rough in" is inspected and approved by the Township Building Official, except farm ponds as defined in Article 2.
3. No pond shall be located closer than one hundred (100) feet from the front, side, and rear lot lines or any right-of-way, nor closer than fifty (50) feet from the required principal use structure, nor closer than one hundred (100) feet from any septic tank and/or septic field.
4. All earth excavated during construction of the pond shall be evenly graded out on the parcel consistent with the approved design plans. All extracted material must remain on the subject property. Excavated material shall not be placed where it will impede drainage or cause flooding on adjacent parcels.
5. No pond shall be located closer than fifty (50) feet from any telephone, electrical or other utility line located above or below ground.
6. A pond shall be constructed in such a manner that no overflow, spillage, or seepage shall encroach on adjacent lots or parcels.
7. The side slopes of the pond shall be stable and be no steeper than a horizontal to depth ratio of three (3) to one (1) (3:1); except that sand banking shall be no steeper than a horizontal to depth ratio of four to one (4:1), to a depth of six (6) feet, and that a pond without soil sides or bottom, such as peat, shall not be permitted.
8. Ponds shall have a minimum depth of eight (8) feet in the middle of the pond measured from the anticipated low water mark.

B. Township Approval Process.

1. A pond shall not be created, built, or used until a plan is submitted, and a permit shall have been obtained from the Township Building Official and a permit fee and any inspections fees shall have been paid in an amount as set by the Township Board.

2. A plot plan and an application form (provided by the Township) shall be completed by the applicant. The plan shall be a scale drawing that must provide sufficient information and details concerning the following:
 - a. The size and dimensions of the proposed pond including at least one (1) cross section of the pond.
 - b. The proposed location of the pond and its relationship to all existing dwellings within one hundred (100) feet, existing or proposed buildings on the subject parcel, livestock pens or other structures, easements, existing septic system and drainfield on the subject parcel and adjacent parcels, utility lines including gas, electric, telephone and cable, property line of the subject parcel with verification by a mortgage survey, and dimensions from all property lines and the street right-of-way.
 - c. Proposed site grading and finished elevations shall be illustrated on the site plan in sufficient detail to determine the direction of stormwater runoff and the drainage system to receive runoff.
 - d. The area of the pond and its percentage of the total ground surface area of the lot upon which the pond is located.
 - e. All rivers, streams, lakes, ponds, wetlands and floodplains which are located on the subject property.
3. The applicant shall provide evidence that all appropriate permits have been applied for and granted, as may be required for the Monroe County Drain Commissioner, Monroe County Health Department, MDEQ and other agencies within jurisdiction.
4. After the Building Official finds that all the required plot plan and application materials are submitted and meet the requirements found herein, an on-site visit shall be scheduled for the Building Official to review the property where the pond is to be constructed.
5. The Building Official's approval shall become null and void if substantial construction has not been commenced within six (6) months following the final approval of the plot plan, or if construction has not been completed within twelve (12) months following issuance of a pond permit. A permit issued in accordance with the provisions of this section shall remain valid for twelve (12) months from the day of issuance. Prior to the permit expiration date, the time limit may be extended by the Building Official for no more than an additional six (6) months, if in the opinion of the Building Official, the applicant is diligently proceeding with construction consistent with the approved plan and the additional time is reasonably necessary to complete the approved improvements.

- C. All ponds shall have a safety station for each one-half (0.5) acre of the pond's water surface when measured at the high water level, and each such safety station shall have an approved U.S. Coast Guard life ring with one hundred (100) feet of rope and a ten (10)-foot pole on a wooden post extending four (4) feet above grade on which a deep water ring shall be mounted.
- D. A pond shall be maintained so as to ensure that unsanitary conditions or obnoxious odors will not be created by the growth of biological organisms. If a pond is not maintained and becomes a detriment to the health, safety and welfare of the community, the Berlin Charter Township Board shall have the authority to have the pond cleaned and properly maintained or filled in, both at the owner's expense and collected in the same manner as delinquent general property taxes.
- E. The requirements of this section shall not apply to the following operations, provided such operations do not, or are not likely to affect the drainage or lateral support of any adjacent or contiguous property or the safety of any persons, and provided such operations are adequately regulated by other laws, ordinances or regulations:
 - 1. The excavation of any swimming pool, stormwater detention basin, basement or temporary excavation, pit, hole, trench, or other temporary movement of any soil matter or earth material in which water may potentially accumulate as a result of a bona fide permit issued by an authorized Township Official.
 - 2. The removal of any soil matter or earth materials resulting from the clearing, deepening or straightening of any drain under the jurisdiction of the Monroe County Drain Commission, or any ditch or drain under the jurisdiction of any public road authority such as the Monroe County Road Commission.
 - 3. The creation of a landscape pond or water comprised of an assemblage of materials (i.e. concrete, wood, plastic, vinyl, and/or masonry) as defined in Article 2, whether permanent or temporary, portable or non-portable, above or below grade, capable of containing water to a maximum depth of no more than twenty-four (24) inches measured from the deepest point, and not exceeding more than two hundred (200) square feet in water area.

SECTION 9.13 HOME OCCUPATION

A home occupation may be permitted in a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions, and further subject to the approval of the Planning Commission and the Township Board:

- A. Not more than one (1) person outside of the family shall be engaged in such operation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty percent (20%)

of the floor area of the dwelling unit may be used for the purpose of the home occupation.

- C. A home occupation shall be conducted within the dwelling unit or within an accessory building.
- D. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and there shall not be external alterations uncustomary in residential areas.
- E. No article shall be sold or offered for sale on the premises except such as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.
- F. Parking for the home occupation shall not exceed two (2) parked vehicles.
- G. Exterior storage of material, equipment or refuse associated with or resulting from a home occupation shall be prohibited.
- H. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor or electrical interferences which are nuisances to persons off the lot. Any electrical equipment process which creates visual or audible interferences with any radio or television receivers off the premises or which causes fluctuations in line voltages off the premises shall be prohibited.
- I. Signs not customarily found in residential areas shall be prohibited, except however, that one (1) non-illuminated sign, professionally prepared, not more than four (4) square feet in area may be installed on the premises. Such signs shall conform with Section 13.05.

SECTION 9.14 PORTABLE STORAGE UNITS

- A. Portable storage units shall be permitted in single-family residential zoning district subject to the following regulations:
 - 1. The maximum allowable size for a portable storage unit is two hundred (200) square feet.
 - 2. No more than two (2) portable storage units shall be permitted on a property at any time.
 - 3. Portable storage units shall not be on a property for more than ninety (90) days within any three hundred sixty-five (365) day period regardless of the number of portable storage units. The Zoning Official may grant an extension, not to exceed thirty (30) days, for extenuating circumstances which would include, but not be limited to, natural disasters, fire, or Acts of God.
 - 4. Portable storage units shall not be placed such that they obstruct pedestrian or vehicular movements nor shall they be located in a clear vision area (see Section 11.03).

- B. The above regulations shall apply to portable storage units in all other zoning districts, other than single-family residential districts, except that the units shall not be on a property for more than one hundred eighty (180) days within any three hundred sixty-five (365) day period regardless of the number of portable storage units. The Zoning Official may grant an extension, not to exceed thirty (30) days, for extenuating circumstances which would include, but not be limited to, natural disasters, fire, or Acts of God.

SECTION 9.15 STORAGE CONTAINERS

- A. Storage containers shall not be located in the required front setback area.
- B. Storage containers may be permitted on site during new construction, repair of fire damage, or Acts of God, and remodeling of a building or structure.
- C. Storage containers may be permitted on a temporary basis as follows:
 - 1. No more than three (3) storage containers shall be permitted per business for a single ninety (90) day period per calendar year.
 - 2. A permit for temporary storage containers shall be issued by the Zoning Official.
- D. Storage containers may be permitted on a permanent basis subject to the following requirements:
 - 1. The storage container must be located in an area screened by an opaque fence or wall not less than seven (7) feet in height. The fence or wall shall be constructed of durable material, such as wood or masonry. Wire fencing or fencing with plastic, aluminum, or other filler strips shall not be used.
 - 2. The storage containers shall not block ingress or egress doors, fire department hose connections, utility pedestals, wall mounts, access aisles, etc.
 - 3. At no time shall there be more than three (3) storage containers on the premises.
 - 4. Storage containers shall not be stacked nor shall anything be stored on top of the containers.
 - 5. Storage containers shall not occupy parking spaces to the extent that the premises are no longer in compliance with the minimum parking requirements herein.
 - 6. Storage containers no longer in use shall be removed from the premises.

SECTION 9.16 KEEPING OF ANIMALS

A. Horses and other livestock may be kept only in accordance with the following schedule:

ZONING DISTRICT	REGULATION
1. Bona fide farm operations in AG.	<p><u>Horses, Ponies and Other Livestock.</u></p> <p>There shall be no zoning limits on the number of equines (horses or ponies) or other livestock kept, provided that all generally accepted agricultural and management practices (GAAMP's) are followed as regulated by the Michigan Department of Agriculture (MDA).</p>
2. Residentially used lots zoned AG.	<p><u>Horses, Ponies and Other Livestock.</u></p> <p>HORSES or PONIES:</p> <p>Two (2) equines (horses or ponies) may be kept on lots of five (5) acres or more. One (1) additional equine may be kept for each acre of lot area in excess of two and one-half (2.5) acres not to exceed six (6) horses.</p> <p>CATTLE:</p> <p>One (1) per acre. The combined number of cattle and horses or ponies may not exceed one (1) animal per acre.</p> <p>PIGS or SHEEP or GOATS:</p> <p>Two (2) per acre. If a combination of horses, cows, sheep, goats and pigs are to be maintained, two (2) sheep, goats or pigs may replace either a cow or a horse or pony in the total number allowed as indicated above.</p> <p>POULTRY:</p> <p>Thirty-five (35) per acre, in any combination, in addition to other livestock.</p>

B. All animals shall be properly fenced and contained.

C. Barns suitable for housing of animals and storage of the necessary hay and grain they consume may be constructed on the premises in accordance with Section 9.04. All barns and out-buildings shall require a zoning compliance permit. Where such buildings abut a residentially zoned or used lot, barns and out-buildings shall conform to minimum setback requirements for principal residential buildings.

D. Special training or exercising corrals shall be located not less than one hundred (100) feet from any lot line.

- E. Except on farms, accumulations or manure shall be limited to a single designated area and shall be a minimum of one hundred fifty (150) feet from all public rights-of-way, a minimum of one hundred (100) feet from side and rear lot lines, and a minimum of one hundred (100) feet from all dwellings.
- F. The following discretionary standards shall be used in considering special approval for the keeping of horses or ponies on lots of two (2) acres or more in residentially used lots zoned AG:
 - 1. A fenced corral or pen with fence construction sufficient to contain horses on the owner's property shall be provided.
 - 2. The facilities and conditions shall be such as to assure that the public health, safety and welfare is safeguarded with particular reference to objectionable noises, odors, infestations, insects, fences, security and nuisances.
 - 3. Provision shall be made to ensure that the keeping of horses or ponies will not adversely affect the peaceful use of adjacent lots.
 - 4. The potential impact on the view from neighboring lots in relationship to unsightly areas such as barnyards, manure piles, barn doors, gates, chutes, fences, etc. shall be considered.
- G. Other animals which are not specifically permitted hereunder are prohibited except for pets and other animals permitted by the Monroe County Health Department and under conditions designed to protect the public health, safety and welfare. Exotic animals, furbearing animals and game are allowed in the AG district after special approval from the Township, in accordance with the standards of this Section and Article 7.

SECTION 9.17 HOBBY AND COMMERCIAL KENNELS

- A. Hobby kennels shall be permitted as an accessory use in any zoning district where single-family dwellings are permitted uses.
- B. Commercial kennels shall be a special land use in the AG and B-2 districts subject to the following conditions:
 - 1. A minimum lot size of five (5) acres in the B-2 district, and ten (10) acres in the AG district shall be maintained.
 - 2. Any building or fenced area where animals are kept shall be located a minimum of two hundred (200) feet from any public right-of-way, one hundred (100) feet from any property line, and one hundred fifty (150) feet from any residential dwelling located off the premises.

3. The kennel shall be established and maintained in accordance with all applicable state, county and township sanitation regulations. Odor, dust, noise, drainage, or insects shall not constitute a nuisance to adjoining properties.
4. A site plan shall be submitted in accordance with Article 6.

SECTION 9.18 HOBBY AND COMMERCIAL HORSE STABLES

1. An indoor riding arena, whether for a hobby or commercial horse stable, shall require a minimum of ten (10) acres.
2. Hobby stables shall be permitted as an accessory use in the AG district, subject to the restrictions set for in Section 9.16.
3. A commercial stable shall be established and maintained in accordance with all applicable state, county, and township sanitation regulations.
4. A site plan shall be submitted in accordance with Article 6.

ARTICLE 10. DEVELOPMENT OPTIONS

SECTION 10.01 CONDOMINIUM PROJECTS.

- A. **Intent.** The intent of this Section is to regulate condominium projects to ensure compliance with this Ordinance and other applicable standards of the Township, to provide procedures and standards for review and approval or disapproval of such developments, and to ensure that each project will be consistent and compatible with other developments in the community.
- B. **Approval Required.** Pursuant to authority conferred by Section 141 of the Condominium Act, preliminary and final site plans for all condominium projects shall be approved by the Berlin Charter Township Planning Commission, in accordance with the provisions set forth in Article 6.
- C. **General Requirements.**
1. Where a site condominium is proposed, each site condominium unit shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located, and the provisions of any other statutes, laws, ordinances, and/or regulations applicable to lots in subdivisions.
 2. Relocation of boundaries between adjoining site condominium units, (if permitted in the condominium documents, as provided in Section 48 of the Condominium Act MCL 559.148), shall comply with all regulations of the zoning district in which located and shall be approved by the Township Attorney. These requirements shall be made a part of the bylaws and recorded as part of the Master Deed by reference.
 3. Each site condominium unit that results from a subdivision of another condominium unit, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Official. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.
 4. No permit for construction shall be issued until final engineering plans have been approved and all applicable permits and approvals have been secured from other governmental entities.
- D. **Site Plan Approval.** Approval of the site plan and condominium documents by the Township shall be required as a condition of the right to construct, expand, or convert a condominium project. The following information shall be submitted for site plan approval:
1. A site plan in accordance with the standards and procedures set forth in Article 6.

2. Master deed and bylaws, which shall be reviewed with respect to all matters subject to regulation by the Township, including, without limitation: on-going preservation and maintenance of drainage, retention, wetland and other natural and/or common area; maintenance of private roads; and maintenance of stormwater, sanity, and water facilities and utilities.
 3. Engineering plans and information in sufficient detail to determine compliance with all applicable laws, codes, ordinances, rules and regulations for the construction of the project.
 4. The applicant shall provide proof of approvals by all county and state agencies having jurisdiction over improvements in the condominium development. The Township shall not approve a site plan until each county and state agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.
- E. **Revision of Condominium Subdivision Plan.** If the condominium subdivision plan is revised, the site plan shall be revised accordingly and submitted for review and approval or denial by the Township before any building permit may be issued, where such permit is required.
- F. **Amendment of Master Deed or Bylaws.** Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the Township before any building permit may be issued, where such permit is required. The Township may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the site plan.
- G. **Monuments.** Monuments shall be established in the manner required by the Condominium Act.

SECTION 10.02 OPEN SPACE DEVELOPMENTS.

- A. **Intent.** It is the intent of this Section to promote the goals of the Township Master Plan and to permit the development of single-family dwellings in patterns which will:
1. Protect and preserve rural character, open space, and productive agricultural lands.
 2. Minimize demand for public services.
 3. Encourage a more creative approach to single-family residential development than conventional land divisions and allow greater flexibility in the siting of units.
 4. Provide a more desirable living environment through the preservation and conservation of natural features such as topography, wetlands, woodlands and vegetation, water bodies and other natural assets.

5. Reduce the number driveways accessing county primary and local roads.
 6. Minimize light levels and light pollution.
- B. **Eligible Property.** The open space preservation option shall be a permitted use in the AG and R-1 districts, and in the R-2 district where sanitary sewers are provided.
- C. **Criteria.** In the review of a proposed development under this Section, the Township shall make a finding that the intent of the open space preservation option, as set forth in subsection A. and one (1) or more of the standards set forth in this subsection are met:
1. The parcel contains natural assets which would be preserved through the use of open space preservation. Such assets may include woodlands; natural habitat for wildlife; wetlands; bodies of water (i.e. streams, rivers, and lakes); unusual topographic features; or other natural assets which are to be preserved.
 2. The parcel contains productive agricultural lands which would be preserved through the use of cluster development.
 3. When completed, the development shall have at least fifty percent (50%) of the land area remaining left perpetually in an undeveloped state, i.e. a conservation easement, plat dedication, restrictive covenant, or other legal means that run with the land.
- D. **Density Regulations.**
1. Land found within the districts noted in subsection B. may be developed, at the option of the landowner, with the same number of dwelling units on a portion of land that, as determined by the Township, could otherwise be developed, under existing ordinances.
 2. **Calculating Density.** The base density calculation is an estimated number of housing units that could reasonably be expected on a parcel or parcels if developed in a conventional manner. For the purpose of determining base density, the following standards shall apply:
 - a. **Useable Lot Area.** It is recognized that certain site elements must be subtracted from the total lot area to obtain a reasonable base density. Usable lot area for the purpose of determining base density shall be the lot area as defined with the following to be subtracted from the total lot area:
 - i. For the development of infrastructure including roads, stormwater detention, and other similar facilities, twenty percent (20%) of the lot area shall be subtracted.
 - ii. Twenty-five percent (25%) of all wetland areas shall be subtracted from the lot area. A wetland delineation shall be completed on-site to make this determination.

- iii. All land found within the ordinary high-water elevation of any lake, pond, river, stream, or creek shall be subtracted.
- iv. Fifty percent (50%) of all soils identified as “very limited” for septic tank absorption fields.

b. **Base Density Calculation.** Once the useable lot area is established, the minimum lot size of the underlying zoning district may be used to determine the maximum base density as shown in the following calculation:

A = Useable lot area

B = Minimum required lot area of underlying zoning district

C= Base density

$$A / B = C$$

E. **Site Design Requirements.** All open space developments submitted under this option shall conform to the following site design requirements:

1. **Type of Dwelling Unit Permitted.** Development is restricted to single-family detached and two-family units. Projects may be proposed as subdivisions or site condominiums, although portions of projects may include land divisions allowable under state law. In no case shall allowable project density be exceeded.
2. **Common Access and Road Frontage.** No lot or parcel shall have direct driveway access to county-designated primary or local roads. All lots or parcels shall have frontage or direct access to a public or private interior road which meets one (1) of the following conditions:
 - a. A public street which has been accepted for maintenance by the Monroe County Road Commission.
 - b. A permanent and unobstructed private road approved and built in accordance with the Township Guidelines of Development or a road which is part of a condominium development where design, construction, and perpetual maintenance of the road have been approved by the Township.
 - c. The extent of road frontage shall be determined by the Township, in its discretion, taking into consideration: the extent and importance of natural resources, topographical conditions, floodplains, and wetlands to be preserved on the property, the size the shape of the development site, public safety, aesthetics, and impact upon the surrounding developments.
3. **Water Supply and Sewage Disposal.**
 - a. An applicant shall demonstrate that all lots proposed under the open space preservation option are capable of meeting applicable county and/or state

agency approvals for on-site water supply and sewage disposal. Inasmuch as the capability of the parcel for on-site water supply and sewage disposal is material to the determination of potential development density, the Township shall require percolation tests, soil borings, and other information to determine suitability of soils for on-site sewage disposal. These tests must be conducted under the supervision of a Registered Engineer, Certified Sanitarian, or other competent licensed provision in accordance with uniform procedures established by the Department of Environmental Quality.

- b. Pursuant to subsection D., a preliminary site plan with a conventional layout is required in order to demonstrate project density. The Township Board may waive the requirement for percolation tests, soil borings, and other information on each individual lot of the preliminary site plan with a conventional layout, when it can be demonstrated by the applicant that one (1) or more of the following conditions exist:
 - i. Conducting the necessary testing would result in unreasonable damage to significant nature resources and features that are intended to be preserved through the application of the open space development option.
 - ii. Previous studies acceptable to the Township Board have been conducted on the site which verify the suitability of soils and subsurface conditions for on-site water supply and sewage disposal.

4. **Setbacks.** Setback requirements shall be established in a manner which permits variation in the siting of individual dwelling units in order to encourage creativity in design and compatibility with natural resources and other features intended to be preserved. The following minimum setback requirements for each dwelling unit shall be applied:

TABLE 10.02 – E.1. Minimum Setbacks and Lot Width per Dwelling Unit for Single-Family Developments

Setbacks / Districts	A-1	R-1	R-2
Front	40 feet	40 feet	25 feet
Rear	40 feet	40 feet	25 feet
Side – Least	20 feet	10 feet	10 feet
Side – Total	40 feet	25 feet	25 feet
Distance Between Structures	40 feet	25 feet	25 feet

TABLE 10.02 – E.2. Minimum Setbacks and Lot Width per Dwelling Unit in Regular Condominiums for Two-Family Attached Units

Setbacks / Districts	A-1	R-1	R-2
Minimum Setbacks*			
Internal Drives / Street	40 feet	40 feet	25 feet
Edge of Water **	50 feet	35 feet	35 feet
Distance Between Structures			
Side to Side	40 feet	20 feet	20 feet
Side to Front Side to Rear	55 feet	35 feet	35 feet
Front to Front Front to Rear Rear to Rear	70 feet	50 feet	50 feet

*Where the cluster development contains drives or streets without a recorded easement, setbacks shall be measured from a point thirty-three (33) feet from the centerline of the drive or street.

** A minimum of twenty-five (25)-foot wide undisturbed open space setback shall be required from the edge of any, lake, pond, river, stream or wetland; provided that the Planning Commission may permit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.

5. **Open Space.** When completed, the balance of the parent parcel that is not specifically devoted to development associated with dwelling units shall be left in an undeveloped state.
 - a. The percentage of land to be left in an undeveloped state shall be no less than fifty percent (50%) of the parent parcel.
 - b. The term “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 public.
 - c. Approval of an open space preservation option under this Section shall be conditioned upon recording appropriate conservation easements, deed restrictions, plat dedications, restrictive covenants, or other instruments for the purpose of providing for long-term maintenance and preservation of the

land to be left in an undeveloped state. Such easement and/or other instrumentation shall be in a form and contain the content approved by the Township Attorney and shall run with the land.

6. **Greenbelts.** It is the intent of the Township that rural open space developments shall not appear to be more intense than conventional developments as viewed from off-site. In addition to any required minimum setback specified in Section E.4. above, a greenbelt, having the minimum width of one hundred (100) feet, shall be required along any adjacent county primary or local road. The greenbelt shall be measured from the future right-of-way line. The Township Planning Commission, at its discretion, may permit either minor reductions in width or variations in width of the greenbelt taking into consideration topographic and/or other natural resource conditions, density of existing vegetation to be preserved, and size and shape of the development site.
 7. **Transition from Adjacent Parcels.** In order to provide an orderly transition of density when an open space development abuts a single-family residential district of equal or lower density, the Township, at its discretion, shall require the designation of open space and/or the addition of landscape screening along the common boundaries.
- F. **Review Procedures.** An application for an open space development shall be reviewed as follows:
1. **Subdivisions.** If an open space development is proposed as a subdivision, review of the preliminary and final plats shall proceed as provided in the Berlin Township Subdivision Ordinance.
 2. **Site Condominiums.** If an open space development is proposed as a site condominium, review shall provide as provided in Section 10.01 and Article 6.
 3. **Metes and Bounds Divisions.** If an open space development is for land division by metes and bounds descriptions, the review shall proceed as provided for preliminary and final site plans in Article 6.
- G. **Review Standards.** A proposed open space development shall meet all of the following standards for approval. The Planning Commission shall make the necessary findings for compliance with this Section upon its review of the final site plans for site condominiums and metes and bounds land divisions under this Section. It shall be the responsibility of the Township Board to make such findings for subdivisions developed under this Section after review and recommendation by the Planning Commission. All findings shall be in writing and shall be recorded in the minutes of the meeting at which the decision is made.
1. The proposed open space development must be consistent with the Master Plan and any other applicable adopted plan.

2. The proposed open space development must not adversely affect existing or future uses or the value of adjacent properties.
3. A site plan shall meet all requirements and standards for preliminary and final site plans as provided in Article 6 of the Zoning Ordinance.
4. The proposed open space development shall meet all requirements and standards in this Section and all other applicable provisions of the Zoning Ordinance.
5. The proposed open space development must comply with all applicable federal, state, and local rules and regulations.

6. **Design Standards.**

- a. The open space development shall be designed to promote preservation of natural features. Lots or site condominium units, roads, stormwater management facilities, and other improvements shall be designed and situated to minimize alteration of or intrusion into the natural environment.
- b. Lots or site condominium units shall be located on soils that are most suitable for drain fields.
- c. Dwelling units shall be located away from environmentally sensitive areas. They shall not be located in areas most suitable for open space. Dwelling units shall be located as far as possible from agricultural areas.
- d. Placement of wells, septic tanks, and drain fields shall comply with all requirements of Monroe County.
- e. Each lot or site condominium unit shall have access to and frontage on an approved street.
- f. Pedestrian access shall be provided within a development between lots or site condominium units and non-agricultural open space, between open space areas, and to appropriate on- and off-site uses.
- g. The Planning Commission or Township Board, whichever applies, may require that structures of historic, cultural, or architectural significance on the site of an open space development be retained, if suitable for rehabilitation. Adaptive reuse for a permitted use may be allowed.

H. **Conditions of Approval.** The Planning Commission or Township Board, whichever applies, may impose reasonable conditions for approval of an open space development and all elements of the proposed open space development that will assure that the development and all elements of the proposed open space development will be consistent with the intent and purpose of requirements of this section, the Zoning Ordinance, and Subdivision Control Ordinance.

I. Recording Action

1. Upon approval of a final site plan by the Planning Commission, or final approval of a preliminary plat by the Township Board, the applicant shall record an affidavit with the Monroe County Register of Deeds that contains the full legal description of the property in the open space development, the date of Township approval, the conditions the Planning Commission or Township Board imposed, and declares that all improvements will be carried out pursuant to the approved open space development plan or plat, unless an amendment is endorsed by the Planning Commission or Township Board, whichever applies. The deed restrictions and conservation easement shall be duly filed with the Monroe County Register of Deeds. The applicant shall promptly submit copies of the recorded documents to the Township Clerk.
2. Upon approval of a final site plan by the Planning Commission, or final approval of preliminary plat by the Township Board, the Township Clerk shall promptly record the approval of the open space development on the Township's official zoning map, which entry shall be signed by the Township Supervisor and attested to by the Township Clerk.

J. Time Limits.

1. An approved open space development shall expire and be of no effect if construction does not commence within twelve (12) months after approval unless the approving body grants an extension. If the applicant does not comply with the conditions specified in the approval, the approving authority or Zoning Official shall issue a stop work order and no further work shall be done until such time as the conditions are met to the satisfaction of the approving authority.
2. Each phase of a development shall be commenced within twelve (12) months of the schedule set forth in the approval. If construction of any phase is not timely commenced as provided herein, the approval of the open space development shall become null and void and no further work may be conducted on the site until such time as adequate assurances to the satisfaction of the approving authority are made that the development will be completed as approved by a date certain as determined by the approving authority.
3. The applicant may apply in writing to the approving body for an extension of time in which to commence and/or complete construction. The application for extension must include an explanation of reasons justifying the requested extension. The body granting the original approval may grant a requested extension not exceeding twelve (12) months for good cause. Not more than one (1) extension may be approved.

K. Continuing Compliance.

1. An applicant who fails to comply with the approved final site plan or the preliminary plat as finally approved, whichever applies, shall be deemed in violation of the Zoning Ordinance, and subject to enforcement and penalties as provided in Section 3.10.
2. A development agreement and performance guarantee shall be required as a condition of final site plan and preliminary plat approval. The guarantee and agreement shall be in a form approved by the Township Board and shall ensure completion of a proposed open space development as proposed.

ARTICLE 11. ACCESS, PARKING AND LOADING REQUIREMENTS

SECTION 11.01 INTENT AND PURPOSE.

This Article is intended to ensure that the parking and circulation aspects of all developments are designed with regard to safety, efficiency, and convenience. This Article is also intended to ensure off-street parking and loading facilities are sufficient in number, adequately sized, and properly designed to meet the needs and demands associated with land uses now in place in the Township or with land uses allowed by this Ordinance.

SECTION 11.02 ACCESS TO PUBLIC AND PRIVATE STREETS.

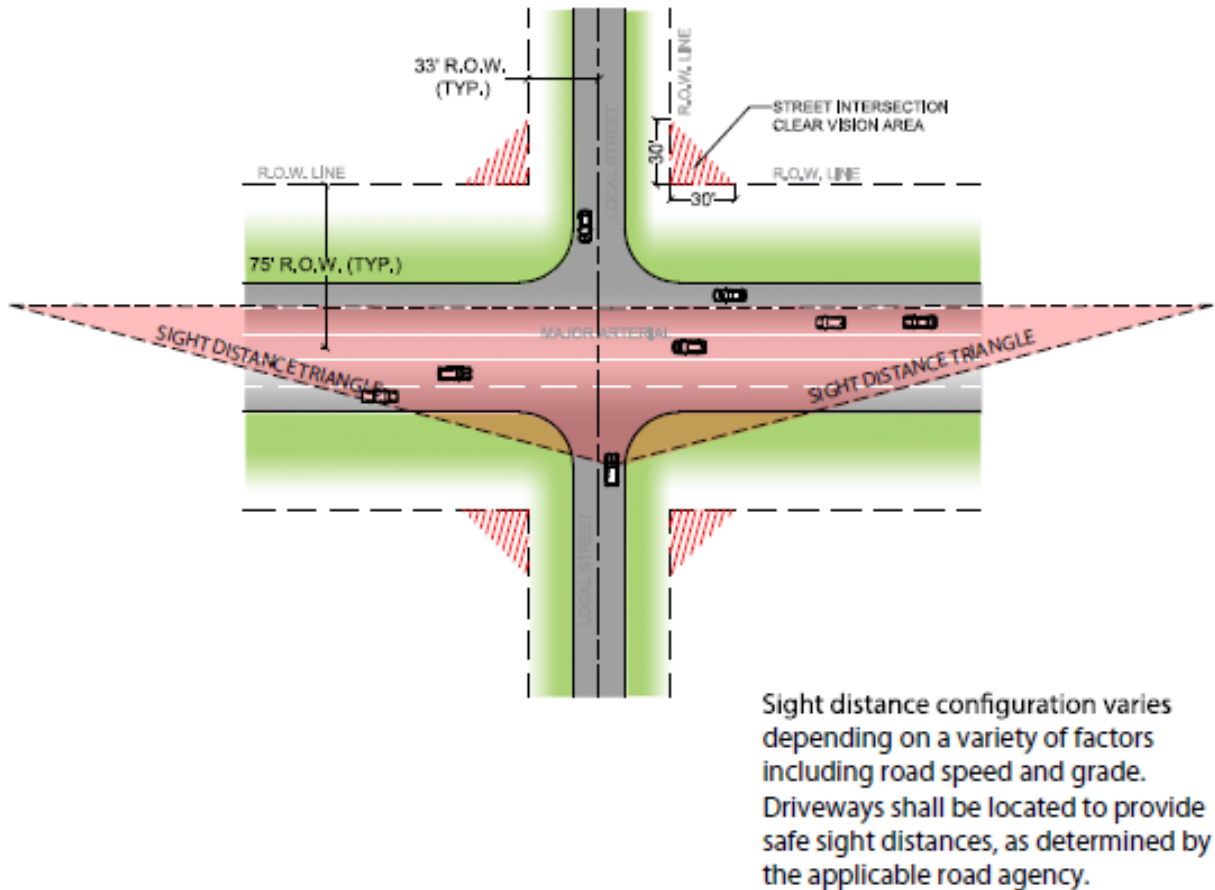
- A. In any zoning district, every use, building, or structure established after the effective date of this Ordinance, shall be on a lot or parcel that adjoins a public road or private road complying with the provisions of Chapter 13, Article 4, except as provided in subsection C. below. The area of a private road easement shall not be included in the minimum required area of the lot.
- B. When a proposed building or structure is not serviced by an approved driveway or private road as provided for in Chapter 13, Article 4, Private Roads, or is not serviced by a dedicated public road; the Zoning Official shall not issue a zoning compliance permit for the proposed structure.
- C. Two (2) or more contiguous parcels of commercially zoned land used for commercial, industrial, office, or multiple-family residential purposes may share driveway access provided all other standards are met. Where shared driveway access is proposed, evidence of the appropriate access easement agreements shall be provided.

SECTION 11.03 VISIBILITY AT INTERSECTIONS AND DRIVEWAYS.

No fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be higher than three (3) feet on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersection street right-of-way lines and a straight line joining the two street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way lines. Trees may be planted in this triangular area, provided that the lowest foliage is ten (10) feet or higher from the ground.

FIGURE 11.03-A. CLEAR VISION AREA

CLEAR VISION AREAS - STREET INTERSECTION



SECTION 11.04 TRAFFIC IMPACT ANALYSIS.

A traffic impact analysis may be required by the Township Engineer to analyze the effect of development upon existing street traffic. The traffic impact analysis shall be paid for by the applicant.

SECTION 11.05 ACCESS MANAGEMENT STANDARDS.

- A. **Applicability.** All permitted and special land uses that are subject to site plan review shall meet the requirements set forth in this Section. Access to public roads shall be controlled in the interest of public safety.
- B. **Access Barrier.** Each building or group of buildings, parking and/or service areas, shall be physically separated from public roads by a curb, or other suitable barrier against unchanneled motor vehicle access or egress, except for driveway access authorized herein. In addition to providing the access barrier, greenbelt requirements shall be provided in accordance with Section 12.02.

- C. **Driveway Access Standards.** Driveways shall conform to the following performance standards or to standards adopted by the Monroe County Road Commission, whichever is more stringent:
1. Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal peak traffic period.
 2. There must be sufficient on-site storage to accommodate at least three (3) queued vehicles waiting to park or exit without using a portion of the public right-of-way obstructing existing vehicle sight distance, or otherwise interfering with street traffic.
 3. Provisions for circulation between adjacent parcels are encouraged through coordinated or joint parking systems.
 4. Driveways shall be designed to accommodate all vehicle types having occasion to enter and exit the site, including delivery vehicles. There shall be clear delineation and/or separation, where appropriate, of entry and exit lanes within driveways.
 5. Loading and unloading activities shall not hinder vehicle ingress or egress.
 6. Driveway placement must be such that an existing vehicle has an unobstructed sight distance according to the minimum adopted by the Monroe County Road Commission.
- D. **Number of Access Points.** Each lot or parcel shall be permitted one (1) access point. This access point may consist of an individual driveway, or a shared access with an adjacent use in accordance with Section 11.02.
- E. **Spacing of Access Points.** All spacing of access points shall comply with the Township Engineering standards, other applicable policies, Monroe County Road Commission Standards, Michigan Department of Transportation standards, or the standards of any other applicable body.
- F. **Additional Driveways.** An additional driveway may be permitted by the Planning Commission upon finding that the conditions of 1 and 2, or 3 below exist. The additional driveway may be required to be along a side street or a shared access with an adjacent site:
1. The site has a frontage of over six hundred sixty (660) feet and the spacing standards between access points listed below are met; or
 2. The additional access will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future; or

3. A traffic study, set forth in Township regulations, demonstrates the additional driveway will provide improved conditions for the motoring public and will not create negative impacts on through traffic flow.
- G. **More Restrictive Standards.** The appropriate road agency may require a more restrictive standard than contained herein.

SECTION 11.06 OFF-STREET PARKING.

A. **Applicability.** The standards set forth in this Section shall apply to all uses for which off-street parking is provided.

B. **Parking and Vehicle Storage.**

1. **Residential Districts.**

- a. Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and no more than one (1) commercial vehicle of the light, delivery type, not to exceed three-fourths (3/4) ton, shall be permitted for each dwelling unit. The parking of any other type of commercial vehicle, except those belonging to a church or school and parked on church or school property, is prohibited. Parking spaces for all use types may be provided either in garages or parking areas conforming to the provisions of this Article.
- b. No recreational vehicles shall be parked or stored in the front yard of any lot in a residential district, except for a period not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

2. **Other Districts.**

- a. In any commercial or office zoning district, parking or storage of semi-trailers shall be prohibited for a period of more than twenty-four (24) hour period.
- b. Unlicensed operative and licensed or unlicensed inoperative automotive vehicles or trailers of any type shall not be parked or stored in residentially zoned property other than in completely enclosed buildings.
- c. Storage of products, materials, or equipment in semi-trailers shall be prohibited in any zoning district.
- d. Sales of products, merchandise, or other materials from semi-trailers shall be prohibited in any zoning district.

3. **Location of Parking.**
 - a. **One- and Two-Family Dwellings.** The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or parcel as the building they are intended to serve but shall not be considered a parking facility under the provisions of this Ordinance.
 - b. **All Other Uses.** Off-street parking required for all uses, other than one- and two-family dwellings shall be located on the same lot or parcel as the building or buildings they are intended to serve, and within three hundred (300) feet of the main entrance of the building intended to be served, unless otherwise modified by subsection 11.06.B.8. below.
4. **Required Greenbelt, Setbacks, and Screening.**
 - a. Off-street parking facilities, including maneuvering lanes, shall not be located within the front greenbelt required in accordance with Section 12.02. Off-street parking shall be permitted within the required side or rear yard setbacks, provided a minimum of ten (10)-foot setback is maintained between off-street parking and the abutting side and rear lot lines.
 - b. Off-street parking shall be landscaped and screened in accordance with Section 12.02.
5. **Units and Methods of Measurement.** For the purpose of determining off-street parking requirements, the following units of measurement shall apply.
 - a. **Floor Area.** Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the useable floor area as defined.
 - b. **Employees.** For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
 - c. When units or measurements determining the number of required parking spaces shall result in the requirement of a fractional space, any fraction up to and including one-half (0.5) shall be disregarded and fractions over one-half (0.5) shall require one (1) parking space.
6. **Parking Duration.** The parking requirement of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not intended to provide for the storage or prolonged parking in any such parking area for a period longer than twenty-four (24) hours. Storage space in connection with the business of vehicle repair, sales, or service is exempt from this time limitation.

7. **Off-Street Parking Requirements.**

- a. **New Uses or Buildings.** The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing building shall be determined in accordance with Table 11.06-C., no more or less parking may be approved except under the flexibility provisions found in subsection 11.06.B.8. below. Parking requirements listed in Table 11.06-C. shall not include off-street stacking spaces for drive-through facilities set forth in Section 11.09.
- b. **Similar Use Requirements.** When a use is not specifically mentioned, the requirements of off-street parking for similar use shall apply.
- c. **Collective Provisions.** Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with Table 11.06-C.

8. **Flexibility in Application.**

- a. The Township recognizes that due to the specific requirements of any given development, inflexible application of the parking standards set forth in Table 11.06-C. may result in development of inadequate parking or parking far in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites, the latter situation may result in excessive paving and stormwater runoff and a waste of land area which could be left as open space.
- b. The Planning Commission may permit deviations from the requirements of Table 11.06-C. and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. In the event a deviation is granted, the following shall apply:
 - i. An applicant may request a parking deviation, as part of a current site plan, special land use, or rezoning application, or may request a parking deviation as a separate and distinct action with no other request.
 - ii. The applicant shall provide a parking study with adequate detail and information to assist the Planning Commission of the appropriateness of the request.

- iii. The Planning Commission may attach conditions to the approval of a deviation from the off-street parking requirements that bind such approval to the specific use in question.
- iv. The Planning Commission may require the applicant to set aside area for reserve parking (land-banking) to be constructed as needed, although this is not a prerequisite for the approval of a deviation. Where an area is set aside for reserve parking, it shall be easily developed, not devoted to a use other than open space, and shall be designed to accommodate attendant facilities such as maneuvering lanes and drainage.

C. **Schedule of Required Off-Street Parking Spaces.** The minimum number of off-street parking spaces by type of use shall be determined in accordance with Table 11.06-C. below:

TABLE 11.06-C. SCHEDULE OF OFF-STREET PARKING SPACES

Use	Parking Requirement
<i>Residential</i>	
Single-Family and Two-Family Residential	2 spaces per each dwelling unit
Multiple-Family Residential	1 space per each efficiency unit; and 2 spaces per each dwelling unit with one or more bedrooms.
Mobile Home Park	2 spaces per each mobile home unit; plus 1 space per each employee
<i>Housing for the Elderly</i>	
Convalescent and nursing facilities	1 space per each 3 beds or 2 rooms, whichever is less; plus 1 space per each employee
Senior assisted or independent living	1 space per 0.65 dwelling units; plus 1 space per each employee
<i>Institutional and Gathering</i>	
Places of worship	1 space per each 3 seats or 6 feet of pews in the main unit of worship
Primary and secondary schools	1 space per teacher, employee, or administrator, in addition to the requirements for separate auditorium or stadium seating
Post-secondary schools, including high schools, colleges, and commercial schools	1 space per teacher, employee, or administrator; plus 1 per each 10 students, in addition to the requirements for auditorium or stadium seating
Social clubs, fraternal organizations, and other similar uses	1 space per each 3 persons allowed within the maximum occupancy load as established by the fire or building codes
Places of assembly and auditoriums	1 space per each 3 seats or 6 feet of bleacher seating

Use	Parking Requirement
Day care centers and preschools	2 spaces; plus 1 space per each 8 children of licensed capacity
Family day care homes, group day care homes, and adult foster care homes	1 space per 6 clients; plus 1 space per each employee
Office	
Banks, credit union, savings and loan	1 space per each 200 square feet of floor area; plus 2 spaces per each non-drive-up ATM
Office or professional buildings (non-medical)	1 space per 300 square feet of floor area
Medical, dental, and veterinary offices, including clinics and medical laboratories	1 space per each 200 square feet of floor area
Medical clinics, outpatient centers, 24-hour urgent care centers, etc.	2 spaces per exam or outpatient procedure/operating room; 1 space per laboratory or recovery room; and 1 space per employee
Hospitals	1 space per bed; plus 1 space per each 2 employees
General Commercial / Retail	
All commercial / retail	1 space for each 250 square feet of floor area
Commercial / retail centers	1 space for each 200 square feet of floor area
Vehicle sales and service	1 space for each 250 square feet of floor area; plus 2 spaces per each vehicle service bay
Recreational vehicles, boat, mobile home, and similar sales	1 space for each 500 square feet of floor area; plus 2 spaces per each vehicle sales service bay
Restaurants	
Standard restaurant	1 per each 3 seats, based on maximum seating capacity as determined by the building code
Fast Food Restaurant	1 per each 75 square feet of floor area
Commercial Services	
Vehicle fueling / multi-use station	1 space per each 125 square feet; plus 2 parking spaces per fueling station
Vehicle repair	2 spaces per service bay; plus 1 space per each tow truck, if applicable; plus Adequate spaces for overnight parking; plus 1 space per employee
Vehicle wash	2 spaces; plus 1 space per employee
Barber / Beauty Salons	2 spaces for each chair or station

Use	Parking Requirement
Funeral Home / Mortuary	1 space per each 70 square feet of service parlors, chapels, and reception area; plus 1 space per each funeral vehicle stored on premises
Lodging	1 space per guest room; plus 1 space per employee; plus Additional spaces required for dining establishments calculated separately as noted herein
Banquet halls or conference rooms and similar uses without fixed seats	1 space for every 2 persons of capacity authorized by the fire or building code, or 1 space for each 100 square feet of floor area, whichever is greater; plus Any required parking for other uses such as restaurants, gift shops, etc.
Self-storage mini-warehouse	1 space per each 100 storage units, with a minimum of six (6) spaces
Recreational	
Health fitness centers, athletic clubs, martial arts studios, and other similar uses	1 space per each 200 square feet
Bowling alleys	5 spaces per each lane
Indoor and outdoor recreational uses of public or private ownership or use	1 space for each 1,000 square feet of enclosed recreational space; plus 1 space for each employee; 2 spaces for each court (tennis, racquetball, etc.); and 6 spaces for each hole of golf
Industrial	
Light industrial, manufacturing, laboratories, research and development centers, and related accessory offices	1 space per each 550 square feet of floor area
Warehousing	1 space per each 1,500 square feet of floor area; plus 1 space per each employee

SECTION 11.07 OFF-STREET PARKING DESIGN AND CONSTRUCTION

- A. The construction of any parking facility shall be in accordance with the requirements of this Ordinance. Plans for the development of any parking lot must comply with Article 6, Site Plan Review.
- B. All such parking facilities, driveways, or loading areas required for uses other than single- or two-family residential shall be hard-surfaced with a pavement having an asphalt or concrete binder, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be completely constructed prior to a certificate of occupancy being issued. The Planning Commission shall have the

discretion of waiving certain hard-surfacing requirements provided the following conditions are met:

1. The proposed driveways, loading, turn-around, or storage areas will receive only limited use and are not used for employee parking, customer parking, or primary access.
 2. Gravel surfacing and potential problems arising from dust or scattered gravel will not impact neighboring properties.
- C. All illumination for all such parking facilities shall meet the standards set forth in Section 12.05.
- D. Adequate ingress and egress to the parking facility, by means of clearly defined drives, shall be provided for all vehicles. Backing directly onto a street shall be prohibited.
- E. Each driveway connecting a parking area from a street shall be at least twenty-five (25) feet from any adjacent property located in any single-family residential district.
- F. Connecting curbs shall be provided and located to prevent any vehicle from encroaching upon necessary pedestrian walkways or damaging required landscaping.
- G. Landscaping shall comply with Section 12.02.
- H. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations:

TABLE 11.07-H. PARKING DIMENSIONS

Parking Pattern	Maneuvering Lane Width (in feet)		Parking Space Dimensions (in feet)	
	One-Way	Two-Way	Width	Length
0° – Parallel	12	20	9	24
30° - 53°	16	22	9	18
54° - 74°	16	22	8	18
75° - 90°	20	22	9	18

- I. **Barrier-Free Parking.** Off-street barrier-free parking facilities shall be provided in accordance with requirements of the State of Michigan.

SECTION 11.08 OFF-STREET LOADING REQUIREMENTS

- A. **Where Required.** On the same premises with every building or use involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained space for standing, loading, and unloading services in order to avoid undue interference with access to the site or parking facilities.

Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted for review in conjunction with a site plan, as set forth in Article 6.

B. Off-Street Loading / Unloading Design Standards.

1. Each off-street loading / unloading space shall not be less than the following:
 - a. All spaces shall be laid out in the dimension of at least ten (10) by fifty (50) feet, or five hundred (500) square feet in area, with clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphalt or cement binder so as to provide a permanent, durable and dustless surface.
 - b. In the case of mixed uses on one (1) lot or parcel, the total requirements for off-street loading / unloading facilities shall be the sum of the various uses computed separately.
 - c. All off-street loading / unloading facilities that make it necessary to back out directly into a public road shall be prohibited. All maneuvering of trucks, autos, and other vehicles shall take place on the site and not within a public right-of-way.

TABLE 11.08-B. OFF-STREET LOADING REQUIREMENTS

Gross Floor Area (In Square Feet)	Loading and Unloading Space Required in Terms of Square Feet of Usable Floor Area
0—1,400	None
1,401—20,000	One (1) space
20,001— 100,000	One (1) space, plus one (1) space for each 20,000 square feet, in excess of 20,001 square feet
100,001 and over	Five (5) spaces

- d. It is the intent of this Ordinance to minimize excessive areas of pavement which reduces aesthetic standards and contributes to high rates of stormwater run-off. The Planning Commission may grant a waiver in the loading space requirements set forth in Table 11.08-B., if the applicant is able to demonstrate and the Planning Commission is able to determine that

such loading space is not required, based on documented evidence, to accommodate the use on a typical day.

2. **Required Greenbelt, Setbacks, and Screening.**

- a. Subject to the limitations of the next paragraph, a loading-unloading space may occupy part of any required side or rear yard. In no event shall any part of a required front yard be occupied by such loading space.
- b. Off-street loading / unloading areas, including maneuvering aisles, shall not be located within the front greenbelt required in accordance with Section 12.02. Any loading / unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.
- c. Off-street loading / unloading which abuts residentially zoned or used property shall be screened in accordance with Section 12.02.
- d. Off-street loading / unloading space areas shall not be construed as or counted toward, the supplying of area required as off-street parking space area.

SECTION 11.09 STACKING SPACES FOR DRIVE-THROUGH FACILITIES

All businesses which provide drive-through facilities for serving customers within their automobile shall provide adequate off-street stacking space within a defined stacking lane which meets the following requirements.

- A. **Dimensions.** Each stacking lane shall be a minimum of ten (10) feet in width. Each stacking space shall be computed on the basis of twenty (20) feet in length.
- B. **Identification.** Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular safety and does not interfere with access to parking and maneuvering lanes.
- C. **Escape Lane.** For all drive-through facilities which have a single stacking lane, an escape lane shall be provided which allows other vehicles to pass those waiting to be served.
- D. **Number of Spaces.** The number of stacking spaces per service lane shall be provided for the following uses. When a use is not specifically mentioned, the requirements for off-street stacking spaces for the similar use shall apply.

TABLE 11.09-D. STACKING SPACES PER SERVICE LANE

Use	Stacking Spaces Per Service Lane
Banks	4
Dry Cleaning	4
Fast Food Restaurant	8
Car Wash (self-serve) – Entry	3
Car Wash (self-serve) – Exit	1
Car Wash (automatic) – Entry	6
Car Wash (automatic) – Exit	3

ARTICLE 12. SITE DESIGN STANDARDS

SECTION 12.01 INTENT

The intent of this Article is to promote the public health, safety, and welfare, and improve the site design and visual appearance of the Township by requiring consistent standards for such site elements as landscaping, waste receptacles, equipment screening, noise barriers, and lighting.

SECTION 12.02 LANDSCAPING

A. **Landscape Design Purpose.** Landscaping is the organization of outdoor space and shall be treated as a design element as important as building placement and vehicular circulation. The landscape plan shall be designed to achieve the following purposes:

1. To preserve and enhance the identity or character of the site.
2. To screen or filter views, buffer incompatible land uses, and blend inharmonious land uses.
3. To integrate and unify various parts of the site.
4. To articulate outdoor and architectural spaces.
5. To improve the local environment by controlling soil erosion, moderating harsh or unpleasant sounds, removing air pollutants, controlling light trespass and reflection, moderating winds and the effects of climate, and promoting stormwater infiltration thereby helping to prevent flooding.
6. To preserve and enhance existing environmental systems and wildlife habitat, including woodlands, wetlands, and grasslands.

B. **Landscape Plan Requirements.** A separate, detailed landscape plan shall be submitted as part of the site plan review as set forth in Article 6. On sites of greater than one (1) acre, landscape plans shall be prepared and sealed by a registered landscape architect licensed in the State of Michigan. The landscape plan shall include, but not necessarily be limited to, the following items:

1. Location, spacing, size, root type, and descriptions for each plant type proposed for use within the required landscape area.
2. On parcels of more than one (1) acre, existing and proposed contours on-site and fifty (50) feet beyond the site at intervals not to exceed two (2) feet.
3. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.

4. Planting and staking details in either text or drawing form to ensure proper installation of proposed plant materials.
5. Identification of existing wetlands, forested areas, trees, and vegetative cover to be preserved.
6. Identification of grass and other ground cover and method of planting.
7. Identification of mulch in planting beds.
8. Typical straight cross-section, including slope, height, and width of berms.

C. Buffering between Land Uses

1. Upon any improvement for which a site plan is required, a landscape buffer shall be required to create a visual screen at least six (6) feet in height along all adjoining boundaries whenever a non-residential use or a residential use of higher density abuts residentially zoned property. A landscape buffer may consist of earthen berms and plant materials, or plant materials only, so as to maintain a minimum opacity of at least eighty percent (80%). Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1)-foot above the established grade of the area to be concealed and the top or the highest point of the required screen.
2. Where there is a need to provide a greater visual, noise, or dust barrier or to screen more intense development, a solid wall or fence may be required by the Planning Commission. Such wall or fence shall be a minimum of six (6) feet in height as measured on the side of the proposed wall having the higher grade and shall be constructed on both sides with textured concrete, split-face concrete block, wood, brick or stone. Precast panels and formed concrete structures may be used if they provide surface detail and texture equal to or greater than, the aforementioned materials. In addition, a minimum of one (1) tree and six (6) shrubs meeting the minimum size requirements set forth in subsection 12.02.I.4 shall be planted adjacent to and for each thirty (30) linear feet of wall or fence.
3. **Sites Adjacent to I-75, I-275, and Railroad Rights-of-Ways.** Sites adjacent to I-75, I-275, and railroad rights-of-ways shall maintain a minimum fifty (50)-foot undisturbed buffer measured from the right-of-way. If existing vegetation is not sufficient to provide a landscape screen, the Planning Commission may require additional landscaping in accordance with this subsection.

D. Parking Lot Landscaping.

1. **Interior Landscape Areas.** Each separate area within a parking lot shall be adequately planted and maintained and shall be located in such a manner as to: divide and break-up the expanse of pavement; define parking areas; designate

vehicular circulation; and separate parking lots from off-street parking. The following specific standards shall apply:

- a. Separate landscaped islands shall be required within parking lots of sixteen (16) spaces or greater. No more than a row of twenty-four (24) spaces are permitted without an island. Where size and configuration of a parking lot would prevent maintenance or impede traffic flow as a result of requiring landscaped areas within parking lots, the Planning Commission may approve alternative landscaping along the perimeter of the parking lots.
- b. There shall be one (1) canopy tree meeting the minimum size requirements set forth in subsection 12.02.I.4 for every eight (8) parking spaces, landscape islands within a designated parking area shall be a minimum of one hundred fifty (150) square feet in area and nine (9) feet in width.
- c. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement.

2. **Perimeter Landscape Areas.** In order to reduce the visual impact, minimize conflicts between neighboring uses, and reduce the effect of headlight glare and parking lot lighting on adjacent uses and roadways, the perimeter of parking lots shall be screened in accordance with the following standards:

- a. Parking lots which are adjacent to residentially zoned or used property, which serve a non-residential use or a residential use of higher density shall be screened from that residential use in accordance with the standards set forth in subsection 12.02.C.
- b. Parking lots which are visible from a public or private road shall be screened from view with a landscaped berm varied in height from between two (2) to three (3) feet along the perimeter of those sides which are visible. The berm shall be planted with a minimum of one (1) deciduous or evergreen tree and six (6) shrubs, meeting the minimum size requirements set forth in subsection 12.02.I.4. for every thirty (30) linear feet, or major portion thereof. The Planning Commission, at its discretion, may approve alternative landscape plantings, such as a solid hedge, or a solid wall in lieu of a landscape berm.

3. **Landscape Strips.** A minimum of three (3)-foot wide landscape strips (not including vehicle overhangs) should be provided between paved parking surfaces and buildings, fences, and property lines wherever possible. Trees and shrubs shall be planted clear of the vehicle overhang area.

E. Front Greenbelt Landscaping.

1. A landscaped greenbelt equivalent in depth to the required front yard setback shall be required for any lot or any portion of a lot fronting on a public or private road, and shall be landscaped within a minimum of one (1) tree, plus six (6) shrubs meeting the minimum size requirements set forth in subsection 12.02.I.4. for each thirty (30) linear feet, or major portion thereof, of frontage abutting said right-of-way. The remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and/or other living plant material.
2. Driveways from public rights-of-ways through required landscape strips shall be permitted, but such driveways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless such calculation would result in a spacing arrangement which is detrimental to plant development.

F. Foundation Landscaping. Foundation plantings shall be provided along the front or sides of any buildings which face a public or private road and/or is adjacent to a parking lot or other area which provides access to the building by the general public. Foundation planting areas shall be integrated into the sidewalk system (between the front and sides of the building and the parking area and/or associated driveways) adjacent to the building. Foundation planting areas shall contain, at a minimum, one (1) ornamental tree and six (6) shrubs for each thirty (30) linear feet of applicable building frontage. Individual planting areas shall be a minimum of eight (8) feet in width.

G. General Site Landscaping. In addition to any required screening, front greenbelt, foundation landscaping and/or parking lot landscaping required by this section, twenty-five percent (25%) of the site area, excluding existing public right-of-way, or private road easement shall be landscaped. Such site landscaping shall include preservation of existing plant material, grass, ground cover, trees, shrubs, and/or other living plant material, but shall not be solely grass. In meeting general site landscaping requirements, particular attention shall be paid to such site elements as transformers, mechanical equipment, ground sign bases, entry ways, and/or retention and detention areas. In particular, the integration of stormwater retention and detention ponds in the overall landscape concept is recommended. Ponds with a natural, rather than square or rectangular, design and appearance shall be encouraged. Fenced retention/detention ponds within a front yard shall be strictly prohibited.

H. Subdivision and Site Condominium Landscaping. Landscaping for subdivisions and site condominiums, which shall include, but not be limited to residential, office, commercial, and industrial development, shall be provided in accordance with the following requirements:

1. **Street Trees.** The frontage of all internal public or private streets shall be landscaped on both sides with the equivalent of one (1) tree for every forty (40) lineal feet, or fraction thereof. Such street trees shall meet the minimum size requirements set forth in subsection 12.02.I.4. and shall be an appropriate species

for a street environment. The Planning Commission may determine that existing trees which are preserved within the road right-of-way or easement may meet all or part of the street tree requirement.

2. **Screening from Public Roads.** Where a subdivision or site condominium abuts a public right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in Section 12.02.C. shall be met.
 3. **Other Site Improvements.** A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement which would be enhanced through the addition of landscaping.
- I. **Miscellaneous Landscape Requirements.** The following minimum standards shall apply:
1. **Quality.** Plant materials and grasses shall be of generally acceptable varieties and species, free of insects, and disease, hardy to the county, shall conform to the current minimum standard of the American Association of Nurserymen, and proof of compliance as to any required governmental regulations and/or inspections.
 2. **Composition.** A mixture of plant material, such as evergreen, deciduous trees, and shrubs, is recommended to discourage insect and disease infestation; however, a limited mixture of hardy species is recommended in order to unify the design and visually blend with neighboring plants. Where plantings are adjacent to a road right-of-way, selection of plant materials that are tolerant of road salt spray and air pollutants are required.
 3. **Plant Material Spacing.**
 - a. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
 - b. Where plant materials are placed in two (2) or more rows, plantings shall be staggered in rows.
 - c. Evergreen trees shall be planted not more than thirty (30) feet on centers. Narrow evergreens shall be planted not more than six (6) feet on centers. Deciduous trees shall be planted not more than thirty (30) feet on centers.
 - f. Tree-like shrubs shall be planted not more than ten (10) feet on centers.
 - g. Large deciduous shrubs shall be planted not more than four (4) feet on centers.

4. **Minimum Plant Size Requirements.**
 - a. Evergreen trees, minimum size, five (5) feet in height.
 - b. Narrow evergreens, minimum size, three (3) feet in height.
 - c. Tree-like shrubs, minimum size, four (4) feet in height.
 - d. Large deciduous shrubs, minimum size, six (6) feet in height.
 - e. Large deciduous trees, minimum size, eight (8) feet in height.
5. **Berms.** Berms shall be constructed with slopes not to exceed a 1:3 gradient and shall be planted to prevent erosion. Berm slopes shall be protected with grass, shrubs, or other form of natural ground cover. The highest point of the berm, extending along the length of the berm, shall be sufficiently rounded to avoid scalping by maintenance equipment.
6. **Existing Trees.**
 - a. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the Township, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant materials shall be installed prior to construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to remain. Other protective techniques may be used provided such techniques are approved by the Township.
 - b. In the event that healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain, are cut down, destroyed, damaged, or excavated at the dripline, as determined by the Planning Commission, the property owner shall replace them with trees which meet Ordinance requirements.
7. **Installation, Maintenance, and Completion.**
 - a. All landscaping required by this Ordinance shall be planted prior to obtaining a certificate of occupancy. In the alternative, a performance bond shall be placed in escrow in the amount of the cost of landscaping, to be released only after landscaping is completed.
 - b. All landscaping elements shall be installed, and earthmoving or grading performed according to accepted good planting and grading procedures.
 - c. The owner of the property required to be landscaped shall maintain such 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.

- J. **Prohibited Species.** Installation of the following trees and/or shrubs to satisfy landscape ordinance requirements shall be strictly prohibited:

TABLE 12.02-J. PROHIBITED TREE SPECIES

Common Name	Latin Name
American Elm	<i>Ulmus americana</i>
Amur Corktree	<i>Phellodendron amurense</i>
Amur Maple	<i>Acer ginnala</i>
Austrian Pine	<i>Pinus nigra</i>
Black Alder	<i>Alnus glutinosa</i>
Black Locust	<i>Robinia pseudoaccacia</i>
Black Poplar	<i>Populus nigra</i>
Box Elder	<i>Acer Negundo</i>
Buckthorn	<i>Rhamnus utilis</i>
Callary Pear	<i>Pyrus calleryana (and cultivars)</i>
Common Buckthorn	<i>Rhamnus cathartica</i>
Ginkgo (FEMALE)	<i>Ginkgo biloba</i>
Glossy Buckthorn	<i>Rhamnus frangula</i>
Horse Chesnut	<i>Aesculus hippocastanum</i>
Norway Maple	<i>Acer platanoides</i>
Rock Elm	<i>Ulmus thomasii</i>
Scots Pine	<i>Pinus sylvestris</i>
Siberian Elm	<i>Ulmus pumila</i>
Slippery Elm	<i>Ulmus rubra</i>
Tree of Heaven	<i>Ailanthus altissima</i>
White Mulberry	<i>Morus alba</i>
Willows	<i>Salix spp.</i>

SECTION 12.03 TRASH AND RECYCLING CONTAINERS

- A. **Where Required.** The standards set forth in this Section shall apply to all uses that have refuse and/or recycling disposal service by collective trash container. This does not include curbside pick-up for single-family residential uses; however, all residential buildings of more than two (2) dwelling units shall provide trash enclosures.

B. Container Standards.

1. Containers shall be screened on all sides with an opaque masonry wall, and gate at least as high as the container, but not less than six (6) feet in height and shall be constructed of material which is compatible with the architectural materials used in the site development.
2. Containers shall be consolidated to minimize the number of collection sites.
3. Containers and enclosures shall meet all required setbacks, shall be located behind the front face of the building, and shall be located away from public view insofar as possible.
4. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
5. Concrete pads and aprons of appropriate size and construction, a minimum of six (6)-inches thick, shall be provided.
6. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
7. Screening and gates shall be of a durable construction. Gates shall be constructed of heavy-gauge metal or frame with covering of wood or other suitable material. Gates shall be secured with sturdy hinges or sliders and latches. If the enclosure is situated directly adjacent to parking spaces or drives, it shall be protected at its base by concrete curb blocks.

SECTION 12.04 EQUIPMENT SCREENING

A. **Where Required.** The standards set forth in this Section shall apply to all uses for which mechanical equipment including, but not limited to, generators, heating, ventilation, and air conditioning, is placed upon a roof of any building or on the ground outside of the building.

B. **Screening Requirements.** All equipment shall be screened as follows:

1. **At-Grade Equipment.**
 - a. At-grade equipment shall be screened with architectural and/or landscape materials matching or harmonious with the building or landscape materials provided elsewhere on site.
 - b. Landscape materials shall be evergreen species or other species approved by the Planning Commission so as to provide a screen year-round.
 - c. Walls provided to screen mechanical equipment shall be an opaque fence or wall, with a gate, at least as high as the equipment being screened.

- d. At-grade equipment shall be located in a side or rear yard, screened from public view.
- e. At-grade equipment shall be situated so that it does not cause excessive nuisance or offense to occupants of nearby buildings.

2. Rooftop Screening.

- a. Rooftop equipment shall be screened with architectural materials matching or harmonious with the building.
- b. Screens provided to obscure mechanical equipment shall be an opaque barrier at least as high as the equipment being screened.
- c. Rooftop equipment shall be located on the side or rear of a pitched-roof building, screened from public view.
- d. Rooftop equipment shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.

SECTION 12.05 EXTERIOR LIGHTING

A. **Intent.** The purpose of this section is to decrease light pollution and to improve the aesthetics of the Township in general while providing adequate illumination to parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas to ensure the security of property and the safety of persons using such public or common areas.

B. **Lighting Plan Requirements.** If lighting is provided, the following information must be provided with the final site plan submission:

- 1. Location of all freestanding, building-mounted and canopy light fixtures on the site plan and/or building elevations.
- 2. Photometric grid overlaid on the proposed site plan, indicating the overall light intensity throughout the site (in foot-candles) and ten (10) feet beyond the parcel lines. The Zoning Official may waive the requirement for sites with parking lots of twenty (20) spaces or less or for sites that are not adjacent to residentially zoned property.
- 3. Specifications and details for the type of fixture being proposed, including the initial lumen rating, type of lamp, method of shielding, type of lens, and all applicable accessories.
- 4. Only non-glare, color-corrected lighting shall be permitted. For all non-residential uses, full cut-off shades are required for light sources so as to direct the light onto the site and away from adjoining properties. The light source shall be recessed

into the fixture so as not to be visible from off-site. All fixtures shall be parallel to the ground.

C. Illumination Levels.

1. Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceed 0.1 foot-candles along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 0.3 foot-candles along property lines.
2. Maximum lighting levels shall not exceed twenty-five (25) foot-candles directly beneath a light fixture. Lighting levels shall not exceed three (3) foot-candles as measured directly between two (2) fixtures. The Planning Commission may allow for an increased level of lighting above maximum permissible levels when the Planning Commission determines that the applicant has demonstrated that such lighting is necessary for safety and security purposes.
3. For the purposes of this Section, all lighting measurements shall be taken at ground level.

D. Freestanding Lighting Height. For parking lots having less than one hundred (100) parking spaces, lighting fixtures shall not exceed a height of sixteen (16) feet. For parking lots having one hundred (100) spaces or more, lighting fixtures shall not exceed a height of eighteen (18) feet. Height of freestanding lighting fixtures shall be measured from the ground level to the centerline of the light source.

E. Freestanding Lighting Location. Light poles shall be located not less than five (5) feet from the edge of a drive or parking space, where feasible, and shall not interfere with traffic flow, access to fire hydrants, or other utilities.

F. Building Lighting. The lighting of a building façade for architectural, aesthetic, or decorative purposes is permitted subject to the following restrictions:

1. All building façade lighting shall be low intensity. All building façade lighting shall be fully shielded and fully confined from projecting into the sky by eaves, roofs, or overhangs, and mounted as flush to the wall as possible.
2. Internally illuminated architectural bands or external lighting directed on buildings may be approved where it can be shown that the treatment will serve a legitimate function and will not adversely impact neighboring properties.

G. Flagpole Lighting. A flagpole may be illuminated by one (1) of the following methods:

1. With one (1) upward-aimed spotlight fixture, fully shielded and directed away from streets, shining only on the flag and minimizing light spill into the dark night sky. The fixture shall be placed as close to the base of the flagpole as reasonably possible.

2. With one (1) downward-aimed light fixture, fully shielded and directed away from streets, shining only on the flag and minimizing light spill into the dark sky.
- H. **Duration.** All exterior lighting fixtures, existing or hereafter installed and maintained upon private property, shall be turned off or reduced in lighting intensity between 11:00 P.M. and sunrise. The following exceptions may be approved by the Planning Commission:
1. Where greater lighting levels are necessary for security or safety purposes; or
 2. Where permissible commercial or industrial uses such as sales, assembly and repair operate after 11:00 P.M., in which case the lighting levels shall be turned off or reduced after the use ceases for that day.
- I. **Signs.** Signs shall be illuminated only in accordance with the regulations set forth in Article 13. In addition, signs within residential districts shall not be illuminated.
- J. **Exempt Lighting.** The following are exempt from the lighting requirements of this Section, except the Zoning Official may require a lighting and photometric plan when deemed necessary to protect the public health, safety, and welfare:
1. Holiday decorations.
 2. Lighting for an approved temporary use or special event.
 3. Sports fields.
 4. Shielded pedestrian walkway lighting.
 5. Ornamental low voltage (twelve (12) volts or less), low wattage ornamental landscape lighting fixtures, and solar operated light fixtures having self-contained rechargeable batteries, where any single light fixture does not exceed one hundred (100) lumens.
- K. **Prohibited Lighting.**
1. Wall-pak lighting.
 2. The use of search lights, lasers, or any similar high intensity light for outdoor advertisement or entertainment.
 3. Flood lights.
 4. Flashing, moving, strobe, or intermittent type lighting.
 5. Exterior or interior exposed luminous tube lighting (neon, cold cathode, or similar source), or exposed bulb fluorescent lighting.

- L. **Street Lighting.** Subdivision or site condominium street lighting is not required. The Planning Commission may allow street lighting when the Planning Commission determines the applicant has demonstrated a need for street lighting.

SECTION 12.06 FENCES

- A. **General Requirements.** It shall be unlawful for any person, firm, or corporation to construct, or cause to be constructed, any fence on any property within the Township, except in accordance with these regulations.

- B. **Location of Fences.**

- 1. All fences shall be located entirely on the property of the owner of the fence. Adjoining property owners may jointly install a fence on the common property line.
- 2. No fence shall be located within a public easement in which public utilities are located or are proposed to be located without first receiving the approval of the affected public utility.

- C. **Height Regulations.**

- 1. **Residential Districts.** Fences located on residential lots or parcels shall comply with the following regulations:
 - a. Only ornamental type fences shall be located in a required front setback or in a required side setback adjoining a public or private street and shall not exceed three (3) feet in height.
 - b. Fences located in any required side setback not adjoining a street or in any required rear setback shall not exceed six (6) feet in height.
- 2. **Commercial District.** Fences shall not exceed six (6) feet in height. Fences in a front yard or a street yard shall not be permitted in a commercial or office district except where required by the Planning Commission.
- 3. **Industrial District.** Fences shall not exceed twelve (12) feet in height or, when located in a front or street yard, have fifty percent (50%) opacity.
- 4. In determining the height of a fence that separates two (2) adjoining lots and that is located within two (2) feet of the common property line, the maximum height at any point shall be measured from the lowest grade at that point within two (2) feet on either side of the common property line.

- D. **Vision Clearance.** All fences shall comply with Section 11.03, Visibility at Intersections, herein. A fence that is located at the intersection of a driveway and a public sidewalk, or a sidewalk along a private street, shall not impede vision between the driveway and sidewalk.

E. **Safety of Fences.**

1. No spikes, nails, barbed wire, or other pointed objects or sharp protrusions shall be placed on, attached to, or permitted to remain on, any fence below the height of ten (10) feet except in the case of fences that enclose farmland, in which case barbed wire may be permitted at any height of the fence.
2. Fences shall not contain any electric charge or current, except fences that enclose land used for agricultural purposes, in which case electrically charged fence wires shall be permitted, provided such wires shall be attached to the inside face of the fence posts. All electrically charged fences shall be of a type and make approved by Underwriters Laboratories.

F. **Retaining Walls.** A retaining wall shall be regulated as a fence if the wall projects more than eighteen (18) inches above the grade of the ground being retained.

G. **Public Utility Fences.** Fences that enclose public utility installations shall not be located in any required setback where the lot is located in a residential zoning district. Such fences shall comply with all other provisions of this Ordinance.

H. **Maintenance.** Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of repair, type of construction, or other condition endangers life or property is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence, the Building Official or other authorized person shall serve written notice to the owner, agent, or person in control of the property on which such fence is located. The notice shall describe the unsafe conditions, shall specify the repairs or modifications required to make the fence safe, or shall require an unsafe fence or any portion thereof to be removed. The notice shall provide a time limit for such repairs, modifications, or removal to be made.

I. **Exemptions.** Non-electrically charged fences enclosing land for agricultural purposes shall be exempt from the requirements and regulations of this Section.

J. **Fences in Special Districts.** Fences located on a lot or parcel in a PUD or other special zoning district shall be exempt from the regulations of this Section, but shall be regulated as provided in the approved plan for that lot or parcel.

ARTICLE 13. SIGNS

SECTION 13.01 PURPOSE.

Purpose. The purpose of this Ordinance is to regulate the location, size, construction, type, illumination, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety, and welfare, and protect property values and community character. While this Ordinance recognizes that signs and billboards (outdoor advertising) are necessary to promote commerce and public information, failure to regulate them may lead to: poor identification of individual businesses; deterioration and blight of business and residential areas of the Township; create conflicts between different types of land use; and reduce traffic safety to pedestrians and motorists.

SECTION 13.02 GENERAL SIGN REGULATIONS.

The following regulations shall apply to all signs in Berlin Charter Township. All signs must direct attention to a business or profession conducted on the premise or to a commodity, service, or entertainment primarily sold, offered, manufactured, processed, or fabricated thereon unless specified elsewhere in these regulations:

A. Construction Standards.

1. **General Requirements.** All permanent signs shall be designed and constructed in a safe and stable manner in accordance with the Township's adopted Building and Electrical Codes. All electrical wiring associated with a freestanding sign shall be installed underground.
2. **Building Code Compliance.** All permanent signs shall be designed to comply with minimum wind pressure and other requirements set forth in the adopted Building Code.
3. **Framework.** All signs attached to a structure shall be designed so that the supporting framework, other than the supporting elements on a freestanding sign, is contained within or behind the face of the sign or within the building to which the sign is attached so as to be totally screened from view.

B. Illuminated Signs.

1. Only indirectly illuminated signs shall be allowed in residential zoning districts provided such signs are shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.
2. Indirectly or internally illuminated signs are permitted in the non-residential districts provided such signs are shielded so as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.

3. No sign shall have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color, or which are so constructed and operating as to create an appearance of writing or printing. Nothing contained in this Ordinance shall be construed as preventing use of lights or decorations related to religious and patriotic festivities.
4. Signage lighting shall be turned off upon closing.
5. Neon and LED signs are permitted in non-residential districts which permit internally illuminated signs. Neon and LED lighting is prohibited outside of the sign structure and shall not be permitted as accent lighting along a building wall or window, unless as allowed by the Planning Commission during the building and lighting review as part of Site Plan Review as set forth in Article 6.
6. Backlighting of awnings is prohibited.

C. Measurement of Sign Area.

1. The area of a sign shall be computed as including the entire area within the regular geometric form of a square, rectangle, triangle, or circle. If the sign utilizes more than one (1) separate geometric form, a square or rectangle may be combined with a contiguous circle or triangle. The form(s) shall encompass all the display areas of the sign including all elements of the matter displayed.
2. 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 two (2) such faces are placed back to back, parallel to one another and less than twenty-four (24) inches apart, the area of the sign shall equal the area of one (1) face.
3. Frames and structural members not bearing copy or display material shall not be included in the computation of sign area.

D. Sign Height.

1. The height of freestanding signs in residential zoning districts shall not exceed five (5) feet.
2. The height of freestanding signs in non-residential districts shall not exceed eight (8) feet in height. However, freestanding signs up to fifteen (15) feet in height may be permitted by the Planning Commission, if located adjacent to I-75 or I-275.
3. Sign height shall be measured to the top edge of the sign, from the adjacent grade.

- E. Setback Requirements for Signs.** Unless specified elsewhere in this Article, all freestanding signs shall maintain a minimum fifteen (15)-foot setback from all road rights-of-ways and shall be located no closer than fifteen (15) feet from the edge of the principal entrance driveway and all property lines. Freestanding signs shall also be setback a minimum of twenty-five (25) feet from the right-of-way of an existing interstate freeway.

- F. **Business Flags.** Business flags shall be permitted in all non-residential zoning districts, subject to the following regulations:
1. Flags shall be located on the same lot as the business, building, or use.
 2. Flags shall meet the yard requirements for signs and the height limits for structures in the zoning district in which they are located.
 3. The area of each business flag shall not be included in the sign area that is permitted on a lot.
 4. Not more than one (1) business flag shall be permitted for each public road frontage of the lot on which it is located.

SECTION 13.03 PROHIBITED SIGNS

- A. **Swinging Signs.** Signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment are prohibited.
- B. **Moving Signs.** Except as otherwise provided in this section, any sign or portion thereof which moves or assumes any motion constituting a non-stationary or fixed condition are prohibited, including banners, pennants, search lights, twirling signs, balloons, feather flags, or other gas-fill figures.
- C. **Parking of Advertising Vehicles.** No person shall park any vehicle or trailer on a public right-of-way, public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or is located thereon any sign or advertising device for the purpose of directing people to a business or activity. Currently licensed vehicles and trailers that have painted upon them in a permanent manner the name of the product which they deliver and/or the name and address of the owner shall be excluded from this provision.
- D. **Abandoned Signs.** Signs that advertise an activity business, product, or service no longer conducted or available on the premises on which the sign is located are prohibited.
- E. **Portable Signs.** Portable signs, including sandwich board signs, and sidewalk, curb signs, or banners are prohibited.
- F. **Painted Wall Signs.** Signs which are painted directly on to a wall or any other structural part of a building are prohibited.
- G. **Roof Signs.** Signs which are erected or constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof are prohibited.
- H. **Fence Signs.** Signs which are pasted or attached to utility poles or placed upon trees, fences, rocks, or in an unauthorized manner to walls or other signs are prohibited.

I. **Projecting Signs.** Signs located in, or which project into or overhang a public right-of-way, are prohibited, except as allowed by local, state or federal law or regulation, as otherwise permitted in a mixed -use district.

J. **Miscellaneous Signs.**

1. Tacking, pasting, or otherwise affixing of signs or posters visible from a public right-of-way except “no trespassing”, “no hunting”, “beware of animal”, warning of danger signs, and other legal postings as required by law, located on the walls of buildings, barns, sheds, on trees, poles, posts, or fences are prohibited.
2. Signs which imitate an official traffic sign or signal which contains the words “stop”, “go”, “slow”, “caution”, “danger”, “warning”, or similar words except as otherwise provided in this Section are prohibited.
3. Signs which are of a size, location, content, coloring, or manner or illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction that a street or road intersection are prohibited.
4. Signs which contain, statements, words, or pictures of an obscene, pornographic, or immoral character are prohibited.
5. Signs which emit audible source, odor, or visible matter are prohibited.

SECTION 13.04 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A SIGN PERMIT

Subject to the other conditions of this Ordinance, the following signs shall be permitted anywhere within Berlin Charter Township without a permit.

A. **Directional Signs.**

1. **Size and Height.** A directional sign shall be located on the property to which it is directing traffic and shall not exceed four (4) square feet in area for each sign and four (4) feet in height.
2. **Location.** Directional signs may be located in the front setback area, provided they are setback at least fifteen (15) feet from the existing or planned right-of-way line.
3. **Logos.** A directional sign shall not contain logos or other forms of advertising.
4. **Illumination.** Direct illumination of directional signs is prohibited.

B. **Incidental Signs.** Incidental signs containing information on credit cards, business affiliations, hours of operation, open/closed, etc. The combined area of all such signs shall not exceed two (2) square feet.

C. **Temporary Freestanding Residential Yard Signs.** In all residential zoning districts, temporary freestanding yard signs are permitted within the following parameters:

1. **Size.** The total number of signs shall not exceed an aggregate area of eighteen (18) square feet.
2. **Single Sign.** The total sign area for a single sign shall not exceed six (6) square feet.
3. **Height.** No sign shall exceed a maximum height of four (4) feet.
4. **Placement.** No sign shall be in place for a period exceeding three (3) consecutive months.
5. **Location.** No sign shall be placed within a public right-of-way.
6. **Illumination.** Sign illumination is prohibited.

D. **Temporary Freestanding Non-Residential Yard Signs.** In all non-residential zoning districts temporary freestanding yard signs are permitted within the following parameters:

1. **Size.** The total number of signs shall not exceed an aggregate area of twenty (20) square feet.
2. **Single Sign.** The total sign area for a single sign shall not exceed eight (8) square feet.
3. **Height.** No sign shall exceed a maximum height of four (4) feet.
4. **Placement.** No sign shall be in place for a period exceeding six (6) consecutive months.
5. **Location.** No sign shall be placed in a public right-of-way.
6. **Illumination.** Sign illumination is prohibited.

E. **Window Signs.**

1. **Size.** In total, the message shall cover not more than twenty-five percent (25%) of the window area.
2. **Placement.** Signs shall be affixed directly to the window.
3. **Illumination.** Front-lit illumination is prohibited. Back-lit illumination is allowed in non-residential districts.

F. **Construction Maintenance or Service Work Being Performed Signs.**

1. **Number.** One (1) sign may be placed on parcel(s) of which work is being performed, subject to a valid permit being issued for such work.

2. **Duration.** The sign may remain on-site during the duration of work and must be removed when work is complete.
3. **Size and Height.** The total construction sign area shall not exceed six (6) square feet and four (4) feet in height. Construction signs are permitted in addition to the permanent signs allowed in each zoning district.

G. Signs Exempt from Regulation.

1. Signs not exceeding one (1) square foot in area bearing only property numbers, post office box numbers, names of occupants or premises, or other identification of premises not having commercial connections.
2. Legal notices, identification information, or directional signage erected, or required by governmental bodies.
3. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, moving lights, or back-lit areas.

SECTION 13.05 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

Subject to the other provisions of this Ordinance, the following signs shall be permitted in the Recreation Conservation, Agriculture, and Residential Districts with a sign permit.

A. Identification Sign for Permitted or Conditional Use Other than Residential.

1. **Number.** One (1) identification sign shall be permitted for each public street frontage.
2. **Size.** Each sign shall not exceed eighteen (18) square feet in area, not more than eight (8) feet in height.

B. Residential Development Signs.

1. **Number.** One (1) identification sign within the boulevard at the entrance to the development or two (2) single-sided signs incorporated into a landscape wall as shown on an approved landscape plan shall be permitted for each public street frontage for a subdivision, multiple-family building development or manufactured housing community.
2. **Size.** Each sign shall not exceed thirty-two (32) square feet in area.
3. One (1) additional sign advertising “For rent” or “Vacancy” may be placed on each public street frontage of a rental residential development, provided that such sign shall not exceed three (3) square feet in area and is incorporated into the identification sign.

SECTION 13.06 SIGNS PERMITTED IN NON-RESIDENTIAL DISTRICTS

Subject to the other provisions of this Ordinance, the following signs shall be permitted in the Commercial, Mixed-Use, Waterfront Marina, and Industrial zoning districts with a sign permit.

A. **Single Buildings.** Signs permitted for single buildings on developed lots or group of lots developed as one (1) lot, not in a shopping center or business center subject to subsection B. below.

1. **Freestanding Signs.**

- a. **Number.** One (1) freestanding sign shall be permitted per street frontage. On parcels adjacent to I-75, only off-premises advertising signs (billboards) are permitted to face I-75.
- b. **Size.** The total area of the freestanding sign shall not exceed one-half (0.5) of a square foot per one (1) lineal foot of lot frontage, but in no case shall any freestanding sign exceed forty-eight (48) square feet in area.
- c. **Setbacks.** Freestanding signs shall maintain setbacks as outlined in Section 13.02.E.
- d. **Setback from Residential Districts.** Freestanding signs shall be located a minimum distance of fifty (50) feet to any residential zoning district or property utilized for a residential use.

2. **Wall Signs.**

- a. **Number.** One (1) wall sign shall be permitted per street frontage on each parcel. Also, buildings adjacent to I-75 shall be permitted one (1) wall sign facing I-75.
- b. **Size.** The total area of wall signage shall not exceed one and one-half (1.5) square feet per lineal foot of building frontage, but in no case shall the wall sign exceed forty-eight (48) square feet in area. No exterior wall signage for a business without ground floor frontage shall exceed twenty-four (24) square feet in area.

B. **Shopping Center / Business Centers.**

1. **Freestanding Signs.**

- a. **Number.** One (1) freestanding sign shall be permitted per street frontage.
- b. **Size.** The total area of the freestanding sign shall not exceed one (1) square foot for each one (1) linear foot of building which faces one (1) public street, but in not case shall any freestanding sign exceed 200 square feet.

- c. **Setbacks.** Freestanding signs shall maintain setbacks as outlined in Section 13.02.E.
- d. **Setback from Residential Districts.** Freestanding signs shall be located a minimum distance of fifty (50) feet to any residential zoning district or property utilized for a residential use.

2. **Wall Signs.**

- a. **Number.** Each business in a shopping center or business center with ground floor frontage shall be permitted exterior wall signs.
- b. **Size.** The sign area for exterior wall signs shall be computed as one (1) square foot for each one (1) linear foot of building frontage occupied by the business. All businesses without ground floor frontage shall be permitted one (1) combined exterior sign not more than twenty-four (24) square feet in area.

C. **Awning and Canopy Signs.** Signs on awnings and canopies shall be permitted, subject to the following standards.

- 1. **Coverage.** The total area of the lettering and logo shall not exceed twenty-five percent (25%) of the total area of the awning or canopy that is visible from the street.
- 2. **Compliance with Size Requirements for Wall Signs.** The area of signs on awnings or canopies shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.
- 3. **Projection.** Limitations imposed by this Section concerning projection of signs from the face of a wall or building shall not apply to awning and canopy signs, provided that such signs shall comply with the setback requirements for the district in which they are located.

D. **Window Signs.** Temporary and permanent window signs shall not exceed twenty-five percent (25%) of the total window area. The area of permanent window signs shall be counted in determining compliance with standards for total area of wall signs on the parcel. Temporary window signs shall comply with the requirements in this Section.

E. **Menu / Price Boards.** In addition to the signs permitted above, drive-through businesses with pick-up windows may have two (2) menu / price boards and each shall not exceed thirty-two (32) square feet in area and shall be a maximum height of six (6) feet.

F. **Vehicle Fueling / Multi-Use Stations.**

- 1. **Fuel Price Sign.**

- a. **Number.** One (1) gasoline price sign shall be permitted for each gas station.
- b. **Size.** The fuel price sign shall not exceed twenty (20) square feet in area. Fuel price signs shall be counted in determining compliance with the standards for total area of wall or freestanding signs permitted on the parcel.
- c. **Illumination.** Fuel prices may be LED numerals provided the following are met:
 - 1. Numerals shall not exceed twelve (12)-inches in height.
 - 2. All numerals shall be either red or green in color. LED background may only be black.
 - 3. The numerals may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.

2. **Canopy.**

- a. **Number.** A vehicle fueling or service station may have one (1) additional sign to be located on the fueling canopy for each public street frontage.
- b. **Size.** Canopy signs can be one-half (0.5) a square foot of sign area for each one (1) linear foot of canopy face length adjacent to facing public street frontage not to exceed eight (8) square feet.

3. **Pump Signage.**

- a. **Number.** One (1) per fuel pump face.
- b. **Size.** Maximum of one (1) square foot.

SECTION 13.07 SIGNS PERMITTED IN PUD DISTRICTS

Signs shall be permitted in a PUD district in accordance with the sign regulations in the zoning district that is most similar to that use area provided, however, those more restrictive sign regulations in the approved area plan shall control.

SECTION 13.08 OUTDOOR ADVERTISING SIGNS (BILLBOARDS)

- A. **Location.** Outdoor advertising signs shall be permitted only on parcels abutting interstate highways, freeways, and other primary highways in the Commercial and Industrial zoning districts provided that such sign shall not be placed on a parcel having any other structure within one hundred (100) feet of the sign, and no other structure shall be placed on the

parcel within one hundred (100) feet of the sign, except that minimum distances from other outdoor advertising signs shall be regulated as set forth in Section 13.08.B. and the signs shall not be located within fifty (50) feet of any boundary of such parcel.

- B. **Distance from Other Signs.** There shall be a minimum of one thousand five hundred (1,500) feet between off-premises advertising signs along an interstate freeway and a minimum of one thousand four hundred (1,400) feet between outdoor advertising signs along any other public road or highway.
- C. **Area.** Outdoor advertising signs shall not exceed three hundred (300) square feet in area per sign face.
- D. **Number.** A double-face (back to back) or a v-type structure shall be considered a single sign provided the two (2) faces are not separated by more than two (2) feet, or the interior angle does not exceed twenty degrees (20°), whichever is applicable.
- E. **Height.** The maximum height of outdoor advertising signs shall be twenty-five (25) feet.
- F. **No Signs on Roof.** Outdoor advertising signs shall not be located on or over the roofs of buildings, nor have one (1) sign located above another.

SECTION 13.09 ELECTRONIC MESSAGE SIGNS

Electronic Message Signs (EMS) shall be permitted within all non-residential zoning districts, either as a freestanding or a wall-mounted sign subject to the sign regulations for each zoning district, and subject to the following additional regulations:

- A. An Electronic Message Sign (EMS) shall only be permitted as part of a static sign and shall not exceed fifty (50%) of the total sign area of the static sign.
- B. Frequency of message change shall be no more than once every thirty (30) seconds.
- C. Scrolling words or images are prohibited.
- D. The rate of change between two (2) messages shall be one (1) second or less.
- E. EMS owners shall permit Township, State, and Federal governments to post messages in the event of an emergency.
- F. The EMS shall include light sensors; and be capable of programming variable light output.
- G. Light output shall be programmed to dim in response to ambient light.

SECTION 13.10 NON-CONFORMING SIGNS

Non-conforming signs shall not:

- A. Be re-established after the related activity, business or usage has been discontinued for ninety (90) days or longer.
- B. Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign.
- C. Be re-established after damage or destruction, if the estimated expense of reconstruction exceeds fifty percent (50%) of the replacement cost as determined by the Building Official.

SECTION 13.11 PERMITS AND FEES

- A. **Application.** Application for a permit to erect or replace a sign, or to change copy, shall be made by the owner of the property, or an authorized agent, to the Township Zoning Official, by submitting the required forms, fees, exhibits, and information.
- B. **Application Requirements.** An application for a sign permit shall contain the following:
 - 1. The applicant’s name and address in full, and a complete description of his/her relationship to the property owner.
 - 2. The property owner’s written consent to the application.
 - 3. The address of the property.
 - 4. A complete description and scale drawings of the sign, including all dimensions and the area in square feet.
- C. **Review of Application.**
 - 1. **Planning Commission Review.** Sign permit applications submitted in conjunction with the proposed construction of a new building or addition to an existing building shall be reviewed by the Planning Commission as part of the required site plan review. Proposed signs must be shown on the site plan.
 - 2. **Zoning Official Review.** The Zoning Official shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.
 - 3. **Issuance of a Permit.** Following review and approval of a sign application by the Planning Commission or Zoning Official, as appropriate, the Building Official shall have the authority to issue a sign permit.
- D. **Inspection.**
 - 1. All signs must be inspected and approved by the Zoning Official for conformance to this Ordinance prior to placement on the site. Foundations, electrical, etc. must be approved by the Building Official prior to pouring of concrete for the sign support structure.

- E. **Expiration.** A sign permit shall become null and void if the work for which the permit was issued has not been commenced six (6) months after the date of the permit. Sign permits may be extended for a period of thirty (30) days upon request by the applicant and approval of the Zoning Official.
- F. **Maintenance.** Painting, repainting, cleaning, and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.

SECTION 13.12 SIGN REMOVAL

- A. **Legal Non-Conforming Signs.** The Zoning Official shall order the removal of any sign erected or maintained in violation of this Ordinance except for legal non-conforming signs. In the case of permanent signs, written notice shall be given to the owner of the sign or of the building, structure, or premises on which said sign is located ordering removal of the sign or such action as is necessary to bring the sign into compliance with this Ordinance and specifying a reasonable period of time for removal and/or compliance. Upon failure to remove the sign or to comply with this notice within the specified time, the Township may remove the sign immediately and without further notice, at its discretion. Any sign deemed a safety hazard, signs prohibited under the provisions of Section 13.03, and signs improperly erected in any public right-of-way, may be removed without notice. Any cost of removal incurred by the Township may be assessed to the owner of the property on which such sign is located, and such charge shall be a lien on the property.
- B. **Expiration.** A sign shall be removed by the owner or lessee of the premises upon which the sign is located within thirty (30) days after the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Township may remove it in accordance with the provisions stated in Section 13.12.A. preceding. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business being conducted on the premises and provide the signs comply with the other provisions of this Ordinance.
- C. **Nuisance.** Any sign maintained in violation of this Ordinance is a nuisance per se as provided in Section 3.10 and subject to the penalties contained therein.

SECTION 13.13 ENFORCEMENT

Knowing and willful violation of the provisions of this Ordinance shall be a municipal civil infraction. Enforcement of this Ordinance may proceed through the municipal civil infraction process. Each day that such violation continues after receipt of written notice to remove a sign shall be deemed a separate offense. Violation of these regulations shall result in a revocation of the subject sign permit.

ARTICLE 14. ENVIRONMENTAL PROVISIONS

SECTION 14.01 PURPOSE

Environmental standards are established in order to preserve the short-term and long-term environmental health, safety, and quality of the Township. No use that does not conform to the environmental standards set forth in this Article and all applicable federal, state, county, and local requirements shall be permitted.

SECTION 14.02 PERFORMANCE STANDARDS

No parcel, lot, building, or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:

- A. **Fire Hazard.** Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- B. **Radioactivity or Electrical Disturbance.** No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance. Radiation shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- C. **Hazardous Substances.** Any activity requiring storage or handling of hazardous substances shall abide by the following standards:
 - 1. Areas storing hazardous substances must be designed to prevent spills and discharges to the air, surface of the ground, stormwater system, groundwater, lakes, streams, rivers, or wetlands.
 - 2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for maximum anticipated time necessary for the recovery of any released substance.
 - 3. General purpose floor drains shall be allowed only if they are authorized to be connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.

4. State and federal requirements for storage, spill prevention, records keeping, emergency response, transport, and disposal of hazardous substances shall be met. No discharge shall be allowed without required permits and approvals.

D. Airborne Emissions.

1. **Smoke and Air Contaminants.** It shall be unlawful for any person to permit the emission of any smoke or air contaminant from any source whatsoever to a density greater than that permitted by applicable Federal and State Clean Air Standards. There shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, or nuisance to the public; or which endanger comfort, repose, health, or safety of persons; or which cause injury or damage to business or property.
2. **Odors.** The emission of odors which shall be found obnoxious to any considerable number of persons at their place of work or residence shall be prohibited. Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor.
3. **Gases.** The escape of emission of any gas that is injurious, destructive, or harmful to persons or property, or explosive, shall be unlawful, and shall be abated.

- E. Glare.** Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.

F. Noise.

1. **General Requirements.** No use, operation, or activity shall be carried on that causes or creates measureable noise levels that are unreasonably loud or that unreasonably interfere with the peace and comfort of others, or that exceed the maximum noise level limits prescribed in Table 14.02 F-1 as measured at any point on property adjacent or in close proximity to the lot, parcel, or other property on which the operation or activity is located.
2. **Methods and Units of Measurement.** The measuring equipment and measurement procedures shall conform to the latest American National Standards Institute (ANSI) specifications. The sound measuring equipment shall be properly calibrated before and after the measurements.

Because sound waves having the same decibel (Db) level "sound" louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second (that is, depending on whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with ANSI specification shall be used on any sound level meter used to take measurements required in this Section. All

measurements in Table 14.02-F. are expressed in Db(A) to reflect the use of the A-weighted filter.

3. **Table of Maximum Noise Levels.** Except as otherwise provided in this Section, noise levels shall not exceed the limits set forth in the following Table 14.02-F.:

**Table 14.02-F.
Noise Level Standards**

Use	Time	Sound Level (A-Weighted) Decibels – Db(A)
Residential	7:00 am to 7:00pm	60
	7:00pm to 10:00pm	55
	10:00pm to 7:00am	50
Commercial, Business, Office, and Mixed Uses	7:00am to 7:00pm	65
	7:00pm to 7:00am	50
Industrial	Anytime	65

4. **Background Noise.** Where existing background noise exceeds the maximum permitted levels specified in Table 14.02-F., the noise caused or created by a specific operation or activity may exceed the levels specified in the Table, provided that the sound level on property adjacent or in close proximity to the lot or parcel on which the operation or activity is located does not exceed the background noise level.

For purposes of this subsection, background noise shall mean noise being produced by permitted uses conducted in a legally accepted manner from all sources other than those occurring on the lot or parcel on which the operation or activity is located. Background noise levels shall be determined by measurement at substantially the same time and location as the noise levels caused or created by the complained-of operation or activity.

5. **Exceptions.** Noise resulting from the following activities shall be exempt from the maximum permitted sound levels provided such activity occurs in a legally accepted manner.
 - a. Lawfully permitted construction activity between the hours of 7:00am and 7:00pm.
 - b. Performance of emergency work, including snow removal.
 - c. Warning devices necessary for public safety, such as police, fire, and ambulance sirens, tornado, and civil defense warning devices, and train horns.

- d. Outdoor school and playground activities when conducted in accordance with the manner in which such spaces are generally used, including, but not limited to, school athletic and school entertainment events.
- e. The operation or use of any organ, bell, chimes, or other similar means of announcing religious services at a place of religious worship.
- f. An un-amplified human voice.
- g. Public works maintenance, repair, or improvement projects being conducted by or on behalf of public agencies.
- h. Agribusinesses.

G. **Vibration.** No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

- 1. No use shall generate any ground-transmitted vibration in excess of the limits set forth in Table 14.02-G. Vibration shall be measured at the nearest adjacent lot line.
- 2. The instrument used to measure vibrations shall be a three (3) compartment measuring system capable of simultaneous measurement of vibration in three (3) mutual perpendicular directions.
- 3. The vibration maximums set forth by Table 14.02-G. are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

Where:

PV = Particle velocity, inches per second

F = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration, inches

**Table 14.02-G.
Vibration Standards**

Particle Velocity (inches per second)	
<i>Along Non-Residential District Boundaries</i>	<i>Along Residential District Boundaries</i>
0.10	0.02
0.20	0.02

- 4. The values stated in Table 14.02-G. may be multiplied by two (2) for impact vibrations, i.e. non-cyclic vibration pulsations not exceeding one (1) second in duration and having a pause of at least two (2) seconds between pulses.

5. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this Section.

H. **Waste and Rubbish Dumping.** No person shall keep garbage, sewage, filth, refuse, waste, trash, debris or rubbish, including cans, bottles, wastepaper, cartons, boxes and crates, or other offensive or obnoxious matter. No person shall pile, place, store or dump any such refuse on any land within the Township in such a manner as to constitute a nuisance or create a hazard to health, safety, and general welfare of the citizens of the Township. All waste material, trash and rubbish must be disposed of at least once each month in accordance with the laws and Ordinances of the Township. Nothing contained in this Article shall prevent the reasonable use of garbage, fertilizers, manure and similar material for the improvement of land situated within a zone which is being utilized for farming purposes in accordance with the State of Michigan Generally Accepted Agriculture Management Practices (GAAMPs). However, the storing, piling, placing, or dumping of the first above mentioned materials from other than one (1) household shall be deemed to be a commercial operation, whether such operations be carried on for a profit or not, and in such case shall comply with the regulations for landfills contained in the Berlin Charter Township Codified Ordinances.

SECTION 14.03 PRESERVATION OF ENVIRONMENTAL QUALITY

The preservation and enhancement of natural features is essential to maintaining Berlin Township's character, ecological diversity and stability, economic well-being and quality of life. For purposes of the Section, "natural features" shall include wetlands, watercourses, floodplains, woodlands and trees. When natural features exist on a site proposed to be developed, the applicant shall do the following:

A. **Federal, State, and Local Permits.** Development in or affecting natural features may be regulated by the federal, state, county or township governments, and require licenses, permits or approvals. Permits and approvals required by Berlin Charter Township shall not relieve a person from obtaining applicable permits or approvals from other relevant jurisdictions. Similarly, obtaining permits from the federal, state or county government does not relieve a person from obtaining the required permits from Berlin Charter Township.

B. **Site Plan Review Required.** In any zoning district, none of the following natural features shall be obstructed, removed, altered, transformed or otherwise impacted in any way at any time by any person except as provided in Article 6 of this Ordinance:

1. Area, water level, vegetation, edge, bank, shore or natural condition of a river, stream, watercourse, drainageway, lake, or pond, whether filled or partly filled with water or dry in certain seasons.
2. Area, water level, vegetation, or natural conditions of a marsh, swamp, or regulated wetland.

3. Living tree(s).

Site plans to be reviewed by the Planning Commission shall be accompanied by the information described in Section 14.03.C. below. Any such alterations shall be made in conformance to applicable local, state, and federal requirements.

C. **Natural Features Impact Statement.** As part of the site plan review process, as set forth in this Ordinance, the applicant is required to determine if natural features exist on the site. If one (1) natural feature is determined to exist on a site, then the applicant shall submit a Natural Features Impact Statement containing the following information:

1. Site inventory map clearly showing locations and types of natural features both on-site and those within one hundred (100) feet beyond the property lines. The drawing shall delineate:
 - a. Edges of woodlands and description of plant community type.
 - b. Edges of wetlands, watercourse stream banks, ordinary pond, and high-water marks of water features, floodways, floodplains, areas of hydric soils, and highly permeable soils.
2. A written description that illustrates the quality, character, and health of the natural features.
3. The following standards are intended to protect large mature trees on office, commercial, and industrially zoned properties.
 - a. A tree inventory shall be provided identifying the species, size, and location of living trees with a diameter breast height (4.5 feet above grade) of eight (8) inches or greater in required setback areas. These trees shall be preserved.
 - b. Tree trimming and tree removal necessary to provide vehicular drives, sidewalks/paths, clear vision areas, utilities, drainage systems, etc. shall be permitted. The removal of diseased, storm damaged, and invasive trees shall be permitted.
4. **Natural Features Protection Plan.** In addition to the Natural Features Impact Statement, the applicant shall provide a Natural Features Protection Plan as part of the Preliminary Site Plan Review process, showing:
 - a. Natural features that are excluded from development.
 - b. Natural features that will be retained as part of the development, and the measures taken to sustain the natural features.

SECTION 14.04 NATURAL FEATURE SETBACKS

- A. **Where Required.** A natural features setback shall be maintained in relation to all areas defined in this Section as being a natural feature, unless and to the extent it is determined to be in the public interest not to maintain such setback, in accordance with the standards set forth in subsection D. below.
- B. **Natural Features for Setback Purposes.** The following are considered natural features for purposes of this Article:
1. A wetland subject to regulation by the Michigan Department of Environmental Quality; or
 2. A watercourse, defined as any waterway including a river, stream, ditch, channel, canal, waterway, lake, pond, or any body of surface water having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.
- C. **Regulated Activities.** Within an established natural feature setback, there shall be no:
1. Construction.
 2. Deposit of any material, including structures.
 3. Removal of any soils or minerals.
 4. Clearing of any native vegetation.
 5. Dredging, filling or land balancing.
 6. Constructing or undertaking seasonal or permanent operations.
- D. **Setback Standards.** The following setbacks shall apply:
1. A twenty-five (25)-foot non-disturbance setback from the boundary or edge of a protected wetland.
 2. A twenty-five (25)-foot non-disturbance setback from the ordinary high-water mark of a watercourse.
 3. In addition, no building or construction shall occur within the greater of:
 - a. One hundred (100) feet from the high-water mark of any watercourse.
 - b. Within the 100-year floodplain, according to the provisions of Chapter 8, Flood Damage Control of the Berlin Charter Township Codified Ordinance.

Article 15. NON-CONFORMITIES

SECTION 15.01 INTENT

- A. **Intent.** It is the intent of this Article to provide regulations governing lots, parcels, buildings, structure and the uses thereof, which were legal before this Ordinance was adopted, or amended, including legal non-conforming lots, parcels, buildings, structures, which would be prohibited, regulated, or restricted under the provisions of this Ordinance. It is the intent of this Article to permit these buildings and structures, herein referred to as non-conformities, to remain until the non-conformity is abandoned, discontinued, significantly damaged, destroyed, or removed.
- B. These non-conformities are declared by this Ordinance to be incompatible with the uses, buildings, and structures lawfully permitted by this Ordinance. The regulations contained in this Article are designed to ensure that such non-conformities will be properly regulated so as to result in a minimum of disharmony in the district in which they are located.
- C. It is the intent of these regulations to gradually eliminate non-conforming uses and structures over time.
- D. The tenancy, ownership, or management of any non-conforming use or non-conforming structure may change without altering the legal status of the non-conforming use or non-conforming structure.

SECTION 15.02 NON-CONFORMING LOTS AND PARCELS.

Non-conforming lots and parcels shall be subject to the following:

- A. Any non-conforming lot shall be used only for a use permitted in the district in which it is located.
- B. 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 at the effective date of this Ordinance, subject to the provisions of subsection (3) below. 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 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. Yard requirement variances may be obtained through approval of the Zoning Board of Appeals.
- C. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance the lands involved shall be considered to be an undivided parcel for the

purposes of this Ordinance, and no portion of such parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by a dwelling unit.

SECTION 15.03 NON-CONFORMING USES OF LAND.

The lawful use of any land existing on the effective date of this Ordinance or amendment thereto, may be continued even though such use does not conform to the provisions of this Ordinance, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of this Ordinance.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of this Ordinance.
- C. If such nonconforming use of land ceases for any reason for a period of more than six (6) consecutive months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

Where non-conforming off-street parking, landscaping, signage, fences, and other similar land uses exist, those uses shall be made to conform to the terms of this Ordinance when any legal use, principal or accessory, located on the land in question is established or expanded in such a manner that would necessitate site plan review and approval in accordance with Article 6.

SECTION 15.04 NON-CONFORMING BUILDINGS AND STRUCTURES.

- A. **Purpose.** Where a lawful structure exists as of the effective date of adoption or amendment of this Ordinance, that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- B. **Restriction on Creating Non-Conformities.** No such structure may be enlarged or altered in a way which increases its non-conformity; for example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to required setbacks and land coverage are met.
- C. **Restriction on Movement.** Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district which in it is located after it is moved.
- D. **Restrictions on Alteration or Modification.** If a non-conforming structure or building is altered or modified so as to eliminate, remove, or lessen any or all of its non-conforming

characteristics, then such non-conforming characteristics shall not be later re-established or increased. The Zoning Board of Appeals shall determine if a proposed alteration should decrease the degree of non-conformity.

- E. **Restrictions on Replacements – Non-Residential.** Should a non-conforming, non-residential structure be destroyed by any means to an extent of more than sixty percent (60%) of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- F. **Restrictions on Replacements – Residential.** Should a residential dwelling be damaged or destroyed by fire, flood, or any other means, it shall not be reconstructed in a manner which increases the non-conformity, or in a manner by which the structure extends beyond the original, pre-catastrophe footprint. Such reconstruction may occur without a variance from the Zoning Board of Appeals, provided that a building permit for the reconstruction is applied for within one (1) year of the damage or destruction.

SECTION 15.05 NON-CONFORMING USES OF STRUCTURES AND LAND.

- A. **Purpose.** If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption of amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- B. **Prohibition of Enlargement of a Building Housing a Non-Conforming Use.** No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- C. **Extension Throughout Building.** Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- D. **Changing Use.** In any district, if no structural alterations are made, any non-conforming use may be changed to another non-conforming use of the same or a more restricted classification provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, may find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Board of Appeals may require appropriate condition and safeguards in accordance with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less conforming use.

- E. **Prohibition of Re-Establishment if Replaced by a Conforming Use.** A non-conforming use of any structure or structure and premises which is replaced by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- F. **Discontinuance or Termination of Non-Conforming Use of a Structure.** When a non-conforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excluded from this provision.
- G. **Removal.** Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

SECTION 15.06 REPAIRS AND MAINTENANCE.

On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty percent (50%) of the assessed value of the building, provided that the cubic content of the building as it existed at the effective date of this Ordinance or amendment, shall not be increased. Nothing in this Ordinance 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 15.07 USES ALLOWED AS SPECIAL LAND USES NOT NON-CONFORMING USES.

Any use which is permitted as a special land use as provided in this Ordinance shall not be deemed a non-conforming use in such district.

SECTION 15.08 CHANGE OF TENANCY OR OWNERSHIP.

There may be a change of tenancy, ownership or management of any existing non-conforming uses of land, structures and premises provided there is no change in the nature or character of such non-conforming uses.

ARTICLE 16. ZONING BOARD OF APPEALS

SECTION 16.01 CREATION AND MEMBERSHIP

- A. **Creation.** There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in Act No. 110 of the Public Acts of Michigan of 2006, as amended.
- B. **Membership.** The Zoning Board of Appeals shall be composed of five (5) members. The Board shall be appointed by the Township Board and shall be composed of the following five (5) members whose terms shall be as stated:
1. One (1) shall be a member of the Township Planning Commission.
 2. The remaining regular members shall be selected or appointed by the Township Board from the electors residing in the unincorporated areas of the Township provided that no elected officer of the township, nor any employee of the township board, may serve simultaneously as an additional member.
 3. An employee or contractor of the Township shall not serve as a member of the Zoning Board of Appeals.
- C. **Alternate Members.** Two (2) alternate members may be appointed for the same term as regular members of the ZBA. Alternate members may be called on a rotating basis to sit as regular members 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 a conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the board of appeals.
- D. **Terms of Office.**
1. The member of the Planning Commission shall serve three (3) year terms, except that such terms shall be concurrent with service on the Planning Commission.
 2. The additional members shall serve for three (3) year terms.
 3. Should a vacancy occur, a successor shall be appointed not more than one (1) month after the vacancy has occurred. All such vacancies or unexpired terms shall be filled for the remainder of the term of the member being succeeded.
- E. **Removal.** A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing by the Township Board.

- F. **Conflict of Interest.** A member of the Zoning Board of Appeals shall disqualify herself or himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

SECTION 16.02 MEETINGS

- A. **Meetings.** Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such times other times as the Zoning Board of Appeals may specify in its rules of procedure.
1. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.
 2. All hearings conducted by the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action.
 3. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matter before it.
- B. **Quorum.** The Zoning Board of Appeals shall not conduct business unless a majority of the members of the Zoning Board of Appeals are present.

SECTION 16.03 APPEALS

- A. An appeal may be taken to the Zoning Board of Appeals by any person, or by any officer, department, board or bureau affected by a decision of the Building Official. Such appeal shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the Building Official and with the Zoning Board of Appeals, a notice of appeal, specifying the grounds thereof. The Building Official shall forthwith transmit to the Zoning Board of Appeals all of the documents and records constituting the action being appealed. Decisions related to Planned Unit Developments or Special land uses shall not be appealed to the Zoning Board of Appeals.
- B. **Stay.** An appeal shall stay proceedings in the furtherance of the action appealed from, unless the Building Official certifies to the Zoning Board of Appeals that by reason of facts stated in the certificates a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by the Circuit Court on application, and on due cause shown.

- C. **Hearing.** The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by a duly authorized agent or attorney.
- D. **Notice.** Notice of the hearing of the appeal shall be given in accordance with Section 3.08.
- E. **Application and Fees.** Application for a Zoning Board of Appeals hearing shall be in writing and shall be accompanied by a filing fee as established by the Township Board which shall be paid to the Township Clerk at the time the appeal is filed.

SECTION 16.04 JURISDICTION

- A. **General Powers.** The Zoning Board of Appeals has the power to act on matters as provided in this Article and Public Act 110 of 2006, as amended. The specific powers of the Zoning Board of Appeals are enumerated in this Section.
- B. **Delegated Duties.** The Zoning Board of Appeals shall hear and decide on all matters referred to it upon which it is required to pass under the chapter.
- C. **Administrative Review.** The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Building Official or other official in the enforcement of this Ordinance.
- D. **Interpretation.**
 - 1. The Zoning Board of Appeals shall hear and decide requests for interpretation of this Ordinance or the Zoning Map, taking into consideration the intent and purpose of This Ordinance and the Master Plan.
 - 2. In an interpretation of the Zoning Map, the Zoning Board of Appeals shall be governed by the rules of interpretation set forth in Section 4.03.
 - 3. A record shall be kept by the Zoning Board of Appeals of all decisions for interpretation of this Ordinance or Zoning Map and land uses which are approved under the terms of this Section. The Zoning Board of Appeals shall request the Planning Commission to review any ordinance amendment it deems necessary.
- E. **Variances.** Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties by reason of narrowness, shallowness, shape, or area of a specific piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of property, the Zoning Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No

such variance or modification of the provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
3. That the granting of such variance or modification will be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.
4. That the granting of such variance will not adversely affect the purpose or objectives of the Master Plan.
5. Absent exceptional circumstances which would otherwise result in substantial injustice, the circumstances or conditions upon which the variance is based do not result from the actions of the applicant or their predecessors in title.
6. In consideration of all appeals and all proposed variations to this Ordinance, the Zoning Board of Appeals shall, before making any variations from this Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, or welfare of the inhabitants of the township.

No provision contained in this Section shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner provided under Public Act 110 of 2006, as amended.

F. **Expansions, Alterations, and Substitutions.** The Zoning Board of Appeals is required to determine whether a non-conforming structure may be enlarged, expanded, or extended, or whether a non-conforming use can be substituted. In considering expansions, alterations, and/or substitutions related to non-conforming structures and uses, the Zoning Board of Appeals shall review the following criteria:

1. The reasons for a non-conformity shall be limited to minimum lot area, lot width, required yards, off-street loading and parking requirements. In no case shall a structure that is non-conforming due to lot coverage, floor area ratio, lot area per dwelling unit, or height requirements be permitted to expand without removing the existing non-conformity, except as permitted under a variance.

2. The existing and proposed uses of such buildings and structures shall be permitted in the district in which situated.
3. The proposed improvement shall conform to all requirements of the district in which situated.
4. The retention of the non-conforming structure is reasonably necessary for the proposed improvement or that requiring removal of such structure would cause undue hardship.
5. The proposed enlarged or otherwise improved non-conforming structure will not adversely affect the public health, safety, and welfare.
6. The proposed improvement is reasonably necessary for continuation of the use of the lot.
7. The Zoning Board of Appeals shall have authority to require modification of the non-conformity, where such requirement is reasonable, as a condition of approval. The Zoning Board of Appeals may attach other conditions of approval which it deems necessary to protect the public health, safety, and welfare.
8. All expansions permitted under this Section shall meet all requirements of Article 6, Site Plan Review, if a site plan is required. The site plan may be a final site plan and shall be first reviewed by the Planning Commission. Upon completion of its review, the Planning Commission shall transmit their review of the site plan to the Zoning Board of Appeals. The Zoning Board of Appeals shall then act upon the request, and return to the Planning Commission for its action, as applicable.
9. A structure which does not conform to Zoning Ordinance regulations shall not substitute for, or replace, any conforming or non-conforming structure.
10. A non-conforming use of a structure may be substituted for another non-conforming use upon permission by the Zoning Board of Appeals, provided that no structural alterations are made, and that such non-conforming use is more appropriate than the existing non-conforming use in the district in which it is located. The Zoning Board of Appeals may require appropriate conditions and safeguards in accordance with the intent of this Ordinance. A non-conforming use, when superseded by a more appropriate use as provided in this subsection, shall not thereafter be resumed.

G. **Use Variances.** The Zoning Board of Appeals shall not have the jurisdiction to grant variances from uses of land (i.e., a use variance).

SECTION 16.05 ORDERS

In exercising the powers provided in this Article, the Zoning Board of Appeals may reverse or affirm wholly or in part, or may modify the order, requirement, decision or determination appealed

from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative official or other body from whom the appeal is taken.

The concurring vote of a majority of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the administrative official or other body, or to decide in favor of the applicant any matter upon which it is authorized by this chapter to render a decision.

With an affirmative decision, the Zoning Board of Appeals may impose conditions pursuant to Section 604(7) of Michigan Public Act 110 of 2006, as amended. The decision of the Zoning Board of Appeals shall be final, but any party aggrieved by a decision of the board may appeal to circuit court within thirty (30) days after the decision is certified or approved or twenty-one (21) days after meeting minutes are approved, whichever is sooner.

SECTION 16.06 NOTICE

The Zoning Board of Appeals shall make no determination, except in a specific case, until after a public hearing. Notice of the public hearing shall be published in the manner required by Section 3.08 Notices.

SECTION 16.07 EFFECTIVENESS

- A. No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- B. No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

ARTICLE 17. AMENDMENTS

SECTION 17.01 INITIATION OF AMENDMENTS

The Township Board may from time to time, on recommendation from the Planning Commission, or its own after requesting recommendation from the Planning Commission, amend, modify, supplement or revise the district boundaries or the regulations herein, or as the same area subsequently established, pursuant to the authority and procedure authorized in Act No. 110 of the Public Acts of Michigan of 2006, as amended.

SECTION 17.02 APPLICATION PROCEDURES

- A. An amendment to this Ordinance or the Official Zoning Map, except those initiated by the Township Board or Planning Commission shall be initiated by submission of a completed application in a form supplied by the Township, including an application fee, which shall be established from time to time by resolution of the Township Board. Fees shall not be required for amendments proposed by the Township Board or Planning Commission.
- B. In the case of an amendment to the Official Zoning Map, the following information shall accompany the application form:
 - 1. A legal description and street address of the subject property.
 - 2. The name and address of the owner(s) of the subject property, and a statement of the applicant's interest in the subject property if not the owner in fee simple title.
 - 3. Applicant's signature or authorized representative.
 - 4. The existing and proposed zoning district designation of the subject property.
- C. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, the specific text of the proposed amendment shall accompany the application form.

SECTION 17.03 AMENDMENT PROCEDURES; PUBLIC HEARING AND NOTICE

- A. Upon initiation of an amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. All applications for an amendment shall be processed and the required public hearing shall be noticed and conducted in compliance with the Michigan Zoning Enabling Act, as amended.
- B. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Township Board. In the case of an amendment to the Official Zoning Map, the Planning Commission shall consider the criteria contained in Section 17.04 in making its finding and recommendation.

- C. Prior to Township Board consideration of the zoning amendment, the Township shall submit the proposed zoning amendment to the appropriate county commission for review and recommendation.
- D. Following receipt of the findings of the Planning Commission and the County, the Township Board shall consider the proposed amendment. In the case of an amendment to the text of this Ordinance, the Township Board may modify or revise the proposed amendment as recommended by the Planning Commission and/or County, prior to enactment. In the case of an amendment to the Official Zoning Map, the Township Board shall approve or deny the amendment, based on its consideration of the criteria contained in Section 17.04.

SECTION 17.04 CRITERIA FOR AMENDMENT TO THE OFFICIAL ZONING MAP

- A. **Review.** In reviewing any application for an amendment to the Zoning Map, the Planning Commission and Township Board shall identify and evaluate all factors relevant to the application. The Planning Commission shall report its findings in the form of the official meeting minutes of the Planning Commission, along with its recommendations for disposition of the application to the Township Board.
- B. **Findings.** The facts to be considered by the Planning Commission and Township Board shall include, but not be limited to, the following:
 - 1. Whether the rezoning is consistent with goals, policies, and uses proposed for the subject parcel in the Township's Master Plan.
 - 2. Whether the rezoning is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
 - 3. Whether the subject parcel possesses natural features and environmental characteristics which would be significantly adversely impacted by a development or use allowed by the requested zoning.
 - 4. Whether the rezoning complies with the purposes of this Ordinance as described in Section 1.02 D.
 - 5. Whether uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning.
 - 6. The ability of the Township or other governmental agencies to provide services, infrastructure, and facilities that may be required if the rezoning were approved.

SECTION 17.05 PUBLICATION

Following township board approval of a petition to amend the zoning ordinance, notice of the amendment shall be published within 15 days after adoption in a newspaper of general circulation within the Township. The notice of adoption 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 amendment.
3. The place and time where a copy of the ordinance may be purchased or inspected.

SECTION 17.06 AMENDMENTS REQUIRED TO CONFORM TO COURT DECREE

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and published, without necessity of a public hearing or referral thereof to any other board or agency.

SECTION 17.07 CONDITIONAL REZONING PROCEDURES

- A. **Intent.** It is recognized that there are certain instances where it would be in the best interest of the Township, as well as advantageous to a property owner seeking a change in a zoning classification, if certain conditions could be proposed by a property owner as part of a request for rezoning. It is the intent of this Section to provide a process consistent with the provisions of the Michigan Zoning Enabling Act, as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- B. **Application and Offer of Conditions.**
1. A property owner may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
 2. The required application and process for considering a Conditional Rezoning request shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
 3. The notice of public hearing for a Conditional Rezoning request shall include a general description of the conditions proposed by the property owner.
 4. The owner's offer of conditions may not purport to authorize uses and/or developments not permitted in the requested new zoning district.
 5. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the Conditional Rezoning is requested.
 6. Any use and/or development proposed in conjunction with a Conditional Rezoning that would require special land use approval under the terms of this Ordinance may only be commenced if special land use approval for such use and/or development is ultimately granted in accordance with the provisions of this

Ordinance.

7. Any use and/or development proposed in conjunction with a Conditional Rezoning that would require a variance under the terms of this Ordinance may only be commenced if a variance for such development standard is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
8. Any use and/or development proposed in conjunction with a Conditional Rezoning that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use and/or development is ultimately granted in accordance with the terms of this Ordinance.
9. The offer of conditions may be amended during the processing of a rezoning request provided that any amended or additional conditions are entered voluntarily by the property owner. An owner may withdraw all or part of their offer of conditions any time prior to final rezoning action by the Township Board provided that, if such withdrawal occurs after the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Approval.

1. The Planning Commission and Township Board shall consider, but not limit themselves to, the facts contained in Section 17.04 B. when reviewing a request for a Conditional Rezoning and Conditional Rezoning Agreement.
2. If the Township Board approves the rezoning request and offer of conditions, the offered conditions shall be incorporated into a Conditional Rezoning Agreement acceptable to the owner and conforming in form to the provisions of this Section. The Conditional Rezoning Agreement shall be incorporated by attachment to the rezoning request at such time as the rezoning is approved by the Township Board.

D. Conditional Rezoning Agreement.

1. A Conditional Rezoning Agreement shall be prepared by the Township Attorney and shall include the following:
 - a. Be in a form recordable with the County Register of Deeds.
 - b. A statement acknowledging that the Agreement runs with the property and is binding upon successor owners of the property.
 - c. A statement confirming that the Agreement was proposed by the owner and entered into voluntarily.

- d. A statement confirming that the property shall not be used or developed in a manner that is inconsistent with the conditions placed on the rezoning.
- e. A list of conditions proposed by the owner.
- f. A legal description of the property.
- g. A sketch plan or other documents in sufficient detail to illustrate any specific conditions proposed by the owner.

E. Compliance with Conditions.

- 1. Any person who establishes a development or commences a use and/or development on a property that has been the subject of a Conditional Rezoning shall continuously operate and maintain the use and/or development in compliance with all of the conditions set forth in the Conditional Rezoning Agreement. Any failure to comply with a condition stipulated in the Conditional Rezoning Agreement shall constitute a violation of this Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- 2. No permit or approval shall be granted under this Ordinance for any use and/or development that is contrary to the Conditional Rezoning Agreement.

F. Amendment to Zoning Map.

Upon approval by the Township Board of a Conditional Rezoning request and a Conditional Rezoning Agreement, the Zoning Map shall be amended to reflect a new zoning classification along with a relevant designation providing notice of the Conditional Rezoning Agreement.

G. Time Period for Establishing the Use and/or Development.

A use and/or development authorized by a Conditional Rezoning and Conditional Rezoning Agreement shall be commenced upon the property within two (2) years from the effective date of the rezoning. A use and/or development of the property is defined as actual physical construction of a substantial nature of the approved building improvements which must have commenced and proceeded meaningfully toward completion in accordance with the necessary Township approvals and permits. The two (2) year time limitation may, upon written request by the property owner prior to expiration, be extended by the Township Board if it is demonstrated to the Board's reasonable satisfaction that there is a strong likelihood that the use and/or development will commence within the period of the extension and proceed diligently thereafter to completion and further that the Board finds that there has not been a change in circumstances that would render the Conditional Rezoning and Conditional Rezoning Agreement incompatible with other

zoning districts and uses in the surrounding area or be inconsistent with sound planning and zoning policies.

H. Reversion of Zoning.

If the use and/or development approved as a Conditional Rezoning does not occur within the time frame specified in Section 17.06 G. above, then the land shall revert to its former zoning classification as set forth in the Michigan Zoning Enabling Act, as amended. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the property to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

I. Subsequent Rezoning of Property.

When property that is rezoned as a Conditional Rezoning with a Conditional Rezoning Agreement is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Conditional Rezoning Agreement, whether as a result of a reversion of zoning pursuant to Section 17.06 H. above or otherwise, the Conditional Rezoning Agreement imposed under the former zoning classification shall cease to be in effect.

J. Amendment of Conditions.

1. During the two (2) year period for commencement of an approved use and/or development pursuant to Section 17.06.G. above, or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Conditional Rezoning Agreement.
2. The Conditional Rezoning Agreement may be amended thereafter in the same manner as was prescribed for the original rezoning and Conditional Rezoning Agreement.

K. Recordation.

A Conditional Rezoning approval shall not become effective until the Conditional Rezoning Agreement is recorded with the Monroe County Register of Deeds and a certified copy of the Agreement is recorded with the Township Clerk.

L. Township Right to Rezone.

Nothing in the Conditional Rezoning Agreement or in the provisions of this Section shall be deemed to prohibit the Township Board from rezoning all or any portion of a property that is subject to a Conditional Rezoning Agreement to another zoning classification.

M. **Failure to Offer Conditions.**

The Township Board shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.